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FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:
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Mrs C. A. FYFFE (to 4 February 2014)

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Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James [3]	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
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Kanis, Ms Jennifer [5]	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 18 February 2013
[4] Resigned 27 January 2012
[5] Elected 21 July 2012
[6] Elected 19 February 2011
[7] Elected 27 April 2013
[8] Resigned 7 May 2012
[9] LP until 6 March 2013

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Tuesday, 16 September 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 2.04 p.m. and read the prayer.

CONDOLENCES

John 'Jack' Albert Culpin

The SPEAKER — Order! I advise the house of the death of John 'Jack' Albert Culpin, member of the Legislative Assembly for the electoral districts of Glenroy from 1976 to 1985 and Broadmeadows from 1985 to 1988. I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the late John 'Jack' Albert Culpin.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for questions, I warmly welcome to the gallery Mr Mehmet Apak, the Turkish Consul General in Melbourne.

QUESTIONS WITHOUT NOTICE

East–west link

Mr DONNELLAN (Narre Warren North) — My question is to the Premier. Can the Premier explain to residents of Mordialloc and Carrum who are stuck in traffic at the Edithvale Road–Station Street, Bonbeach, level crossing why they should not get a choice between fixing this dangerous and congested level crossing and the Premier's $8 billion dud tunnel in Clifton Hill?

Dr NAPTHINE (Premier) — I thank the honourable member for his question and for his interest in the key infrastructure projects being put forward by this government. This government is not making the same mistake of the previous government. We are getting on with the job of delivering the key infrastructure — —

Honourable members interjecting.

The SPEAKER — Order! The member for Geelong knows it is against standing orders to make comments when the Speaker is on her feet. The member for Geelong is warned. I ask the house to come to order.

Dr NAPTHINE — This government is getting on with the job of delivering the key infrastructure that the people of Victoria need and demand. We are not making the mistake of the Labor government, which in 11 years failed to invest in key infrastructure to meet the needs of a growing population. It was not me who said that; it was the Leader of the Opposition who said that. He said that the Labor government failed the people of Victoria.

The issue of level crossings is a classic example of where people do have a choice in the election coming up between a coalition government that gets on with the job of actually removing level crossings and people who just talk about it.

Honourable members interjecting.

Dr NAPTHINE — In the three and a half years this government has been in office it has already removed 18 dangerous level crossings in Victoria. The Labor government only removed 8 in 11 years in office, compared to 18 removed by this government in 3½ years. At that rate it will take Labor 70 years to remove 50 level crossings, whereas this government has not only removed 18 level crossings already — done, fixed and made usable for the people of Victoria.

The Minister for Public Transport and I recently announced another package of level crossing removals, including the removal of the most dangerous level crossing in Melbourne, at Main Road, St Albans, which is in Labor heartland and which was ignored by the Labor government. Bill Shorten, the federal Labor leader, said the Labor government had failed the people of St Albans.

Ms Allan — On a point of order, Speaker, unfortunately the Premier is ignoring the requirement under standing order 58 that he be relevant to the question that was asked. Just because the question referenced level crossings does not meet he can avoid answering the substance of the question. The substance of the question was about choice — the choice of the Victorian people. We ask you to bring the Premier back to answering that question, not the one that he would like to have been asked.

Honourable members interjecting.

The SPEAKER — Order! It is extremely difficult for the Chair to make any rulings on points of order when the level of noise is as high as it is. I cannot rule on a point of order if I cannot hear the words that are being spoken.

Dr NAPTHINE — The question was about choice — a choice between a coalition government that has a proven track record of investing in infrastructure to make our community safer and to deliver decongestion and deliver jobs, and a Labor Party which failed in 11 years and which has a leader it simply cannot trust. It has a leader who cannot be trusted to return a stolen dictaphone, who cannot be trusted — —

Ms Allan — On a point of order, Speaker, it is quite undignified for the Premier to go down this path. He knows that if he wants to attack a member of the opposition, he needs to do that by substantive motion, as we have indicated many times. We are quite happy to have debates, but question time is not the forum for that. We ask you to bring the Premier back to answering the question.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Dr NAPTHINE — The question is about the choice that people have in November this year — a choice between a coalition that is building a better, stronger Victoria and that is investing in key infrastructure that makes a real difference to people's lives and that creates jobs and opportunities, and a Labor Party that cannot be trusted. It failed in 11 years when it was in government previously, and it simply cannot be trusted to manage government into the future.

Road and transport infrastructure

Ms RYALL (Mitcham) — My question is to the Premier. How is the Victorian coalition government's investment in public transport and roads enhancing the livability of Victorians, creating jobs and building a better Victoria?

Dr NAPTHINE (Premier) — I thank the honourable member for Mitcham for her question and for her interest in key infrastructure for Melbourne and Victoria. The member for Mitcham would understand that the Victorian population is growing at 2 per cent a year, which is well ahead of the national average of 1.8 per cent and significantly ahead of the New South Wales population growth of 1.5 per cent.

The member would also understand that a responsible government, a government that cares about Victoria, will provide the infrastructure and the transport services needed to cater for this expanding population. That is why the coalition government has provided 10 000 more train, tram and bus services each and every week for the people of Melbourne and Victoria. We have purchased 50 new trams, 40 new trains and 43 new V/Line carriages. We have improved punctuality and reliability across the system. We have improved the basic services, and the people on the Frankston line are benefiting from that punctuality. But we know there is more to be done, and that is why we are building the regional rail link.

In respect of the regional rail link we have increased the scope of that project; it is ahead of time, it is under budget and it will deliver more services to regional and rural Victoria and more services to the west and north-west of Melbourne. That is why we are getting on with the job of delivering the $2.5 billion expansion of the Pakenham and Cranbourne rail lines, which will increase — —

Honourable members interjecting.

Dr NAPTHINE — It will increase capacity on that busy line by 30 per cent. We know that is opposed by the Labor Party. It also opposes the Melbourne rail link, which is a vitally needed project to increase capacity through the city by an extra 35 000 passengers each and every hour, just as it opposes the airport rail link, an absolutely fantastic project funded in this year's budget. In its 11 years in government Labor did nothing about an airport rail link. We are getting on with the job because we know that airport traffic is going to double from 30 million to 60 million by 2033.

We are also getting on and building the Sir Rod Eddington-designed east–west link. It is about reducing congestion hotspots — Eastern Freeway-Hoddle Street, Tullamarine Freeway-Bolte Bridge and West Gate Freeway-West Gate Bridge. We are going to decongest those hotspots. We are going to improve transport productivity and efficiency. We are going to deliver — —

Honourable members interjecting.

The SPEAKER — Order! The members for Essendon and Mill Park will cease interjecting in that manner.

Dr NAPTHINE — We are going to deliver the vital second crossing rejected by the Labor Party, which is absolutely essential for the growing western suburbs and for Geelong and Ballarat, and essential to get the trucks out of Yarraville, Seddon and Footscray. We are getting on with the job. We are going to widen the Tullamarine Freeway to reduce the travel times to Tullamarine by 16 minutes even at peak times. We are getting on with the job of delivering key infrastructure projects, decongesting Melbourne, creating improved productivity and efficiency and creating 6200 jobs. And all of this is opposed by the negative nay-sayers, the

people who simply cannot be trusted to manage Victoria — those on the other side.

East–west link

Ms GRALEY (Narre Warren South) — My question is to the Premier. Can the Premier explain to the residents of the south-east who are stuck in traffic at the Hallam Road, Clyde Road and Seaford Road level crossings why they should not get a choice between fixing these dangerous and congested level crossings and the Premier's $8 billion dud tunnel in Clifton Hill?

Dr NAPTHINE (Premier) — I thank the member for her question. What we are advising the people of Victoria is that we want to provide them with choice and options. What we do know is that we have a growing population under the coalition government, because people know that we have a AAA economy, they know we have jobs growth and they know there are great opportunities here in Victoria. When you provide that choice and those options for our growing population, you need to invest in both public transport — —

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk will cease interjecting in that manner.

Dr NAPTHINE — You need to invest in both public transport and in our road network. For example, the people in the south-eastern suburbs will appreciate the enormous investment made by this government in improving the bayside Frankston rail line. Under the previous government the figure for punctuality and reliability was 62 per cent and that has now gone to over 90 per cent. Indeed all the lines under this government are operating at over 90 per cent reliability and punctuality. The people in the growing eastern suburbs area represented by the honourable member — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Mill Park

The SPEAKER — Order! I have asked the member for Mill Park to cease interjecting. Under standing order 124, I ask the member to leave the chamber for half an hour.

Honourable member for Mill Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

East–west link

Questions resumed.

Dr NAPTHINE (Premier) — The people in the growing areas of Casey and Cardinia, Pakenham and Cranbourne will also appreciate the enormous investment of this government into the $2.5 billion upgrade to the Cranbourne-Pakenham rail line. This will improve for passengers on — —

Mr Nardella — On a point of order, Speaker, the Pakenham rail line is nowhere close to — —

The SPEAKER — Order! What is the member's point of order?

Mr Nardella — It is about relevance and debating the question, Speaker. The Pakenham rail line is nowhere close to what the question referred to — and that is, the Frankston rail line. I ask you, Speaker, to bring the Premier back to answering the question that was asked, because the south-east is different to the east. The Premier might have some difficulty with this, but I ask you to bring him back to answering the question that was asked.

Mr Battin — On the point of order, Speaker — —

Ms Allan interjected.

The SPEAKER — Order! When the member for Bendigo East is making points of order I ask the house for silence, and I ask her to extend the same courtesy to the member for Gembrook.

Mr Battin — In relation to the question of relevance, which is the location of the south-east and discussion of the south-east, the Cranbourne-Pakenham railway line is in the south-east. The member asking the question would not understand that, his not living near the area. However, the question was about choice and giving members of my electorate in the south-east choice about whether they can go.

The SPEAKER — Order! I ask the member Gembrook to resume his seat.

Ms Graley interjected.

The SPEAKER — Order! The member for Narre Warren South has asked her question. I ask her to be silent and to listen to the answer. I do not uphold the

point of order. The Premier was being relevant to the question that was asked.

Dr NAPTHINE — I am sure the people in the east and the south-east will appreciate the investment in the Frankston line and the investment in the Pakenham-Cranbourne line. We are investing $2.5 billion to upgrade the Pakenham-Cranbourne line and increase capacity by 30 per cent. There are 25 new trains, high-capacity signalling and four new level crossing removals on top of the ones that have already been completed. This will provide people with a more efficient service. They can throw away their timetables, because there will be services every 10 minutes in off-peak times and every 2 to 3 minutes in peak times. This government cares about public transport and is committed to public transport.

When we talk about roads, the question also asked about the east–west link. I am reminded that in 2008 Sir Rod Eddington advised the previous government of two key projects that were needed for the future growth of Melbourne and Victoria. One of those projects was the east–west link, because of our over-reliance on the M1 road. You need the east–west link to complement the M1 so that people have choices and options. If people are coming from Hallam, people are coming from Carrum or people are coming from Narre Warren North or Narre Warren South, and if they are coming up the M1, if there is a blockage in the tunnel or if the West Gate Bridge is subject to delays, they will be able come up EastLink, down the Eastern Freeway and through the east–west link.

Choices and options — that is what we are providing for people. This government is very much about delivering what people in a growing population need. They need improved public transport — including people from the outer areas being able to travel from zone 2 into zone 1 on a zone 1 fare — more public transport, cheaper public transport and safer public transport with the protective services officers. That is all being delivered by a coalition government.

We are also delivering choices and options with regard to roads. We are delivering the east–west link to take pressure off the busy M1 corridor, take pressure off the West Gate Bridge and make sure there are choices when the tunnels are out of action. That is what a decent government does. That is what a government that cares does. That is what a government that understands growth does.

Regional and rural infrastructure

Mr CRISP (Mildura) — My question is to the Minister for Regional and Rural Development. I ask: how is the Victorian coalition government's investment in regional infrastructure helping to grow local industries and jobs and build a better regional Victoria, and are there any alternative policies?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Mildura for his question. As the house knows, this coalition government is delivering record investment in future infrastructure across Victoria, both in the regions and in metropolitan Melbourne. One of those projects is the $220 million rail standardisation project, the Murray Basin rail project, which will standardise the line between Mildura and Geelong. Of course, you can do these things when you have a AAA-rated economy with a stable outlook. Around Australia, this economy is the only one rated accordingly. Is it any wonder that industry has the faith to invest in Victoria?

The basin project will revolutionise the movement of freight across the state. It will link the western half of Victoria to those vital international ports of Geelong and Portland, as well as to the interstate standardised rail network. As a result of this great project being undertaken, one of the nation's leading food production regions will be serviced. Something in the order of $3 billion worth of food products and mineral resources come out of this region, and they will be able to be delivered to our ports and our export locations so much more readily and so much more efficiently than is presently the case.

This project will be completed by 2018, and I am pleased to say that the first stage of the Murray Basin rail project has recently commenced. As part of the initial $40 million for the track work on the Mildura and Hopetoun lines, work has started on a $10 million upgrade of the line between Murtoa, Warracknabeal and Hopetoun. Currently and over the next three months V/Line gangs are replacing more than 50 000 timber sleepers along the 112-kilometre section of track. Up to 50 workers at a time are engaged on this important project. As is the wont of this government, this project is running on time and on budget.

The member for Mildura has been out to talk to the workers engaged in this important work, and I can report from the front that the work is progressing very well indeed. This is going to mean that in the upcoming grain season the speed restrictions that presently exist will be able to be lifted, and the mineral sands train, which runs daily between Hopetoun and the Iluka

Resources processing plant in Hamilton, will also enjoy the benefit of the speed restrictions being lifted.

This is only part of the investment we are making in the regions of Victoria in relation to transport infrastructure. As well as this great rail project, we are allocating another $130 million in relation to roads maintenance. That will lift our expenditure on roads maintenance this year to a staggering $500 million.

We are also seeing $362 million to duplicate the Princes Highway from Winchelsea to Colac; $86 million for the Calder Highway interchange at Ravenswood — never done over 11 years of a Labor government, and we are able to do it; $31 million for the Princes Highway east interchange at Sand Road; $11 million for Princes Highway east overtaking lanes; and of course the east–west link, which will in addition to all of this other work being done regionally provide enormous benefits to the regions of Victoria, particularly as our producers will be able to get their product to market so much more efficiently than is presently the case. This is a great news story for the people of regional Victoria, and we as a government are pleased and proud to be able to deliver it on their behalf.

East–west link

Ms GREEN (Yan Yean) — I refer to the fact that the Premier has failed to upgrade even a single state — —

The SPEAKER — Order! Could the member for Yan Yean say who her question is to?

Ms GREEN — I did.

The SPEAKER — Order! No.

Ms GREEN — I actually did. Maybe the microphone — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The member for Yan Yean started by referring to the Premier; she did not direct her question to him.

Ms GREEN — I direct my question to the Premier, and I refer to the fact that the Premier has failed to upgrade even a single state road in the Yan Yean electorate. Can the Premier explain to residents in Melbourne's outer northern suburbs why they should not get a choice between fixing dangerous and congested outer northern arterial roads and the Premier's $8 billion dud tunnel in Clifton Hill?

Dr NAPTHINE (Premier) — I thank the honourable member for her question. I refer to the *Herald Sun* of 4 December 2010, when some commentator was quoted as saying:

> I think it's fair to say — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Monbulk!

Dr NAPTHINE — I refer to the *Herald Sun* of 4 December 2010, when one commentator said:

> I think it's fair to say that in the face of unprecedented growth we struggled to keep up.

That was the Leader of the Opposition. What he said was that under the Labor Party, 11 years in government — —

Mr Nardella — On a point of order, Speaker, the Premier is debating the question. The question had nothing to do with the Leader of the Opposition or our policies or anything along those lines. Question time is about government business. I ask you to bring him back to government business.

Ms Asher — On the point of order, Speaker, I refer to *Rulings from the Chair* of December 2013, which is not the latest edition, and to a ruling from Speaker Maddigan in relation to a previous government's administration. It reads:

> In answering questions, ministers can refer to the situation of the state when they took office, but should only make passing reference to the activities of a previous government.

The Premier has simply referred to the fact that there were 11 years of a Labor government. He is entitled, according to this ruling of Speaker Maddigan — —

Mr Foley interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! Points of order will be heard in silence. Under standing order 124 the member for Albert Park will leave the chamber for an hour.

Mr Foley interjected.

The SPEAKER — Order! Would he like an hour and a half?

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

East–west link

Questions resumed.

Ms Asher — As I said, Speaker Maddigan has ruled that ministers can refer to the situation of the state when they took office, and that is precisely what the Premier is doing. He is making a passing reference to the situation of the state when we took office.

The SPEAKER — Order! The Premier is in order in the way he is answering the question.

Dr NAPTHINE — The point I am making is that we were elected to fix the problems we inherited due to the neglect of the Labor government, which included the honourable member for Yan Yean. That included fixing the problems with the Melbourne market up in that region and associated roadworks.

Mr Nardella — On a point of order, Speaker, the question related to roads in the northern suburbs. It did not refer to the Melbourne Markets whatsoever. The Premier is debating the question, and I ask you to bring him back to answering the question that was asked.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass! I uphold the point of order, and I ask the Premier to come back to answering the question.

Dr NAPTHINE — As I was saying, that was as well as fixing the Melbourne market and roadworks associated with the Melbourne market, in Cooper Street, to cater for the traffic, which had been neglected under the previous government. Not only did Labor members mess up the market; they failed to build the appropriate road infrastructure.

Ms Green — On a point of order, Speaker, the standing orders require the Premier to be succinct, factual and relevant, and the roadworks he is referring to were not funded by him. They were funded by — —

The SPEAKER — Order! That is not a point of order. I ask the member to resume her seat.

Dr NAPTHINE — We were elected to fix the problems we inherited from the previous government, such as by getting on and building the South Morang railway station, which was not done properly under the previous government. I was out there recently, announcing funding for additional car parking spaces at South Morang railway station. Again, the Labor government — —

Mr Merlino — On a point of order, Speaker, on the question of relevance, this is getting ridiculous, talking about car parks. We are in the second-last parliamentary week and the fourth year of this government — —

The SPEAKER — Order! The member for Monbulk will resume his seat.

Honourable members interjecting.

The SPEAKER — Order! I advise all members that if this level of noise continues, particularly while I am on my feet, I will vacate the chair. The house will come to order, and the member for Monbulk knows better than to take a point of order in that manner.

Dr NAPTHINE — As I was saying, I was at the South Morang railway station, which was opened under this government, to extend the car parking so that people have choices and options about using rail rather than road. I was there with the Liberal candidate Sam Ozturk, a great local candidate who listens to the local community and delivers for the local community, such as delivering the $33 million Hazel Glen Primary School, which is turning into a secondary school next year, such as the delivery of the expansion to the Northern Hospital — —

Ms Green — On a point of order, Speaker, I again refer to relevance, the question did not relate to hospitals, it related to the fact that there has been not one single arterial road funded under this government and to whether or not residents should have a choice between having — —

The SPEAKER — Order! The member for Yan Yean is using the taking of a point of order as an opportunity to repeat her question. With respect to the point relating to relevance, I do ask the Premier to come back to answering the question.

Dr NAPTHINE — I can advise that because we have a AAA-rated budget and good economic management, in this year's budget we have provided a record level of funding for arterial roads across Victoria. We have provided funding for arterial roads whether they be in metropolitan Melbourne, in outer metropolitan Melbourne or in regional and rural Victoria. But we also have a responsibility to fix the problems we inherited from the Labor government — like the neglect of the Northern Hospital, the neglect of the metropolitan fruit and vegetable market, the neglect of the South Morang rail station and car park and the

lack of investment in education in that growing area of Yan Yean.

Mr Nardella — On a point of order, Speaker, on relevance, the Premier is debating the question, and he is talking about education. The question before him has nothing to do with education. It has everything to do with roads. I again ask you to bring him back to answering the question.

The SPEAKER — Order! The question asked of the Premier was about a failure to upgrade state roads, and my understanding of the answer was that the Premier was explaining that there is a lack of funding available for roads because funding has had to be provided for other things.

Dr NAPTHINE — So we are fixing the problems we inherited from the neglect of the Labor government and the current member for Yan Yean. Fortunately, in November the people of Yan Yean will have the choice of Liberal candidate Sam Ozturk, who listens to the local community and will deliver for the local community.

In this year's budget we have provided a record level of funding for roads across Victoria as well as building key infrastructure like the east–west link, the Tullamarine widening, the airport rail link and the upgrades to our public transport system that are delivering a more reliable and punctual public transport system in the northern suburbs.

Road and transport infrastructure

Mr NEWTON-BROWN (Prahran) — My question is to the Minister for Roads. What is the coalition government doing to reduce Melbourne's traffic congestion? Has there been any commentary on this, and are there any threats to these plans?

Mr MULDER (Minister for Roads) — Just over a week ago I joined the member for Prahran to announce that the coalition government would fix the problems on Punt Road. Between 35 000 and 40 000 vehicles a day use Punt Road, including buses, and a single car parked on Punt Road can reduce traffic flow by 25 per cent. To reduce the congestion we have come up with a solution that would have been staring any roads minister in the face, and that is to remove parking areas from the road and put them on the land owned by VicRoads, which was sitting there right through the period of the former government.

The former Minister for Roads turned his back on Punt Road, on Stonnington council and all the residents of the adjoining suburbs who come down Punt Road, and we will fix that problem. I congratulate the member for Prahran on the work he has done with his community to get this first-class solution for them. The *Age* posted an article about this issue on its Facebook account. In his comment on that post Sunil Pamnani said, 'About time!'. Sue Burgess said:

> Travel down Punt Rd at lunchtime and it's a nightmare and it only takes one or two cars parked on the road to do it. This is a long overdue change that will cut a massive amount of time from my commute …

It is amazing. This is a simple solution that was staring the former roads minister right in the face, and he turned his back on that solution.

Another great project the member for Prahran is aware of is the Melbourne rail link — the $8.5 billion to $11 billion rail link, which includes an airport rail link for his constituents. Only the coalition government will give South Yarra a dedicated rail link platform. That was not included in the Melbourne Metro project, but we are doing it. We are also removing level crossings. Forty crossings have been either delivered or funded or are in the advanced planning or preconstruction phases, and that includes Blackburn Road in Blackburn, Burke Road in Glen Iris, North Road in Ormond and Main Road in St Albans, which is a level crossing the former government turned its back on.

In terms of the east–west link and the CityLink-Tullamarine Freeway widening, the latest VicRoads Traffic Monitor told the story: it is a 20-kilometres-an-hour snail trail and traffic is grinding to a halt on our roads. Last Sunday's *Herald Sun* editorial stated that the Leader of the Opposition's plan to burn the east–west link contracts 'will torpedo confidence in future construction investments if he prevails at the polls'.

We are getting on with the job. We are dealing with the worst of those roads — the end of the Eastern Freeway and the Bolte Bridge. We have funded these projects in our first term. We are getting on with them, and we are going to deliver them. We know very well the commentary of the past in relation to growth and the failure to get in front of the growth curve — a claim of the Leader of the Opposition. We are getting on with the job, and we are going to deliver these projects for the people of Victoria.

There are threats and commentary around this particular project. On 14 August the *Guardian*, Australian edition, quoted a not-so-well-known local Victorian:

> We have to honour the contracts, we can't raise the issue of sovereign risk. We don't want to sit on the sidelines like pork

chops, like the Greens will. There's not much we can do to unscramble the egg.

Who do you think has egg all over their face? The shadow Minister for Roads has egg all over his face. He has asked his first question today in two years, two weeks and four days. He has egg all over his face.

East–west link

Ms ALLAN (Bendigo East) — My question is also to the Premier. Can the Premier explain to residents of Bendigo why they should not get a choice between fixing dangerous country roads like Napier Street in Bendigo and the Premier's $8 billion tunnel in Clifton Hill?

Dr NAPTHINE (Premier) — I thank the honourable member for her question. This government is able to do more than one thing at a time. We are able to invest in key infrastructure in Melbourne, whether it be the east–west link, the Tullamarine widening or key public transport in Melbourne, including the Cranbourne-Pakenham rail upgrade, the Melbourne rail link and the airport rail link, but we are also able to deliver projects for regional and rural Victoria.

The question went to roads in regional and rural Victoria, so let me run through some of the roads in regional and rural Victoria that we are investing in. We are investing in the Princes Highway west duplication, which is duplicating the highway from Geelong through to Winchelsea and Colac. We have also invested in additional passing lanes on the Princes Highway from Colac to the South Australian border. We are investing in country roads like Princes Highway east, where we are improving the road between Traralgon and Sale. We are investing in the Western Highway in country Victoria, as the question asked. Half a billion dollars will be invested in the Western Highway. We are duplicating the Western Highway from Ballarat through to Ararat and Stawell, increasing the safety in that area.

The member asked about Bendigo in particular. I can advise the member that we are fixing the most dangerous intersection in Australia — the Calder Highway intersection at Ravenswood. For 11 years we had members in Bendigo representing the Labor Party sitting around the cabinet table and failing to address the most dangerous intersection in their own backyard.

Ms Allan — On a point of order, Speaker, under standing order 58 the Premier should not be debating the matter. The Premier is also required to be factual in his answer. If the Premier wants to be factual about Calder Highway funding, we will happily have that debate about how Labor funded the duplication of the Calder — —

The SPEAKER — Order! The member for Bendigo East should resume her seat.

Dr NAPTHINE — The honourable member is obviously embarrassed about the fact that she did nothing as the local member to fix the most dangerous intersection in her own backyard at Ravenswood, which is the Calder interchange. We are providing half of the $86 million, along with the federal coalition government, to fix that problem. Across regional and rural Victoria the question is asked about country roads. We are implementing our country roads and bridges program — $160 million over the past four years. Never before have country municipalities, shires, had this funding from the state government. However, under a Liberal-Nationals coalition government we have provided a million dollars to each and every rural shire so that they are able to deal with their country roads and bridges. We have given those shires the absolute choice as to where they spend that money.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk!

Dr NAPTHINE — They can choose to spend that money on key local roads or bridges. I was pleased to be with local mayors and CEOs last week to talk about the next tranche of the $40 million for the country roads and bridges program.

I need to move on because there is so much happening in regional Victoria. We could look at the Koo Wee Rup bypass, which has come about because of the hard work of the local member for Bass. We could look at the upgrades to the Bass Highway. Again, I was down there recently along with the member for Bass and the hardworking candidate Brian Paynter. We are delivering more funding for the Bass Highway. Across regional and rural Victoria, whether it be the Omeo Highway in the north, whether it be the Murray Basin rail project or whether it be roads in south-west Victoria, we are getting on with the job of fixing country roads.

East–west link

Ms McLEISH (Seymour) — My question is to the Minister for Ports. How is the Victorian coalition government's investment in major transport infrastructure assisting Victorian manufacturers and exporters, and are there any threats to this?

Mr HODGETT (Minister for Ports) — I thank the member for Seymour for her question and for her great interest in the freight and logistics sector. I keep saying that Victoria is the freight and logistics capital of Australia. We have the busiest port and the highest proportion of container trade in the nation, and our freight and logistics sector generates somewhere between $19 billion and $23 billion in economic benefit to the state economy every year.

We on this side of the house know that the vast majority of freight is moved by road. The coalition is well aware of the need to improve truck access to and from the port and get trucks off inner-city-west local roads. That is why the coalition has invested in the $1.6 billion port of Melbourne port capacity project, generating 3000 jobs, which includes 1100 direct jobs and 1900 indirect jobs. Importantly, that is going to improve access to the West Gate corridor by directly connecting the new terminals to Melbourne's M1 freeway and diverting traffic from local roads.

In August last year the coalition released a document entitled *Victoria — The Freight State*, our freight and logistics plan. The Premier, the Minister for Roads and I, along with many stakeholders from the freight and logistics industry sector, released that plan, which was very well received. There are a number of priority projects for Victoria that benefit that sector. Most importantly the plan provided great certainty about the future of the freight network. When we talk to operators in the freight sector, we hear that they want certainty — they want certainty to invest, they want certainty to grow, they want certainty to build and they want certainty to employ. That is why Victoria, the freight state, recognises the east–west link, that critical second city crossing for the growing freight trade, as important for us. Only the coalition is going to build the east–west link and provide certainty. We are looking after the west while others take the west for granted and turn their backs on it.

We know that the east–west link is a vital second river crossing. We travel to Geelong quite often. At 6 o'clock or 7 o'clock in the morning you need only go across the West Gate Bridge to see the bank of traffic around Point Cook and Altona. I cannot believe there are others turning their backs on the west and not supporting this.

There is plenty of support for the east–west link in the sector. In an article published in the *Age* of Friday, 12 September, Australian Logistics Council chief Michael Kilgariff said industry required certainty around infrastructure projects to support business confidence and facilitate investment. In the same article Victorian Employers Chamber of Commerce and Industry executive Mark Stone said the east-west link was 'vital' to the state's transport network. He said:

> There is overwhelming support for this project among Victoria's major business and motoring groups. It will be of great detriment to our state if it is abandoned.

Maurice James, managing director of Qube Holdings, said:

> There's no question from a freight logistics perspective that a second east–west crossing is absolutely essential.

In the Australian Workers Union submission to the east–west link needs assessment both Cesar Melhem, former Australian Workers Union secretary and now a proven slush fund operative, and federal opposition leader Bill Shorten indicated their support for the project. I was asked if there were any threats to this investment.

Mr Nardella — On a point of order, Speaker, under standing order 118 the minister is not allowed to bring into disrepute any member of this house or the other house. I ask you to bring him back urgently to the question that was asked. If he has any character, he will withdraw.

The SPEAKER — Order! I uphold the point of order. I ask the minister to continue answering the question.

Mr HODGETT — I was asked about threats. The only threat to the east–west link is the election of a Labor government, which would rip up contracts and fail to build the east–west link. Victoria would be closed for business. The coalition will built the east–west link. We will get trucks off local roads, and we will provide an alternative east–west crossing to ease congestion and improve the movement of freight around this great state.

East–west link

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Given that Victorians do not know how much the Premier's east–west tunnel will cost, have not seen a business case, do not know what the tolls will be, do not know how many cars will use it and do not even know where the road will go, why does the Premier not show some courage and take his $8 billion dud tunnel to the election?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. I would like to remind the Leader of the Opposition and the house of

the history of the east–west link. The east–west link was — —

Mr Merlino interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Monbulk

The SPEAKER — Order! Under standing order 124 the member for Monbulk will leave the chamber for half an hour. I really thought that today the member could have lasted.

Honourable member for Monbulk withdrew from chamber.

QUESTIONS WITHOUT NOTICE

East–west link

Questions resumed.

Dr NAPTHINE (Premier) — For one thing, the member will get home quicker when there is an east–west link.

In 2008 the Labor government commissioned Sir Rod Eddington to plan and give an independent view on how to build infrastructure to meet the needs of a growing Melbourne and Victoria. Sir Rod Eddington said there were two major projects that needed to be delivered. He said there needed to be an alternative to the city loop rail system to increase the capacity of our public transport trains through the city, and he said there needed to be an alternative to the M1. He devised the east–west link. He said there needed to be a link from the end of the Eastern Freeway, where it runs into a dead end at Hoddle Street, running under the Melbourne General Cemetery and across to join CityLink and the Tullamarine Freeway, and linking back down to the port.

Mr Wynne interjected.

Dr NAPTHINE — The member for Richmond says we know what the route is; the Leader of the Opposition says he does not know what the route is. Clearly the Labor Party does not know what it is doing. I advise the Leader of the Opposition, who says he does not know where the route goes, to talk to the member for Richmond, because he knows where it is going. It will go down via the port, providing a second river crossing, and then link to the Western Ring Road. At the time, the Labor government embraced this recommendation from Sir Rod Eddington.

Mr Andrews — On a point of order, Speaker, the question was about whether the Premier has the courage to take it to the election.

The SPEAKER — Order! The Leader of the Opposition knows that taking a point of order is not an opportunity to repeat a question. I ask the Premier to continue.

Dr NAPTHINE — What we do know is that you need to build this key infrastructure to build for growth. We know that the Labor Party opposes any infrastructure. It opposed CityLink, it opposed the city loop and now it opposes the east–west link. Anything that is good for Melbourne and Victoria — —

Ms Allan — On a point of order, Speaker, under standing order 58 the Premier is not allowed to debate the question. He is clearly debating — —

Mr Andrews interjected.

The SPEAKER — Order! I advise the Leader of the Opposition that he has used unparliamentary language. I ask him to withdraw.

Mr Andrews — I withdraw.

Ms Allan — The Premier is clearly debating the question, just as he has done with almost every question he has been asked today. He has spent more time talking about the Labor Party than he has his government's administration. We ask you to bring him back to addressing the questions about government administration.

Ms Asher — On the point of order, Speaker, the question came with a particularly long preamble. The Premier has spent most of his time addressing the points in that preamble. I remind the house of Speaker Lindell's ruling in *Rulings from the Chair 1920–2014*:

> If a question comes with a preamble, that preamble does form part of the question and the answer can be relevant to the question by being relevant to the preamble.

The Premier was being most relevant to the preamble, and I urge you to not uphold the point of order.

The SPEAKER — Order! As members know, the preamble is part of the question. I ask the Premier to continue answering the question.

Dr NAPTHINE — On the weekend we saw that VicRoads released information about congestion

hotspots in Melbourne and Victoria. It said that the three biggest congestion hotspots in Melbourne and Victoria are the Eastern Freeway where it ends at Hoddle Street, the Tullamarine Freeway and Bolte Bridge intersection, and the West Gate Freeway and West Gate Bridge. The east–west link will solve all of those congestion hotspots. It will decongest Melbourne. It will improve transport productivity and efficiency. It will create 6200 jobs. It will improve the economy of this state by $10 billion each and every year.

Most importantly the east–west link will take the pressure off the West Gate Bridge and West Gate Freeway by delivering the vital second river crossing Melbourne and Victoria need. As the vital second crossing it will take the trucks out of Yarraville, Seddon and Footscray, and improve the quality of life for people in those inner suburbs. It will deliver that vital second crossing so that people coming from Ballarat, Caroline Springs, Burnside, Geelong, Werribee, Point Cook and Sanctuary Lakes will not be stuck in traffic for minute after minute waiting to get across the West Gate Bridge. It will significantly improve traffic flow, productivity and efficiency, and it will create 6200 jobs.

As Sir Rod Eddington said, it is a vital project and a game-changing project for Melbourne and Victoria. The coalition will build it. The Labor Party is opposed to anything that is positive for Melbourne and Victoria.

Economic management

Mr BURGESS (Hastings) — My question is to the Treasurer. Why is the Victorian coalition government's strong economic management important for building a better Victoria, and are there any threats to this?

Mr Pakula — On a point of order, Speaker, in accordance with standing orders questions are not entitled to seek an opinion of a minister. That question clearly sought an opinion, and I ask you to rule it out of order.

The SPEAKER — Order! I ask the member for Hastings to read the question again.

Mr BURGESS — Why is the Victorian coalition government's strong economic management important for building a better Victoria and are there any threats to this?

The SPEAKER — Order! I believe the question is in order. I call the Treasurer.

Mr O'BRIEN (Treasurer) — I thank the member for Hastings for his question. Just a couple of weeks ago I was pleased to receive advice that Standard and Poor's has reaffirmed Victoria's AAA credit rating with a stable outlook. This advice means that Victoria remains the only state in Australia with a AAA stable outlook from both Standard and Poor's and Moody's. This is great news for Victoria, and it confirms that the economic strategy followed by this Victorian coalition government is right for our state and is crucial to keeping our AAA rating. Standard and Poor's said:

> The ratings affirmations on the state of Victoria reflect our view of … the state's very strong financial management, economy and exceptional liquidity. The ratings also reflect Victoria's strong budgetary performance …

It went on to say:

> … the Victorian government's budgetary performance is benefiting from several years of strong physical discipline, as evidenced by more rapid revenue growth than expenditures between 2014 and 2017.

It also said:

> In our view, Victoria has demonstrated its own financial strength through its prudent approach to debt and liquidity management, as well as the development of medium and long-term fiscal and economic strategies.

This outstanding ratings result is due to the coalition's ability to bring the budget back into sustainable surplus after years of wasted money and wasted opportunities under Labor.

The question asked about threats to these plans. Of course a ratings downgrade would have a significant negative impact on Victoria. It would cost us hundreds of millions of dollars in higher interest payments. This threat is very real because in the last three years there have been 10 ratings downgrades of Australian states. Every state except Victoria has been downgraded. This is a live issue.

Some commentators have recently discussed certain actions that could affect our credit rating. Speaking about contracts for the east–west link, one commentator said:

> To rip up contracts … some would like me to do that, but to rip up contracts is to send a message to the world that we're closed for business. I won't do that to working families. I won't do that because that is not the responsible thing to do. I'll get criticised for that, but ultimately, you know, we have to be responsible, and only an irresponsible political leader would be countenancing tearing those contracts up.

Who was that? That was the Leader of the Opposition. You might surmise that, due to that backflip, you just cannot trust him. However, he was not the lone ranger.

Mr Nardella — On a point of order, Speaker, question time is about government business. I ask you to bring the Treasurer back to government business.

Ms Asher — On the point of order, Speaker, the Treasurer was specifically asked whether there were any threats in relation to Victoria's strong economic management. He is answering the specific question that he was asked.

Honourable members interjecting.

The SPEAKER — Order! Respect will be shown to members on their feet seeking to raise points of order.

Mr Nardella — Further on the point of order, Speaker — —

The SPEAKER — Order! I am sorry, but I cannot give the member the call twice on the same point of order. The Treasurer was being relevant to the question that was asked. I ask the Treasurer to continue.

An honourable member interjected.

Mr O'BRIEN — No, there is nothing funny about our AAA credit rating being at risk. Another commentator said in relation to east–west link contracts:

> … future governments … will be legally obligated to honour them, and if the contracts are not honoured, taxpayers will be exposed to significant legal action and sustained compensation claims. You know it puts at risk our AAA credit rating … We're not prepared to do that.

Who said that? That was the Deputy Leader of the Opposition, the member for Monbulk. The members opposite flip, they flop, and they are wrong. You just cannot trust them.

INTEGRITY LEGISLATION AMENDMENT BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Independent Broad-based Anti-corruption Commission Act 2011, the Ombudsman Act 1973 and the Public Interest Monitor Act 2011 and to make related amendments to certain other acts and for other purposes.

Read first time.

SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Sentencing Act 1991 to establish a scheme under which convictions for certain offences related to conduct engaged in for the purposes of, or in connection with, sexual activity of a homosexual nature may be expunged, to make consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

Read first time.

COURTS LEGISLATION AMENDMENT (FUNDS IN COURT) BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Supreme Court Act 1986 in relation to funds in court, to consequentially amend other acts and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 8 to 17 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Geelong Region Innovation and Investment Fund

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the massive number of jobs lost or about to be lost in Geelong, including 600 jobs from the Alcoa aluminium smelter.

In particular we note that in the state government's recent budget, no additional funding has been provided to the Geelong Region Innovation and Investment Fund to aid in the creation of new jobs, support or retraining for Alcoa workers and contractors.

Petitioners therefore request that the Legislative Assembly calls on Denis Napthine to immediately provide additional funding to the Geelong Region Innovation and Investment Fund.

By Ms NEVILLE (Bellarine) (80 signatures).

Vicarage Road, Leopold

To the Legislative Assembly of Victoria:

The petition of residents in Vicarage Road, Leopold, and parents of children at Leopold Primary School.

We draw to the attention of the house the current safety concerns regarding the lack of a footpath in Vicarage Road, Leopold, to enable children to safely attend and leave school and to enable parents, especially those with prams, to drop off and pick up their children in safety.

The petitioners therefore request that the Legislative Assembly support funding from the state government for the construction of a footpath on both sides of Vicarage Road, Leopold.

By Ms NEVILLE (Bellarine) (329 signatures).

Bus route 847

To the Legislative Assembly of Victoria:

This petition by residents of the city of Casey draws to the attention of the house as a matter of urgency that the current bus route 847 that commutes from Berwick to Casey Central be duly rerouted to actually turn left onto Glasscocks Road and continue towards the east direction and turn right onto Mount View Road and right again onto William Thwaites Road and subsequently back onto Glasscocks Road and then to Casey Central.

Your petitioners request that the Legislative Assembly of Victoria gives support for this much-needed rerouted bus service 847. Many students, families and our elderly have no direct bus access around this area and are in dire need of this as a matter of urgency.

By Mr PERERA (Cranbourne) (181 signatures).

Melton Highway level crossing

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Napthine state government's failure to properly manage the Melton Highway level crossing.

In particular, we note that:

1. the boom gates are down for 52 minutes every 2 hours during peak times;

2. during peak hours journey times are 20 minutes longer;

3. there is an increased risk for children crossing Melton Highway to get to school.

The petitioners therefore request that the Legislative Assembly urges the Napthine state government to guarantee that they will urgently fix the Melton Highway level crossing so that the issues noted above are addressed.

By Ms HUTCHINS (Keilor) (108 signatures).

Regional local government rates

To the Legislative Assembly of Victoria:

The petition of Victorian ratepayers draws the attention of the house to the inequitable rating system applied to farmland by regional local governments.

The current rating system is based on the valuation of land and its improvements. This means there is an assumption those who own higher valued assets have a greater capacity to pay.

Currently, Victoria's farmers shoulder approximately 46 per cent of the rates burden in regional Victoria, but only make up around 12 per cent of the regional economy.

Regional Victoria's municipal rating system is unbalanced, unfair and needs to be reviewed.

The petitioners therefore request that the Legislative Assembly of Victoria conduct an inquiry into the fairness and equity of the local government rating system in rural and regional areas to find a more equitable way to apply rates to farmers.

By Mr WELLER (Rodney) (3300 signatures).

Tabled.

Ordered that petitions presented by honourable member for Bellarine be considered next day on motion of Ms NEVILLE (Bellarine).

Ordered that petition presented by honourable member for Keilor be considered next day on motion of Ms HUTCHINS (Keilor).

Ordered that petition presented by honourable member for Rodney be considered next day on motion of Mr WELLER (Rodney).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 12 of 2014 on:

Casino and Gambling Legislation Amendment Bill 2014

Cemeteries and Crematoria Amendment Bill 2014

Crimes Amendment (Sexual Offences and Other Matters) Bill 2014

Family Violence Protection Amendment Bill 2014
Healthcare Quality Commissioner Bill 2014
Inquiries Bill 2014
Justice Legislation Amendment (Firearms and Other Matters) Bill 2014
Parks and Crown Land Legislation Amendment Bill 2014

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Adult Parole Board — Report 2013–14

Commissioner for Law Enforcement and Data Security, Office of — Report 2013–14

Crown Land (Reserves) Act 1978:

Determination under s 17CA giving notice of intention to grant a lease over Lakeside Stadium Reserve

Orders under s 17B granting licences over:

Lakeside Stadium Reserve

Maryvale and Narracan Preservation Reserves

Orders under s 17D granting leases over:

Batman Park

Camperdown Public Park Reserves

Fawkner Park

Docklands Studios Melbourne Pty Ltd — Report 2013–14

Energy Safe Victoria — Report 2013–14

Essential Services Commission — Report 2013–14

Film Victoria — Report 2013–14

Financial Management Act 1994:

Reports from the Minister for Veterans' Affairs that he had received the reports 2013–14 of the:

Shrine of Remembrance

Victorian Veterans Council

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 81 *(Gazette G29, 17 July 2014)*

Melbourne and Olympic Parks Trust — Report 2013–14

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2014 and Summary of a Variation notified between 20 June 2014 and 12 September 2014 — Ordered to be printed

Metropolitan Fire and Emergency Services Board — Report 2013–14

Planning and Environment Act 1987:

Amendment 121 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Banyule — C104

Bass Coast — C131, C144

Boroondara — C213

Brimbank — GC17

Buloke — C23

Colac Otway — C75

East Gippsland — C117

Hobsons Bay — C97

Knox — C121

Maribyrnong — GC17

Melbourne — GC17

Melton — GC17

Southern Grampians — C34

Victoria Planning Provisions — VC120

Whitehorse — C165

Wyndham — GC17

Racing Integrity Commissioner, Office of — Report 2013–14

Recreational Fishing Licence Trust Account — Report 2013–14 on the disbursement of Revenue

Statutory Rule under the Coroners Act 2008 — SR 119

State Sport Centres Trust — Report 2013–14

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 110, 112, 119

Surveillance Devices Act 1999 — Report of the Victorian Inspectorate under s 30Q

Terrorism (Community Protection) Act 2003 — Victorian Review of Counter-Terrorism Legislation Report under s 38

Victoria Grants Commission — Report year ended 31 August 2014

Victorian Curriculum and Assessment Authority — Report 2013–14

Victorian Institute of Teaching — Report 2013–14

Victorian Registration and Qualifications Authority — Report 2013–14

Victorian Small Business Commissioner, Office of — Report 2013–14.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 8 February 2011:

Consumer Affairs Legislation Amendment Act 2014 — Sections 3, 4, 5, 6, 10, 12 and 21 and Part 8 — 3 November 2014 *(Gazette S304, 9 September 2014)*

Criminal Organisations Control and Other Acts Amendment Act 2014 — Part 7 — 2 September 2014 *(Gazette S295, 2 September 2014)*

Justice Legislation Amendment (Miscellaneous) Act 2013 — Section 46 — 2 September 2014 *(Gazette S295, 2 September 2014).*

VICTORIAN REVIEW OF COUNTER-TERRORISM LEGISLATION

Report

Mr CLARK (Attorney-General), by leave, presented government response.

Tabled.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2013–14

Ms VICTORIA (Minister for Consumer Affairs), by leave, presented report.

Tabled.

FIRE SERVICES COMMISSIONER

Report 2013–14

Mr WELLS (Minister for Police and Emergency Services), by leave, presented report.

Tabled.

CONSUMER AFFAIRS LEGISLATION FURTHER AMENDMENT BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Ms VICTORIA (Minister for Consumer Affairs).

SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Mr CLARK (Attorney-General).

ROYAL ASSENT

Message read advising royal assent on 9 September to:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014
Courts Legislation Miscellaneous Amendments Bill 2014
Crimes Amendment (Abolition of Defensive Homicide) Bill 2014
Gambling and Liquor Legislation Further Amendment Bill 2014
Tobacco Amendment Bill 2014
Working with Children Amendment (Ministers of Religion and Other Matters) Bill 2014.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Casino and Gambling Legislation Amendment Bill 2014
Healthcare Quality Commissioner Bill 2014
Parks and Crown Land Legislation Amendment Bill 2014.

MEMBERS STATEMENTS

Northern suburbs transport infrastructure

Mr CARBINES (Ivanhoe) — A future Andrews Labor government will enforce a truck curfew at night on Rosanna Road and Greensborough Road. We will work with the Rosanna Road residents group to implement that policy. I live in Rosanna, and I hear the B-doubles and other heavy vehicles using the local roads between Western Ring Road and the Eastern Freeway through Banyule. When EastLink opened we got more traffic on Rosanna Road and Greensborough Road.

The Napthine government's east–west dud tunnel will bring even more traffic to Rosanna Road and Greensborough Road. How do you get to the dud tunnel unless you drive through Banyule? The Abbott

federal government took $3 billion from the upgrade to the Western Ring Road to help local residents and motorists in the northern suburbs and instead put it towards the dud $8 billion tunnel. Residents in the northern suburbs of Melbourne will pay for that lack of $3 billion investment in the Western Ring Road.

Residents in the eastern suburbs want to get to the city and not to the western suburbs. Building Melbourne Metro rail and expanding the city loop will get more cars off our roads. Labor's plan to duplicate the Chandler Highway bridge will fix this RACV red spot congestion bottleneck. Residents of Rosanna, McLeod, Yallambie, Viewbank, Heidelberg and Ivanhoe want investment in public transport. They want the truck curfew at night on Rosanna Road and Greensborough Road to improve amenity, safety and livability. Only Labor will ban trucks and heavy vehicles on Rosanna Road and Greensborough Road. Only Labor will improve the amenity and safety of those roads for local residents. Only Labor has a plan to invest in public transport to provide three extra peak services on the Hurstbridge line, double the size of the city loop and build Melbourne Metro rail.

Major events

Ms ASHER (Minister for Tourism and Major Events) — I wish to update the house on the economic benefits of major events for the state of Victoria. As members would be aware, the coalition government is committed to supporting the Victorian major events industry, which helps to brand Melbourne and Victoria on an international scale, attracts tourists from interstate and overseas and provides support to our retail, hospitality and tourism industries.

On many occasions members of the house have heard me refer to a previous Ernst & Young study, which found that major events generate about $1.4 billion to the state's economy a year. I am delighted to update the house and advise that according to the latest Ernst & Young study, major events generate around $1.8 billion to Victoria's economy, which is a very welcome change. Furthermore, in the year ended June 2014, over 430 000 international event visitors travelled to Victoria, and event tourism visitors accounted for 21 per cent of all international visitors to the state. That is why we are chasing so many more events. We announced recently that the Australian Masters golf tournament will again be held in Melbourne in 2014 and 2015, the David Bowie Is exhibition will feature in Melbourne in 2015, and White Night Melbourne will be held in February 2015. I am delighted to advise the house that major events are now worth $1.8 billion a year, up on $1.4 billion, which is an excellent economic result.

Dingley golf course site

Mr PAKULA (Lyndhurst) — In recent weeks the Kingswood golf course in Dingley Village was reportedly sold for over $80 million to an unlisted property trust, ISPT. The sale occurred without any application to rezone the land from special purpose golf course to residential. It is an extraordinary price given that the land's future is uncertain at best. As a consequence many Dingley residents are asking why a developer would pay such a large sum without a rezoning approval having been secured.

It leads me to wonder what, if any, discussions have been had between the vendor and the City of Kingston or between the purchaser and the City of Kingston. Does the purchaser have some reason to be confident about an application to rezone? Does the purchaser have some idea about how many dwellings might be allowed on this site? These are questions that I would like an answer to, and these are answers that the residents of Dingley Village are entitled to. During the year I have had countless conversations, email exchanges and town meetings with Dingley locals. The community is deeply concerned about the likelihood of the land being overdeveloped, with hundreds of new dwellings crammed into the heart of this unique village. I share the concerns of local residents.

The community deserves to know what Kingston council and the Minister for Planning have in mind for Dingley Village and the Kingswood golf course site. So far the petition we lodged with over 800 signatures, the raising of the matter on the adjournment in this place and my correspondence to the minister have all been met with a deafening silence. Failing to respond to these legitimate queries is simply rude and arrogant. It is about time the council and the minister provided Dingley residents with some answers and some certainty. It is not too much to ask.

Sri Lankan lifesaver training

Mr WELLS (Minister for Police and Emergency Services) — Last week I had the great pleasure of launching the Life Saving Victoria Building Leaders scholarship program for 2014. This program is about developing water safety and drowning prevention capacity in Sri Lanka and has been running for three years. I was joined by the member for Derrimut.

With the current number of drowning deaths across Sri Lanka in excess of 1200 per year, there is significant

prevention work to be done. The program has been created and led by Life Saving Victoria, which is working with a number of partners to achieve the goal of halving drowning deaths in Sri Lanka by 2017. Through the Building Leaders scholarship program young Victorian lifesavers undergo training and development before travelling to Sri Lanka. The coalition government has contributed $15 000 towards this year's scholarship program, and six Victorian lifesavers will travel to Sri Lanka to begin training.

The scholarship program is a fantastic initiative by Life Saving Victoria through which Victorian lifesavers are imparting their internationally recognised expert training to reduce and prevent the number of drowning deaths in Sri Lanka. With the help of Victorian lifesavers, Sri Lanka is fast becoming a leader in lifesaving in South-East Asia. Sixteen lifesavers from Victoria have travelled to Sri Lanka so far, with the next six departing next week. In three years of operation, 275 Sri Lankans have been trained in senior first aid and pool lifeguarding. A further 140 Sri Lankan volunteers have now been taught to deliver this training locally.

Sunbury municipality

Ms BEATTIE (Yuroke) — I condemn the Napthine government and its Minister for Local Government for the absurd and ill-conceived decision to form a new Sunbury City Council, which by the minister's admission is so unsustainable and unviable that its existence will be entirely dependent upon a raid on the coffers of Hume City Council's rate base to the tune of $35 million over 10 years.

With Sunbury not expected to reach a sustainable population until 2035 and Melbourne Airport's rates propping up the new council for its first 10 years, how is it supposed to survive the 10 years that lie between 2025 and 2035? There is a black hole. What sort of rate hikes will the new Sunbury City Council have to impose on its residents between 2025 and 2035 to remain viable? How will this impact on population growth projections when people decide that living in Sunbury is just too costly?

The panel failed to meet the objectives it set in its own terms of reference. The goalposts were changed regularly in terms of what was proposed. The result is that the outcome is a farce. It may have appeased a noisy few whose fixation with this proposition has spanned decades.

North-eastern Victoria

Dr SYKES (Benalla) — I rise to talk about something beautiful: wonderful north-eastern Victoria. There are many happy campers in north-eastern Victoria at the moment. The member for Murray Valley and I met some of them when we travelled to Mount Hotham to inspect new packaging equipment to facilitate the economic recycling of waste.

We enjoyed a coffee with Tim and Alex at Porepunkah. They spoke enthusiastically about a fantastic snow season on Mount Buffalo in particular. Tim and Alex hire out skis, snowboards and snow play equipment. In the green season they take groups abseiling and to generally enjoy the natural beauty of Mount Buffalo and surrounds.

At Harrietville we caught up with Emma at her cafe. She was flat out serving her many customers who grabbed a bite on their way home from a fantastic few days skiing at Hotham and Dinner Plain. At Hotham we enjoyed catching up with Deb Spring and her resort management board team as well as local businesspeople. They were all very pleased with the snow season and the many visitors it brought.

Accordingly they welcomed the $25 000 contribution from the Victorian government's Smarter Resources, Smarter Business recycling program to improve waste management and recycling. Deb Spring also acknowledged the ongoing support of the coalition government, including $6 million to repair drainage infrastructure and assure safe skiing and snowboarding for all who come up to beautiful Mount Hotham — you included, Acting Speaker. It is a great part of north-eastern Victoria, and it is wonderful to have everyone coming up to enjoy it.

Cranbourne electorate roads

Mr PERERA (Cranbourne) — It was with great pleasure that I joined the Member for Altona, shadow Minister for Public Transport, and the Member for Narre Warren North, shadow Minister for Roads, in Cranbourne yesterday, confirming Labor's commitment to remove the level crossing at Merinda Park station and to the $175 million duplication of Thompsons Road.

This level crossing removal is part of Labor's Project 10 000 alternative transport plan, and it is on the list of the 40 most dangerous railway crossings to be removed. Labor will duplicate Thompsons Road between EastLink and Clyde Road and remove the level crossing at Merinda Park station, which will ease

congestion and improve safety. Thompsons Road has been a danger for years and congestion is terrible. The Napthine and Baillieu governments have turned their backs on this problem since their election in November 2010, and now the Napthine government is obsessed with the $8 billion dud tunnel nobody in my electorate will use.

Under the Napthine government roads have been neglected, with $100 million cut from roads maintenance funding in 2012 and over 450 staff cut at VicRoads. In Labor's last year in state government, $480 million was spent on road maintenance; under the Napthine government that amount has dropped to $445 million. This is in stark contrast to Labor's investment in Thompsons Road when it was in office. Thompsons Road was widened between the South Gippsland Highway and Narre Warren-Cranbourne Road — a Labor investment of $22 million. Thompsons Road was also widened between the Mornington Peninsula Freeway and Dandenong-Frankston Road — a Labor investment of $30.5 million.

St Catherine's Primary School, Moorabbin

Ms MILLER (Bentleigh) — Recently I was welcomed by St Catherine's Primary School in Moorabbin by principal Maria Angliss, sustainability coordinator Sandra Surace, Angela Caltabiano and students to announce that the school placed second in the Marriott Cup competition this year. Congratulations to students Erin Quinn, Eloise Griffin, Joshua Dudley, David Noronha, Tomas Wrzesinski, Chloe Treagus, Matthew Anesidis, Emilia Fode and James Mason. The students were thrilled with the news, and I was able to present a certificate and a ribbon to each student to celebrate their fantastic achievement.

Our Lady of the Sacred Heart College

Ms MILLER — Congratulations to the cast and crew of Our Lady of the Sacred Heart College's presentation of *My Fair Lady*, which I attended recently. Congratulations to Sarah Jones, Chelsea Adams, Lara White, Gillian Lantouris, Aviva White, Adelle Cramer, Eleisa D'Rose, Danielle Athaide, Sophie Nash and Laura Webb, who formed the principal vocal parts. The students in the chorus and non-speaking roles also did a fantastic job, and I thoroughly enjoyed the performance.

Marlene Holden

Ms MILLER — Congratulations to local resident Marlene Holden, who received a Victoria Award for 30 years of service to the Moorabbin community as a school crossing supervisor. I presented the medal to Marlene at the Moorabbin Primary School assembly, and she was thrilled to receive the award. Congratulations to Marlene, who is part of what makes our community so wonderful.

East Bentleigh Primary School

Ms MILLER — Congratulations to East Bentleigh Primary School for winning the title of ResourceSmart Community Leadership Primary School of the Year. I was delighted to present a certificate at the assembly yesterday to congratulate the school on its achievement. Congratulations to principal Maria Shearn for the school's success in the ResourceSmart School Awards.

National Council of Jewish Women of Australia

Ms MILLER — Congratulations to Shirley Glance, who was elected president of the National Council of Jewish Women of Australia, Victoria division. The new board consists of Shirley Glance, president; Vivien Brass, immediate past president; Miriam Bass, vice-president; Hannah Greenberg, honorary treasurer; Debbie Strauch, honorary secretary; Sandra Levinson, board member and newly elected board members Karen Stock and Dr Ann Wollner.

Albert Park electorate schools

Mr FOLEY (Albert Park) — I say well done to the local public education advocacy group TwoSchoolsNow on hosting the local public education debate on much-needed investment and support for schools in my community. I was pleased to outline Labor's commitment to undo the years of damage caused by wilful neglect of investing in local public schools. Labor has made commitments to expand Albert Park College to a new year 9 campus; to build a new South Melbourne park primary school in Albert Park reserve without taking away any open space; to rebuild Elwood College, which has been neglected by this government for four years, and secure the future growth of that school while taking pressure off Albert Park College; and to build a new multipurpose South Melbourne Life Saving Club facility, which will share resources with Albert Park College.

Compare that to the miserable offering of the Liberal Party for one school lost in a forest of towers and a planning mess in Fishermans Bend, with no timetable, no investment and no opportunity to deliver much-needed support for Port Melbourne Primary School, which is the epicentre of the crisis with investment in public schools in my community because

of this government's wilful neglect. It is interesting to note that that school has now grown to the point where it is expecting 1000 students, and despite that crisis this government is expanding its zone to include half of Docklands. Shame on this government!

Seymour electorate football and netball finals

Ms McLEISH (Seymour) — Congratulations to the Yarra Glen Football Netball Club, which had a corker of a weekend, winning three netball and one football premierships. Participating in all four netball grand finals was a big day for the Yarra Glen girls. They went on to win the A grade flag, being undefeated for the season, as well as A reserve and B grade. They were beaten in a tough match in B reserve by the premiers, Yea, giving Yea back-to-back flags. Well done to Yarra Glen players Peta Fay, Nicole Moate and Louise Oakley and to Chelsea Kerr of Yea for their best on-court performances. Yarra Glen footballers had a convincing win to take out the division 2 flag. This was a great team effort. Well done to Simon Gordon for his best on ground performance. Alexandra Football Club put up a good fight in the reserves.

Well done to the Woori Yallock under 18s for their win over Wandin. It was a rugged and tough match, and they did well to come out on top. Good luck to the Woori Yallock firsts for their grand final this weekend.

Country Fire Authority Badger Creek brigade

Ms McLEISH — Recently I was pleased to attend the 75th birthday of the Badger Creek Country Fire Authority (CFA), a great milestone for the brigade. I make special mention of members who received awards on the night from the chief fire officer of the CFA, Euan Ferguson: Mike Thomas, for 30 years service; Matt Thomas; Gabrielle Olsson; Cameron Betts, for the captain's award; and Mark Chapman. I also acknowledge the secretary, Sue Broman, and Joshua Martin, the brigade's captain, who did a fine job in hosting his first dinner as captain. Well done, Josh.

I attended the dinner to mark the recent retirement of CFA member Neil Beer as Yea group captain, a role he has held for a decade. Neil's excellent performance in this role was evident. He is held in high regard by so many. It was wonderful to have Euan Ferguson, the CFA's chief fire officer, and Craig Lapsley, the emergency management commissioner, attend the event to recognise Neil's work. Neil, his wife, Jan, and their boys, Greg, Glen and Michael, can be so proud of his dedicated service to the CFA.

Montmorency Secondary College

Mr HERBERT (Eltham) — Today I wish to acknowledge the Minister for Education's long-needed backflip on Montmorency Secondary College. Montmorency Secondary College is a fantastic public school which gets tremendous education results and really empowers young people not only to meet their ambitions but also to reach well beyond them. Unfortunately Monty's buildings are outmoded for modern educational purposes and need to be replaced, a fact acknowledged by the education regional office in 2010, when it was a priority, and by Labor with a $9 million election commitment that year.

Despite that priority, the coalition government has let the college's capital plans flounder. The minister even refused to visit the school for nearly four years — that is, until Labor stepped up once again and made an election commitment of $14 million to the Montmorency community to rebuild the school, and what a great day that was. It was so great, it seems, that the minister finally awoke from his slumber and realised that Monty was not simply a dead English Spartan General and did an about-face and copied Labor's commitment to the school.

We all understand marginal seat politics, but what a disgrace it is that the only time the community sees action from this government is when it copies another party's — that is, Labor's — election pledge. Governments should be better than this, and the people of Montmorency know it. They know that if you want to improve education, you have to make a genuine commitment and not just indulge in a bit of pork-barrelling at the end of your term when you are facing oblivion and you need to copy a decent party.

Mildura Speedway Drivers Club

Mr CRISP (Mildura) — Mildura Speedway Drivers Club's 50th anniversary was celebrated on 13 September with a vintage meet and a dinner. The club's 50-year history was on display, with past and present racing machines. Not only were the vehicles of all ages but so too were the drivers. It was an enthralling afternoon of racing and reminiscing. Celebrations continued in the evening with a dinner, including guest interviews, tales and presentations. Well done to the club for organising something special to mark its anniversary.

Mildura electorate football and netball finals

Mr CRISP — The winter sporting finals are underway, and Sunraysia Football and Netball League

grand finals have been played and won. Congratulations to all those who volunteer throughout the winter to make and promote healthy activity. We would like to have more people, more active, more often, and commend those unassuming heroes who make Mildura's winter so active.

Mildura Animal Shelter

Mr CRISP — The Mildura Animal Shelter has a new education facility, which has come about due to a partnership between the coalition government, Mildura Rural City Council, the Sunraysia Animal Rehousing Group and the Sunraysia Institute of TAFE. Education is the key to responsible pet ownership, and this facility — built by TAFE apprentices and trainees — will provide space for schoolchildren and members of the community to be informed about responsible pet ownership. Well done to all those partners and everybody who contributed to make this project a reality.

Palliative care

Mr CRISP — Palliative care is a vital service in my community and involves a number of service providers and support groups. A hospice is a long-term objective for these people.

Narre Warren South electorate schools

Ms GRALEY (Narre Warren South) — My electorate is overflowing with winners and high achievers. This year my community spirit and leadership awards to grade 4 students who show leadership potential have been won by Raedan Fernandez and Jasnoor Daler from St Kevin's Primary School; Dylan Pettigrew, from Berwick Fields Primary School; Cooper Tavinor, from Strathaird Primary School; Georgia Nelson, from Courtenay Gardens Primary School; and Riley Evans, from Coral Park Primary School. Those students thoroughly deserve their awards, and I will keep an eye on what they accomplish in the future. I know their parents and teachers are very proud, and so they should be.

Shirley Bell

Ms GRALEY — I also presented Shirley Bell from Narre Warren Bowls Club with her award for winning the Ladies Singles Championship, the Ladies Pairs Championship and the Ladies 100 Up Championship. Well done, Shirley. What an effort!

Fountain Gate Secondary College

Ms GRALEY — Fountain Gate Secondary College's outstanding Encouraging Pride in our Community team have given me multiple reasons to be proud of them, having come second at the world championships of the Future Problem Solving competition. Well done to Jessica Nikitina-Li, Liza Hernyak, Emily Hulme, Paul Pesamino, Rocky He and Vidul Malavde, and to their coach, Jodie Doble, on such an outstanding accomplishment.

Narre Warren South electorate football and netball finals

Ms GRALEY — Many local football teams in the South East Juniors league are big winners, including Hampton Park Junior Football Club, under 12 division 3 and Youth Girls — go girls!; Narre Warren Junior Football Club under 15 division 1; and Berwick Springs under 13 division 1 and under 13 division 3. All won a premiership. What a thrill. Congratulations to the players, the committed coaches, the support staff and the dedicated parents and their partners. It takes a lot of people to make a winning team. I feel so privileged to represent an area with so many rising stars and successful people. Congratulations. Extraordinarily well done!

Chin community

Ms RYALL (Mitcham) — On 9 September, on behalf of the Minister for Multicultural Affairs and Citizenship, I was delighted to announce that the City of Maroondah was successful in its application to the Napthine government for a $500 000 grant from the Multicultural Community Infrastructure Fund. The application process took considerable time and effort, including the expression of interest, and then, once accepted, a request to proceed to the next stage of supplying further detailed information. I was thrilled when informed by the minister that the application effort was rewarded and recognised for its innovation and support of the Chin community in Maroondah. I was joined by the mayor of the City of Maroondah, Cr Les Wilmot, and councillors Natalie Thomas and Nora Lamont, council officers, the vice-president of East Ringwood Football Club and members of our Chin community, who were wearing their colours to celebrate this announcement.

This grant will enable facilities for the Chin community to be incorporated into the $2.7 million community hub at East Ringwood Reserve, which is home to both East Ringwood football and cricket clubs. Maroondah is home to many from Victoria's growing Chin

population, and the new hub will assist the Chin community to participate in the broader community. It is anticipated that the facility will include a Chin community office, a meeting room, a classroom and a multipurpose room for education, ongoing settlement information and support. Important cultural activities and festivities and events will be able to be held, and with an active soccer team the Chin community looks forward to being able to use the lower oval as well. I congratulate the City of Maroondah on its innovative application to the Napthine government through the grant process in bringing communities together. The application took considerable thought, time, effort and energy from all concerned in the local council, football and cricket clubs and Chin community.

South Stone Lodge nursing home

Mr PALLAS (Tarneit) — Just over a year ago I visited residents and staff at the only government-owned nursing home in the city of Wyndham, South Stone Lodge, with the Leader of the Opposition and Ms Jenny Mikakos, a member for the Northern Metropolitan Region and the shadow minister for seniors and ageing in the other place. The visit was prompted by the state Liberal government's plans to slash $75 million from public sector aged care by privatising and selling off aged-care facilities, which naturally has caused a great deal of anxiety and concern for residents living in government-owned facilities as well as for the staff who care for them.

Yesterday those fears were realised, with the Napthine government's decision to close South Stone Lodge this coming December, news which was communicated in a briefing with staff at 2.30 p.m. Having met the staff at South Stone Lodge, I know their concerns will be for the residents at the facility, even though their own futures are now unclear. The Premier needs to finally explain to these workers and the people they care for why the government is selling off the care of our seniors to the highest bidder. Perhaps even more importantly, given the population growth among the aged and given that demand for aged care in the west is not being met by private providers, the Premier must make good on his commitment that there will be no loss of aged-care places through any transfers.

Leader of the Opposition

Mr MORRIS (Mornington) — Last Friday the Leader of the Opposition demonstrated once and for all that he does not have what it takes to lead Victoria. Leadership is about providing solutions and about acting on behalf of all Victorians. Has this leader delivered? Where is his vision? Where is his solution? We have not seen it, because it does not exist. The vacuum at the top of Victorian Labor has been filled by Jackie Fristacky, mayor of the City of Yarra, and Lambros Tapinos, mayor of the City of Moreland. If the opposition leader gets his way, these two councils will have the final say about a critical piece of infrastructure. According to media reports, 8 of 11 Moreland councillors have allegiance to Labor, the Greens or the socialist parties. In Yarra the number is nine. The opposition leader is asking these two councils to set aside their narrow self-interest, set aside the views of a tiny group of disaffected ratepayers and stand in his place and act on behalf of all Victorians.

Under the Leader of the Opposition this Labor-Greens coalition will be allowed to trash our state's hard-won business reputation, trash the thousands of jobs that will result from this project, trash our city's livability and condemn the state's economy to being stuck in first gear for decades to come. No doubt the members for Brunswick, Richmond and Melbourne are delighted with the opposition leader's call, but I cannot help wondering what his mates at the Construction, Forestry, Mining and Energy Union think about him now. Leadership is about taking tough decisions. With this giant backflip the Leader of the Opposition has made it clear he is just not up to the task.

Eltham North Primary School

Ms GREEN (Yan Yean) — The Napthine government's user-pays schools policy has hit a new low. Recently I received a heartbreaking letter from Nicholas Brown of Diamond Creek, which I will now quote from without using the name of the child concerned:

> My stepson … is a pupil in year 3 at Eltham North.

He is referring to Eltham North Primary School:

> He is a great student who gets positive reports from his teachers and he tries his heart out at everything. He was due to perform in a school production on Monday, 25 August, for which he has been practising hard with his classmates. He was really looking forward to the production as he had a line to speak and was proud to know we would all be there to watch.
>
> But on the afternoon of Friday, 22 August … a text message —

was sent to the pupil's mother, the author's wife. It said:

> As school fees remain outstanding, your child will be unable to attend Monday's rehearsal and production unless payment is made immediately …

The letter continues:

> In previous years —

the pupil's —

> … father has covered fees …. However, he lost his job a year ago and has recently become homeless. This in itself is distressing for —

the pupil —

> … and has had a significant financial impact on our household. Nevertheless, we have managed to …

provide —

> several hundred dollars worth of … stationery and equipment —

for the student to be part of the Gateways gifted students program.

> … We have informed the school of —

the pupil's —

> … father's straitened circumstances.

Eltham North Primary School has a good reputation in the Diamond Valley, so I urge the Minister for Education to investigate this shameful treatment of a vulnerable child and rethink his user-pays education and devolution policy, which has bred such treatment of a vulnerable child.

Ruth Brain

Mr DELAHUNTY (Lowan) — It is with great sadness that I acknowledge the passing of 52-year-old Ruth Brain, president of the Mininera and District Football League. Ruth was a champion — a champion person, a champion netballer, a champion golfer and more importantly a champion sports administrator. Before the league grand final on Saturday a special tribute was paid to Ruth for the pivotal role she played in her community and also for her becoming only the second female to hold the position of president of a country football league. My deepest sympathies go to Lloyd and the family.

Gallipoli student tour

Mr DELAHUNTY — Congratulations also go to four students from the Lowan electorate who will participate in the Gallipoli 2015 Anzac Day dawn service tour as part of the centenary of Anzac. Andrew King of Dimboola Memorial Secondary College, Ethan Jolly of Horsham's St Brigid's College, Jacob McGennisken of Goroke P-12 College and Taylor Kelsey Shueard of the Hamilton and Alexandra College will participate, and former Horsham College teacher Pam Cupper will be a chaperone on the tour. This is a significant honour for all concerned, and I know they will bring back incredible memories and learnings from this trip of a lifetime.

Methamphetamine control

Mr DELAHUNTY — The use of the drug methamphetamine, or ice, is of major concern across western Victoria. Over the past couple of weeks ice forums have been held in Horsham, Nhill and Edenhope. All forums have been extremely well attended and have provided important information to the community. Thanks go to the organisers of the forums, including the Wimmera Drug Action Taskforce, Ambulance Victoria, Victoria Police, health professionals and community members, all of whom provided vital information regarding this insidious drug.

Kieran Delahunty, Jordyn Burke and John Delahunty

Mr DELAHUNTY — I also to pay tribute to Kieran Delahunty, Jordyn Burke and John Delahunty, who came first, second and third in the Wimmera Football League's best and fairest count last night in Horsham.

Connect Central Castlemaine

Ms EDWARDS (Bendigo West) — The partnership group Connect Central Castlemaine is a group that brings together education, training and community organisations that work together to improve outcomes for vulnerable youth in the Mount Alexander shire. The partnership was established in 2010. The Liberal federal government Youth Connections program will cease in December, and the Liberal state government-funded rural outreach drug diversion youth worker position will cease with the new drug and alcohol recommissioning. This is a cause of great concern. These programs offered outreach services to high-risk and disengaged young people, working to re-engage them in education and society. These measures are short sighted. At a time when youth unemployment is sitting at over 20 per cent in the region and there have been massive cuts to TAFE, these cuts will make it even harder for young people.

Drug and alcohol services

Ms EDWARDS — I would like to share an example of the mess that this Liberal government has made in drug and alcohol services which forces people

with drug and alcohol problems and mental health issues onto a merry-go-round. Mary Leach, a constituent of mine, had to ring a 1300 number in Melbourne after she was told the Skills For Life program run through Bendigo Community Health Services would no longer be continuing due to funding cuts. Mary rang the number five times; two of these calls were 15-minute question sessions. Two weeks later there was an appointment with the new Australian Community Support Organisation, and then there was a 70-minute interview, with many previously asked questions repeated. The interviewer was on her second day in the job and had no experience in mental health or drug and alcohol issues; her background was in child protection. What happened after this exhaustive process exposed the merry-go-round? Mary was referred back to Bendigo Community Health Services for support. This government has made a mess of drug and alcohol service delivery, and Mary is suffering as a result.

Biggest Ever Blokes BBQ

Mr BATTIN (Gembrook) — Congratulations to the Star News Group for putting together the Biggest Ever Blokes BBQ in Pakenham last week. On Friday I was joined by 300 of my closest friends to talk about men's health. Brian Paynter, the Liberal candidate for Bass, was the master of ceremonies and ensured that the event ran smoothly — or as smooth as an event can be with 300 blokes, 1 lady and a ute full of beer. The event was to encourage all men to consider their own health and ensure that they get themselves checked over.

There was a lot of humour in the mix to encourage testing for prostate cancer. We all know that prostate cancer is, simply put, not funny. However, when you put together on stage cricketer Damien Fleming, president of the Players to Take a Hat-trick on Debut for Australia Committee, and Scott Cummings, a former AFL player, you see that they manage to drum up a few laughs. Add to the mix Greg Champion and his session of Collingwood bashing, and finally AFL superstar, record games holder and five-time Hawthorn premiership player and team captain Michael Tuck, and you have a recipe for a fantastic afternoon. I say well done to the organising committee, including Adam Khan, who manages the venue; John, who heads up the kitchen; and all the sponsors.

At the end of the day everyone had a great feed, had quite a few frothies, enjoyed the entertainment and most of all gained some information that might just save their lives. I look forward to the 2015 Biggest Ever Blokes BBQ in Pakenham. I hope next time I am sensible enough to not buy a toolbox bar fridge, which I would be happy to resell to anyone. Anyone like to buy a bar fridge? It is up for sale, and we can give the money to help in the fight against prostate cancer.

JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 20 August; motion of Mr CLARK (Attorney-General).

Government amendments circulated by Mr CLARK (Attorney-General) under standing orders.

Mr PAKULA (Lyndhurst) — It gives me pleasure to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014 and to indicate that the opposition will not oppose the bill. I also acknowledge the amendments that have been circulated by the Attorney-General. The opposition was briefed on these amendments last night by the Department of Justice, the Attorney-General's office and members of Victoria Police, and the opposition will also support the amendments. Obviously we will have an opportunity to say more about those amendments during the consideration-in-detail stage, but the amendments are separate to the primary purpose of the bill, which is to amend the Confiscation Act 1997.

In that respect the bill introduces an unexplained wealth confiscation scheme in Victoria. That scheme is, in many respects, similar to schemes which exist in most other jurisdictions in Australia. Additionally the bill amends a range of other acts with various aims. It clarifies the jurisdiction of the Magistrates Court in relation to community correction orders under the Sentencing Act 1991, increases protection for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010 and allows for the disclosure of certain information to the Judicial College of Victoria and to the Sentencing Advisory Council under the Judicial Proceedings Reports Act 1958. It also makes changes to guidelines regarding the empanelment of jurors, allows for alterations to the way the commissioner can respond to requests under the Road Safety Camera Commissioner Act 2011, makes some changes to the Professional Boxing and Combat Sports Act 1985 in terms of prohibition of certain persons who are convicted of some serious offences holding licences — and no doubt that may lead to more public stoushing between the Premier and colourful boxing identities — and makes consequential amendments to other acts which have been described as

being consequential to the abolition of defensive homicide provisions.

Of those various changes, the unexplained wealth laws are the most significant. As I indicated in my earlier remarks, those types of laws currently exist in all jurisdictions other than the ACT, and they create an onus on those who are reasonably suspected of criminal activity and of owning unlawfully acquired property to explain how they came about their wealth. Therefore, to the extent that this bill brings the Victorian statute book into line with those other jurisdictions and to the extent that it will assist in preventing criminals from taking advantage of a current gap in Victorian law, the opposition welcomes those changes.

All jurisdictions hasten slowly with regard to provisions such as these because this change, no matter how we might seek to describe it, has the effect of changing, if not reversing, the onus of proof. It has that effect in relation to wealth that is suspected of being the proceeds of crime or part of the proceeds of crime. Right now law enforcement officials go through an exercise of tracing the wealth of the suspected person to its source, which is not an easy task. It is often complex because some of these people are pretty clever and go through all manner of devices to try and camouflage the source of that wealth. At the moment law enforcement officials have to trace wealth to its source in order to establish its unlawful origin.

Under the changes proposed by this bill, once reasonable suspicion has been established, the holder of the wealth will be required to demonstrate its lawful origin on the balance of probabilities. It is very important that members understand what we are talking about here. We are not talking about a situation where assets are simply frozen in time without any proper process. We are talking about a situation where law enforcement officials will need to appear before the court and make application. In those circumstances, whether or not a restraining order is placed on unexplained wealth will be a matter for the court. Individuals who are suspected in the way that this bill contemplates will not simply have their assets restrained without any recourse; this will be a matter determined by the court.

The court will need to be satisfied of reasonable suspicion. In those circumstances it will be able to put in place an unexplained wealth restraining order. Once that unexplained wealth restraining order is in place, the individual in question will be, in effect, prevented from disposing of those assets which are under suspicion. Nothing else happens to those assets at that point in time. They are, in effect, frozen in amber, and then a further process will ensue. Importantly the bill provides that, whilst those assets are frozen or are in the process of being frozen, reasonable living expenses and reasonable business expenses will be provided for. Once the unexplained wealth restraining order is in place, it will be a matter for the individual owner of that property to demonstrate to the court that on the balance of probabilities that unexplained wealth has a lawful origin.

I do not propose to go into the detail of the bill to the same extent that the Attorney-General might during the second-reading debate, but I suspect I have the nub of it — the important, effective element of the bill — pretty much there. Of course there are a few elements of this entire regime that probably bear some further examination, and the opposition will take the opportunity to ask some questions during the consideration-in-detail stage.

If the lawful origin of the property being seized is unable to be established by the offender or the owner, it will be forfeited to the state once the restraining order has been in place for a period of at least six months. That six-month period is important. You would not want a situation where assets are basically forfeited to the state and sold overnight. There needs to be an appropriate period of time — a cooling-off period, if you like — before that occurs. That is provided for in the bill.

Where Victoria assists the commonwealth in the investigation of criminal assets, it will, along with other states, be able to share in the proceeds recovered. As the government explained to us in the briefing, Victoria has been unable to share in those proceeds to this point in time. This state will have an opportunity to share in those assets. I think by ‘extension of laws’ the government means that if the commonwealth assists us, it might be able to share in assets seized by Victoria.

It is the understanding of the opposition that the proceeds of any property sold will go into consolidated revenue rather than into any other dedicated or hypothecated fund. Given that the Attorney-General is in the chamber, I indicate that we will seek some clarification on this matter during the consideration-in-detail stage.

The bill also makes some changes to the operation of community correction orders (CCOs). Right now the maximum period for CCOs for both single and multiple offences is two years. In an environment where suspended sentences have been removed as an option in the Magistrates Court, this change that is now being made — and the government may not want to concede

this — is a belated consideration of the fact that the CCO regime may not be sufficiently robust as to allow magistrates to have an alternative where in other circumstances they might want to impose a prison sentence.

The new maximum periods that can be set by the Magistrates Court will be two years for a single offence, four years for two offences and five years for three or more offences. If the court imposes a CCO and a prison sentence, then the total term imposed must not exceed five years. What this provision does — and it is probably something that the government ought to have anticipated when it was introducing its CCO regime at the same time it was committing to abolishing suspended sentences in the Magistrates Court — is create a situation where community correction orders for more serious offences or where there is more than one offence will now be somewhat more attractive to magistrates because they can impose those CCOs for a longer period of time.

I have no doubt that this is a provision designed to make the CCO regime look more like the suspended sentence regime, even if it goes by a different name. I have no doubt that the purpose of this change that is being debated by the house today is to take pressure off our increasingly overcrowded and pressured prison system. Without this change, with a maximum CCO period of two years, you would have a situation where more people are sent to prison than in a circumstance where a magistrate has the option of imposing the CCO for a period of five years. It is clear that this is what this is about; it is clear that the government recognises that its changes to the suspended sentencing laws are going to put an extraordinary burden on the prison system if it does not make the change being contemplated by the bill before the house. As a party that is in favour of measures which will potentially take pressure off a prison system that is growing like topsy, we certainly support these changes because they provide magistrates with more flexibility and a greater suite of options. In circumstances where a magistrate might be thinking, 'If only I could sentence this person to a four-year community correction order and avoid putting them inside, I would do it', these changes ensure that they will now have that option, provided there have been two offences or more.

With regard to assault, the bill also creates an offence of assaulting a registered health practitioner, including a GP, nurse, midwife, dentist, pharmacist, physiotherapist or psychologist, in the course of providing care or treatment. The maximum penalty is six months in prison under that new provision. Under the Summary Offences Act 1966 it is already an offence to assault any of those individuals in the normal course of events. We might seek some clarification on this, but as I understand it currently the Summary Offences Act common assault has a maximum penalty of three months and aggravated assault has a maximum penalty of six months. This bill provides for a maximum of six months. I am assuming that it only applies in circumstances of common assault and not in circumstances of aggravated assault. To that end its effect is to double the maximum period of potential imprisonment in circumstances of an assault being perpetrated on a health practitioner.

The opposition understands that this does not apply in circumstances where the health practitioner is not on duty. The offender needs to have been reckless as to whether the victim was a health practitioner or to have known that the victim was a health practitioner. However, they do not need to know the specifics of their registration. The provision is not location specific, so if the practitioner is performing work off site, then the offence will be made out.

The opposition strongly supports our hardworking nurses, paramedics and other health practitioners. It is absolutely vital that they are able to go about their work safely and without fear of assault. Anything that increases the penalties, and as a consequence the deterrents, for anyone who assaults those hardworking individuals should be applauded.

The bill also makes some changes regarding the Dispute Settlement Centre of Victoria's ability to request documents from the Magistrates Court about personal safety intervention orders for the purposes of determining whether a particular matter is appropriate for mediation. That seems like a common-sense approach. Sometimes it will be appropriate for matters of that nature to be mediated, but the dispute settlement centre really needs to have some information and details about particular matters before it can make that determination.

With regard to judicial proceeding reports, it is currently prohibited to allow the publication of matters that might lead to the identification of an alleged victim of sexual offence. The bill creates an exception to that general prohibition in relation to disclosure of that information by the courts to either the Judicial College of Victoria or the Sentencing Advisory Council to allow those bodies to better carry out their statutory functions. It should be easy for members to anticipate circumstances where, for example, the Sentencing Advisory Council, which is charged with the very important task of providing advice to government about trends in sentencing and appropriate sentencing — and

we saw that the Sentencing Advisory Council dealt with the baseline sentencing review as requested by the government — requires access to the most fulsome information appropriate so that it can do that job as well as it can.

The bill also makes some changes with regard to the allocation of jurors. It makes it clear that a juror who has been required to stand aside by the Crown must not be empanelled as a juror in that trial but instead must be returned to the jury pool and reallocated to and empanelled on another trial. It seems only common sense that a juror who has been required to stand aside by the Crown should do so and not be empanelled on that jury. However, the fact that this provision is in the bill suggests that some loopholes need to be resolved. To the extent that the jurisdiction can deal with those loopholes, we believe that this is appropriate.

There are some new functions for the road safety camera commissioner in terms of providing information to the public about the road safety camera system in response to requests for information by a person or body. In the consideration-in-detail stage I might ask the Attorney-General to give some further information about which persons or bodies are contemplated by this section and whether we are saying that any person can make a request or whether there are particular individuals contemplated by this bill. The explanatory memorandum does not elaborate on that at all, so perhaps we can go to that matter in the consideration-in-detail stage.

There are some changes to the boxing and combat sport licence provisions. As was explained to the opposition during the bill briefing, this is about persons convicted of certain offences under commonwealth law being prohibited persons in respect of breaches of certain laws of Victoria. In those circumstances, people who are convicted of an offence carrying a prison term of up to 10 years will not be able to be issued or have a licence renewed as a promoter, matchmaker, referee, judge, trainer or timekeeper in boxing or in combat sports contests in Victoria.

Again, I think everyone agrees that those sports ought to be as clean as possible, and in circumstances where the Parliament has the capacity to do so, it should work to keep such individuals out of sports in a way that ensures that those sports are as incorruptible as possible. I think any of us who are fans of the sweet science know that it has attracted some interesting characters over the years, not just in Australia but overseas as well, and the battle to keep boxing clean is an ongoing one for licensing boards from here to Central America. We must make every effort we can.

Finally, I want to deal with the matters that are the subject of the amendments moved by the Attorney-General. I think it is important that none of us in this debate go to the specific detail of the matters that the amendments deal with in an immediate sense. In regard to child pornography it is very important that law enforcement officials are able to identify and locate not just those individuals who are either engaging in this revolting practice, filming it or distributing it, but also those who are providing the technological hosting services that might allow this material to be shared. It is also important that when those individuals are identified and when property is seized Victoria Police officers are able to examine that seized property appropriately and extract from it the kind of information they need in order to enhance their ability to prosecute successfully, to track down others who may be engaging in serious crimes and to protect and save children expeditiously. It is important that legislation provides appropriate penalties for those who seek to obstruct Victoria Police in doing that job.

The amendments circulated by the Attorney-General, which may have some application in a very immediate sense but which will also have application going forward, potentially in countless other cases, will ensure that those persons under investigation who have knowledge of a computer or a computer network will be required to provide assistance to those seeking to access data in those computers; that, upon application to the court, law enforcement officials will be able to get orders requiring that to occur; and that if those orders are not complied with, a significant prison term will be an option available to the courts. The opposition recognises that the provisions in those amendments do not sit comfortably with the rest of the bill, but it also recognises that there are matters of urgency at play. It is important that a legislative home is found for these amendments, and the opposition is very happy to support them.

As I have indicated during the course of this debate, the opposition agrees that people who have made what are sometimes substantial fortunes through criminal activity should not get to keep it and we should make it as easy as possible for law enforcement officials to ensure that that is the case. We are supportive of efforts to confiscate the proceeds of crime. Money laundering is an art that some criminal organisations and some individual criminals are very good at.

The practice of money laundering makes it extremely difficult in certain circumstances for police to confiscate the proceeds of what are in fact serious criminal activities. In circumstances where the court is satisfied that wealth is extremely suspicious and where

that suspicion is reasonable, this shifts the onus. We should be unapologetic; we should not try to gild the lily on that matter. The proposed legislation shifts the onus onto the asset holder to demonstrate that the sources of their assets are legitimate. It is important that drug traffickers and criminal organisations do not feel that their assets are secure. It is important that they recognise they might lose the lot, and to the extent that this bill assists in that, it is a step forward.

However, it is also important to recognise that our courts remain under-resourced and our police, particularly those on the front line, continue to struggle with the demands that are placed upon them. It is important to recognise that our prisons remain overstretched and that other elements of the justice system — whether they be our community legal centres, which have just suffered further cuts from the Abbott federal government, or Victoria Legal Aid, which is struggling, as everybody understands — need to be appropriately resourced as well.

An effective criminal justice system cannot have certain elements that are well resourced and other elements that are under-resourced. It needs to be a seamless pipeline rather than a pipeline with constrictions and pinch points along the way, because in those circumstances, as we all know, the system does not work. Bottlenecks at any point in the system slow the whole regime down.

Regarding community correction orders, the changes being made by the government simply highlight the fact that our prisons are overcrowded and that the government's changes to suspended sentencing regimes in the Magistrates Court are going to place an even greater burden on the prison system unless magistrates are given some broader options. Extending the maximum period of CCOs to five years gives magistrates those broader options. We welcome this because otherwise this system will simply break down.

The opposition will not be opposing the bill. We on this side of the house are pleased to support the amendments that were circulated by the Attorney-General at the commencement of the second-reading debate. For those reasons I am happy to commend the bill to the house.

Mr NEWTON-BROWN (Prahran) — 'Napthine chases kingpins' booty', reads the headline of an article by James Campbell, the state political editor at the *Herald Sun*. I have just 10 minutes to speak about this bill, but James Campbell thoroughly summed it up in just four words in his report on 19 August of this year. Indeed, Premier Napthine will be chasing kingpins' booty with this bill. The bill will make it easier for the state to confiscate items which have been obtained through criminal means.

If the house turns its mind to the general motivation behind crime, it will realise that it is often to do with greed. Generally people who are in a position to commit crimes do so because they want something they do not have, whether it be a car, a boat or a house. By the nature of these crimes there is always a victim: in the case of a con artist there is a someone who has been tricked into handing over money; in the case of a burglary there is a home owner who has lost their property; or in the case of a drug dealer there are lives that have been impacted upon by the scourge of drugs. All the ill-gotten gains from these crimes come at the expense of our community.

This legislation intends to take away the motivation for people to commit these crimes. As the member for Lyndhurst noted, it is good for people to know that they might lose the lot. Under this legislation that is what may happen if people are engaging in criminal activity to increase their wealth.

The bill contains amendments to the Confiscation Act 1997 to establish an unexplained wealth scheme under which property can be confiscated from those who cannot adequately explain how they came to acquire that wealth. There are also a number of other matters addressed by this bill, which I will move onto if time permits. The unexplained wealth scheme allows the Director of Public Prosecutions or the police to seek a court order restraining property and requiring the owner of the property to explain to the court how they came by these assets. There are two ways in which a restraint of property can be sought by the courts. The first allows the restraint of some or all of the property of a person who is suspected on reasonable grounds to have engaged in serious criminal activity. It must be 'serious criminal activity', which is defined in the bill. The second is an allowance for the restraint of specific property suspected not to have been lawfully acquired. If a person cannot explain how the property was lawfully acquired, the property may be forfeited to the state.

This scheme is necessary because it reverses the onus; the existing mechanism under the Confiscation Act is that the prosecution must establish that an asset was obtained through a criminal offence. Many people are able to avoid having their property confiscated because they hide the source of their wealth and have sophisticated means by which they can make it very difficult for the prosecution to unmask its source. For example, they might place their wealth in the hands of another person, such as a family member or a friend,

and keep it at arms-length from the actual offence. They may intermingle the proceeds of lawful and unlawful activity. They may have a cash business that will allow some of the ill-gotten funds to be washed through a legitimate business.

All of these methods can frustrate attempts by law enforcement agencies when they get to court and must very clearly establish that the property was gained through criminal activity. The proposed unexplained wealth scheme under this bill will place the burden of proof on the owner of the property, who must show that the property was lawfully acquired. It will not be a case of the prosecution having to establish this.

Some may be concerned that people could use gifts to evade the operation of the scheme. It is essential to have a scheme whereby an ill-gotten property which is gifted is able to be clawed back. For example, a person may have purchased a house, but that house may be forfeited if they are unable to show that it was paid for with money that was lawfully acquired. If a person tries to get around this by gifting a property to somebody, it will not be considered to have been lawfully acquired unless it can be established that the gift was originally lawfully acquired, so it goes back one step. These provisions ensure that criminals cannot escape forfeiture by dispersing their illegally obtained wealth through family members or through sham transactions effectively used to clean their money.

It is not unreasonable to expect a person to explain how they came to acquire their wealth. If they have done no wrong, there should be no problem for people to explain how it was that they got the funds to purchase a boat or a house. It is not unreasonable to reverse this burden of proof. On the other hand, it is unreasonable under the current system for the police or the Director of Public Prosecutions to have to trace ownership of property in circumstances of criminals having taken sophisticated steps to obscure their ownership and the means by which they came about that property.

The proposed laws will require documentary evidence of the acquisition of property. The documentary evidence rule can be waived if circumstances are such that it is unreasonable to expect documentary evidence, but in most cases there will be documentary evidence — for example, from a car dealer or a boat dealer — of how a person came to be in possession of assets. There should also be a paper trail documenting how the assets were paid for.

There are safeguards in the bill such that an unexplained wealth restraining order can only be made against a person who is suspected of engaging in serious criminal activity or of owning property that was not lawfully acquired. There is a significant threshold that must be met before a person can be compelled to explain the origin of his or her wealth. The laws also allow the courts to authorise reasonable living expenses while an application is assessed to determine whether or not property was lawfully or unlawfully obtained.

If property is forfeited, it will be forfeited to the state and sold, and the proceeds will be returned to the Consolidated Fund. The criminal will lose the asset they acquired through criminal activities, and others will hopefully be discouraged from engaging in criminal activities in the first place. In regard to victims of crime, where unexplained wealth action is pursued in conjunction with an offence-based confiscation, priority will be given to victim compensation schemes.

This bill is in line with unexplained wealth laws in other Australian states and territories. There are numerous differences between jurisdictions, but it is a common feature of the laws around the country that people are required to prove that their wealth was lawfully acquired, so the reversal of the onus of proof is absolutely appropriate and in line with the rest of the country. In conclusion, the bill makes it easier for property to be confiscated, it reverses the onus of proof and it provides a disincentive for criminals to engage in criminal activity in the first place.

Mr LANGUILLER (Derrimut) — At the outset I indicate, as did the lead speaker for the opposition, that the Labor Party will not be opposing the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. The main purpose of the bill is to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme in Victoria, which brings Victoria in line with other jurisdictions in Australia, which already have these provisions in place.

The bill also does a number of other things. It clarifies the jurisdiction of the Magistrates Court in relation to community correction orders made under the Sentencing Act 1991. It increases protection for victims of stalking and other offences by amending the Personal Safety Intervention Orders Act 2010. It allows for the disclosure of certain information to the Sentencing Advisory Council and the Judicial College of Victoria by amending the Judicial Proceedings Reports Act 1958. It makes changes to the allocation of jurists under the Juries Act 2000. It also prohibits persons convicted of certain serious offences from holding licences under the Professional Boxing and Combat Sports Act 1985.

The main purpose of the bill deals with confiscation, and I put on the record that we want to make sure that people who make their fortune through serious criminal activity do not get to keep it. We know that wealth obtained through serious criminal activity corrupts people, institutions, sports, courts and parliamentarians, perhaps not in this country or this state, but it certainly does in other countries. I will not name countries or jurisdictions — I do not wish to offend anyone in particular — but in other countries money laundering is an issue in soccer, rugby and other sports. If you look at the practices that take place, you see that this serious criminal activity has to be stopped. Labor concurs with the government that we have to equip and arm our enforcement bodies to deal with this serious criminal activity in the best possible way.

The unexplained wealth scheme will allow the Director of Public Prosecutions or other authorised applicants to seek the restraining of property under an unexplained wealth restraining order where one of two threshold tests can be satisfied.

The first threshold test is based on a suspicion on reasonable grounds that a person with an interest in the property has engaged in serious criminal activity. 'Serious criminal activity' is defined as conduct that constitutes one or more of a range of offences. These offences are generally punishable by at least five years imprisonment and are of a nature that can generate or conceal criminal wealth. We could not agree more. The more we legislate to prevent these offences the more we protect our communities, families and children, and indeed our institutions.

One important change that is being advanced in this Justice Legislation Amendment (Confiscation and Other Matters) Bill is the change of onus. In other words, as other speakers have explained, if there is reasonable suspicion that people have acquired wealth through serious criminal activity, they have to explain in plain English how they acquired that wealth, whether it be property, assets or anything else. I think that is absolutely reasonable. I commend this provision, because I have observed what occurs in other jurisdictions and countries. Time and again I have seen how wealth acquired through serious criminal activity, particularly drug trafficking, is damaging to communities. It damages all our institutions.

Mr Foley interjected.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member for Albert Park!

Mr LANGUILLER — I know the member for Albert Park concurs with me on this subject. Wealth acquired through serious criminal activity damages institutions, governments and oppositions in other jurisdictions. I repeat that it also damages sports. I have seen this, and I have read enough to understand that we have to do everything we can to ensure that we stop this criminal activity. I am strongly in favour of the unexplained wealth provisions in the bill.

We will shift the onus so that the holders of suspicious wealth are required to show that its source is legitimate. It is absolutely legitimate to have that expectation. Drug traffickers and other profiteering criminals should never feel that their ill-gotten wealth is secure. They will lose the lot. For too long, in this and other countries and jurisdictions, people have got away with it. They acquire wealth and know how to hide it — they use top lawyers and anybody they can for the purpose of protecting themselves. They put this wealth under somebody else's name. These practices ought to be condemned, and we ought to do everything we can to ensure that they are stopped. However, it will never be enough.

I am reminded of a comment made by former Chief Commissioner of Victoria Police Neil Comrie many years ago, which those who have been in this chamber for a while may also recall. Neil Comrie said it would be almost impossible for governments and oppositions to stop drug trafficking because they would not be able to authorise the measure that he thought would have to be undertaken, which would pretty much bring the economy to a halt — that is, to X-ray every container that comes through Melbourne and ports in other cities. There are thousands of such ports. However, we have a choice, and we can do some things. Individuals have become addicted to drugs, and they should try hard to make the choice to stop taking those drugs. That is a health issue. But the criminals who peddle drugs and death should be condemned, and we should do everything we can to stop them.

The other issue, which is equally important, is the provision that has been advanced by this amendment to prohibit persons convicted of certain serious offences from holding licences under the Professional Boxing and Combat Sports Act 1985. I concur with that too. We have to do what we can to ensure that good, bona fide people — people who love sport — are licensed, and not others. I have been involved in sport in the past, including boxing. I have seen what can happen when the wrong individuals get involved in organising matches in boxing and other sports. If I may speak in plain English, I could not care less what sport it is, but I recognise that we have to do everything we can to

prevent criminals being involved in sport. If individuals want to be involved, they should be squeaky clean and meet the standards that the community expects them to meet. The community expects that we as governments and oppositions will adopt the best legislation possible and the best measures possible to protect all sports. Unless we protect a sport, the sport will suffer. We have to keep it clean. I concur with that.

With those remarks, I conclude by saying that Labor will not oppose this legislation. Good work has been done by both the government and the opposition in drafting this bill. I am confident that the majority of people we represent in this chamber will welcome these measures because they go a significant way towards keeping this community, state and country clean. We should all be proud of this state and look after it.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise and speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. I particularly want to speak on the elements that deal with the confiscation of the property of a person involved in criminal activity or property that is suspected to have been unlawfully acquired where the owner cannot explain its lawful origin. These provisions deal specifically with unexplained wealth. This is a very important part of legislation when we are attempting to crack down on criminal activity. In attempting to gain assets, criminals infiltrate a number of different areas, and the best way to attack them is to target the assets they acquire.

Many people have said on numerous occasions that if you take away the cash, you take away the crime. That is what the Attorney-General and the Minister for Police and Emergency Services have been diligent in doing with this legislation, which goes to the heart and centre of where these criminals really feel the pain — that is, in the seizure of assets that they have gained over the time they have been working in criminal enterprises.

There are a number of elements to the bill, but the key element is that this is a powerful tool to disrupt and deter serious organised crime. Just as an example, we have seen an increase in the seizure of such assets over the recent period. In 2009, $18 million of assets were seized in Victoria; in 2010, $41 million; and in 2011, $97 million. In 2012 the assets seized from criminal activity included a Rolls-Royce.

In 2011 a joint task force between the Australian Federal Police, Victoria Police, the Australian Crime Commission (ACC), and the Australian Customs and Border Protection Service investigated somebody who was allegedly trafficking drugs throughout Australia. As part of its investigation it was able to seize $4.5 million worth of assets, including two residential properties, a light aircraft and three luxury vehicles.

The main change made by this legislation is to the burden or onus of proof. If people are convicted of illegal activities — for example, drug trafficking — carrying a sentence of five years imprisonment or more, and we cannot prove how their assets were acquired, the burden of proof is on the person who acquired those assets. If they cannot prove those assets to have been legitimately gained, the assets will be confiscated. That is a very important part of the changes made by this legislation.

We have seen examples where drug traffickers who are operating at a high level own properties across state borders. They might have some in Albury and some in Wodonga. They could be trading on either side, with the business in one side of the town and the assets on the other side of the town.

One of the things that the bill does is that it allows us to go to the heart of asking the key questions as to where these assets actually come from and how they were acquired. If they have been acquired illegally, they will be seized and sold off, and the proceeds will go back to the state.

In the past we have seen examples of organisations like CrimTrac which work right across the states. CrimTrac does a fantastic job in acquiring and using DNA to successfully prosecute cases through its intelligence-gathering mechanisms. CrimTrac and similar organisations are funded through the sorts of efforts that we are talking about here — through being able to take money that is being seized and apply it, in this instance, to the federal government, which largely funds CrimTrac. CrimTrac is a self-funded agency in that it is able to take money from the proceeds of crime and put it towards further criminal investigation and catching more of the bad guys.

We need to look at taking away the heart or key element of criminal enterprises — that is, the proceeds of crime. In the report of the inquiry that the Law Reform, Drugs and Crime Prevention Committee recently conducted into the supply and use of methamphetamines in Victoria, recommendation 23 is that the Victorian government continue to actively participate in the Standing Council on Law and Justice concerning the development of model unexplained wealth laws which would be suitable for implementation in Victoria and most effective for addressing organised crime in Australia.

This addresses the key element — that we need to have tough laws here in Victoria and to have those laws applied in the federal sense, which they are. We also need cooperation between the states, the federal government and the agencies that are involved to properly prosecute and target where the cash is, because we know in many instances that somebody who may have a boat, a car or a whole lot of other assets might be applying for social service benefits and may appear to be reliant on those benefits, so we need to be able to go through some of the federal agencies for intelligence-gathering purposes. We also need information from the Australian Tax Office in terms of further intelligence gathering. Both of these issues concern federal jurisdictions, so we need cooperation from the federal government with some of this stuff.

It is absolutely imperative that we have these sorts of capture laws. In the example I gave of the ice inquiry, we heard from lots of people that if we only had the sorts of laws that are proposed here, it would give Victoria Police and other agencies more power to go out and properly investigate, seize assets and take people to task.

If you look at the Trident task force, which tackles crime on the waterfront, you see it participated in the seizure of hundreds of illegal commodities. The sorts of enterprises we are talking about involve in excess of $5 billion of untaxed wealth that is being traded illegally, and assets being gathered from these individuals.

An article in the *Herald Sun* just a few weeks ago mentioned that more than 20 criminals or syndicates operating in Australia generate more than $100 million each per two-year period, according to ACC chief John Lawler. Many are high-threat criminals. It is about organised crime, and they are large groups that are very planned in what they do and how they go about conducting their activities. But in many instances that does not matter. Even if you take away the drug capture, when we are talking about drug trafficking, they can always make more drugs, and they can always trade them. That is the easy way. The hard way is taking away the cash because once you take away the cash then it is very hard for them to continue their business operations. Seizing assets and cash cuts illegal traders at the knees, and that is the best way for us to look at reducing crime in Australia and protecting Victorians who are unfortunately the innocent victims of many of the illegal activities being perpetrated. I commend the bill to the house.

Ms GARRETT (Brunswick) — It is with pleasure that I rise to make a contribution in the debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. The bill contains a range of provisions that deal with numerous acts, but the central element of the legislation, as we have heard from previous speakers and from the lead speaker for the opposition, the shadow Attorney-General, who set it out in great detail, relates to unexplained wealth laws and the nature of those who profit from criminal activity. The effect that has on our community is deep and highly damaging. Obviously when those who are able to splash the cash from nefarious activity do so, it encourages others to participate in such activity. It also encourages those who have engaged in criminal activity to continue and expand their businesses to create further wealth.

Significantly it is also a morale sapper for those in the community who are fighting criminals and criminal activity — our law enforcement officers who day in, day out toil to catch those who are doing the wrong thing and causing great harm to our community. They often find themselves disheartened and caught up in lengthy court processes not just around proving the criminal activity of those who have been charged but also in trying to untangle the often complicated web of assets that people have established to avoid having the proceeds of crime seized. This can go on for years, and in the meantime those who are alleged to have engaged in criminal activity continue to live high on the hog as a result of other people's misery.

It is also a morale sapper for the broader community, for those of us who go to work every day, and pay taxes and hopefully do not inflict harm on others. To ordinary Victorians such as ourselves, to see those who have clearly profited from crime enjoying those spoils is a deep indictment of our community.

The legislation is welcome. It brings Victoria into line with other Australian jurisdictions. Its central focus is to switch the burden of proof in relation to unexplained wealth. Clearly parliaments do not switch burdens like this lightly. We have a democratic Westminster system, and our justice system relies on the fact that the state has to prove its case, but in certain circumstances significant exceptions are made.

It is important to note that while this is a significant step to take, it is not wealth that is unexplained that is grabbed without any recourse to the individual to whom the orders relate. If the individual in question can prove that the money they are spending came from legitimate income sources, then well and good; the money remains theirs. There is the threshold of requiring some reasonable suspicion on the part of officials to pursue these matters. Once that reasonable suspicion has been

established in accordance with the provisions of the bill, the holder of wealth will be required to prove its lawful origin on the balance of probabilities.

In my previous life as an adviser to former Premier Steve Bracks in the justice area I visited some of the warehouses where proceeds of crime were being housed. There were rows and rows of Maseratis, Porsches and the like, and that was just the tip of the iceberg of the proceeds of crime that remain at large.

The opposition does not oppose the legislation. We think it is right and proper that Victoria be in line with other jurisdictions. We believe it goes a long way not just in terms of taking ill-gotten gains away from those who are currently enjoying them but also hopefully in acting as a significant deterrent to others and a morale booster for our law enforcement officers who are on the front line in tracking down criminals.

That is not the only aspect of the legislation. It also addresses community correction orders and specifies maximum periods for them. This government's approach to law and order, including the issue of community correction orders, has been a complicated one, and on this side of the house we would say it has been an abject failure, with overcrowding in prison cells and police cells in the lead-up to people having their day in court. The phoney tough-on-crime approach has stretched the system, and the bill will do little to address that.

The bill also makes provisions regarding assaults on registered health practitioners and creates an offence of assaulting a registered health practitioner. A registered health practitioner can include a GP, nurse, midwife, dentist, pharmacist, physiotherapist or psychologist where that assault occurs in the course of the health practitioner providing care or treatment. Under the provisions of the legislation the offender must have known or been reckless as to whether the victim was a registered health practitioner, but tellingly they do not actually have to know the particular status of that practitioner's registration. Clearly this is a major issue in our community.

A growing concern we have been grappling with in this house is the prevalence of the drug ice in our regional communities and cities and the disturbing behavioural impacts it has on its addicts and users. We hear time and again about users being admitted into emergency departments or local health facilities, wreaking merry havoc and not remembering what they have done. Users have enhanced strength while on this methamphetamine and are highly aggressive and sleep deprived. I know it is extremely frightening for people working in our health system to be confronted with this when they are trying to treat people and address their health concerns, particularly in the chaos of emergency departments or other health services where they are dealing with multiple people who are clearly in extremis or vulnerable. This is a major issue confronting our community.

I would like to acknowledge the work of the Leader of the Opposition, who recently brought out a very clear package of reforms confronting this issue, and also the work of the parliamentary Law Reform, Drugs and Crime Prevention Committee. I know the member for Niddrie and others spent months travelling the state hearing from people, including health practitioners, about the impact this drug is having on our community. The provisions in this bill regarding the assault of health practitioners, particularly in the context of this heinous drug, are to be welcomed.

We do not oppose the amendments proposed by the government to this legislation regarding computers and access to data by law enforcement agencies in the context of people who are participating in appalling activities through the internet. We do not oppose those provisions at all; in fact we welcome them and hope they play a part in what is clearly a growing issue worldwide. We condemn those people both here in our community and internationally who engage in such heinous activity, particularly regarding children.

In summary, we in the opposition do not oppose this legislation. We welcome the reforms regarding unexplained wealth. We believe they will make a difference in terms of dealing with criminal activity, deterring further criminal activity and providing a significant morale boost for those on the front line fighting that activity.

Mr CRISP (Mildura) — I rise to support the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. I welcome our friends from across the chamber not opposing this bill because there are significant issues at play here, and we will deal with those once we have looked at the objectives of the bill.

The bill introduces a regime for the confiscation of property of a person involved in criminal activity or of property that is suspected of having been unlawfully acquired, where the owner cannot explain its lawful origin. The bill will permit Victoria to participate with other jurisdictions in sharing these assets should they be successfully legally confiscated.

The bill also makes a number of other changes to various bills regarding community correction orders;

creates a new offence of assault of a registered health practitioner who is providing care or treatment on duty; clarifies the rules around interpersonal safety intervention orders; clarifies that courts can provide unedited sentencing remarks to the Sentencing Advisory Council in sexual assault cases; clarifies appropriate procedures when a potential juror has been stood aside by the Crown; clarifies that the road safety camera commissioner is permitted to respond to requests from the public for information about road safety cameras and the system; clarifies the ability of the Director of Public Prosecutions to appeal to orders made under the Crimes Act 1958; clarifies who is considered to be a 'prohibited person' under the Professional Boxing and Combat Sports Act 1985; and makes all the consequential amendments that flow from that.

This is important legislation, and I am going to focus on only two aspects of it. They are the confiscation of assets from ill-gotten gains and the need to keep our health practitioners safe. The system will now have to determine — and we need to create a legal structure to determine — whether property has been gained by unlawful purposes. That will then require a change in onus, and that is for the property owner to explain to the court how the property was lawfully acquired. There are a number of ways in which the property can be explained. If it can be reasonably explained, then it should be.

In this legislation we are not endeavouring to make it too easy for someone to be called to account here. There must be reasonable suspicion that the assets have been unlawfully acquired. The bill defines serious criminal activity, which consists of one or more offences under schedule 2 of the Confiscation Act 1997. These are serious criminal offences which can lead to forfeiture of property. Any offence that is punishable by five years imprisonment or more is the type that can generate or conceal criminal wealth. Certain other offences punishable by less than five years imprisonment include offences involving the unlawful sale of firearms and an offence of dealing with a property suspected of being the proceeds of crime. Of course there are interstate and commonwealth offences that correspond to Victorian law.

It is probably wise to look at why this scheme is necessary. Existing mechanisms within the Confiscation Act provide for the confiscation of property when the prosecution can establish that the property was derived from a criminal offence and that persons involved in organised crime have been able to mask the source of their wealth by a variety of means, such as placing their wealth in the hands of persons distant from the offending and by intermingling the proceeds of lawful and unlawful activity. These tactics can frustrate and limit any attempt by the law to trace such property or wealth. The proposed unexplained wealth rule will place the burden of proof on the owner of property to show that his or her property was lawfully acquired, and the prosecution will not be required to link that property with a particular criminal activity.

This legislation shows that the coalition government wants to be tough on these crimes. In particular I refer to the current situation that has arisen through the presence of the drug ice in our community, including my community. Members of this government want to tackle the issue of ice at a community level as well as at the legislative level. If the people who deal in these drugs get you, then your lifestyle will be based on misery, and members of the coalition government are not going to stand for that.

We are going to toughen up the laws. If people have ill-gotten gains, they will lose them and have to answer questions about how they acquired them. This is absolutely essential. It is important to send such people the message that they are not welcome in our community if they live off the proceeds of crime, particularly drug dealing.

I often use a triangular diagram to illustrate how we should respond to the use of illegal drugs in our community, and in particular ice. At the top of the triangle is law enforcement. We need to empower our police to deter people from being involved in dealing in drugs. On the second side of the triangle is prevention. Through the use of educational programs, people in our communities are working very hard to prevent other people from getting involved with drugs — that is, through taking away the market for drugs. We need to prevent drug dealers from acquiring the money and resources they need to deal in misery. As I said, the preventive approach is education based. The third side of the triangle is about treatment for people who have become dependent on drugs. All of these areas are complicated, and this bill deals with only one corner of the triangle — that is, toughening up on enforcement.

On the subject of treatment, we already have legislation in place to protect health practitioners and to deal with people who act inappropriately or violently towards health practitioners. My wife is a nurse, so I know that the issue of people behaving inappropriately has been of concern for a very long time in hospitals and health services. In order to make all of this stick, we have had to insert a definition of health practitioner into the law, and create new summary offences for assaults

committed by patients. Of course these offences have to be balanced with a patient's right to refuse treatment. We have all heard stories of what can happen when people are affected by drugs, particularly ice. Often such people find themselves in highly charged situations and, for one reason or another, end up in hospital where they have to be dealt with by hospital staff. I know that drug-affected people are struggling in many ways, but we must also protect the people who dedicate their lives to treating drug-affected people and saving their lives.

I have little sympathy for people who are violent or even abusive to health professionals. This part of the bill will improve that situation by creating new offences. In many ways this legislation is not dissimilar to the legislative work we did recently to protect emergency services personnel. This legislation will deal with matters relating to people who peddle misery and will protect some of those people who have to assist in tidying up the effects of that misery.

This is good legislation. We are sending a very clear message to people, particularly those involved in the drug trade. The message is: you are not welcome in our communities; we do not want you here; we will pursue you; and we will certainly be as tough as we have to be to stamp out this scourge within our community. I commend the bill to the house.

Mr BROOKS (Bundoora) — It is a pleasure to join the debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. As the lead speaker for the opposition has already done, I indicate that Labor will not oppose the bill. In their contributions to the debate on the bill a number of speakers focused predominantly on the lead part of the bill, which relates to ill-gotten gains of criminal behaviour. Given that that section has been focused on, I intend to focus on part 9, which inserts a number of new offences into the Summary Offences Act 1966 relating to the assault of registered health practitioners.

At the outset I should declare an interest, as did the member for Mildura. My wife is a nurse, and other members of my family are also in the nursing profession, so I am acutely aware of the concerns that exist in that profession and in the medical profession more generally. I believe you yourself are, or were, a nurse at some stage, Acting Speaker. There is a concern that exists in the profession for the safety of health professionals and for the elimination as much as possible of violence against health professionals. We need to remember that by the very nature of the work they do health professionals are involved in caring for other people. Their daily jobs involve putting the needs, interests and care of other people ahead of their own interests.

That is backed up by research. An Auditor-General's report of November 2013 entitled *Occupational Health and Safety Risk in Public Hospitals* identified the fact that a large proportion — the majority — of people who worked in the health profession and who were surveyed for the purposes of that report were concerned about their safety in relation to these sorts of attacks. It also found, however, that only around half of those people would take themselves out of harm's way, because they are — this is my view; I am asserting this — more concerned with doing their job and looking after the people with whose care they are entrusted.

This has been an area of concern for some time. There have been numerous media reports about the impact of violence on our health professionals. We have seen a range of suggested initiatives and changes made by the current government, going back to a promise made by government members when they were in opposition, before the last election, to put armed security guards in hospitals. That was of course quite sensibly dropped after the Parliament's Drugs and Crime Prevention Committee reported on violence in hospitals and other health facilities and recommended against that proposal. That was a sensible response on the part of the government.

It is a shame that, as far as I am aware, the $21 million that was earmarked for the implementation of that policy was not then provided in full for safety measures for health professionals working in hospitals and other settings. It would have been good had the government come good with that $21 million. The government allocated a small portion of the $21 million, but if it had allocated the full amount, it would have gone some way to reducing the problem that is experienced by so many nurses and other health professionals.

As another personal anecdote, my niece, who recently graduated with a nursing degree from university, was assaulted twice while doing her work in her first year at a major Victorian public hospital. That caused her to consider whether or not she would continue in the profession. Luckily she decided to continue in it, but that goes to show the serious nature of the problem, in which young people, most often young women, are put in danger in their work.

As I said earlier, the Auditor-General reported on this issue in 2013 and surveyed over 3000 people with a range of occupations who worked in public hospitals. It was found that the majority were concerned about

safety and about being injured in their current job. One of the key factors in that report was the finding that people having enough resources to do their job properly was a critical factor in determining whether or not they could prevent themselves being injured in those sorts of situations. There is a clear link here between the resources that are provided in hospitals and in our health system to support the people doing this important work and the level of injuries that have been sustained and unfortunately will continue to be sustained unless there is an improvement in the level of resourcing in a whole range of areas in health.

In its report on this important issue, the Drugs and Crime Prevention Committee considered the causes of violence in healthcare settings and identified five major subgroups of causes: drug and alcohol use and abuse, not surprisingly; mental health conditions; organic or other medical conditions or illnesses; situational or environmental factors; and organisational culture. An interesting part about all those types of issues is that they are all issues that can be addressed or changed. None of them are areas that cannot be managed better. It would be foolish to suggest we could ever eliminate incidents of violence from health settings, but all of those key factors that have been identified as causes of violence in our hospital and other health settings are areas that could be better managed with better resources.

That report also found that over 77 per cent of violent events in the health system were committed by patients as opposed to being committed by other people who may be in those settings — relatives or employees. There was a gender issue involved in that males were the highest proportion of those offending against hospital staff. The Drugs and Crime Prevention Committee report goes on to look at the situations in which people become violent, particularly those where relatives and visitors were in hospitals. The top scenario identified was ward situations where nursing staff did not respond immediately to a request for attention. The third-highest class of scenario was where there were long waits in emergency or in outpatient departments or where appointments with healthcare specialists had been delayed or cancelled. The point I am making here is that it is all well and good to be introducing some related offences into the Sentencing Act 1991 — it is important, and I support it — but if the government wants to drive down the rates of these violent incidents in hospitals, it needs to take a serious approach to resourcing the health system properly.

Over the term of this government we have seen $800 million taken out of the health system here in Victoria, and that will be exacerbated by the cuts coming from the federal government. We have seen $129 million already in one year — —

Dr Sykes interjected.

Mr BROOKS — No, Bill, this is your mate Tony Abbott. We have seen $129 million ripped out — —

Dr Sykes interjected.

The ACTING SPEAKER (**Ms Ryall**) — Order!

Mr BROOKS — Thank you, Acting Speaker, for providing the protection of the Chair. We have also now been able to extrapolate examples to show what those federal government cuts will mean to individual hospitals. For example, at one of my local major public hospitals, the Austin repatriation hospital in Heidelberg, the federal government's cuts will mean $63 million lost until 2017–18. In terms of providing resources to protect health professionals we need to be making sure that funds are provided to our health system at the state level and are not cut out at the federal level, but unfortunately we are not seeing that enacted by either level of government, either in Victoria or in Canberra.

I could go on to look at all the other areas of funding that contribute to a safer community. There is community mental health funding. This government has of course defunded the community mental health services at St Mary's House of Welcome just down the road.

Something I have spoken about in this house many times is drug and alcohol education in schools. The previous speaker, the member for Mildura, highlighted the importance of education in relation to issues around drug use, and although he was talking particularly about concerns around use of the drug ice, on drug use generally one needs to remember that this government has removed all 18 drug education specialists from the education system, which is probably one of the most short-sighted things a government could do. So whilst it is good that these offences are being included, this is a very complex problem which is too serious to ignore. It cannot be fixed with the stroke of a pen or through this act. We need more resources.

Mr MORRIS (Mornington) — I am pleased to rise to support the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. This is as much of an omnibus justice bill as we have seen in the house for quite some time because, as others have mentioned, while the central aspect is the changes to the confiscation regime, a number of other matters are contained in it. Part 2 of the bill amends the Confiscation Act 1997 to introduce a new section

regarding the restraint and forfeiture of unexplained wealth. Part 3 contains amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 regarding the Director of Public Prosecutions rights of appeal. Part 4 amends the Judicial Proceedings Reports Act 1958, which provides the capacity for the Magistrates Court to provide unedited sentencing remarks in sexual assault cases to the Sentencing Advisory Council and the Judicial College of Victoria. There is, of course, a general prohibition on the provision of that information, but it is appropriate that the council and the judicial college have access to that primary source of information.

Part 5 amends the Juries Act 2000 with the intention of making it quite clear that a potential juror who for some reason has been required to stand aside by the Crown cannot be empanelled on the jury in that trial. Part 6 amends the Personal Safety Intervention Orders Act 2010, which inserts a new part of the act to provide that the Dispute Settlement Centre of Victoria may be given access to records and documents held by the Magistrates Court for the purpose of determining whether a matter it may be considering is suitable for mediation. Part 7 is an amendment to the Road Safety Camera Commissioner Act 2011, which provides an addition to the list of statutory functions of the road safety commissioner, and that addition is the provision of advice about the operation of the road safety camera system to members of the public. That is a welcome change as well. There are changes proposed in part 8 to the Sentencing Act 1991 to make it clear that the Magistrates Court can impose a single aggregate community correction order — and that provision is not entirely clear at the moment — with a limitation of five years on the total period of the order.

Part 9 amends the Summary Offences Act 1966 to provide for a new offence of the assault of a registered health practitioner. If time permits, I will come back to that measure as well. Part 10 includes some consequential amendments to the Confiscation Act 1997, to the Sentencing Act 1991 and to the Drugs, Poisons and Controlled Substances Act 1981. Part 10 also includes changes to the Professional Boxing and Combat Sports Act 1985 such that a person who is convicted of a commonwealth offence and sentenced to a term of imprisonment of 10 years or more falls within the definition of a prohibited person. That is currently not the case, but it was certainly the intention of the initial act, and the bill merely clarifies the intent of the Parliament in that regard.

With regard to the confiscation provisions, as the Premier noted some time ago, unexplained wealth laws are a powerful tool. Obviously they need to be used properly, and that is why we have court oversight, but it is about deterring serious or organised crime and about disrupting its operation, as the member for Caulfield suggested. If you take away the cash and get it out of the system, that provides a reasonable disruption. The intent of these amendments is that if serious criminals cannot justify the source of their wealth, they will have to hand it over. Clearly anyone who wants to profit from organised crime needs to bear in mind that they are at risk of losing the lot — not just a bit of it or the bits that can be proved to have come from crime but the lot.

These remarks summarise the main aspects of the bill. It is in very large part about giving the police extra capacity in dealing with not only the big drug traffickers but also the front-line traffickers of a lower order. If you can put a bit of pressure on them and get them out of the system, it takes some pressure off the problem. As has been mentioned, this does reverse the onus of proof — the house and the community need to be aware of that — so in this case the practical effect is that a person who might be believed to have engaged in serious criminal activity or who is suspected of not having lawfully acquired property will have to explain how it was lawfully acquired, and if they cannot do that, it is forfeited to the state. They need to prove that they have not acquired it by nefarious means. If they are successful in that, they can hang on to their property. If they are not, they lose it.

The bill is very much about those sorts of serious offences, and it is very much about needing to establish to the court the lawful acquisition of property. It is not simply a power given to police; it is about having to explain things to the court. We are, if I remember correctly, one of the few jurisdictions outside of the ACT that does not have legislation of this type in place.

The bill has considerable safeguards. An unexplained wealth restraining order can only be made against someone who is suspected of engaging in defined serious criminal activity — not misdemeanours — or of owning property which, as I mentioned, has not been lawfully acquired. There is a reasonable threshold there, and that threshold has to be met before the process can even start. If assets are seized, there is also capacity for the courts to authorise that an allowance be made from the restrained assets for reasonable living expenses and legitimate business payments until the matter is settled finally. It is not about taking people out by default. Under certain circumstances they will still have access to funds until the matter is finally settled. In the same way, family members and others who can demonstrate they would suffer undue hardship from forfeiture will

be able to apply to the court for a payment from the forfeited assets.

The other part of the bill that is of significance is the issue of penalties for healthcare assaults. In earlier days in this Parliament we have dealt with legislation to protect emergency services workers and emergency workers in hospitals, but we need to extend that protection to other health practitioners working in the health system. Under this legislation offenders who assault health practitioners in hospitals or anywhere where they are providing care — not if it occurs out on the street, totally remote from the care setting; only if it occurs in a setting of care — will face up to six months in jail, which is double the penalty for common assault. That sends a clear message to the community that assaults on doctors and other health professionals are not acceptable.

Unfortunately my time is about to run out, so I will simply commend the bill to the house.

Ms D'AMBROSIO (Mill Park) — I am pleased to join this debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. As all speakers before me have explained, the bill seeks to provide a new scheme to tackle unexplained wealth. It takes existing asset confiscation laws to another level. It is very much in response to the sophistication of criminal activities and outfits in terms of how the proceeds of crime — that is, the wealth or assets that come out of criminal activity — are transacted.

Whilst existing asset confiscation laws have been very useful and successful, in some cases there have been limitations to the ability of police to follow the line of movement of assets that have been acquired through illegal or criminal activity through the various transaction points. This bill shifts the burden of proof onto the property holder — that is, the person who ends up with the wealth or asset at the end. Often that is the person who is at the top of or commandeering the criminal outfit or activity. These circumstances often come about in situations where criminal activities are conducted in an organised way. They are often the most difficult circumstances in which law enforcement agencies must collect evidence to demonstrate that assets that have been acquired unlawfully have been acquired through particular, identified and specific criminal activities.

Whilst criminal activity may happen along a chain, this bill seeks to provide a shift in the burden of proof to the end point — that is, where property or wealth may end up. This new paradigm shifts the burden onto a person who is reasonably suspected of having acquired or being in possession of an asset or wealth that has been derived from criminal activities. This is something that we support as an opposition. It is important that we understand that this is a more sophisticated response to criminal activities that are sophisticated in and of themselves.

We need to consider the fact that it is often these sophisticated criminal activities that cause obscene injustice and harm to the community. It is important for us to never lose sight of the fact that there are often important links between high-level organised criminal activity and people who are very much on the edge of society. Drug addiction is one issue that has been mentioned by almost all contributors to this debate. That is for very good reason; it is often people who are facing poverty or drug addiction who find themselves inclined to undertake criminal activity, often through theft or burglary.

There are a series of consequential impacts that affect other criminal activities that come about through organised crime, and they reverberate like a stone thrown into a pond. That reverberation is long and lasting and happens far from the original point of criminal activity.

It is therefore important that a more sophisticated approach be adopted to deal with the more sophisticated outfits that set up fences to separate those at the top who are orchestrating the deeds from those who are at the lower level and in a position where they feel they cannot but engage in those criminal activities. For example, drug addicts can often find themselves in situations where in order to sustain their own drug addiction they resort to ways of acquiring funds, which often leads to criminal activities occurring. This important extra tool will be given to police to deal with those more sophisticated examples of criminal activity.

The legislation seeks to provide some restrictions on the types of offences that are involved where a person is reasonably suspected of acquiring wealth or assets through criminal activity. The criminal activity needs to occur in a particular time frame, which is in the order of five or more years in terms of punishment. That is an important consideration for us. This is not about lower level offences; it is about a more serious level of offences.

The bill seeks to amend a variety of other pieces of legislation. In the short time I have available to me I would like to make some comments on the creation of a new offence related to the assault of a registered health practitioner while they are providing care or treatment.

The maximum penalty for that offence is six months imprisonment.

In recent times there have been several instances of attacks against nurses, doctors or other health practitioners which have been the subject of much public discussion. This has raised consciousness within the community of the need to provide further protection for those practitioners, who do a magnificent job, more often than not in very trying situations. They must deal with clients who are sometimes very ill, who have trauma attached to their presentation or who have mental illness present in a way that can be very challenging physically if not clinically to the practitioner. There is a view that added protection should be given to these terrific registered health practitioners so that they are able to go about their job in a way that provides them with that little bit of extra support and protection.

That is the aim. However, it is very important to complement this additional protection with improved support and resources to our registered health practitioners so that they can do their jobs more safely. That can sometimes mean additional resources by way of hospital beds or additional nurses to deal with the flood of people sitting in emergency departments or waiting on ambulance trolleys. These things all intersect to create pressure points and can sometimes lead to very violent outbursts by clients.

Whilst we welcome the creation of this new offence of committing an assault against registered health practitioners, it is very important that the government understand that other policies it pursues and applies — in particular where it does not provide the necessary resources to match the increased demand on our health services — all impact on the safety of our registered health practitioners. I ask the government to reflect on its cuts to services — which has sadly been its hallmark — and instead give in a practical sense better protection to our registered health practitioners. With those few words, I indicate that the opposition does not oppose the bill.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to contribute to the debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. It is pleasing to see that the opposition does not oppose this bill because it is a worthwhile step forward, particularly those amendments to the Confiscation Act 1997 that establish a scheme for the confiscation of unexplained wealth. Most importantly the bill supports the government's commitment to enforcing a zero tolerance approach to organised crime, which is of major concern to Victorians.

The amendments will ensure that Victoria remains hostile to organised crime and that its confiscation laws are consistent with those of other jurisdictions. All states and territories except for the Australian Capital Territory and the commonwealth have unexplained wealth laws. Victoria has proudly led the way on many issues; on this one we have not.

I wish to focus on a particular part of the bill, which seeks to introduce a regime for the confiscation of property of a person involved in criminal activity — that is, property of a person for which that person cannot explain its lawful acquisition. In the last couple of weeks some fantastic work has been done in my area by our local drug action group, Victoria Police, Ambulance Victoria and other members of the community in relation to methamphetamine or ice. A lot of people have said to me, 'Why don't you do something about the unexplained wealth that these pushers and distributors are getting from the sale of ice?'.

This is one way that we as a government can do something about protecting our communities and, more importantly, making sure that people out there who do the wrong thing do not get the opportunity to create wealth at the expense of other people. The bill will also give police and law enforcement agencies the opportunity to take away unexplained wealth.

The bill amends the Confiscation Act 1997 to establish an unexplained wealth scheme — that is, a scheme for the confiscation of property from a person who cannot explain its lawful acquisition. It could be a property, a car or a speedboat — it could be a lot of things. A lot of people ask, 'How is that person who has a job that is earning them $50 000 to $60 000 a year and a couple of children making this unexplained wealth?'. There are many other parts to this bill, but I not will go into too much detail about those.

This unexplained wealth scheme will work because it will allow the Office of the Director of Public Prosecutions (DPP) and the police to seek a court order restraining property and requiring that the owner of the property explain to the court how the property was lawfully acquired. There are two ways in which the restraint of property can be sought. The first is to allow the restraint of some or all of the property of a person who is suspected on reasonable grounds of having engaged in serious criminal activity. That would not be hard to do, I would have thought, but the current laws we have do not allow for this to happen. The second

way of doing this is to allow for the restraint of specific property that is suspected to have been not lawfully acquired. I am sure that the DPP, the police and others will take into account what wealth is actually required by the offender, whether it be for raising a family or conducting their day-to-day activities. This is a very good piece of legislation that will stymie some of the work of pushers and traders of drugs like ice.

If a person whose property is restrained cannot explain how it was lawfully acquired, the property will be forfeited to the state. I heard the previous speaker ask if it is fair to reverse the burden of proof in these matters. It is not unreasonable to expect a person with an interest in a property to be able to explain how they acquired that property. There are a lot of ways that police and others can do that, and I think it is important that the police, the DPP and others can do these things. However, as you know, Acting Speaker, in the current circumstances it can be very difficult for the police or the DPP to trace the ownership of a property, particularly in circumstances where the owner has taken steps to obscure the ownership of that property. These laws will help to address some of those concerns.

A lot of people have asked why this scheme is necessary. As other members of this house have mentioned tonight, the existing mechanisms under the Confiscation Act that allow for the confiscation of property where the prosecution can establish that it was derived from a criminal offence can be avoided by persons who are able to hide the source of their criminal wealth. They can mask the source of their wealth through a variety of means. They can do it through their organised crime networks, they can place the wealth in the hands of persons who are distanced from the actual offence and they can intermingle the proceeds of lawful and unlawful activity, mixing it all up. These tactics can frustrate the DPP and the police, and any attempt by law enforcement to link criminal wealth with criminal offending has been difficult under the current laws.

I think this is common-sense legislation, and I am pleased that the opposition is supporting it. Our philosophy on this side of the house has been to address these matters with a zero-tolerance approach, and I think this government has taken a leading role in this regard. I want to compliment the Attorney-General on the work he has done. I know he is a very active member in relation to this subject. The amendments to the Confiscation Act will support the government's commitment to a zero-tolerance approach to these activities, which really are a scourge on our community. With those few words, I am pleased to support this very important bill.

Mr WYNNE (Richmond) — I rise to make a contribution in relation to the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. As has been indicated by the lead speaker on our side, we will not be opposing the bill. The main purpose of this bill is to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme in Victoria similar to those that exist in other jurisdictions. Additionally, this bill amends a range of other acts with various aims.

In short, the bill clarifies the jurisdiction of the Magistrates Court in relation to community correction orders, and I will come back to that. It increases protections for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010. It allows for the disclosure of certain information to the Sentencing Advisory Council and the Judicial College of Victoria — a very helpful initiative of the previous Attorney-General, Rob Hulls — under the Judicial Proceedings Reports Act 1958. It makes changes to the allocation of jurors. It allows the Chief Commissioner of Police to respond to requests for information under the Road Safety Camera Commissioner Act 2011. It prohibits persons convicted of certain serious offences from holding licences under the Professional Boxing and Combat Sports Act 1985. It also makes some consequential amendments to other acts.

The real heart of this legislation goes to the question of unexplained wealth. Of course we often see on evening television news bulletins that the police have raided somebody's property. They have come with their trucks and so forth, and we see they have been filmed wheeling away Harley-Davidson motorcycles, very sharp-looking motor vehicles, boats and heavens knows what else.

Mr Herbert — Caravans.

Mr WYNNE — Caravans as well, as my colleague indicates. They seize all sorts of stuff. Even at first blush you would ask, 'How did you get that? How do you explain this?'.

Honourable members interjecting.

The ACTING SPEAKER (**Mr Crisp**) — Order! The member for Richmond, without assistance.

Mr WYNNE — I will ignore that spurious interjection. Not surprisingly to members of the public, this is a very curious thing. As the member for Broadmeadows indicated by way of interjection, how do you explain this wealth when you are unemployed? This bill does propose to bring Victoria into line with

other jurisdictions and to prevent criminals from taking advantage of this existing gap in Victorian law.

The bill effectively reverses the existing burden of proof in relation to wealth that is suspected of being the proceeds of crime. At present, law enforcement officials must trace wealth to its source in order to establish its unlawful origin. The onus is on the police and the prosecutorial process to establish where these items have come from. Under this bill, once reasonable suspicion has been established — that is, you have gone to the place, you have raided the house, you have charged somebody and you are wheeling away all these items that have been stored in the garage, which you would have to assume is grounds for a pretty reasonable suspicion — the holder of wealth will be required to prove its lawful origin on the balance of probabilities. The onus of proof will be reversed and will now be on the alleged offender to justify how they got their wealth — how they got the Harley-Davidson, how they got the flash car or how they got the nice boat — when it would appear that they do not have any gainful employment or indeed any legitimate means of sustaining themselves. Once a court is satisfied of reasonable suspicion it can put in place an unexplained wealth restraining order. The asset is restrained until the matter is dealt with, quite appropriately, within the proper judicial processes. It effectively prevents the accused from disposing of assets under suspicion. Also, as you would expect, it is appropriate that an allowance be made for reasonable living and, if a legitimate business is being conducted, for that business to continue to be undertaken.

If lawful origin cannot be established, the property will be forfeited to the state once a restraining order has been in place for at least six months. There is a period of time within which these matters can be ventilated and investigated and for the alleged offender to justify where these items came from, explain how they have been acquired and satisfy the processes in relation to that. Where Victoria assists the commonwealth in the investigation of criminal assets, Victoria will be able to share in proceeds recovered along with other states. That is often the case with interjurisdictional efforts in relation to drug trafficking and other matters for which there is often a joint task force between the commonwealth and state governments. I think that is a further strengthening of the opportunity for the very cooperative arrangements that obviously exist between the different jurisdictions.

In the short amount of time that I have available I will go to the amendment relating to stalking and related offences. We on this side of the house think that this is a very important amendment, and we very much support it. It is particularly important for the protection of predominantly, though not exclusively, women who find themselves in the invidious situation of being stalked. It will allow the Dispute Settlement Centre of Victoria to request documents from the Magistrates Court relating to a personal safety intervention order for the purposes of determining whether or not the matter is suitable for mediation. Some matters can be mediated, but sometimes they do require further orders from the court. As a general proposition if you can mediate in circumstances in which the parties are known to each other, it often leads to a much better, more satisfying and more sustainable outcome for both parties.

The final issue I will briefly touch upon is the assaulting of registered health practitioners. The bill will create the offence of assaulting a registered health practitioner, including a GP, nurse, dentist, pharmacist, physiotherapist or psychologist, in the course of their providing care or treatment. The maximum penalty will be six months imprisonment. The defendant must have known or have been reckless in discovering that the victim was a registered health practitioner, but they do not have to have known the status of the health practitioner's registration.

As we know, the casualty wards of our hospitals are tough places. These are places where health practitioners are under enormous pressure day in, day out — and other colleagues in this debate have ventilated the really crucial issues that are confronting health practitioners, including the ambulance ramping at emergency wards that puts our casualty ward staff under enormous pressure. This is already an environment of heightened tension for people who are attending for treatment, often in emergency situations and with family members terribly distressed by it all. It is an environment of very heightened tension. At least in this bill we do acknowledge that we must protect these health practitioners who are trying to help and trying to do their job or undertake their duties without the threat of being violently assaulted in their workplace.

We do support that, but by the same token there is an obligation upon the state to resource these hospitals and emergency departments adequately and, frankly, to settle the ambulance dispute. This dispute has been going on for far too long. Our ambulance personnel put themselves on the line day in, day out. The ramping at hospitals is utterly unacceptable, as is the pressure that then flows into casualty wards to create an environment of heightened tension in which people are trying to do their jobs in situations that are terribly stressful from the point of view of medical practitioners, support staff and patients waiting to be serviced. We ought to address

these fundamental concerns in order to support our health system adequately.

Ms HALFPENNY (Thomastown) — I also rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. As previous speakers have said, this bill amends various pieces of legislation, which I will quickly outline. It amends the unexplained wealth provisions in the Confiscation Act 1997 to provide further methods for pursuing the confiscation of unexplained wealth. It amends provisions relating to community correction orders in the Sentencing Act 1991. It makes amendments to the Summary Offences Act 1966 in relation to the assault of registered health practitioners. It makes amendments to personal safety intervention orders to support victims in cases of stalking. It makes amendments to the Judicial Proceedings Reports Act 1958 regarding the disclosure of certain information to the Sentencing Advisory Council. It amends the Juries Act 2000, the Road Safety Camera Commissioner Act 2011 and the Professional Boxing and Combat Sports Act 1985, and it makes a variety of consequential amendments to various pieces of legislation that have recently passed this house, such as the Mental Health Act 2014.

Many opposition members have provided detailed, eloquent responses to the main part of this legislation, which concerns the confiscation of unexplained wealth. I do not intend to concentrate on that issue, because as I have said, this legislation has several parts. I intend to focus particularly on amendments to the Summary Offences Act, which create two new specific offences related to assaults on registered health practitioners and which also double the penalties for common assault against people in such occupations in our hospitals and other health facilities.

In his press release dated 20 August, the Minister for Health said:

> Healthcare workers should not be subject to threatening behaviour, violence and compromised safety, and the Napthine government is supporting them to the fullest.

This statement relates to the bill we are debating and the Summary Offences Act. However, the minister's statement could not be further from the truth. This legislation is a pathetic attempt by the Napthine government to address a very serious issue, and health workers deserve a lot better. Does the Minister for Health really believe that merely increasing the penalties for common assault and adding the words 'registered health practitioners' fixes this problem in any way or makes the workplace safer for health practitioners? This is a cheap and superficial exercise in spin to make it look like the government is doing something to address this problem. If you talk to nurses, orderlies, ambulance workers, doctors and clinicians who work in this field, they will tell you that this will not fix the problem or make them safer.

In December 2011 the Drugs and Crime Prevention Committee of this Parliament released its report on its inquiry into violence and security arrangements in Victorian hospitals, which was conducted during the term of the current government. In response to that inquiry and the committee's recommendations, the government established an advisory committee, chaired by Bendigo Health CEO John Mulder. Also in response to the committee's recommendations, the Victorian Department of Health implemented a response to incidents of violence and aggression, known as the Code Grey standards. The Department of Health claims that these standards were intended to standardise responses to incidents of violence and aggression in Victorian hospitals. The document produced by the department in response to the inquiry, *Better Responses, Safer Hospitals — Standards for Code Grey Responses*, was distributed to all hospitals and health networks across the state. The document states that it standardises organisational responses to the prevention and management of clinical aggression. It states:

> These standards may also inform responses for the prevention and management of non-clinical aggression, such as that associated with visitors.

The document states that managing clinical aggression is an organisational issue that requires a broad response. This begins with prevention and extends to post-incident management of aggression towards, and assaults on, health workers within the hospital system.

In this document, the health department indicates that, based on the recommendations of the Victorian parliamentary report, all hospitals and health networks should have Code Grey policies and procedures. The CEO of Bendigo Hospital, John Mulder, was the chairperson of the advisory committee assessing the safety of health practitioners in hospitals and methods for preventing assaults on our health workers. Yet I have been told that no Code Grey policy has been implemented at Bendigo Hospital. If the chairperson of the advisory committee looking into the safety of health workers is not implementing at his own hospital the policies and procedures recommended by the committee, this makes a mockery of the government's claims.

I want to talk about violence in hospitals. It has always been unlawful and a criminal act to assault a health professional or any other person within a hospital.

There has always been a law that says that a health professional cannot be assaulted by visitors, patients or anybody else, yet I am informed that there have been very few successful prosecutions in relation to the assault of hospital workers.

It is also a very well-known fact, and has been the subject of inquiries, surveys and investigations, that most assaults against health practitioners go unreported. There are probably many reasons for this. There are always problems when it comes to assaults on health professionals, who want to look after their patients and have concern for them. There is probably concern around the possibility that the person did not really mean to do it — that they were not in a mentally fit state and therefore cannot be held accountable. There are all sorts of reasons that assaults may not be reported or prosecuted, but the fact is they do happen. We know it is a major issue. The government and the Minister for Health know it is a major issue, but it is not going to be fixed by doubling the penalties for common-law assault and putting the words 'health practitioner' in the legislation. We are not opposing this provision being put into the legislation — there is nothing wrong with it being there — but there is too much spin in the government's portrayal of this as the be-all and end-all in helping to prevent assaults against health practitioners within the hospital system.

About two years ago there was a terrible situation at the Northern Hospital where a patient died due to an inappropriate security response. This was due to a lack of training for security staff and the hospital not having a proper procedure in place to deal with violent patients. This is around the issue of violence against patients and the death of a patient — the coroner's report found that it was due to an inappropriate security response — but it highlights that you need proper training to protect both patients and hospital workers. You need a proper, motivated government and hospital management with a will to protect workers within the hospital system, and that will not be achieved just by a bit of pen and paper, writing a new law and putting it into the statute books.

Mr CARROLL (Niddrie) — I rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. As previous speakers have said, Labor will not be opposing this bill. The main purpose of the bill is to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme in Victoria similar to those that currently exist in other Australian jurisdictions.

Additionally the bill amends a range of other acts with various aims. It clarifies the jurisdiction of the Magistrates Court in relation to community correction orders under the Sentencing Act 1991. It increases protections for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010. It allows for disclosure of certain information to the Sentencing Advisory Council and the Judicial College of Victoria under the Judicial Proceedings Reports Act 1958. It makes changes to the allocation of juries under the Juries Act 2000. It allows for the police commissioner to respond to requests for information under the Road Safety Camera Commissioner Act 2011. It prohibits persons convicted of certain offences from holding licences under the Professional Boxing and Combat Sports Act 1985. It makes consequential amendments to other acts following the abolition of the offence of defensive homicide.

In my contribution I will focus on unexplained wealth laws, but like the member for Thomastown I also want to talk about the provisions relating to assaults on registered health practitioners. In relation to unexplained wealth laws, currently in all Australian jurisdictions other than Victoria and the ACT there is legislation that requires persons reasonably suspected of criminal activity or owning unlawfully acquired property to explain how they came about that wealth. The bill will bring Victoria into line with other jurisdictions and prevent criminals from taking advantage of the existing gap in Victorian law.

In effect the bill reverses the existing burden of proof in relation to wealth that is suspected of being the proceeds of crime. At present law enforcement officials must trace wealth to its source in order to establish unlawful origin. Under this legislation, once reasonable suspicion has been established, the holder of the wealth will be required to prove its lawful origin on the balance of probabilities. Once the court is satisfied of a reasonable suspicion it can put in place an unexplained wealth restraining order, effectively preventing the accused from disposing of the assets under suspicion. Allowance will be made for reasonable living and business expenses. If the lawful origin of the assets cannot be established, the property will be forfeited to the state once the restraining order has been in place for at least six months. Where Victoria assists the commonwealth in the investigation of criminal assets, Victoria, along with other states, will be able to able to share in the proceeds recovered.

I was pleased to be able to participate in the recent Law Reform, Drugs and Crime Prevention Committee inquiry into the supply and use of methamphetamine in Victoria. In evidence presented in camera but also more broadly the issue of proceeds of crime or unexplained wealth would come up regularly throughout the

10-month inquiry. I have a copy of volume 1 of the report of the inquiry in front of me. I am pleased that at recommendation 23 the committee recommended that the Victorian government continue its active participation in the Standing Council on Law and Justice concerning the development of model unexplained wealth laws that would be suitable for implementation in Victoria and most effective for addressing crime in Australia. This was an extensive inquiry.

To go to the heart of how that recommendation came about, the committee received some important evidence from Mike Sabin, director of Methcon Group Ltd. We were pleased to be able to meet with Mr Sabin. He is probably at the forefront of tackling methamphetamine in New Zealand. The New Zealand State Services Commission recently handed down a report to Prime Minister John Key that shows that New Zealand has been able to halve the rate of crystal methamphetamine use, a remarkable achievement. The work in New Zealand strongly informed this report. I also want to put on the record what Mr Sabin told the committee in relation to the proceeds of crime legislation, which aimed to deter crime by reducing the financial motivation for offending, thus making acquisitive property offending less profitable. He said:

> My strongly held view in terms of where you need to spend your resources in the criminal justice system is getting to the real kingpins and the traffickers and ensuring that you have proceeds of crime legislation and the ability to absolutely strip them of their assets and their finances. Those are the ones who should be doing some serious time because ultimately they are the ones who are profiting the most. Usually they are many steps removed from the average trafficker, who is simply a mule trying to sustain his own habit and doing the dirty work for the big guys.
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> The big guys definitely need to be taken down at every level. Going to prison is one thing, but I am telling you that taking all their assets — everything they own; everything they have earnt — hurts them equally as much, probably more in many respects. This is in addition to having effective proceeds of crime legislation that actually says to organised crime, 'We will do everything we can to target you financially as well as criminally and, if you are in that net, it's gone. Everything that you have worked for, everything that you actually care about — the proceeds of crime and money — goes back into your prevention, your education, your treatment and so forth'. There is a great ironic synergy in doing that. That is certainly something that New Zealand has picked up on, and I think it is a very effective tool because essentially what you get is a situation that is almost parasitical, where the drug user uses the proceeds of their own crime and diminishes their own ability to make more money.

Labor supports the legislation as a step in the right direction.

The Drugs and Crime Prevention Committee report on the nature of violence in healthcare settings shows that 77 per cent of violent offences are committed by patients. A section headed 'Patients as perpetrators' states:

> With regard to nursing staff, physical assaults were most commonly perpetrated by aged care (often dementia affected) or mental health clients, whereas verbal threats to nurses were inflicted by a wide spectrum of perpetrators including patients, visitors and relatives. Medical and security staff most commonly received assaults and threats in the emergency room or intensive care context particularly from patients with drug and alcohol or mental health conditions.

The Labor Party supports the government's moves to tackle the drug ice. It also supports moves to decrease violence in hospitals. In fact, in July Labor announced that an incoming Labor government will require hospitals to publicly report on violent incidents in Victorian health services ensuring public reporting on violent incidents establishes a simplified reporting mechanism for violence in hospitals. This is a step in the right direction. The public wants and expects transparency in our hospital system. In many respects nurses and hospital staff are regarded as the unsung heroes of our community.

An Auditor-General's report entitled *Occupational Health and Safety Risk in Public Hospitals* and dated November 2013 indicates, as the member for Thomastown said, that it would be good to introduce an offence to protect our hospital staff. But it is also about culture and changing workplace practices. When I read the Auditor-General's report I was staggered to learn that:

> At 30 June 2013, there were 84 public hospitals in Victoria with 98 446 employees. From 2007–08 to 2011–12, public hospital workers made 10 621 WorkCover claims. Only manufacturing and construction industry workers made more claims over this period. The WorkCover premiums paid by Victorian public hospitals is substantial, with over $80 million paid in 2012–13 alone.

The great work that goes on in our hospitals is clear from the report, as are the risks and the behaviour and the cost to the taxpayers from incidents of violence. The report of the Auditor-General says:

> The hospital working environment is complex and demanding and can pose significant risks to staff safety. The impact of poor occupational health and safety (OHS) is felt not only by affected staff but also by the patients they are treating. Therefore it was important for my office to examine whether public hospitals in Victoria are effectively managing OHS risk.
>
> Public hospital staff are being put at unnecessary risk. I found significant shortcomings in the daily management of OHS in public hospitals visited during this audit. Key issues include inadequate incident reporting systems, inconsistent follow-up

> and investigation of OHS incidents, and superficial analysis of root causes. A more systematic approach which integrates all aspects of safety management is needed.

I wish the legislation a speedy passage. I congratulate the government on bringing it forward. It is a step in the right direction.

Mr PERERA (Cranbourne) — I wish to make a short contribution to the debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. The main purpose of the bill is to amend the Confiscation Act 1997 and to establish an unexplained wealth confiscation scheme in Victoria. This is somewhat similar to acts in other jurisdictions in Australia. The bill also amends a range of other acts with various aims. However, I will restrict my contribution to speaking on the unexplained wealth confiscation scheme. In essence, if lawful origins of wealth cannot be established, property can be forfeited to the state after a restraining order has been in place for at least six months. People should be able to trace where large sums of money come from. If people cannot explain how they have accumulated their wealth, there is obviously some criminality involved in gaining it.

According to the president of the Sri Lanka Economic Association, senior economist
Professor A. D. V. de S. Indraratna, public sector corruption in Sri Lanka is a key factor driving poverty. He says that the country is losing two percentage points a year from resources to sleaze. These are very serious matters when you encounter widespread corruption and people making money in all sorts of ways they cannot explain.

Allowing people to create enormous unexplained wealth is a very dangerous thing. When wealth creation by any means becomes the norm of a society, taking part in criminal activity becomes standard practice. When people are recognised by their wealth in a society it is a dangerous thing. In some jurisdictions in developing countries some members of cabinet never deliver infrastructure projects unless they are provided with a percentage of the project as commission. This money can also be used in election slush funds and other unsavoury activities.

Labor wants to make sure that people who make their fortune through serious criminal activities do not keep it. We in the opposition are supportive of efforts to confiscate the proceeds of crime. At present crooks can hide evidence of their wealth through money laundering, making it difficult for the police to confiscate what are in fact the proceeds of serious criminal activities. This bill shifts the onus so that the holders of suspicious wealth are required to show its source is legitimate. That becomes their responsibility; it is not the responsibility of the authorities to prove otherwise. In most cases these people are unsavoury characters. They earn their money from hardworking Victorians through prank schemes, by drug trafficking, by making them drug users or in other unsavoury ways. Through the enactment of this legislation drug traffickers and other profiteering criminals will never be able to feel that their ill-gotten wealth is secure. They will lose the lot.

Unexplained wealth law is a potentially powerful tool to target and disrupt serious and organised crime. It is a tool to say that money creation by any means is not acceptable. The courts will decide whether the assets seized were lawfully acquired or not, just as the courts now decide whether or not suspected stolen goods were stolen. When criminal activities such as bribery become widespread, everybody from the lowest to the highest income level considers it cool to accept and give bribes and to be involved in drug trafficking or any other criminal matters as long as they create quick wealth.

There is a story about a Third World minister who visited his counterpart in a more developed Second World country. They had a conversation over dinner, and the minister from the Third World country was amazed at the extent of the luxury in the life the Second World minister was leading. He inquired, 'How did you attain this wealth? How do you manage to maintain this lifestyle on a public servant's salary?'. Then the minister from the Second World country said, 'Can you see that bridge through the window? That's 10 per cent' — meaning he got a 10 per cent commission on what he delivered.

Later the minister from the Second World country visited his friend in the Third World country. He saw that the minister in the Third World country was leading a much better life than he was. He was amazed, and inquired as to how his friend had gained this wealth. The minister from the Third World country told him to look through the window. The Second World minister said, 'I see nothing'. The minister from the Third World country said, 'Yes, that's right — 100 per cent'. So he got 100 per cent and delivered nothing.

I am sure in Victoria we will not get to that level of corruption, but if we do not pass this type of legislation and combat these sorts of unsavoury criminal wealth creation activities, one day it could come to that level, because once a person gets into creating wealth through criminal activities, that person needs power. That person needs public servants and law enforcement officers in his or her sights. People engaged in these

criminal activities will end up offering bribes to all levels of the public service because that is the only way they can maintain those activities. Once the criminal activity is at that level, passing this type of legislation would be difficult because lawmakers would run the risk of being attacked. Even if they could pass the legislation, the implementation process would be much more difficult because everywhere — all levels of government, all levels of society — would be corrupt.

I remember once asking a friend of mine here how his uncle, a minister overseas, was doing. My friend said, 'He's useless, because he's not earning for himself nor is he helping the family'. That uncle was not corrupt, and the attitude was that if he is not corrupt, he is not cool and he is not good, because in that society everybody expects people at that level to be corrupt. As recently as this week somebody told me, 'That minister is good. Even if he takes commission, he delivers things'. That is the difficulty of having been corrupted.

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

Mr HERBERT (Eltham) — It is my pleasure to rise and speak to the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014, an important piece of legislation. I begin my contribution by congratulating the members of the parliamentary Law Reform, Drugs and Crime Prevention Committee on the report entitled *Inquiry into the Supply and Use of Methamphetamines, Particularly 'Ice', in Victoria*, the recommendations of which have led to the introduction of this legislation. In particular I congratulate my colleague the member for Niddrie, who spoke on this bill earlier in the debate and gave some informed insights into the workings of the committee and the rationale behind some of the measures contained in this legislation. The committee did an excellent job and has provided a substantial report for the government. This report demonstrates yet again the importance of the committee process in this Parliament. The parliamentary committee process receives little attention, but it provides opportunities for people in the community to have real input into substantial issues that come before this Parliament.

This bill has come to this place on the back of the recommendations of the committee's report, and it provides for a range of reforms. The bill amends the Professional Boxing and Combat Sports Act 1985 to prohibit people who have been convicted of serious crimes from holding licences under that act; allows the police commissioner to respond to requests for information under the Road Safety Camera Commissioner Act 2011; allows the disclosure of information to the Sentencing Advisory Council and the Judicial College of Victoria under the Judicial Proceedings Reports Act 1958; clarifies the jurisdiction of the Magistrates Court in relation to community correction orders under the Sentencing Act 1991; increases protections for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010; and makes changes to the allocation of jurors under the Juries Act 2000. In effect, this bill tightens up provisions in a whole range of legislation.

A provision of this bill that has received substantial attention in this place and in the wider community addresses the issue of the proceeds of crime or, to be technical, the appearance of unexplained wealth. In the past when villains — let us call them that; they are villains in one sense or another — accrued a heap of assets and wealth, whether they were diamond rings, Porsches, holiday apartments in Byron Bay or even caravans and yachts, the whole gamut of wealth that people can accrue, the onus was on the law to prove the source of that unexplained wealth. It was up to the authorities, the government and the police, to prove whether such assets had been acquired through orthodox and legal means.

This bill reverses the onus of proof so that the people who own assets and are suspected criminals will have to prove that they acquired their assets through legal means. This is an important piece of legislation and addresses an important point of law. Basically it says, 'We are going to reverse the onus of proof. If you are a crim, if you have got your wealth through graft, if you have got your wealth through the misery of others, if you have got your wealth through illegal means, if you have got your wealth by preying on the misery of others in an illegal manner, then you are going to have to prove where you got that wealth and how you acquired those assets'.

That is a pretty good reform, because it says to a whole range of would-be criminals — even public servants, who may be in positions of power and may have enormous contracts under their supervision — —

Mr Wynne interjected.

Mr HERBERT — The member for Richmond has reminded me of recent media commentary about the department of transport. If such people seek to look after themselves through the discharge of their duties and break the law in doing so, and suddenly the authorities find out that they have an enormously valuable house on the foreshore in Brighton, for instance, or another of the wealthier suburbs of Melbourne, for which they have no justification, then the onus will be on those people to prove how they got

their money. If they have no job or no other legitimate means of acquiring real wealth, and there are suspicions that they are operating a crack lab somewhere in the bush — for example, by renting a country property or a farm where methamphetamines are being made and form part of a distribution chain — then the onus will be on those people to prove where they got their wealth from. This is a pretty important measure in terms of our law enforcement, and it will provide a great deterrent for people who would seek to break the law and get away with it with impunity. Let there be no doubt that we on this side of the house support this legislation.

The bill also provides safeguards. The state will have the right to hold assets for six months. People will not have to immediately prove where their assets have come from, but if they cannot prove that the assets acquisition has been lawful, they will forfeit those assets and they will be held by the state whilst any legal proceedings are underway. Then any ill-gotten gains may be distributed by law enforcement agencies or other means for the public good.

In the case of, say, joint federal–state or joint state strike forces that may crack down on illegal operations — particularly drug operations, a whole range of import operations or a whole range of cross-border illegal activity — provisions in the bill will ensure that proceeds from assets that are seized, sometimes incredibly valuable assets, will be shared across the jurisdictions that are concerned. Opposition members very much support this aspect of the bill.

The bill also contains a number of other important amendments, one of which concerns community correction orders. To cut a long story short, community correction orders will be extended from a two-year maximum penalty for a single offence or multiple offences to a range of penalties, ranging from two years for a single offence up to five years for three offences or greater. We support this. There are a whole range of potential multiple offence situations, and these should be treated differently to single offences.

It would be remiss of me not to point out at this stage in the debate that we have a major problem in this state with overcrowded prisons, given the lack of funding going into law enforcement. We have a major problem with rising crime in this state, and we have a whole range of problems with the policing of those major crimes. Whilst we welcome this change, it really comes as a result of the lack of action on the part of this government in addressing the confinement of criminals and the lack of prison capacity, and the government's lack of action on crime.

The other major element of this bill relates to the issue of assault of registered health practitioners. The bill provides protection to GPs, nurses, midwives, dentists, pharmacists, physiotherapists and psychiatrists who may be assaulted while undertaking their duties. It is a tough game being in casualty and even on the wards of hospitals. When I was in hospital about a year ago the man in the bed next to me was being incredibly aggressive, to the point of having to be restrained. I must say I felt sorry and a bit worried for the nurses who were trying to do their job with this very aggressive man. They ought to be protected, and this bill will protect them.

In saying that, I note that we have a major issue with the protection of health practitioners in our hospitals. The ambulance crisis, where people are ramped for ages. the lack of capacity of our emergency departments and the closure of beds on wards breed angst, and in many cases that angst flows out into violence. It flows out into violent actions committed by the very people health practitioners are trying to help. This bill is a result of that — —

Ms Victoria — On a point of order, Acting Speaker, the member is straying far from the bill, and I ask you to bring him back.

The ACTING SPEAKER (**Mr Angus**) — Order! I call the member back to the bill.

Mr HERBERT — I am very much on the bill, Acting Speaker. The bill relates to the assault of registered health practitioners, and I could not be any more specific than I was being.

Ms KANIS (Melbourne) — I rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. As the previous speakers from the opposition have stated, Labor will not be opposing this bill. The main purpose of the bill is to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme in Victoria similar to those that exist in other Australian jurisdictions. Additionally, this bill amends a range of other acts with various aims.

In relation to unexplained wealth, one of the great temptations of people who engage in crime and particularly in organised crime is the potential for financial gain from those activities. It is important that we ensure that people who gain financially from illegal activities in Victoria are not able to hide behind Victoria's laws to keep that gain. Unexplained wealth laws currently exist in all Australian jurisdictions other than Victoria and the Australian Capital Territory. They

require persons who are reasonably suspected of criminal activity or of owning unlawfully acquired property to explain how they came by their wealth.

This bill reverses the burden of proof in relation to wealth that is suspected of being the proceeds of crime. At present, law enforcement officials must trace wealth to its source in order to establish its unlawful origin. Under this bill, once a reasonable suspicion that the wealth was acquired unlawfully has been established, the burden of establishing the lawful origin of the wealth on the balance of probabilities rests with the suspect. That is very important because it is often very difficult for law enforcement officials to prove that wealth has been gained by unlawful means, and it should be very easy for people who have gained their wealth by lawful means to show they have done so.

I was initially concerned about there being potentially innocent victims of this bill and that some families of people who have benefited from crime may have been left without means of support. I was very conscious of the need not to leave innocent families, particularly innocent children, without a means of living as a result of something that is not their fault at all. I am therefore pleased to see that in this bill an allowance is made for reasonable living and business expenses. It is important to make sure we do not perpetuate crime within families, and one thing that certainly can lead to crime is poverty. I am pleased to see these unexplained wealth laws introduced in Victoria.

The other aspect of this bill I wanted to spend some time speaking on tonight is the provisions in relation to assault of a registered health practitioner. This bill creates an offence of assaulting such a practitioner. Registered health practitioners include GPs, nurses, midwives, dentists, pharmacists, physiotherapists and psychologists. The offence consists of an assault that occurs in the course of the registered health practitioner's provision of care or treatment.

Before I was elected to this place I was a lawyer, and I dealt with employment law. One of the most devastating matters that ever came before me was that of a health worker who had been assaulted in his job. I do not want to go into the details of what happened because it did receive some media attention at the time, but the impact of the assault on that worker was devastating. He had ongoing physical and psychological problems stemming from that assault and there were concerns about whether he would ever be able to work in his profession again.

Sometimes it is easy to underestimate the danger to our health professionals in undertaking their daily work, which involves caring for people. The vast majority of health practitioners do a terrific job in caring for people in Victoria, and it is fair and reasonable that they have some protection in that role because, as we know, people in the health system are often under extreme stress. Families of patients or the patients themselves sometimes feel vulnerable, upset and physically hurt, and unfortunately they sometimes take that out on medical practitioners. One only has to spend time in an emergency department on a Friday or Saturday night to know that they are not necessarily the safest places to be. It upsets me that we need security in our public hospitals here in Victoria, but it is a fact of life, and we need to ensure that we do whatever we can to protect our health workers. If this law goes some way towards helping protect our health workers in Victoria, then it is a good thing.

One of the other aspects of the bill is that the offence is not location specific. That means that health practitioners who perform their work off site will be covered as long as the assault occurs in the course of their work, and that is very important. Some health professionals, particularly physiotherapists and psychologists, undertake their work in isolated places from a single-person clinic or indeed from their own home, and it is important that they have protections. There was one very notorious crime committed against a psychologist here in Victoria. Fortunately the person who committed the crime is now in prison, but we need to ensure that our health practitioners are safe in undertaking their job.

Other aspects of the bill are not of particular concern to the opposition, but I will return to the confiscation laws. While we support the changes to those laws, we think it is important that police and courts have the resources to tackle crime effectively, particularly some of the crimes that are difficult to solve. Unfortunately this includes some of the crimes that allow individuals to accumulate vast amounts of wealth. We need to ensure that our law enforcement officers here in Victoria are properly resourced in that area. With those comments, I wish the bill a speedy passage. I would like to see that the amendments related to the protection of health professionals in particular go some way towards making a safer workplace for those practitioners.

Mr McGUIRE (Broadmeadows) — This bill provides a range of remedies. It helps address a number of different propositions we now face including, first of all, people's unexplained wealth, then also the increasing use of technology and the way crimes can be hidden within the dark side of the internet. It also goes to issues that we have to address about the drug ice and

the way that this curse is now affecting our communities.

Dealing with the first issue, if persons do not have any employment or clear means of having accumulated their assembled assets, how do we address the problem of how they accumulated their assets over a period of time? One of the issues that comes to mind is what is happening with ice and other drugs and the way they are now able to be peddled through the internet. I am reminded of a segment on the television program *60 Minutes* last Sunday night about how it is now possible to log onto a computer, buy drugs, have them home delivered, and it is extremely difficult to trace how they were bought, who supplied them and how the deal was done.

Increasingly criminals are able to use technology to get around previous laws. So in one way the legislation is trying to catch up with technology and with more sophisticated uses of technology by criminals who are peddling drugs that have a horrendous impact on our youth and on society, as has been shown by the reports recently submitted to Parliament. Unexplained wealth laws have long been an issue, ever since the days of armed robbers suddenly accumulating wealth, but they are even more important now. We have to be savvy in looking at how criminals obtain their money and build up their asset base, and then how they use it in a pernicious way, which particularly affects our youth.

Unexplained wealth laws exist in all Australian jurisdictions other than Victoria and the ACT, so this bill bridges the gap. Such laws require persons who are reasonably suspected of criminal activity or of owning unlawfully acquired property to explain how they came by that wealth. This reverses the onus by saying, 'How did you obtain this wealth over time if you have no legal means of either employment, income or wealth creation?'. The bill proposes to bring Victoria into line with other jurisdictions and prevent criminals from taking advantage of this existing gap in Victorian law. That proposition is welcomed and supported.

The current situation is that law enforcement officials must trace wealth to its source in order to establish its unlawful origin. Under this bill, once reasonable suspicion has been established, the holder of wealth will be required to prove its lawful origin on the balance of probabilities. This is a key point of the bill — Parliament needs to keep up with advances in technology, and this is a timely and necessary gap to bridge. Once the court is satisfied of reasonable suspicion, it can put in place an unexplained wealth restraining order, effectively preventing the accused from disposing of the assets under suspicion. An allowance will be made for reasonable living and business expenses, and this then provides the opportunity to have a look at the situation and test the validity of the claims of the person who holds the assets.

If the lawful origin cannot be established, the property will be forfeited to the state once the restraining order has been in place for at least six months. Six months is the period that has been suggested that is required to ascertain the validity of the assets. Where Victoria assists the commonwealth in the investigation of criminal assets, Victoria will be able to share in proceeds recovered, along with other states. That seems to be a pretty fair and reasonable proposition.

There are other provisions within the bill, and one I also want to go to is that which assists with the issue of assaulting a registered health practitioner. The bill creates an offence of assaulting a registered practitioner, defined as a GP, nurse, midwife, dentist, pharmacist, physiotherapist or psychologist, in the course of providing care or treatment. The maximum penalty is six months imprisonment. The offender must have known or have been reckless regarding whether the victim was a registered health practitioner, but the offender does not have to have known the status of the health practitioner's registration. The offence is not location specific, meaning that practitioners performing off-site work as described will be covered as long as the assault occurs in the course of their work.

We are trying to protect the people who do an incredible job in the community and who should not be placed in positions where they are assaulted. Again I raise the issue of ice and the particular nature of the aggression that occurs as a result of use of this drug. As a community and as lawmakers we are trying to work out the series of initiatives that need to be taken to address this new drug which is incredibly powerful and which at times has unbelievable impacts on people. Given the way it is being peddled throughout the community, ice is increasingly dangerous. It is being marketed through technology, which is greatly disturbing.

Other issues are drawn into this bill. The bill will allow the Dispute Settlement Centre of Victoria to request documents from the Magistrates Court relating to a personal safety intervention order for the purposes of determining whether the matter is suitable for mediation. As far as judicial proceeding reports are concerned, it is prohibited to publish particulars of a matter that may lead to the identification of an alleged victim of a sexual offence. This bill creates an exception on the prohibition in relation to disclosure of

information by courts to the Judicial College of Victoria or the Sentencing Advisory Council and vice versa to allow these bodies to carry out their statutory functions.

On the allocation of jurors the bill makes clear that a juror who has been required by the Crown to stand aside must not be empanelled on the jury in that trial but must be returned to the jury pool and empanelled in another trial. That seems to be a reasonable proposition.

The bill sets out a new function of the Road Safety Camera Commissioner to provide information to the public about the road safety camera system in response to requests for information by a person or body. That seems fair enough.

There are clauses that relate to boxing and combat sports licences. The bill will prohibit persons who are convicted of an offence carrying a prison term of 10 years from being issued with or having renewed a licence as a promoter, matchmaker, referee judge, trainer or timekeeper in boxing or combat sport contests in Victoria.

The bill makes consequential amendments to other acts following the abolition of defensive homicide specifically regarding introduction of complicity and the consequent abolition of the common-law doctrines of aiding, abetting and related concepts.

As has been outlined by previous speakers, Labor will not oppose the bill. I think this is bridging the gap between what we need to do as legislators to catch up with technology, chasing the assets and determining what is legitimate and what are ill-gotten gains. I commend the bill to the house.

Mr Wynne — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms DUNCAN (Macedon) — I rise to speak in support of the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. This bill does an enormous amount. It does not do a lot on any one thing, but it does a little bit on a lot of bills. I will run through those briefly. The bill proposes to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme. It amends the Sentencing Act 1991 to clarify the Magistrates Court's jurisdiction relating to community correction orders. I want to come back to that point. It amends the Summary Offences Act 1966 to create an offence of assaulting a registered health practitioner. I would like to come back to that in a moment as well.

The bill amends the Personal Safety Intervention Orders Act 2010 to increase protection for victims of stalking and other offences. It amends the Judicial Proceedings Reports Act 1958 to allow for disclosure of certain information to the Sentencing Advisory Council and to the Judicial College of Victoria. It also amends the Juries Act 2000 in relation to the allocation of jurors. It amends the Road Safety Camera Commissioner Act 2011 to allow the commissioner to respond to a request for information. It amends the Professional Boxing and Combat Sports Act 1985 in relation to prohibited persons convicted of certain very serious offences from holding a licence.

It also makes consequential amendments to other acts following the abolition of the offence of defensive homicide. I expressed my concern about some of the outcomes stemming from the abolition of that defence during the last sitting week.

I would just like to come back to a couple of the amendments in this bill. The first is in relation to the Confiscation Act 1997. Most of us would have seen cases in recent times of gang lords and drug dealers parading around, driving flash cars and living in rich houses only to then seek legal aid for their criminal defence. Clearly they at least have access to many assets and, as this bill outlines, some unexplained wealth. I think all of us would be frustrated by the fact that these people claim not to have any money or apparent means of support yet they are obviously living in quite wealthy surroundings.

This bill effectively reverses the burden of proof in relation to wealth that it is suspected stems from the proceeds of crime. We already know that laws exist to cover this, but this bill pushes it along a little bit by changing the burden of proof. At present, law enforcement officials must trace the wealth to a source they believe to be of unlawful origin. Under this bill, once a reasonable suspicion has been established the holder of the wealth will be required to prove its lawful origin on the balance of probabilities under the lower threshold of reasonable suspicion. Once the court has established reasonable suspicion, it can put in place an unexplained wealth restraining order, effectively preventing the accused from disposing of the assets. Of course allowances will be made for reasonable living expenses et cetera. If the lawful origin of the property cannot be established, the property will be forfeited to the state once a restraining order has been in place for at least six months. I am sure people in the community will be very pleased about this change in emphasis. It is another example of evolving justice bills. On almost any sitting day of any sitting week we make an amazing

number of amendments to justice bills. This example is the result of sloppy work done on previous bills.

I am particularly interested in the community correction orders that have been extended under this bill; I find this interesting for a number of reasons. This government likes to show itself to be tough on crime and so makes a number of amendments to legislation. For the most part the opposition does not oppose these bills, because at the end of the day, after a whole lot of waffle, they usually enable our courts to use discretion. The opposition supports judicial discretion, but we do not support mandatory sentencing or one-size-fits-all justice because it is unjust, makes no sense and is just bad policy. It just does not work. Many amendments which are dressed up as being tough on crime and which appear to do something, really do not change the status quo.

I urge government members to spend some time in our courts. I suspect they would actually find it a little enlightening — perhaps very enlightening — and even come away feeling a little better about the way our justice system currently operates. It does an amazing job day in, day out. I would argue that is particularly the case with the Magistrates Court.

Turning back to community correction orders, this bill specifies a maximum period for community correction orders for single and multiple offences. The current maximum period is two years for a single offence or multiple offences found on the same facts. This bill allows the Magistrates Court to extend the maximum periods for one offence to two years, two offences to four years and three offences to five years. If a court imposes a community correction order and a prison sentence, the total term imposed must not exceed five years. This is a curious extension for a government that states, 'The best place for most of these offenders is in jail; we're sending out strong messages to the community'. I suspect this is an indicator of what we in the opposition and those in the justice system already know only too well, which is just how crowded our jails are and that our corrections system is in a state of crisis.

I know jails are not sexy; they do not get a lot of coverage. However, at the moment we have some serious issues in our corrections system. This government crows about the number of police that are being recruited. It says, 'We're being tough on crime. There are more police out there. We have a safer community' — this despite all the evidence showing crime rates and recidivism rates increasing. According to the government it is a case of saying, 'It doesn't matter. We don't look at events; we're only looking at messaging'. Our prisons and courts are overflowing. The corrections system is not able to bring prisoners in for their day in court. We are seeing victims turned away, having spent sleepless nights freaking out and worrying the night before attending court. Then they find out the accused cannot be brought to the court and are sent away. This does not help the victims or the courts at all. It is deferred justice; it is a total mess. However, it appears to give this government great confidence to know that its messaging is being well received by some tabloid newspapers.

It is a similar situation in terms of the creation of an offence for assaulting a registered health practitioner. It is good to send messages to our community about the work our workers do that often places them in difficult circumstances. Every day of the week nurses face assaults. Many health practitioners go out every day and face the potential of encountering that sort of behaviour. This offence highlights that. It sends a message. However, again, it is probably more about messaging than it is about changing the conviction rates. The opposition does not oppose this bill, because in a lot of these cases it reflects the status quo. I have highlighted our support for community correction orders. It may well be that this bill will lead to some good outcomes. We certainly support the confiscation laws. We do not want those people who have made their fortunes through serious criminal activity to get to keep them. I believe the changing of onus in that regard will be welcomed by many in our community.

However, we continue to face rising crime rates, and we continue to need more than 500 police to look after prisoners in prison cells. They should not be there — —

The ACTING SPEAKER (**Mr Angus**) — Order! The member's time has expired.

Ms KNIGHT (Ballarat West) — I am pleased to rise to contribute to debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. Firstly, I will go through the purposes of the bill and then focus on a particular area. The main purposes of the bill are to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme; to amend the Sentencing Act 1991 to clarify the Magistrates Court's jurisdiction in relation to community correction orders; to amend the Summary Offences Act 1966 to create an offence of assaulting a registered health practitioner; to amend the Personal Safety Intervention Orders Act 2010 to increase protection for victims of stalking and other offences; to amend the Judicial Proceedings Reports Act 1958 to allow for disclosure of certain information to the

Sentencing Advisory Council and the Judicial College of Victoria; to amend the Juries Act 2000 in relation to the allocation of jurors; to amend the Road Safety Camera Commissioner Act 2011 to allow the commissioner to respond to requests for information; to amend the Professional Boxing and Combat Sports Act 1985 in relation to prohibiting persons convicted of very serious offences from holding licences; and make consequential amendments to other acts following the abolition of defensive homicide.

I would like to say from the outset that Labor will not be opposing this bill. I would like to focus in particular on one part of the bill. The amendments here are quite broad, covering a number of areas. I will turn firstly to the provisions around assaulting a registered health practitioner. The bill will create an offence of assaulting a registered health practitioner — for example, a doctor, a nurse, a physiotherapist, a pharmacist, a social worker, a midwife or anyone who provides that kind of support, care or treatment. The maximum penalty for this offence will be six months imprisonment. The offender must have known or been reckless as to whether the victim was a registered health practitioner, but they do not have to know the status of the health practitioner's registration. This is very much focused on the health practitioner, and it is not location specific, so no matter where the service or support is being provided, that health practitioner will be covered by this act.

I think that any assault is serious. It can leave a person with a lot of trauma. We should be providing as much support and intervention as possible to prevent that from occurring. It is an incredibly traumatic experience to be assaulted, and I think that being assaulted in the workplace adds another layer of trauma to that experience. Healthcare workers are there to assist people, and if they are being repayed with assault, as a government we should step in and send a very strong message that that is not right, that it is illegal and that it is assault, so I welcome these interventions.

Like the member for Broadmeadows before me, I find it difficult to talk about this without mentioning the ice epidemic that has been in the news, in our consciousness and at the forefront of our minds recently — as it should be. It is an issue that we really should be talking about. I want to take this opportunity to refer to the inquiry into the supply and use of methamphetamines, particularly 'ice', in Victoria. I would like to take this opportunity to thank all the members of that committee for the work they did. I would also like to thank the people who contributed to the inquiry and the report, particularly users and those who support ice addicts and work in the field every single day. It would have been a very difficult thing to do. I believe the inquiry has provided a unique insight into the impacts of ice and how people become addicted to this terribly insidious and pervasive drug. It is an absolutely addictive drug that is so easy to get. It is creating challenges in our community like we have never seen before.

One of those challenges is around the health professionals who provide services for those who are addicted to methamphetamines, in particular ice, and those who care for people who are addicted. Coming from a regional centre I believe — and this is what I am hearing from my community — that there are unique challenges in the regions when it comes to ice, because we do not have the range of services that are available in metropolitan Melbourne. We just do not have those services in regional centres. The other unique proposition around regional centres relates to the level of connectedness in the community. It is likely that all of us know someone or have a family member who is facing this addiction, this hardship, and does not know what to do. This is something the like of which we have never seen before.

One of the real challenges around this, I believe, relates to the health professionals who care for these people and the level of assault that occurs in our healthcare system. One of the greatest challenges we have in trying to deal with this situation, this epidemic, is around retaining health professionals. I speak to a lot of drug and alcohol workers and people in the field who tell me that their workplaces are very unsafe now, because one of the manifestations and characteristics of ice addiction is incredible violence, without conscience and without boundaries. Every time an ambulance is called to someone who is having a reactive effect to or is overdosing on this drug, the healthcare professionals involved are in serious danger of being assaulted.

Instead of sending one drug and alcohol worker out, we now have to send a couple. We have to look at who we send out to deal with these incidents, and unfortunately it is down to who has the best physical capacity to deal with someone having an aggressive and violent episode as a result of this drug. Often paramedics will take those who are overdosing or having a reaction to this drug to an emergency department. That puts untold strain on those emergency departments, and it puts the nurses, the triage staff and the other patients in the waiting room at increased physical risk because of what happens when someone is reacting to this drug.

As I said, it is something we have never seen before. I am pretty proud of Labor's policy around the ice epidemic and its plan to implement community ice

action groups, because it will draw those people together. Labor will talk to the health professionals. It will bring in the police. It will bring in carers. It will bring in those who are addicted and those who have managed to get past that addiction stage. It will talk to that broad range of people, which is how we get effective intervention.

In saying that it is not okay to assault a registered health practitioner — physiotherapists, psychologists, social workers and those who work on the ground every day, not just with those who are addicted to ice but with a broad range of people — I believe this bill demonstrates that we really value their work. I think this is a very important measure and I congratulate the government on implementing it. In saying those few words and focusing on that particular part of this legislation, I note that Labor will not be opposing this bill and I wish it a speedy passage through the house.

Ms GRALEY (Narre Warren South) — It is my pleasure this evening to rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014, and I would like to put on the record at the outset that Labor will not be opposing this bill. The main purpose of the bill is to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme in Victoria that is similar to those that exist in other Australian jurisdictions. Additionally, this is quite a broadranging bill, which amends a range of other acts with various aims. Firstly, it clarifies the jurisdiction of the Magistrates Court in relation to community correction orders under the Sentencing Act 1991. Of particular interest to me is the increase in protections for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010. I know from personal experience and from speaking to members of my electorate that the issue of stalking is quite prevalent in the community and is very undermining, especially for women who face the prospect of having known or unknown people stalking them. Having been through a personal experience in that space myself I can tell you that you never quite forget that feeling that somebody might be hovering around and you may be the victim of a ghastly act, and it can be triggered just by walking to your car late at night. The bill also allows for the Chief Commissioner of Police to respond to requests for information under the Road Safety Camera Commissioner Act 2011 and prohibits persons convicted of certain serious offences from holding licences under the Professional Boxing and Combat Sports Act 1985. As we know, that issue has been in the papers in recent times. It is good to see the government moving in this direction on that issue.

I want to focus my contribution on the part of the bill that deals with assaulting a registered health practitioner. I will set some context for my contribution. Before I was a member of Parliament I had the honour of being a member of the Peninsula Health board. I was put in that position by the government to make sure that the interests of patients in the Frankston and Mornington Peninsula area were well represented at board level. I spent a considerable amount of my time chairing a community consultation committee that made sure that consumer and patient interests were foremost in the decision-making of not only board members but the many people who work in a hospital. We know that this bill will create the offence of assaulting a registered health practitioner, whether they be a GP, specialist, nurse, social worker, midwife, dentist, pharmacist or psychologist. There is an enormous array of very well-qualified and well-regarded people who work in hospitals and in the community health sector, which is often associated with hospitals, as was the case for Peninsula Health.

One of the things that we had to deal with as an ongoing issue was the number of times that people were turning up in the emergency room and in the wards feeling very upset and becoming quite hostile towards our well-regarded and well-qualified staff. I recently had the experience of attending an emergency department and actually hearing that code — I think it is code grey — go off, meaning there is something aggressive happening in the hospital and that security should be on alert. As they descended on the particular fracas that was happening in the emergency department, I was reminded of how prevalent this situation actually is. This was also emphasised to me recently when I was listening to Jon Faine's segment Pollie Free Zone. He was talking about health issues with one of his guests, the CEO of Western Health. Of course Western Health had that terrible experience of one of its surgeons being seriously assaulted, so it is very aware that these issues have to be dealt with.

Western Health was thinking not only in terms of punishment but in terms of prevention, as any good health provider would be, and it is running a demonstration project for which the health practitioners working in the hospital wear recording devices. When a person is acting in a hostile manner or getting angry — and this happens a lot in hospitals because people get very upset about what treatment is or is not being given to their mother, father, child or friend — the health practitioner can say, 'I'm warning you that we are going to videotape you'. Surprisingly what is happening in this situation is that people are cooling down somewhat, taking a breath and thinking about what they are doing. If they are prosecuted in the future,

it will not be their word against that of another, because a taped conversation of them being very upset and hostile could be used.

The CEO of Western Health has said this has proven to be an effective trial, and it was noticed that people calmed down as soon as they were given the warning that they would be taped. It is a very effective way of dealing with this problem, and apparently other health services are looking at this trial of Western Health and considering applying it in their hospitals. We will see how that goes.

The bill before the house provides a strong stick to warn people against misbehaving in the hospital setting. This does not have to be location specific; it can also be when practitioners are performing duties outside the hospital precinct, as long as the assault occurs in the course of their work. We know that many health professionals work off site — for example, paramedics work in the field all the time — so it is important that this breadth is in the bill.

I recently visited an emergency department. One cannot help but notice how crowded emergency departments are, and this can only serve to make people more frustrated or upset. As a Parliament we would like to see attention paid to people waiting in emergency departments. A little extra funding and a little extra service as a result of that funding will be gladly appreciated, I am sure, by hospital boards.

I sound a warning if we are to have a GP co-payment. Even the Minister for Health in this government has warned the federal government about people visiting hospitals instead of GP practices. Queues will increase, more people will get frustrated, and nurses and doctors will be put under more pressure, which can only make people more likely to get upset and hostile when dealing with the expert health practitioners they want to see.

I am pleased the government has brought this bill to the house. Like other people, I want to make sure health practitioners are given not only the support they need through government funding but also the esteem they deserve. Some of the brightest people I know work in emergency medicine and in emergency departments, and they deserve the community's protection.

Ms HUTCHINS (Keilor) — I rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014, and I note that Labor does not oppose the bill. The bill makes many changes, and I will quickly run through some of them. It amends the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme, which is an issue I will come back to. It amends the Sentencing Act 1991 to clarify the Magistrates Court's jurisdiction relating to community correction orders, and it amends the Summary Offences Act 1966 to create an offence of assaulting a registered health practitioner, about which the previous speaker on this side of the house spoke eloquently and in detail.

The bill amends the Personal Safety Intervention Orders Act 2010 to increase protection for victims of stalking and other offences, and it amends the Judicial Proceedings Reports Act 1958 to allow for disclosure of certain information to the Sentencing Advisory Council and the Judicial College of Victoria. It amends the Juries Act 2000 in relation to the allocation of jurors. It amends the Road Safety Camera Commissioner Act 2011 to allow the commissioner to respond to requests for information, and it amends the Professional Boxing and Combat Sports Act 1985 to prohibit persons convicted of certain serious offences from holding licences. Finally, it makes consequential amendments to other acts following the abolition of the offence of defensive homicide. Clearly the range of topics is broad, and I am glad there will be further probing and questioning around many of these aspects.

In my brief contribution I will focus my comments on aspects of unexplained wealth laws, which currently exist in all Australian jurisdictions other than Victoria and the ACT. They require persons who are reasonably suspected of criminal activity or of owning unlawfully acquired property to explain how they came about their wealth. Not only in my time as an MP but also during my life and in growing up in the western suburbs of Melbourne, I have come across many characters about whom there have been questions of how they acquired their property and assets. Many a time has a question been raised of where their wealth came from and in particular whether the source of that wealth was drug dealing.

Plenty of constituents in my electorate are concerned about the growing epidemic of drug use. Their concerns are not only about ice, which has had a lot of attention in the public arena lately, but also about the ongoing use and dealing of heroin. In the outer west of Melbourne we have had issues with drug paraphernalia being left in parks and children coming across it, and there have also been circumstances of children and parents witnessing drug deals in their local parks.

A group of residents came to see me not long ago about a drug dealer living in their street, and I must add that this dealer had a range of expensive cars parked around their house and in the driveway. The residents were

disturbed not only about the comings and goings at night and the strange characters hanging around their street but also about the fact that many of the drug drop-offs were occurring in their front yards. The drug dealer would ring the buyers to let them know the drugs had been left in the front garden of no. 6, for example, and the residents of no. 6 would then see a car pull up at the front of their house and see people jump out and grab a package out of a bush.

It was a scary circumstance that has now been brought to a head, with the drug dealer having finally been charged and awaiting conviction. The residents took action by installing CCTV cameras to capture these moments. They had no doubt who the drug dealer was. It was not just the movement of people going in and out of the dealer's residence; it was also the fact that a number of brand-new cars were owned by this person, who never seemed to go to a job. That is a demonstration of how this sort of law is important in bringing drug dealers, who are spread across Victoria and are living in our suburbs, to justice.

The bill proposes to bring Victoria into line with other jurisdictions, and it gives the police the power, once the court is satisfied of reasonable suspicion, to move in and seize those assets. As I said earlier in my contribution, Labor does not oppose the bill. In fact this part of the bill is a good step forward.

Mr CLARK (Attorney-General) — I thank honourable members for their contributions to the debate, particularly speakers on both sides of the house who have made thoughtful contributions. It has been a far-ranging debate, albeit with an increasing degree of repetition. It would be unfortunate if members of the community were to draw the conclusion that some opposition members were seeking to filibuster the debate in order to prevent other legislation of importance to the community being reached.

In his remarks during the second-reading debate, the member for Lyndhurst raised several points on which he sought further information. I will attempt to provide some of that information now, and if required, I am happy to provide more during the consideration-in-detail stage. The honourable member asked whether there is any change in relation to hypothecation of proceeds with the new confiscation and unexplained wealth regime. The answer to that is there is not. The proceeds will go to consolidated revenue, as has been the practice in the past under asset confiscation legislation during governments of both sides of politics. In consolidated revenue it is available for a broad range of community uses. While a case can be made for some forms of hypothecation, any form of hypothecation would need to be carefully designed to avoid unexpected adverse consequences, such as activities funded from the hypothecation being prone to fluctuating levels of revenue to support that activity.

The honourable member asked about the new offence of assault of a health practitioner, and how that new offence fits in with existing offences. As the honourable member observed, the proposed new offence carries a penalty of up to six months in jail, which is double the normal penalty for common assault. That is part of sending a very strong and clear message that people who assault health practitioners face serious consequences and that that sort of assault on people who are going out of their way to render medical and related assistance is completely unacceptable. Obviously if a more serious form of attack is committed on a health practitioner, then a more serious offence could be charged and the offender could therefore be liable to an even greater jail sentence.

The honourable member also asked about the provision in relation to the traffic camera office in clause 54 and the increased range of persons to whom information can be provided. This is intended simply to make it clear that the road safety camera commissioner is empowered to provide information; for example, in response to enquiries the road camera safety commissioner may receive from members of the public. With those brief remarks, I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

The ACTING SPEAKER (**Mr Crisp**) — Order! Before calling on members to speak on clause 1, I remind the house that during formal business today the Attorney-General gave notice of motion to extend the scope of the bill, contingent on it being considered in detail. The house must first deal with the Attorney-General's motion before moving to consider the bill. As the notice of motion was given today, I advise that to comply with the requirements of standing order 140, the Attorney-General needs to move his motion by leave.

Mr CLARK (Attorney-General) — By leave, I move:

> That the scope of the bill be extended to enable consideration of amendments and new clauses in relation to the Crimes Act 1958 to provide for the Magistrates Court to make an order requiring a specified person to provide information or

assistance to a police officer executing a warrant issued under section 465 of that act.

Motion agreed to.

Clause 1 agreed to.

Clause 2

Mr CLARK (Attorney-General) — I move:

1. Clause 2, lines 23 and 24, omit "3 and 4" and insert "3, 4 and 5".

In so doing, I will indicate the purpose of the range of amendments of which this is the first. This series of amendments proposes to insert provisions to amend the Crimes Act 1958 to provide that a magistrate may make an order directing a person with knowledge of a computer or computer system to assist police in gaining access to a computer or other data storage device. These amendments are based on similar powers that exist in the Crimes Act 1914 of the commonwealth.

The amendments will provide that a court may make an order directing a person with knowledge of a computer or computer system to assist an officer executing a search warrant to access a computer or other data storage device. This will assist police in circumstances where a person refuses to supply passwords or grant access to encrypted material on computers and other devices. It will also allow access to off-site data that is not on the warrant premises but is accessible from a computer or other data storage device that is on the warrant premise; for example, a server in another location. This access is particularly important for police efforts to address child exploitation.

The amendments expressly provide that the person must comply with the court order even though it might produce evidence which could incriminate the person. The offence is intended to be an indictable offence punishable by a maximum of five years imprisonment. The commonwealth offence is punishable by a maximum of two years imprisonment. The higher penalty is required to avoid people refusing to comply with the court order because of the risk of facing a higher penalty once the information on the computer system is disclosed. It would also assist police to have a state-based offence linked to other state-based offences in respect of which police may be acting. The new power to require assistance from a person with a knowledge of a computer or a computer network is being included in the bill so that the powers can be used by police as soon as possible.

I express my appreciation for the indication of support for these amendments that was given by the member for Lyndhurst on behalf of the opposition during the course of the second-reading debate.

Amendment agreed to; amended clause agreed to; clauses 3 to 7 agreed to.

Clause 8

Mr PAKULA (Lyndhurst) — I indicate in response to some of the concerns the Attorney-General raised in his summing up that as a consequence of the advice he provided to the house, I have struck three of the clauses I was intending to ask questions on — there is no attempt to filibuster here — but I would like to ask him a simple question in regard to clause 8. Clause 8(1) inserts new section 12(2A)**,** which says:

> The Magistrates' Court or the Children's Court must not make an unexplained wealth restraining order in respect of real property.".

I wonder if the Attorney-General could explain what that provision means. Why is there a restriction in regard to real property?

Mr CLARK (Attorney-General) — As I am sure the member is aware, in effect real property refers to land — real estate. The intention is that the orders that can be made in the Magistrates Court in particular, but perhaps also on occasion in the Children's Court, are primarily for assets of lower value — typically cars, motorboats or similar items of personal property that may be restrained — whereas it is intended that the broader unexplained wealth orders be sought in the higher courts. This is one of the aspects of signalling that distinction that the Magistrates Court is to concentrate on these lower value matters in particular — on these individual assets — and that if real property is involved, it is a matter that is more appropriately dealt with in a higher court.

Clause agreed to; clauses 9 to 15 agreed to.

Clause 16

Mr PAKULA (Lyndhurst) — Again this is a simple question seeking clarification and explanation. New section 40C(5) says:

> The court, in making an unexplained wealth restraining order, must not provide for the payment of legal expenses in respect of any legal proceeding, whether criminal or civil.

Could the Attorney-General indicate the thinking behind that provision?

Mr CLARK (Attorney-General) — I stand to be corrected — I will make further inquiries and get back to the member if what I am about to say is incorrect —

but my understanding is that this reflects a longstanding approach to these matters and provisions in existing asset confiscation legislation, and it is intended to prevent the assets that might be subject to restraint being spent on legal expenses. There is suspicion or concern that those who might be subject to an unexplained wealth order and are likely to lose those assets might be more than happy to see them used on legal expenses rather than going to the Crown. This clause therefore prevents that. Of course there is potential for the person to obtain legal assistance by means of legal aid or other means. As I indicated, I will seek confirmation of that, and if there is any change in that position, I will inform the member.

Clause agreed to; clauses 17 to 31 agreed to.

Clause 32

Mr PAKULA (Lyndhurst) — Again I am just seeking some clarification. New section 100A indicates at subsection (1) that:

> If a person is suspected of having engaged in serious criminal activity, a police officer may, without notice, apply for a production order against that person or any other person.

And at subsection (4) it indicates:

> An application under subsection (1) must be heard in closed court.".

I understand the public policy reasons for these matters to be heard in closed court. I am just wondering if the Attorney-General could clarify whether this is a suggestion that all matters in relation to these unexplained wealth orders will be heard in closed court or just a particular element of these applications. Is it intended that this entire process will be dealt with in closed court?

Mr CLARK (Attorney-General) — My understanding is that the closed court provision applies to this procedure alone, because it is a procedure that is designed to elicit information, and if it were not heard in closed court, potentially the advantages of that information would be lost.

Clause agreed to; clauses 33 to 49 agreed to.

Clause 50

Mr PAKULA (Lyndhurst) — Again, this is a question of clarification. The provisions of clause 50 seem on their face to represent common sense — that is, the notion that a potential juror who has been required to stand aside by the Crown must not be empanelled on the jury in the trial and must return to the jury pool. In those circumstances I would like the Attorney-General to indicate what mischief the provision seeks to right. Have there been circumstances in which jurors who have been required to stand aside by the Crown have in fact been empanelled on a jury, or is this just a precautionary measure to resolve what might be seen as a loophole in the law?

Mr CLARK (Attorney-General) — As the member for Lyndhurst indicates the procedure set out in clause 50 is common sense and what one would expect to happen. I am advised that this is in fact what has been happening. However, doubt has recently risen as to whether the law adequately provides for common sense and established practice and so the provision is inserted to put it beyond doubt.

Clause agreed to; clauses 51 to 68 agreed to.

New heading to division 4, part 10

Mr CLARK (Attorney-General) — I move:

2. Page 86, after line 34 insert the following heading —

"**Division 4— Amendment of Crimes Act 1958**".

Amendment agreed to; new heading agreed to.

Heading to division 4, part 10

Mr CLARK (Attorney-General) — I move:

3. Division heading preceding clause 69, omit "**Division 4**" and insert "**Division 5**".

Amendment agreed to; amended heading agreed to; clauses 69 and 70 agreed to.

New clauses

Mr CLARK (Attorney-General) — I move:

4. Insert the following New Clauses to follow clause 68 and the heading proposed by amendment number 2 —

'AA New section 465AA inserted

After section 465 of the **Crimes Act 1958** **insert** —

"**465AA Power to require assistance from person with knowledge of a computer or computer network**

(1) This section applies if a magistrate has issued a warrant under section 465 in relation to a building, receptacle, place or vehicle (***warrant premises***).

(2) The Magistrates' Court may, on the application of a police officer of or above the rank of senior sergeant, make an order

requiring a specified person to provide any information or assistance that is reasonable and necessary to allow a police officer to do one or more of the things specified in subsection (3).

(3) The things are —

(a) access data held in, or accessible from, a computer or data storage device that —

(i) is on warrant premises; or

(ii) has been seized under the warrant and is at a place other than warrant premises;

(b) copy to another data storage device data held in, or accessible from, a computer, or data storage device, described in paragraph (a);

(c) convert into documentary form or another form intelligible to a police officer —

(i) data held in, or accessible from, a computer, or data storage device, described in paragraph (a); or

(ii) data held in a data storage device to which the data was copied as described in paragraph (b).

(4) An application may be made under subsection (2) at the same time as an application is made for the warrant under section 465 or at any time after the issue of the warrant.

(5) The Magistrates' Court may make the order if satisfied that —

(a) there are reasonable grounds for suspecting that data held in, or accessible from, a computer, or data storage device, described in subsection (3)(a) will afford evidence as to the commission of an indictable offence; and

(b) the specified person is —

(i) reasonably suspected of having committed an indictable offence in relation to which the warrant was issued; or

(ii) the owner or lessee of the computer or device; or

(iii) an employee of the owner or lessee of the computer or device; or

(iv) a person engaged under a contract for services by the owner or lessee of the computer or device; or

(v) a person who uses or has used the computer or device; or

(vi) a person who is or was a system administrator for the computer network of which the computer or device forms or formed a part; and

(c) the specified person has relevant knowledge of —

(i) the computer or device or a computer network of which the computer or device forms or formed a part; or

(ii) measures applied to protect data held in, or accessible from, the computer or device.

(6) A person is not excused from complying with an order on the ground that complying with it may result in information being provided that might incriminate the person.

(7) If —

(a) the computer or data storage device that is the subject of the order is seized under the warrant; and

(b) the order was granted on the basis of an application made before the seizure —

the order does not have effect on or after the completion of the execution of the warrant.

Note

An application for another order under this section relating to the computer or data storage device may be made after the completion of the execution of the warrant.

(8) If the computer or data storage device is not on warrant premises, the order must —

(a) specify the period within which the person must provide the information or assistance; and

(b) specify the place at which the person must provide the information or assistance; and

(c) specify the conditions (if any) to which the requirement to provide the information or assistance is subject.

(9) A person commits an offence if —

(a) the person has relevant knowledge of —

(i) the computer or data storage device or a computer network of which the computer or data storage device forms or formed a part; or

(ii) measures applied to protect data held in, or accessible from, the computer or data storage device; and

(b) the person is informed by a police officer —

(i) of the order made under this section and of its terms; and

(ii) that it is an indictable offence punishable by imprisonment to fail to comply with the order; and

(c) the person fails to comply with the order without reasonable excuse.

(10) A person who commits an offence against subsection (9) is liable to level 6 imprisonment (5 years maximum).

(11) In this section ***access, data, data held in a computer*** and ***data storage device*** have the meanings given by section 247A(1).".

BB New section 621A inserted

After section 621 of the **Crimes Act 1958** **insert** —

"**621A Transitional provision — Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014**

Section 465AA applies with respect to a warrant issued under section 465 irrespective of whether the warrant was issued before, on or after the commencement of section 69 of the **Justice Legislation Amendment (Confiscation and Other Matters) Act 2014**.".'.

In doing so, I reiterate the government's appreciation to the member for Lyndhurst and to the opposition more generally for their constructive approach to these very important amendments.

New clauses agreed to.

Bill agreed to with amendments.

Third reading

Motion agreed to.

Read third time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES FURTHER AMENDMENT BILL 2014

Second reading

Debate resumed from 20 August; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Ms ALLAN (Bendigo East) — I rise as the lead speaker for the parliamentary Labor Party on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. Normally this sort of bill is in the domain of a health minister and the shadow health minister to address the issues to be covered. However, this legislation was introduced by the Minister for Agriculture and Food Security because it deals with the supply and manufacture of the bait colloquially known as 1080.

I thank the minister, his office and the department for the briefing they provided to me and my parliamentary colleague Jaala Pulford, a member for Western Victoria Region in the other place. We really appreciated the time they spent with us a few weeks ago. I also assure the minister and the government that the Labor opposition will not be opposing the bill.

Mr Delahunty interjected.

Ms ALLAN — I am pleased the member for Lowan heartily backs the Labor opposition in that position. I thank him for his support and his acknowledgement that the opposition is a constructive outfit in the Parliament.

We recognise that the use of 1080 is part of a coordinated approach to pest control. It is particularly important in rural and regional Victoria for the management of wild dogs, and I will say a little bit more about that in a moment. By way of background, 1080 is in widespread use in both Australia and, interestingly, in greater use in New Zealand because it is seen to be effective against common pests, particularly wild dogs and foxes. The poison is relatively targeted, it is easy to use and biodegradable.

As many rural members will know, wild dog attacks pose a threat to primary industries. According to the Department of Environment and Primary Industries wild dog attacks in Victoria kill around 1900 sheep per year on average, and obviously other livestock is also attacked. Clearly this is a cost to farmers. I imagine it is not very pleasant for a farmer to see his livestock destroyed in a wild dog attack. It is also not at all humane, for want of a better word, for the animals. Wild dogs are quite aggressive.

Wild dogs are also known to target native wildlife, including endangered species in many parts of the state. As if that is not enough, wild dogs pose a threat through the transmission of diseases and parasites, some of which can also affect humans. The sum of all of this is that wild dogs and the threats they pose to livestock and to primary producers and their capacity to manage their stock need to be managed, and their numbers need to be reduced. As I said, 1080 has been in widespread use to

manage the wild dog population since around the 1950s. There are two forms of the animal bait 1080. One is a shelf stable bait, a long-life bait, and the other is fresh bait. The perishable bait is often made from fresh meat and needs to be used within a very short time, and that is where the purpose of the bill is relevant.

The purpose of the bill is to enable fresh bait to be produced and supplied closer to where it is going to be used. This addresses issues where access to fresh bait is difficult in remote parts of the state. I know this is an issue particularly in the north-east of the state, and this is why the aim of this bill is to allow manufacturers who already have a licence to manufacture 1080 to have a mobile service so they can go out into some of the remote areas, produce the bait and lay it much closer to where it is going to be used. Having said that, I point out that the bill will only provide this additional capacity for the bait to be produced in a mobile setting. The producer has to already have a licence to manufacture the bait, and of course producers must comply with the code of practice and the significant set of regulations that come with holding this licence when they are manufacturing from a mobile site.

The Labor opposition understands that controlling wild dogs and other pests is a matter of urgency in many parts of rural Victoria. We in the opposition also recognise that baiting is often the only effective means available to keep wild dog populations under control. This bill will protect the Victorian agricultural industry by helping farmers protect their stock, and it will also help protect native fauna, which is also subject to attacks from wild dogs, as I have indicated before.

The one additional comment I will make is that this area needs significant oversight. I have mentioned that this bill provides only for a manufacturer to have an extension for a mobile service. They must already have a licence and comply with all regulations and codes of practice. The opposition remains very concerned that the Liberal-Nationals government's cuts to the Department of Environment and Primary Industries (DEPI) have affected its ability to oversee a whole range of activities, including this one. We know this department has suffered significant cuts, proportionally more than any other department in Victoria. DEPI has seen a loss of around a quarter of its workforce. We know that is having an impact on biosecurity issues, we know that is impacting on services delivered to farmers and we know that hundreds of millions of dollars have been cut out of the department. This is a real concern given that DEPI services regional and rural communities. It is important to regional and rural communities not just to have public servants living and working in those communities but also that they have the resources to deliver the services.

It is not just me saying this: we know that the Victorian Farmers Federation, for example, is also very concerned about the impact of the cuts the Napthine government has inflicted on DEPI. It is also quite worried about the impact the cuts are having on the ability of the department to oversee the area of biosecurity and services to farmers and primary producers.

However, with those comments on some of our concerns about the oversight of the department more broadly and how it will manage these issues, as I said at the outset, the Victorian Labor opposition does not oppose this legislation. We in the opposition recognise the issues that come with managing the wild dog population, particularly in some parts of the state where it is an issue. We understand that wild dogs need to be managed, and that is why we are not opposing the bill that is before the house today.

Dr SYKES (Benalla) — It gives me pleasure to rise to contribute to the debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. I say at the commencement of my speech that I am pleased the Labor Party will not be opposing the bill. The bill is a credit to the coalition government, the Minister for Agriculture and Food Security and the Minister for Health.

This bill provides for the manufacture of 1080 baits from a mobile premise. This will enable improved accessibility of fresh meat baits to landholders. In doing that, the bill also provides for adequate safeguards, including mandating compliance with relevant codes and standards. The provision of baits will remain a private enterprise activity, so baits will be made available subject to commercial demand.

This bill is part of a continuum of improvement in the administration and resourcing of effective wild dog control in Victoria. I say that because when we came into government wild dog control was a shambles. The city-based latte-sipping Labor Party did not know and did not care about the impact of wild dogs on fauna, livestock and livestock owners in country Victoria. It would not listen to its own advisory committee. There was significant and justifiable angst out there.

To this minister's credit, very early in his term in office he met with affected livestock producers. He met with the Victorian Farmers Federation, public land managers and Department of Environment and Primary Industries (DEPI) dog control staff. He understood the issues

because he is a practical person who was reared on the land and had worked in agripolitics.

The critical thing he understood was that although wild dogs have an economic impact, measured in terms of about $18 million a year, they have a much bigger impact on people's mental health and emotional wellbeing. Anyone who has had wild dogs attack their sheep or cattle will understand the mental and emotional impact of such an attack. It is like a cancer eating your heart out; it is like a cancer eating your mind out. Until the dog problem is addressed properly it will continue to eat out the hearts and minds of people in country Victoria.

One of the first responses of our minister was to put in place the Wild Dog Control Advisory Committee, which comprises livestock owners, catchment management authorities, the former Department of Primary Industries and the former Department of Sustainability and Environment, as well as parks and plantation managers. That committee was chaired, and is still chaired, very effectively by Peter Bailey. The committee adopted a strategic approach which has identified and prioritised issues which need to be addressed. The minister listened and gave me the responsibility of assisting him in ensuring effective implementation of the strategies recommended by those affected by wild dogs.

I will list some of the actions taken. Firstly, the minister retained the ability of doggers to use Lane's traps. Doggers were given a choice between using smaller traps or the existing Lane's traps. Secondly, the minister retained the ability of doggers to conduct 72-hour trap inspections and not shift towards 24-hour trap inspections, which would have severely constrained the effectiveness of wild dog control efforts. The minister also introduced a fox and wild dog bounty, which started off at $50 a head for a wild dog but was increased to $100. I think that bounty has now been paid out on over 1000 — it might even be 1200 — skins.

The minister has also cut red tape by enabling doggers to work beyond the 3-kilometre buffer zone. The zone is the area on Crown land abutting freehold land where wild dog controllers concentrate their efforts. Landholders are now able to bait within that 3-kilometre buffer zone with appropriate approvals. More recently the minister has taken the next step and removed the notion of a 3-kilometre buffer zone, so that now — with community-driven and community-initiated control programs and appropriate levels of controls — where necessary, baiting and trapping can occur beyond the notional 3-kilometre line. This is part of what we call the nil tenure approach.

The coalition government has also enabled access to fresh meat baits from New South Wales to give livestock owners another weapon to use in the fight against wild dogs. We have also developed an action plan for managing wild dogs in Victoria and have broken down the silo mentality that existed under the previous government. The former Department of Primary Industries and the former Department of Sustainability and Environment have come together to from the Department of Environment and Primary Industries.

Parks Victoria is now working with DEPI, along with catchment management authorities, plantation managers and landholders, so that we now have a very effective wild dog action plan. The implementation of that plan is being overseen by an implementation committee, which I chair, and there is now a great spirit of cooperation. There is also community involvement in working through the 15 wild dog action plans that exist for the 15 wild dog management zones. Some 25 community meetings have been held, to which people have come along to help work out what needs to be done using available tools and implementing those tools.

Along the way I forgot to mention that the minister also got federal Nationals-Liberal coalition government approval to conduct aerial baiting, so that is now in place. We have an action plan in place and, interestingly, we have encouraged the involvement of Australian Wool Innovation-supported best wool and best lamb action groups. Those action groups recognise that wild dog control is part of an overall farm business management strategy, so it is put in that context. Wild dog control is not a stand-alone issue; it is part of the broader, proper and efficient management of lamb and wool production enterprises. The minister has also introduced common sense to native vegetation management and enabled more effective construction and maintenance of wild dog-proof fences. As I have said, we have also introduced and allowed aerial baiting, initially on a trial basis.

Contrary to what Labor has said about resourcing, we now have in place adequate resources, and that has been brought about by flexible arrangements whereby we have permanent dogging staff — both casuals and contractors — and access to seasonal use of DEPI staff. These people and landholders are now able to do more than they have done previously. With that flexibility we now have the ability to respond to surges in seasonal

demands for baiting and trapping activity, particularly during the autumn and spring periods.

The government has also introduced the utilisation of modern technology, such as iPads. This means that doggers can be out there doing what they do best — trapping and shooting wild dogs — and not having to spend a lot of time travelling to and from offices. Doggers now use iPads and GPS technology and are very quick to adapt to modern technology and use it very effectively, as they also use movement-initiated cameras that in some cases watch trapping sites.

A national wild dog control plan was launched recently by Barnaby Joyce, the federal Minister for Agriculture. Interestingly, recently I spoke at a national wild dog control workshop on governance of wild dog control. I asked the obvious question: why should a Victorian be speaking at a national conference about wild dog control? The answer is: because Victoria is now leading Australia in the governance of wild dog control.

What does the future hold? We need to continue our strategic and proactive approach. We need to continue to keep our minds open to opportunities for continuous improvement. We need to look at research opportunities and extension opportunities. To that end, we have an outstanding example of cooperation and clear thinking that has been produced recently in the form of a decision-making tree that relates to future research and extension needs.

In summary, of providing for mobile 1080 bait production is another significant step towards the coalition government's delivery of effective and efficient wild dog control. I commend the bill to the house.

Ms GREEN (Yan Yean) — It is always interesting to follow the member for Benalla. I take pleasure in joining the debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. Like our lead speaker, the member for Bendigo East, I reiterate that the Labor opposition will not be opposing this bill.

As I said, it is interesting to follow the member for Benalla, because a number of members on the other side seem to want to rewrite history. They say that the situation was always incredibly bad under a previous watch, but they do not reflect on what has happened under their watch. I remind the member for Benalla that there was a significant fox baiting program — the member did mention fox baiting — and it was a Labor government which introduced a fox-baiting program, which used Foxoff.

An honourable member interjected.

Ms GREEN — They are certainly different to dogs, but the member for Benalla did refer to foxes in his contribution.

Labor supports a coordinated approach to pest control in rural and regional Victoria, which includes the use of baiting. Labor supports the use of 1080. Pest animal bait products are available to users in two formulations: shelf-stable baits and perishable — short-life or fresh — baits. Shelf-stable baits include dried manufactured meatballs and dry oat baits. Perishable balls are a fresh bait product that must be laid within three days of the date of manufacture. Liver, carrot and boneless red meat baits are examples of perishable baits.

It is illegal for anyone, including 1080 pest animal bait users, to manufacture a shelf-stable or perishable 1080 pest animal bait product without having a manufacturing licence from the Victorian Department of Health. The aim of the bill is to enable the bait to be produced and supplied closer to where it is to be used. The bill addresses the issue where access to fresh bait is difficult in remote parts of the state, particularly in north-east Victoria. I know that is an area that the member for Benalla is very familiar with, as I am — I spend a lot of time in that region of the state.

In discussions about pest plant and animal control it cannot be forgotten that there has been a reduction of one-quarter in the number of staff in the department. Maybe it should not, but it always surprises me that each time The Nationals members occupy the government benches, after there having been a lot of criticism when they were in opposition, there are massive cuts to the primary industries department. It has been the same this time. I remember it from the time of the Kennett government when I was vice-president of the public service union and saw what amazing cuts were instituted and how regional Victoria was gutted. There were impacts on numerous towns as a result of the job losses sustained across many departments, including the then Department of Agriculture, which I worked in for a period of time.

We have seen a reduction of about one-quarter, as I said, in the workforce. We used to hear a lot about the control of pest animals and plants in national parks. There has not ever been such a reduction in the budgets for national parks. The staff of Parks Victoria just cannot do anything in terms of maintaining parks, keeping them open and controlling pest animals and weeds. With members of The Nationals and the Liberal Party it is always do as I say, not do as I do.

Returning to the product sodium fluoroacetate, or 1080, I note that it is a highly poisonous substance that has been used in Australian agriculture since the 1950s. It is widely used for vertebrate pest control in agricultural production. As I said a little earlier, the bill proposes to enable better access to perishable 1080 and to enable it to be produced and supplied closer to the land on which it is to be used. The bill will enable a person to obtain a licence to manufacture a perishable pest animal bait that is a schedule 7 poison used to bait wild dogs, foxes or rabbits. The bill will require a licensee to have a trailer or vehicle fitted out for the safe transportation of the poison. Standards will be incorporated in the Department of Environment and Primary Industries 1080 Victorian code of practice for the manufacture of perishable 1080 pest animal bait products. A mobile manufacturer will be required to already hold a licence to manufacture and sell or supply 1080 and be required to comply with the code of practice.

The bill provides that relevant licences, permits and warrants may only be held by those whose need for poisons and controlled substances is underpinned by any other licence, permit or warrant from Victoria or the commonwealth. The bill makes minor consequential amendments, including changing references to the 'commonwealth standard' to being to the 'poisons standard' to reflect national arrangements.

I reject what members of the government have said about Labor's approach and the ranting from the member for Benalla about how Labor did not care about regional Victoria and did not understand it. That is just nonsense. We are here are supporting this bill. In our time in office we supported other measures to control pest animals such as foxes. We resourced the department well, but it has now be gutted, with a 25 per cent reduction in staff. We did not gut national and state parks, which I know have always been a concern, particularly for The Nationals members in this place, who would talk about the problems of poorly maintained parks in this state. With those remarks, I commend the bill to the house.

Mr TILLEY (Benambra) — I am delighted to rise in support of the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. From the outset I heartily congratulate the member for Benalla on the hard work and effort he has put in, particularly over the last four years. He has led the team in the north-east in the work on the fight against the scourge of wild dogs. I thank him so much for his work and effort. It is a bit of a shame that he has made a decision to retire, because there is a bit more work to be done! It is a bit of a shame he is at Parliament today, because he is missing out on the Benalla races, with race 1 being the Stephanie Ryan Nationals Maiden Plate. The member for Benalla has missed out on that one today, but there will be plenty of opportunities to catch the races in the future.

More locally I would like to thank Peter Star and Michael McCormack, who have done an enormous amount of work in participating in a whole range of things, including the local and national programs. I thank them for the ongoing work these great primary producers and community representatives do. I was speaking to both of them probably three or four years ago about precisely what this bill delivers. It is about being able to get up into those areas, particularly in the north-east around the electorate of Benambra. I can name areas where so many primary producers have been affected by the blight of these wild, hybrid predatory dogs. They are Corryong, Biggara, Nariel, Lucyvale, Cudgewa, Tintaldra, Walwa, Burrowye, Shelley, Mount Alfred, Tallangatta, Koetong, Granya, Tallangatta Valley, Mitta Valley, Sandy Creek and Gundowring, just to mention a few. That is just on the local side where in recent times, with the expanded efforts we have been putting in, in excess of 1000 dogs have been trapped, caught or shot or otherwise — —

An honourable member interjected.

Mr TILLEY — I can, actually. I will say one of the other locals, Noel Cheshire, has also been a strong advocate. Our wild dogs, particularly in the north-east, are very fussy eaters, and with our being able to prepare these fresh baits with 1080, I envisage a significant impact on our fussy-eating wild dogs, particularly around some of those areas. I look forward to the speedy passage of this bill and the success it will bring in the future.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Country Fire Authority Mosquito Creek brigade

Ms ALLAN (Bendigo East) — The matter I raise this evening is for the attention of the Treasurer, and it is regarding the Country Fire Authority (CFA) Mosquito Creek station in my electorate of Bendigo East, which has been charged again this year with the fire services property levy. The action I seek is for the Treasurer to urgently examine and explain the reasons why this CFA brigade has been slugged with paying the

fire services property levy when most reasonable people would expect that it is quite unfair to have a CFA brigade charged with such a levy.

I have been given a copy of the notice that was sent out by the City of Greater Bendigo, and I hasten to add that it is not the fault of the City of Greater Bendigo that the Mosquito Creek CFA has been slugged with the levy, because it is merely the administrator of this approach on behalf of the Victorian government. It is pretty clear from the notice that the brigade has been slugged with a $237.70 for the 2004–15 financial year. This is not the first time the Mosquito Creek brigade has been given a bill for the fire services property levy. A similar bill was sent to it about this time last year, and the brigade handed over that bill to CFA management. It is not known how it was paid, and one could perhaps assume that the CFA paid it, but whichever way you look at it, whether it is the CFA more broadly paying this bill or the brigade itself, it is not a fair situation. It is another example of how the implementation of the fire services property levy has been badly botched by the Napthine Liberal-Nationals government.

There are many examples of inequities in the implementation of the fire services property levy. Brigade members who have contacted me think it is outrageous that the CFA brigade has been slugged with this bill. They already pay the levy on their own properties. They are out there facing the front-line fight, protecting our community. We know that the CFA was hit with significant funding cuts a few years ago that has made it even tougher for volunteer brigades like Mosquito Creek. That is why I am asking the Treasurer to urgently look into this matter and explain just why the brigade has received this bill.

Warburton bike trails

Ms McLEISH (Seymour) — I rise to make a request of the Minister for Environment and Climate Change, and I am pleased to see that he is in the chamber this evening. The action I seek is for him to visit the area in and around Warburton so that he can see firsthand the existing bicycle infrastructure and the opportunities that exist for that infrastructure to be extended to incorporate and link with proposed mountain bike trail development.

The Warburton Valley is already serviced by the very popular Lilydale to Warburton rail trail. It is a wonderful trail that is extremely popular with both locals and tourists. The 40-kilometre trail winds through open space, farmland and treed areas, and is flanked by the hills of the Upper Yarra. It is a wonderful feature, passing through many towns including Mount Evelyn, Wandin, Seville, Woori Yallock, Launching Place, Yarra Junction, Wesburn, Millgrove, and ending at Warburton. Also in the area is the O'Shannassy Aqueduct trail, which rises above the floor of the Upper Yarra Valley and follows the historic open channelled O'Shannassy Aqueduct. It is also a picturesque ride, passing through forested areas and stretching for some 30 kilometres. It passes wonderful vegetation including mature fern gullies, creeks and plantations, and offers spectacular views of the valley below.

On many weekends Warburton is bustling with tourists, many of whom are cyclists who have experienced these trails. A few weekends ago I popped into Warburton on a very busy Sunday and took the opportunity to visit Doug at the Cog Bike Cafe, which was really abuzz. There is a lot of interest in the community about a proposal to further develop Warburton and its surrounds into a mountain bike destination, given the potential that exists in the hills surrounding the town and the existing infrastructure. It is something that I would like the minister to examine, understand and perhaps experience.

A feasibility study was recently completed by the Yarra Ranges Shire Council in partnership with Parks Victoria, the Department of Environment and Primary Industries, the Yarra Ranges Mountain Bikers, the Warburton Valley Community Economic Development Association and the Warburton Advancement League. There are certainly a number of benefits to this proposal, including an economic benefit of perhaps $23.7 million per annum, possibly the generation of 175 full-time jobs and the possibility of attracting some 130 mountain bike visitors. Recently I attended the annual general meeting of the Yarra Ranges Mountain Bikers, and I know they are certainly very much in support of this proposal. I would like the minister to come out, have a look at this beautiful area and get a sense of the opportunities that may exist to extend it and perhaps regenerate this part of the Warburton Valley.

Olympia housing initiative

Mr CARBINES (Ivanhoe) — I raise a matter for the attention of the Minister for Housing. The action I seek is for the minister to publicly release details of how many public housing dwellings have been sold in the 3081 postcode area, and how many new public housing dwellings have been let to tenants under the government's Olympia housing initiative. On page 89 of budget paper 4, under the 2014–15 state capital program, it is noted that the 'Heidelberg redevelopment — 600 units' had received a total

estimated investment of $160 million. However, as at 30 June only $12 million was expected to be expended, with an estimated expenditure in 2014–15 of $19 million. That leaves a remaining expenditure amount of $128 million, and an estimated completion date of 2021–22.

I refer to an article in the *Heidelberg Leader* of 7 August 2013 headed 'MP slams housing go-slow. As the needy wait, just 12 of 600 properties completed'. It states:

> Just 12 public houses and units have been built in Banyule out of 600, one year into a $160 million project.

We have now reached the second anniversary of that project, yet the government refuses to indicate how many public housing dwellings have been let and how many public housing dwellings in the 3081 postcode have been sold. This is meant to be a self-funding initiative, yet the government refuses to provide any details as to how many tenants have been let into new Olympia housing initiative properties or how many public housing properties in postcode 3081 have been sold. While we have record numbers of people waiting for public housing in my electorate and particularly in the West Heidelberg, Bellfield and Heidelberg Heights areas, this project, which is all about a lot of colour and movement and noise, provides no net extra housing for public housing tenants on record waiting lists under this government.

I note also that we have been provided with no details as to how many new properties have been let and how many new properties have been constructed and commissioned. We also have no details from the government as to how many public housing dwellings have already been sold to fund this initiative for which the government has provided no new money. We see many public housing properties up for sale in my electorate, usually on quarter-acre blocks and usually for private use and high-density development, yet we do not see any of the public housing properties being built. The estimates in the budget papers show quite clearly that the government is not meeting its target, and with only 12 homes being commissioned a year and up to 600 units in 10 years under this project, the government is a long way behind. The local community wants some action and some answers. If the government is proud of this project it should publicly release these details about public housing in West Heidelberg.

Sandringham electorate small business

Mr THOMPSON (Sandringham) — The matter I raise tonight is for the attention of the Treasurer. The action I seek is for the Treasurer to meet with local business proprietors in the Sandringham electorate, or proprietors who reside in the Sandringham electorate and conduct business in other parts of Victoria, and discuss with them measures and initiatives of the coalition government that will assist in the competitiveness of Victorian industry, and which will assist large and small businesses in this state.

A number of years ago the suburb of Sunshine was home to some 3000 employees in the one factory. H. V. McKay developed the combine harvester. Through inspiration and hard work he turned his product into a good that was able to be transported overseas in the time of the federation drought. When there was not local demand for his product he sent his brother to Argentina with a number of the machines to sell. He employed some 3000 people, and the suburb of Sunshine was named after the Sunshine combine harvester.

I recently heard a local businessman tell the story of a product he was manufacturing locally at a particular price. He was visited by a union representative. He pointed out that this was a product made in Australia. He then pointed out an equivalent product that was imported and that was half the price. He said, 'What do you want me to do in my workshop when I pay my people above award wages and endeavour to look after them to enable them to remain in business?'.

When I was first elected to this place one of the matters drawn to my attention — and I was aware it a few years prior — was a proposed ad valorem tax on the purchase price of a new business in Victoria. In addition to a person paying for the goodwill of the business, stock, accounting fees, legal fees, stamp duty and electricity bond, there was a proposal that they also be obliged to pay a tax on the purchase price of the business. Businesses do not grow by chance; they grow through prudence and the right environment being set within Australia.

When I was first elected to this place unemployment was running at over 11.3 per cent. For people up to the age of 25 it was well into the late teens and early twenties. We cannot take for granted the factors which drive a strong economy in this state. I seek from the minister the opportunity for him to meet with local business proprietors and outline the measures taken by this coalition government to build a stronger economy and provide employment.

Ann Nichol House

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Environment and Climate Change. The action I seek is that the minister urgently review the legal issues involved in the proposed sale of Ann Nichol House and the Crown land on which it is situated. The minister might suggest that it is not his responsibility but that of the Minister for Health, which is why the Minister for Health is being asked a similar question at the same time this evening.

Residents across the Bellarine Peninsula have been concerned and angered by Bellarine Community Health's proposed sale of Ann Nichol House to a private provider. Given the number of times I have raised this issue, I am sure that members of this house and the minister know that Ann Nichol House is the last not-for-profit aged-care facility in Bellarine. In 1993 the Crown land was temporarily reserved for health and social welfare purposes. The state government of the day in effect gave use of the land to the North Bellarine Hostel for the Aged Inc. to enable the building of Ann Nichol House. Community members trusted the funds they had raised and the running of Ann Nichol House to Bellarine Community Health, which is providing affordable and high-quality care to the local community. The proposed sale of the community asset has been a devastating shock.

I have raised the community's concerns with the minister on several occasions, most recently regarding the order he made, which is listed on page 1671 of the *Victorian Government Gazette*, No. G 31 of 31 July 2014, in relation to the Crown land on which Ann Nichol House is built. The order removed the health and social welfare purposes, which raises the question of whether the state government has sold the land to Bellarine Community Health without any tender or process. It is anticipated that the board of Bellarine Community Health will decide to sell Ann Nichol House later this week and announce this on Friday.

The community is asking serious questions that need to be answered urgently and addressed through a review process. Given that Ann Nichol House is situated on Crown land, how can it be sold and not just leased? How can Bellarine Community Health claim that it owns the facility when it sits on Crown land? Has the minister signed a lease to Bellarine Community Health, or has some other organisation purchased it? Has the government sold the land to Bellarine Community Health or the proposed purchaser of Ann Nichol House? What will happen to the profit from the sale? What will happen to the commonwealth funding for this financial year if Ann Nichol House is sold prior to the period of March to June 2015, which was a stipulation of the contract back when the commonwealth contributed funding? What does that mean for residents?

As we know, staff at Ann Nichol House have been told they will be sacked and will have to reapply for their jobs. It is vital that the minister urgently review these legal issues and provide the community with information about the status and sale of the land and the right of Bellarine Community Health to sell this property.

Murray Valley electorate councils

Mr McCURDY (Murray Valley) — I am delighted to raise an adjournment matter for the Minister for Local Government, who is also the Minister for Aboriginal Affairs. The action I seek is that the minister visit the north-east and meet with some of my councils in the Murray Valley and the new electorate of Ovens Valley.

Good local governance is very important in our communities. As an ex-deputy mayor, I understand the complexities and the details of working at the coalface with communities at that tier of government. After the change of electoral boundaries and following redistribution in the Ovens Valley, we will have three key local government authorities: the Shire of Moira, the Rural City of Wangaratta and the Shire of Alpine. They have all requested visits from the minister, and hopefully we can organise them.

The Rural City of Wangaratta council was dismissed, which was well documented. The dismissal was a bipartisan decision. The new administrators — chair, Ailsa Fox, along with Rodney Roscholler and Irene Grant — are getting on with the job, making what I and most members of the community believe are good decisions. It is important, however, to touch base with the minister from time to time, and the administrators have certainly requested that.

Recently the Moira shire has also had its challenges, after changing its CEO and undergoing a very public call for a probity audit, which it has since decided not to proceed with. The council has requested that I invite the Minister for Local Government to visit for a general discussion and to obtain some guidance on a range of issues.

The Alpine shire has more geographical challenges than the other two shires I have mentioned. It is based in Bright, which is a wonderful part of the world, Deputy Speaker, as you would well know. Ninety-two

per cent of the land in the Alpine shire is public land, so the council needs to be very mindful of its rate base and the cost of servicing that large area of public land. It has performed very strongly in recent years, with CEO Dave Barry and Cr Peter Roper. It has delivered a very sound budget with strong strategic direction.

I also invite the minister in his role as Minister for Aboriginal Affairs to meet with the Bangerang community. I recently met with Uncle Sandy Atkins, his uncle, Uncle Freddy, and Uncle Wally Cooper. Uncle Wally did a fantastic and inclusive welcome to country at the recent opening of the $2.7 million upgrade to the Wangaratta Magistrates Court. They have a few issues they would like to discuss with the minister. If he is able to fit it into his schedule, I am sure he will make some time to meet with them. He is an extremely busy person.

I understand it is difficult to get to all the regions of Victoria, but the councils in my electorate are absolutely delighted with the coalition's roads and bridges funding and are keen to see it continue.

Albert Park truck curfew

Mr FOLEY (Albert Park) — I rise in the adjournment debate to raise a matter for the attention of the Minister for Roads. The issue relates to the application for a truck curfew that is in place in the part of Beaconsfield Parade, Albert Park, which changes its name to Jacka Boulevard, Marine Parade, and then a whole range of other names all the way through to Mordialloc on the Nepean Highway. The action I seek is that the minister ensure the proper enforcement of that curfew in the face of mounting evidence that it is failing to be enforced.

By way of background, this area of Beaconsfield Parade — and its various other guises — is subject to a curfew for trucks travelling through what are largely residential neighbourhood areas. That truck curfew operates from Monday to Saturday from 8.00 p.m. to 6.00 p.m. and on Saturdays and Sundays from 1.00 p.m. to 6.00 a.m., during which times no trucks are allowed.

Increasingly the advice from local government, the community and sections of the freight and logistics industry is that the curfew is being routinely and increasingly breached. The drivers of trucks, particularly from Port Melbourne and the port of Melbourne that operate in and around the district of Albert Park or that enter those areas, run an ever diminishing risk of facing a fine of $144 should they be found to be in breach.

I note that the most recent VicRoads data indicates that some 205 fines were issued for breaching road curfews across the entire Victorian road network. I have to concede that this data is two years old. No recent data was available for the Beaconsfield Parade and Marine Parade areas.

Suffice it to say that the pressures on the community due to truck movements are getting worse in this major residential and community amenity area, particularly with the prospect of growth in the logistics area associated with the Webb Dock third container terminal, which is also going to be a significantly expanded car import-export facility.

This area has schools, beaches and community groups. The safety and livability of our community is at risk. This is an urgent matter for the minister's attention.

Level crossings

Mr SOUTHWICK (Caulfield) — I wish to raise a matter for the Treasurer. The action I seek is that he update my electorate of Caulfield about the coalition's plans for the funding and removal of dangerous level crossings. As we know, the removal of level crossings is an expensive exercise and it is important to get these things right. A budget blowout could mean delays and costs to the taxpayer. My constituents are particularly concerned with the Ormond, Carnegie and Murrumbeena level crossing removals.

I understand that 40 crossings are in the process of being removed, with 18 already having been done. This has all taken place in the last three and a half years compared to only 8 being removed in 11 years under Labor. I also understand that Labor has committed to remove 50 level crossings at a total investment of $6 billion. However, I understand that this is underfunded by $2 billion and the total cost is more likely to be $8 billion.

The 2014–15 state budget includes $457 million for the removal of level crossings at Burke Road in Glen Iris, Blackburn Road in Blackburn and North Road in Ormond. My constituency is particularly interested in ensuring that the funding is available and the project is on track for the removal of the level crossing at North Road, Ormond. The level crossing at North Road is located within the Ormond neighbourhood activities area. North Road carries over 41 200 vehicles per day, including 180 bus services and 3000 vehicles per hour during peak periods. The boom gates are down for over 30 per cent of the a.m. peak and 39 per cent of the p.m. peak.

The North Road level crossing removal project includes the lowering of the rail line below North Road; a new station; a new pedestrian crossing to replace the Dorothy Avenue underpass; a new station car park, maintaining the existing number of spaces; and a new signalised pedestrian crossing across North Road in front of the new station entry. This is similar to the Murrumbeena Road level crossing, which is one of the most notorious on the network and is classified as a priority level crossing removal by the RACV. It caters for approximately 16 400 vehicles every day.

The Koornang Road level crossing in Carnegie is also on the RACV's priority level crossing removal list. Approximately 14 500 vehicles travel along Koornang Road each day. Its boom gates are down for 49 per cent of the 2-hour peak period, causing significant congestion on this busy local road.

In summary, level crossing removal is a key priority for both major parties in the lead-up to the election. My constituents are seeking reassurance from the Treasurer that funding is available to remove those crossings in Ormond, Murrumbeena and Carnegie and that these projects will be completed by the coalition government.

Courtney Gardens Primary School

Ms GRALEY (Narre Warren South) — My adjournment matter is for the attention of the Minister for Environment and Climate Change. It comes as a result of a recent visit to the fabulous Courtney Gardens Primary School in Cranbourne. The action I would like the minister to consider is to ensure that students from this school are able to visit the Cranbourne botanical gardens. I would like to put on the record that I think the Cranbourne botanical gardens are fabulous.

The assistant principal at Courtney Gardens Primary School, Ms Georgina Wilson, told me about the issues the school had in organising an excursion to the Cranbourne botanical gardens at an affordable price for the students. The cost of the excursion is $6 for the bus to and from the gardens. The school was then advised of an additional cost of $12 per student for entry into the gardens. Therefore, the total cost of this school excursion is $18. We know that raising a family is an expensive business, but $18 per student is a pretty significant amount for most families. The assistant principal also told me that due to the cost of attending the gardens, year 2 students will either miss out on the guided tour or not be able to attend the excursion this year. This is yet another educational opportunity lost because there are those in the community who cannot afford to pay these increased fees.

Ms Wilson has a genuine concern for the kids at her school. She said:

> We feel it is such a pity that local students have to pay. Our students need to be exposed to many varied activities to enrich their understanding and vocabulary. For many of our students English is not their first language so experiences help connect them. Further to this, we have many parents on a limited income. We feel the Cranbourne botanical gardens lesson would offer our students an insight into the wonderful asset that Cranbourne has …

As part of the AusVELS curriculum students are studying many aspects of the history, environment and achievements in their local area. Visiting a place — especially having access to the history and Aboriginal heritage of the Cranbourne botanical gardens — is a really fabulous way of educating our young people. Frankly, why shouldn't kids have a fun day out in the fresh air? Ms Wilson pleaded with me to see if there was any way that the students could have a discounted fee or even visit the gardens at no cost, given that they are local students. I think the minister should do something about this very sad situation that students in my electorate are facing.

Templestowe Valley Primary School

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Education. The action I seek is for the minister to provide $2 million to Templestowe Valley Primary School so that it can become a centre of excellence in languages education. I have previously asked the minister to investigate the need for a school of excellence in languages education in the city of Manningham, and I thank him for the advice he has given me. I am now seeking the funding to make this happen. I am asking for $2 million for Templestowe Valley Primary School to ensure that this comes to fruition.

As members know, learning one language starts you on your life's journey, learning two languages assists you by opening doors that you find along the way and learning more than two gives you the skills and tools to deal with the challenges that you find behind those doors. Languages education is very important, and Templestowe Valley Primary School is a great school in my electorate. Its principal, Graeme Renshaw, and staff are very professional, hardworking and committed to the school. The school has a reputation for its comprehensive and challenging curriculum, academic excellence and family atmosphere. The school has nearly 500 students. It offers a gifted and talented Da Vinci program to extend those students who do well in the classroom, and it also offers maths intervention, literacy support and Reading Recovery programs for students who need assistance.

The school currently offers Mandarin to students from prep to year 2 and Italian from years 3 to 6. It will be a great venue at which to establish this centre of excellence in languages education. The school will be able to offer one European language and one Asian language from prep to year 6. It will be the first time that the school has been able to offer both languages simultaneously. As it will be a centre of excellence in languages education, other schools in the Manningham area can come to visit and see for themselves the strategies for teaching languages at the school. I know the minister has worked hard to ensure that languages are given priority in our schools, and I now call upon him to provide $2 million for a centre of excellence in languages education in Manningham, which is sought and required by all students.

Responses

Mr DIXON (Minister for Education) — The member for Bulleen spoke very eloquently about Templestowe Valley Primary School, its languages program and indeed other programs at that school. As a former Minister for Multicultural Affairs and Citizenship, the member is very well aware of the importance of languages education, not only for the language itself but in terms of the cultural doors it opens and the cultural understanding that comes from the learning of another language.

Two languages are currently being taught at Templestowe Valley Primary School at a very high level. When schools are doing a great job, it is important that they share their expertise. It is not only for the benefit of the students in the school at the time but it is also about sharing that expertise with other schools. Next year all prep students in Victoria will be undertaking languages education, and that will build up in every subsequent year. It is very important that we have the resources, the teachers and the experts out there to share that knowledge with other schools.

I am going to give very serious consideration to the funding of this centre of excellence in languages education at that school, because I think it will help not only students at that school now and into the future but also students in the greater Manningham area. In fact, I am sure that teachers and schools from all over the state would be very welcome to visit that school. Obviously that is an extra impost on the school, and I think it is important that the necessary facilities are there for the program to be used to best effect.

Mr O'BRIEN (Treasurer) — I thank the member for Bendigo East for raising a matter regarding the Country Fire Authority (CFA) Mosquito Creek brigade. This coalition government is absolutely committed to the CFA, so much so that it has cumulatively spent over $260 million more on the CFA over its budgets than Labor did when it was in office. We have made an extraordinary investment because we support the volunteers at the CFA. We have also done this through reforming the fire services property levy. You will recall, Deputy Speaker, that the 2009 Victorian Bushfires Royal Commission recommended to the government that the fire services and the way in which they are funded should be reformed. This recommendation was squibbed by the former government, as were many of those 67 recommendations. It did not have the courage to follow them through, but this government has. We have committed to implement every one of those 67 recommendations, and we have done so — we have either done it or we are doing it, unlike members opposite.

Mr Foley — You have not done it.

Mr O'BRIEN — We have done it or we are doing it, for the benefit of the member for Albert Park. In terms of the CFA, as I said, cumulatively we have put more than an extra $260 million into the CFA budget, which is a demonstration of our support.

We have also provided 400 000 Victorian pensioners with a $50 concession — something that never happened under the Labor Party. Under the Labor government there were no concessions for anyone. If you insured your house — and you could be a pensioner in a housing commission flat — you got no benefit at all. There were no concessions, and there was no-one looking after you. It took the election of a coalition government before they got a concession. That is what we have done. We have funded it ourselves; it is not money out of the CFA or the Metropolitan Fire Brigade, but it is money from ourselves as a government. There are now 400 000 Victorian pensioners who now get a $50 concession for the fire services property levy as a result of this government. The principle is that CFA fire stations do not attract the fire services property levy.

I am very happy to get more information from the member for Bendigo East or in fact to go to the Mosquito Creek CFA myself to find out what is happening. I did hear the member for Bendigo East say that last year they did not pay the fire services property levy.

Ms Allan interjected.

The DEPUTY SPEAKER — Order!

Mr O'BRIEN — Once again the member for Bendigo East is very confused about these issues. I am happy to ensure — —

Ms Allan — On a point of order, Deputy Speaker, I think the debate requires the Treasurer to be relevant to the matter that was raised. I am happy for him to check *Hansard* to see that the Mosquito Creek CFA was issued with a bill last year that it handed to the CFA and that it believed the CFA paid the bill. I am more than happy for the Treasurer to be accurate in his representation of these issues rather than ranting and raving — —

The DEPUTY SPEAKER — Order! The member for Bendigo East! There is no point of order.

Mr Foley interjected.

The DEPUTY SPEAKER — Order! The member for Albert Park should not interrupt when I am speaking.

Ms Graley interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Narre Warren South

The DEPUTY SPEAKER — Order! The member for Narre Warren South can have half an hour out of the chamber.

Honourable member for Narre Warren South withdrew from chamber.

ADJOURNMENT

Responses

Debate resumed.

Mr O'BRIEN (Treasurer) — To conclude this particular matter I will refer to the *Bendigo Advertiser* of 27 August 2013, in which the residents of Bendigo indicated their great support for this government's reforms in relation to the fire services property levy. The article states:

> Bendigo Truss Plant owner Geoff Holland said his business was expecting to save more than $10 000 under the new model.
>
> Mr Holland said his fire services levy had been high in previous years because he was fully insured and was paying a loading based on being in a higher risk regional area.
>
> 'In 2012 it was close to $16 000, and this year we're expecting to pay $4500 to $5000', he said.
>
> 'It's a welcome change to have that reduction'.

This government is making sure that people who have properly insured their premises are well looked after. We have reduced the rates of the fire services property levy across all categories right throughout this year. We have ensured that 400 000 pensioners get a $50 discount — something that never happened under 11 years of Labor. We have implemented the recommendations of the bushfires royal commission — something that Labor never did. The CFA knows that it is $260 million better off under the coalition government — something that never happened under Labor.

The member for Sandringham raised a matter in relation to taxation and the impacts of government taxation policy on his constituents. Since 1 July this year the constituents of the member for Sandringham and in fact all constituents of the members of this place have been better off because this government has cut payroll tax. We cut payroll tax to 4.85 per cent from 1 July this year. This will save 39 000 Victorian employers $234 million over the next four years. This makes Victoria a better place to start a business, a better place to grow a business and a better place to employ more Victorians. That is why we have seen more than 100 000 extra jobs created since this government came to office less than four years ago. We have cut payroll tax, and if you have a payroll between $5 million and $26.7 million, Victoria is the cheapest state in the country to have your payroll tax levied. This is absolutely the lowest jurisdiction for payroll tax for businesses with payrolls between $5 million and $26.7 million — something members opposite can only dream of.

It does not just stop there. We have also cut WorkCover premiums. From 1 July this year the average WorkCover premium has been cut by 2 per cent. Not only do we have both the best WorkCover system in the country and the safest workplaces in the country, we also have the lowest WorkCover premiums in the country. This saves businesses $40 million. It does not stop there. From 1 September this year we have increased the stamp duty concession for first home buyers to 50 per cent. If you are buying a new first home in Victoria from 1 September — that is, a newly constructed first home — not only do you get a 50 per cent stamp duty reduction but you get a $10 000 grant. We are making home ownership more affordable. We are helping more young people and more young families get that first foot on the rung of home ownership.

Mr Nardella interjected.

Mr O'BRIEN — The member for Melton laughs and mocks. He owns about 27 properties. He may well laugh, but if the member for Melton actually sold a few of his properties, maybe a few first home buyers would have a better chance of getting into the market.

Ms Allan — On a point of order, Speaker, I fail to see how this is either entertaining or relevant to the adjournment matter that was raised. Attacking the member for Melton in such a way is not only not in line with the adjournment debate but it should also be beneath a person who holds the office of Treasurer. We ask you to ask him to act like a Treasurer and not as if this were a Melbourne University Liberal Club debate.

The DEPUTY SPEAKER — Order! I have heard enough. There is no point of order.

Mr O'BRIEN — I always take my etiquette tips from somebody who told a Speaker to be a man.

In addition to our stamp duty concessions for first home owners, WorkCover premium reductions, payroll tax cuts and abolition of stamp duty for life insurance products from 1 July, we have also — as I mentioned earlier — reduced fire services property levy rates across the board from 1 July this year. If you want tax cuts, a responsible budget, a AAA rating and a budget surplus, there is only one choice: you have to vote for the coalition, because the muppets on the other side cannot manage money or major projects.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The members for Albert Park and Melton well know that if members want to take a point of order, they stand in their place and wait until they are called. They do not yell until they are called.

Mr Foley — On a point of order, Deputy Speaker, I ask that you direct the Treasurer to withdraw his offensive comment directed at members of the opposition.

Mr O'BRIEN — On the point of order, it has been a longstanding practice of this place that comments directed generally at a party — —

The DEPUTY SPEAKER — Order! If someone has taken offence, members withdraw.

Mr O'BRIEN — The member raised matters directed at members opposite generally, not at a specific person. These have to be directed at a specific person, not a collective. That is a longstanding practice in this place. I am happy to stand down while — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Points of order will be heard in silence.

Ms Neville interjected.

The DEPUTY SPEAKER — Order! The member for Bellarine! Points of order will be heard in silence, which all members have asked for.

Mr O'BRIEN — I would be happy to stand down while advice is received. My understanding is that it has always been the practice in this place that remarks directed to a party, the opposition or the government collectively do not attract the same protection as comments directed towards an individual. I believe that is an important precedent in this place, and I would seek your ruling given that consideration.

The DEPUTY SPEAKER — Order! Given that the comments were not directed at an individual, the Treasurer does not have to withdraw. I believe the Treasurer has concluded his answer.

Mr O'BRIEN — In that regard, yes. I now need to respond to the member for Caulfield.

Mr Foley interjected.

The DEPUTY SPEAKER — Order! There are previous rulings on the issue. Members should not challenge the ruling; the ruling has been made.

Mr O'BRIEN — I would like to respond briefly to the important matter raised by the member for Caulfield. He has been an assiduous member and somebody who has actively advocated for the removal of level crossings that affect his electorate and the people who travel in and around his electorate. It is important to note that under this government we have removed five level crossings: one each in Mitcham Road, Rooks Road and Springvale Road, and two in Andersons Road as part of the regional rail link work. We have also built 13 grade separations into the regional rail link, so that is 18. There are a further four grade separations to be done as part of the Cranbourne-Pakenham rail corridor project, which members opposite oppose: Murrumbeena Road, Murrumbeena; Koornang Road, Carnegie — a level crossing I know well, which is an absolute shocker and which will be removed as part of this project; Clayton Road, Clayton; and Centre Road, Clayton. In addition to that, there are a further four level crossings being

fully funded by the coalition government as part of the 2014–15 budget. There is Blackburn Road, Blackburn, and also Burke Road, Glen Iris, which is well known to me. Main Road, St Albans, should be well known to members opposite. They did nothing about it for 11 years, despite it being the deadliest level crossing in the state. The final level crossing, which is at North Road, Ormond, is very close to the member for Caulfield's area.

We have removed 18 level crossings, we have a further 8 in the pipeline and we have done planning and preconstruction for a further 14 — that is 40 level crossings that have been removed, are being removed or will be removed under the Napthine coalition government. Under us they are being removed. It is actually happening because the money is there.

By contrast, I refer to an article from the *Sunday Age* dated 16 February 2014 with the headline 'Treasury finds $19 billion hole in Labor plan'. The fact is that Labor has made promises that it cannot deliver, promises it cannot afford and promises that will never be met. Labor cannot manage major projects — it cannot manage money. We have delivered level crossing removals. We have done it under the regional rail link, and we have done it under our previous budgets. We have another four under this budget, and we have another four under the Cranbourne-Pakenham rail corridor upgrade. I congratulate the member for Bentleigh and the member for Caulfield for their dedication and strong advocacy for these level crossing removals.

I pity members opposite, who are trying to sell the people of Victoria a pup. They cannot remove level crossings, they cannot manage major projects, they cannot manage money and they cannot be trusted.

Mr BULL (Minister for Local Government) — I am pleased to respond to the member for Murray Valley. His adjournment matter does not require me to be quite as thorough as the Treasurer was in his responses.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Minister for Local Government, without assistance.

Mr BULL — The member for Murray Valley asked me to visit the shire of Moira, the rural city of Wangaratta and the shire of Alpine, which are in his electorate. The councils for these local government areas face the challenges of having a constituency that is spread out over a very large area. They benefit enormously from the Regional Growth Fund, the country roads and bridges program and many other programs that we support our rural and regional councils by providing. I would be delighted to head up there with the member for Murray Valley.

In his commentary the member for Murray Valley mentioned the Bangerang people and in particular Uncle Wally Cooper. I would be delighted to catch up with them. I actually coached Uncle Wally's brother at football for a number of years in Bairnsdale, so it would be good to catch up with Uncle Wally. I would also be delighted to join the member for Murray Valley to meet with council representatives and discuss the issues that are confronting them in north-eastern regional Victoria.

Mr R. SMITH (Minister for Environment and Climate Change) — In response to — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Minister for Environment and Climate Change, without the assistance of other members.

Mr R. SMITH — The member for Seymour raised an issue regarding bike trails in Warburton, and he asked me to go out and have a look at the opportunities that would be available to extend bike trails there and to link the current bike trails with the mountain bike trails. Having grown up and gone to school in the area, I know it is a fantastically beautiful region, and it certainly would be enhanced if some work were done linking bike trails in the area, which would give many people the opportunity to enjoy the beautiful surrounds. It would be my pleasure to visit the member for Seymour, have a look at the bike trails in her electorate and see what opportunities are available.

The member for Bellarine asked me to review legal issues around Ann Nichol House, and I would be happy to look again at the issues that are relevant to my portfolio in that regard.

The member for Narre Warren South raised an issue in regard to the Cranbourne botanic gardens — not botanical, but botanic — which this government removed entrance fees for. There is clearly an issue and a misunderstanding, and I undertake to the member that I will contact the CEO of the botanic gardens tomorrow to get an understanding of what the issue is. I will certainly make sure that the issue has been represented properly in this place, and I undertake to return to her with a response in that regard.

The member for Ivanhoe raised a matter for the Minister for Housing, and the member for Albert Park raised a matter for the Minister for Roads. I will ensure

that the matters raised by those members will be referred to the respective ministers.

The DEPUTY SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 10.54 p.m.

Wednesday, 17 September 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 9.34 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 8 to 19 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Northern Melbourne Institute of TAFE

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the impending sale of the Northern Melbourne Institute of TAFE's (NMIT) Greensborough campus.

In particular we note:

1. the Napthine government's $1.2 billion in cuts to TAFE funding has had a devastating effect on NMIT which has reported a loss of $31.7 million in 2013;

2. as a result of these funding cuts, the Napthine government has caused the sell-off of NMIT's Greensborough campus;

3. the closure of the Greensborough NMIT campus will drastically reduce educational and training opportunities for young people in Melbourne's northern suburbs.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Napthine government to halt its cuts to TAFE and to ensure that the Greensborough NMIT campus is not sold off, but rather is reopened and kept for training and educating future generations.

By Mr BROOKS (Bundoora) (96 signatures).

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In particular we note:

1. the Napthine government's $1.2 billion in cuts to TAFE funding has had a devastating effect on NMIT which has reported a loss of $31.7 million in 2013;

2. as a result of these funding cuts, the Napthine government has caused the sell-off of NMIT's Greensborough campus;

3. the closure of the Greensborough NMIT campus will drastically reduce educational and training opportunities for young people in Melbourne's northern suburbs.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Napthine government to ensure that the Greensborough NMIT campus is not sold off, but rather is reopened and kept for training and educating future generations.

By Mr BROOKS (Bundoora) (7 signatures).

Watsonia railway station

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Napthine government's intention to sell or redevelop Watsonia station car park, and in particular we note:

1. the Watsonia station car park is at capacity by approximately 7.30 a.m. during the week and many commuters are forced to park in surrounding residential streets;

2. a number of bus services in the Bundoora electorate that connect with train stations have been cut by the Napthine government;

3. more car parking is urgently needed at Watsonia station in order to address the growing demand.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Napthine government to ensure that any plans to sell or redevelop Watsonia station car park do not result in a decrease of car parking available to commuters.

By Mr BROOKS (Bundoora) (158 signatures).

Melton Highway level crossing

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Napthine state government's failure to properly manage the Melton Highway level crossing.

In particular, we note that:

1. the boom gates are down for 52 minutes every 2 hours during peak times;

2. during peak hours journey times are 20 minutes longer;

3. there is an increased risk for children crossing Melton Highway to get to school.

The petitioners therefore request that the Legislative Assembly urges the Napthine state government to guarantee that they will urgently fix the Melton Highway level crossing so that the issues noted above are addressed.

By Ms HUTCHINS (Keilor) (182 signatures).

East–west link

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly recent news regarding the Napthine Liberal government's intention to build an $8 billion tunnel. In particular we note that:

1. the Napthine Liberal government is trampling on the rights and homes of local residents;

2. the Premier has failed to present a business case for this tunnel which will do nothing to fix traffic congestion for most Victorian motorists; and

3. the $8 billion tunnel will mean there is no funding available for other desperately needed transport infrastructure.

Petitioners therefore request that the Legislative Assembly call on the Napthine Liberal government to seek a mandate from the people of Victoria before spending $8 billion of taxpayers money on this tunnel.

By Mr WYNNE (Richmond) (15 signatures).

Health funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Abbott government's decision to cut funding for Victoria's health system in the federal budget. In particular, we note that:

1. families will have to pay more to see a doctor and to buy the medicine they need;

2. emergency departments are overflowing, surgery waiting lists are at record levels and now the Liberals are cutting $50 billion from hospitals;

3. Mr Abbott's cuts come after Denis Napthine cut hundreds of millions from the Victorian health budget, hoping to get it all back from the commonwealth.

Petitioners therefore request that the Legislative Assembly call on Denis Napthine to speak up against Tony Abbott's budget and reverse his own health funding cuts.

By Mr WYNNE (Richmond) (459 signatures).

Food standards

To the Legislative Assembly of Victoria:

The petition of residents of Victoria points out to the house that workers, manufacturers and growers of food are being subjected to unfair competition by imported food products that have not been grown or manufactured in accordance with Australian standards of hygiene, food safety, use of chemicals, pesticides, occupational health and safety and human rights.

The petitioners therefore request that the Legislative Assembly of Victoria establish an inquiry to investigate appropriate legislation to protect the health and wellbeing of consumers in Victoria by ensuring that food sold in Victoria meets the standards required of local growers and manufacturers.

By Ms HALFPENNY (Thomastown) (809 signatures).

Tabled.

Ordered that petitions presented by honourable member for Bundoora be considered next day on motion of Mr BROOKS (Bundoora).

Ordered that petitions presented by honourable member for Richmond be considered next day on motion of Mr WYNNE (Richmond).

Ordered that petition presented by honourable member for Thomastown be considered next day on motion of Ms HALFPENNY (Thomastown).

Ordered that petition presented by honourable member for Keilor be considered next day on motion of Ms HUTCHINS (Keilor).

POLICE REGISTRATION AND SERVICES BOARD

Report 2013–14

Mr WELLS (Minister for Police and Emergency Services), by leave, presented report.

Tabled.

PARLIAMENTARY DEPARTMENTS

Reports 2013–14

Mr WELLER (Rodney), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services.

Tabled.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Social inclusion and Victorians with disability

Ms RYALL (Mitcham) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered thatreport and appendices be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2014–15 (part 2)

Mr MORRIS (Mornington) presented report, together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Agriculture Victoria Services Pty Ltd — Report 2013–14

Auditor-General:

Effectiveness of Catchment Management Authorities — Ordered to be printed

Management and Oversight of the Caulfield Racecourse Reserve — Ordered to be printed

Australian Grand Prix Corporation — Report 2013–14

Casterton Memorial Hospital — Report 2013–14

Emerald Tourist Railway Board — Report 2013–14

Emergency Services Superannuation Board — Report 2013–14

Environment Protection Authority — Report 2013–14

Financial Management Act 1994:

Reports from the Minister for Agriculture and Food Security that he had received the reports 2013–14 of:

Dairy Food Safety Victoria

Murray Valley Citrus Board

Northern Victorian Fresh Tomato Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Victorian Strawberry Industry Development Committee

Reports from the Minister for Health that he had received the reports 2013–14 of:

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Mildura Cemetery Trust

Report from the Minister for Women's Affairs that she had received the Report 2013–14 of the Queen Victoria Women's Centre Trust

Greater Metropolitan Cemeteries Trust — Report 2013–14

Health Services Commissioner, Office of — Report 2013–14

Linking Melbourne Authority — Report 2013–14

Lorne Community Hospital — Report 2013–14

Melbourne Convention and Exhibition Trust — Report 2013–14

Otway Health and Community Services — Report 2013–14

Parliamentary Committees Act 2003 — Government response to the Electoral Matters Committee's Report on the Inquiry into the future of Victoria's electoral administration

Public Transport Development Authority — Report 2013–14

South Gippsland Hospital — Report 2013–14

Southern Metropolitan Cemeteries Trust — Report 2013–14

Statutory Rule under the *Motor Car Traders Act 1986* — SR 120

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 120

Taxi Services Commission — Report 2013–14

Timboon and District Healthcare Service — Report 2013–14

Transport Accident Commission — Report 2013–14

VicForests — Report 2013–14

Victorian Environmental Assessment Council Act 2001 — Request and statement under s 16

Victorian Government Purchasing Board — Report 2013–14

Victorian Rail Track — Report 2013–14

V/Line Corporation — Report 2013–14

V/Line Pty Ltd — Report 2013–14

Yea and District Memorial Hospital — Report 2013–14.

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Mr CLARK (Attorney-General).

JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Mr CLARK (Attorney-General).

APPROPRIATION MESSAGES

Message read recommending appropriation for Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014.

MEMBERS STATEMENTS

Costerfield mine

Ms D'AMBROSIO (Mill Park) — I was pleased to join Clare Malcolm, Labor's candidate for Euroa, on Thursday, 11 September, at Costerfield. The purpose of the visit was to meet with residents of Costerfield who have been concerned about the possible health and safety impacts of activities at the nearby Costerfield mine. The residents gave their stories of above-normal readings of contaminants in the water supply and in livestock, yet the Minister for Energy and Resources has repeatedly refused to meet with them. On at least three separate occasions since 2012 the Labor opposition has called on various ministers to attend Costerfield to meet with the residents.

Government ministers of course saw fit to meet in nearby Seymour for a media photo opportunity, and as he was only 30 minutes down the road, the Minister for Energy and Resources could easily have attended at Costerfield to sit down with the residents and walk with them while working through these concerns. Instead the constant refusal by this government to acknowledge the concerns of the residents has simply added to their anxiety and their feeling of being let down and ignored. The worst thing you can do to residents of a community is to ignore them and treat them as if they do not matter. I was pleased to have received a petition of 2000 signatures from the residents calling on the government to cause an environment effects statement to be undertaken. The government now needs to forget about the photo opportunities and the fight that is taking place between Liberal Party and Nationals candidates and — —

The SPEAKER — Order! The member's time has expired.

Grampians Wimmera Mallee Water

Mr WALSH (Minister for Water) — On Sunday last week I had the pleasure of being in Donald with Scott Turner, The Nationals candidate for the seat of Ripon, for a community celebration of the supply of potable water to the community of Donald. Grampians Wimmera Mallee Water has completed a number of potable water projects in recent times. In Donald's case it has built a pipeline from St Arnaud to save building a new treatment plant at Donald, which is a very efficient use of money. It has also completed a similar project in upgrading the water treatment plant at Murtoa, and it has built a pipeline to Minyip to supply that town with potable water, as well as a pipeline to Rupanyup. Therefore another two towns now have world-standard potable water.

Grampians Wimmera Mallee Water has also built a pipeline from the Charlton treatment plant to supply potable water to Wycheproof. The member for Mildura is going to a community celebration there shortly to celebrate the fact that Wycheproof will have world-standard water as well. In addition to that there has been a project where potable water has been installed for the community of Jeparit. I therefore congratulate Grampians Wimmera Mallee Water on what is a very good range of projects. It has been efficient with its money in ensuring that more towns have potable water into the future. It is another example of what the coalition government has been doing around Victoria to improve water supplies and sewerage systems in our country towns.

Raymond Hoser

Mr NARDELLA (Melton) — In the past the former Department of Sustainability and Environment (DSE) revoked the licence of snake handler Mr Raymond Hoser. He has had a very long battle through the court system to get his licence back. The Court of Appeal has reversed the decision by DSE, and I call on the Minister for Environment and Climate Change to ensure that the Department of Environment and Primary Industries (DEPI) now does everything in its power to help Mr Hoser and his company and staff to get working again as quickly as possible. I understand that DEPI is holding up his licence renewal, and this should not be delayed any further. The Minister for Environment and Climate Change also needs to work with his department on the costs order against the department for any compensation arising from the quashing of the DSE decision, and it should be implemented as quickly as possible.

Hospital ambulance bypass

Mr NARDELLA — I find it an absolute disgrace that yesterday hospital after hospital was on ambulance bypass. The people in Victoria, who live in a First World country, deserve a first-rate hospital system, and this government is letting down all those sick people who are waiting in ambulances, hour after hour.

Bacchus Marsh Secondary College

Mr NARDELLA — With 73 days to go to the election, I call on the government to upgrade the Bacchus Marsh Secondary College and to install an Eynesbury bus service for the school students in that area.

Latrobe Women in Business

Mr NORTHE (Minister for Small Business) — Last Thursday evening I was thrilled to be the master of ceremonies at a Latrobe Women in Business event, at which guest speaker Brigitte Muir, who is the first Australian — male or female — to have climbed the highest mountain on each continent, inspired the audience. The event also highlighted the work of Rhonda Renwick and the Kindred Spirits Foundation team for their amazing community contribution. To the hardworking Latrobe Women in Business committee — Anna, Briana, Michelle, Jane and Wendy — I say well done.

North Gippsland Football Netball League

Mr NORTHE — The North Gippsland Football Netball League held its grand finals on the weekend, with the Churchill Cougars senior football team defying the odds in defeating the previously undefeated Heyfield team. President Mick Johnson and his committee, along with coach Allan Chandler, deserve much credit, and accolades are also extended to Brendan Holt for his seven goals and a best-on-ground performance. Cowwarr won the reserves grand final and Churchill the thirds, whilst Traralgon Tyers United was successful in the B grade netball, and Glengarry was the winner in D grade netball.

Latrobe Indian Association

Mr NORTHE — I had the pleasure of attending the Latrobe Indian Association Bollywood Fusion event on Saturday evening, with lots of entertainment and fun had by all. Funds raised from the evening will go towards the Traralgon Country Fire Authority and the Latrobe Regional Hospital. Congratulations to President Ravi Subramanya and vice-president Anish Parekh, along with sponsors and supporters.

Churchill quilt, craft and photographic exhibition

Mr NORTHE — On Friday evening I was pleased to attend the launch of the Fifth Biennial Quilt, Craft & Photographic Exhibition at Federation University, Churchill. To Jean Baudendistel, Lorraine Andrew and the Churchill Neighbourhood Centre team, volunteers, sponsors and exhibitors, I say well done for another successful event in 2014.

TAFE funding

Ms THOMSON (Footscray) — The callous TAFE cuts that this government has inflicted on Victorians have an even more crippling effect on the people of the west. Not only have we seen cuts of over $50 million to local TAFEs as part of the government's $1.2 billion cuts to TAFE across the state, but it has not implemented a jobs plan, which has meant that company closures in the west — mainly in the manufacturing industry — have increased unemployment in the west, particularly youth unemployment, which is now at more than 20 per cent.

It is outrageous that the government would not only callously take apart the lives of people who need retraining but also deny young people in the western suburbs the opportunity to study the courses that will provide them with career and job opportunities. It is an absolute tragedy. For the courses that are left, that prices charged are not within the bounds of what most of these young people can afford is absolutely outrageous and a condemnation of this government and the way it sees the young people of this state. It needs to be investing in TAFE. The Labor Party will be investing in TAFE through this election campaign, and I look forward to seeing the opportunities that will be provided to young people in the west.

Kilsyth electorate services and infrastructure

Mr HODGETT (Minister for Ports) — I rise today to commend the Napthine government on its delivery of key services and infrastructure in my electorate of Kilsyth. Mooroolbark railway station will soon be transformed into a safer, more accessible and vibrant precinct, with work underway on the $2.4 million Mooroolbark community hub project. The community hub will feature a new cafe, improved landscaping and extra shelter over the station entrance. There will also be a new station entrance leading directly to the Brice Avenue pedestrian crossing, integrating the station with the street and local shopping area. The Mooroolbark community hub project is the result of years of hard work by a group of committed local residents, and I commend them on their dedication.

The Napthine government has also committed funding to upgrade a dangerous section of Mount Dandenong Road between Kilsyth and Montrose, with $690 000 to upgrade the road and reduce the speed limit. Local residents will be pleased with the upgrade, which

addresses a history of crashes in the 2-kilometre stretch of road between Durham and Canterbury roads. This is also great news for the St Richards Primary School community, particularly the parents and students who will now be able to travel to and from school more safely.

The Napthine government has also supported our local early learning childhood education centres, with Goodstart Early Learning in Croydon South and Mooroolbark Early Childhood Education Centre sharing in grants of over $25 000 to help improve their services and upgrade IT. This is yet another example of the Napthine government supporting local communities in education, and I am pleased to continue delivering valuable upgrades and improvements for my electorate.

Country Fire Authority emergency medical response

Mr NOONAN (Williamstown) — An elected Andrews Labor government will fund and implement the emergency medical response (EMR) program across all integrated Country Fire Authority (CFA) stations. Under EMR, firefighters are dispatched at the same time as paramedics to attend to cardiac arrests and non-breathing patients. Labor will also fund specialist training so that firefighters can enhance their life-support skills and administer cardiopulmonary resuscitation. Defibrillators will also be installed on fire trucks. Metropolitan Fire Brigade (MFB) firefighters have been delivering the EMR program since 2001, and they respond to more than 4500 emergencies each year. On many occasions MFB firefighters are able to arrive on the scene of an emergency before our paramedics and provide rapid early medical intervention.

There is no doubting the success of this program. In 2011 a former MFB CEO stated:

> We provide a vital component in ensuring patient survival, and the close work with Ambulance Victoria is an important example of how emergency services can complement each other's roles in preserving life.

In August 2011, the CFA commenced a trial of the EMR program across a range of sites in Melbourne and country Victoria. This pilot was supposed to be reviewed after 12 months and used to establish a business case for a rollout across the CFA. This has not happened, and sadly too many people are dying waiting for ambulances. This cannot go on. Labor's plan will reduce emergency response times, save lives and provide greater support to our hardworking paramedics. By contrast the Liberals have again demonstrated that they do not care about the issues that really matter to Victorians.

Caulfield electorate volunteer awards

Mr SOUTHWICK (Caulfield) — This is the second year we have instigated the Caulfield district Victorian volunteer awards. These awards are for people who provide service beyond the self and often go unrecognised in the community. I thank Larissa Casamento, who has been recognised for her five years of volunteer work with the Caulfield Bears Auskick program; David Wilde for his work as president of Friends of Caulfield Park since 2007, staging multiple concerts and advocating for the park space; Mimi Cohen for her great efforts coordinating many events at Caulfield Hebrew Congregation, including Tuesday Smoozeday; and Cathy McNaughton, a parent at Caulfield Primary School, for her significant work on upgrading the grounds at the school.

I also thank Lothar Prager for serving as honorary treasurer at Caulfield Park Sports Club for 13 years; Tallilah May for 25 years of service at Community Information Glen Eira; Karen Kinsella for her devotion and management of the Glen Huntly Brotherhood of St Lawrence op shop; Richard Kervin, a parent at Caulfield South Primary School, for his nine years of service, including six years as president at a great school; Daphne Saltzman for five years of service to the National Council of Jewish Women of Australia; Miri Lipskier for coordinating the school volunteer program at Beth Rivkah Ladies College; and Ian Harris, founder of Central Shule Chabad, for his work in building a new shule from scratch. All of these individuals do a great job serving the community and often go unrecognised for the great work they do in the Caulfield district.

Melbourne-Thessaloniki sister city celebration

Mr PANDAZOPOULOS (Dandenong) — This year we celebrate the 30th anniversary of sister city links between Melbourne and Thessaloniki, which is Melbourne's oldest sister city. This relationship reflects the fact that Melbourne is home to the third largest Greek community in the world outside of Greece and it reflects the bond between Australia and Greece.

Last night it was my great pleasure to join many members of this place at an event — the first of many sister city events — to commemorate the more than 2000 years of Jewish heritage of Thessaloniki. In the spirit of not forgetting the Holocaust, the event also focused on the 96 per cent of the Jewish population who perished during World War II. It was very moving to see the Greek and Jewish communities get together in Queen's Hall to commemorate that history and heritage and the bonds between our two countries.

There is an extensive program as part of the 30th anniversary events, including a big public event to be held in partnership with the City of Manningham, which will focus on the Anzac heritage in the Thessaloniki region during World War I and World War II. Over 1000 Australians served in that region during those wars. This included 360 nurses, who served at the British hospitals in Thessaloniki during World War I.

The program will culminate in a festival at Federation Square to be attended by a delegation from Greece, which will include the mayor of Thessaloniki and the minister — —

The SPEAKER — Order! The member's time has expired.

Royal Commission into Trade Union Governance and Corruption

Mr TILLEY (Benambra) — After reading the front page of the *Herald Sun* yesterday, which was headed 'Hail Cesar', and seeing more headlines on page 5 today, I have to say that the Royal Commission into Trade Union Governance and Corruption continues to expose the rotten core of the Victorian Labor Party. When is Labor going to come clean and own up to every single brown paper bag full of other people's money it has redistributed to all its Labor mates to buy seats in this Parliament?

The royal commission heard that certain individuals have been happy to hand out cash cheques to Labor party officials, such as their state secretary, Noah Carroll, and it is good to see his brother Ben in the chamber at the moment — —

Mr Carroll — On a point of order, Speaker, I ask the member to withdraw that comment. He clearly does not know that I am not related to Noah Carroll.

Mr TILLEY — I withdraw. One of those individuals then went on to sign Noah Carroll's preselection nomination form. Union corruption, standover tactics and the pilfering of union members' funds so that corrupt union bosses can play their backroom power games is the seedy underbelly of Victorian Labor, for which the Leader of the Opposition continues to run a protection racquet.

This activity casts a pall over the integrity of every Labor member in this Parliament who has accepted money from the many and varied slush funds that corrupt union officials have set up. This is the party the Victorian Labor leadership refuses to clean up. When is the Leader of the Opposition going to take a stand and stamp out the brown paper bag diplomacy rampant in the Victorian Labor Party — —

The SPEAKER — Order! The member's time has expired.

Monbulk Classic Car and Bike Show

Mr MERLINO (Monbulk) — I congratulate the Monbulk Business Network and the organisers of the Monbulk Classic Car and Bike Show, which was held last Sunday. This was the second time this event has been held. It was a raging success and a beautiful day. The whole of Main Street was closed and all the cars were on display. They included classic cars, hot rods, bikes and vintage cars. There was a massive crowd.

The profits from this event went to local charities and the Monbulk Country Fire Authority brigade. I want to put on the record my thanks to the sponsors, the trade stand holders, the bands providing the music and entertainment and most importantly the volunteers. The event was a huge success and a great showcase of the vibrancy of the Monbulk township and community. As a lover of cars, I identified about half a dozen that I would have liked to have taken home — —

An honourable member interjected.

Mr MERLINO — Megan said no.

Monbulk and Kallista primary schools

Mr MERLINO — I also took some time last week to meet a couple of new principals in the Monbulk electorate. Lynn Ordish is the new acting principal — and hopefully soon-to-be principal — of Monbulk Primary School. She has taken over from Ray Yates, who gave many years of wonderful service. I was very impressed by Lynn. The school community is in good hands. I was also impressed with Christine Finighan from Kallista Primary School, who has taken over from Barbara Rose. It was great to chat with both Christine and Lyn. They are going to be great principals for our community — —

The SPEAKER — Order! The member's time has expired.

Royal Commission into Trade Union Governance and Corruption

Mr McINTOSH (Kew) — The Royal Commission into Trade Union Governance and Corruption has further exposed the rotten core of the Victorian Labor Party. How can Victorian Labor look Victorians in the eye and claim it is fit to hold office when its members

are going around Victoria handing out rorted cash to buy political favours? Why does Victorian Labor persist in running a protection racquet for union heavies who get away with rorting hardworking Victorians' money for political payback?

This week the royal commission heard that a Labor member handed over rorted cheques made out to cash to none other than the state secretary of the Victorian Labor Party, Noah Carroll. It has been reported that Mr Carroll signed the member's nomination for an upper house seat. One can only hope that in this whole tawdry saga Mr Carroll has used some of this funny money to replace Farrah Tomazin's dictaphone, which he and others from Labor headquarters and the office of the Leader of the Opposition stole and destroyed. Most importantly, when will the Leader of the Opposition demand that Noah Carroll publicly come clean and disclose the deal that was done and paid for with rorted union members' money to see Cesar Melhem, a member for Western Metropolitan Region in the Legislative Council, elected to Parliament?

Sunbury municipality

Mr McGUIRE (Broadmeadows) — The Victorian coalition government's decision to take the Sunbury municipality out of the City of Hume is unprecedented, unfair and unsustainable. Under the coalition's proposal, Hume residents will be forced to bankroll a breakaway council in Sunbury by handing over more than $35 million in rates revenue from Melbourne Airport during the next decade. This is a cruel punishment, in which the financial burden falls unfairly on the families who can least afford it. Worse, the government's scheme has no financial certainty beyond the proposed 10-year subsidy.

The Napthine government's decision is another triumph of politics over rational decision-making and further evidence of why the most unstable administration in modern Victorian history should forfeit the privilege of governing our state. The strategy echoes the Abbott coalition's punishing approach to the poor and disadvantaged. The Victorian coalition's policy punishes the people of Broadmeadows and continues its reverse Robin Hood strategy of robbing one of our poorest communities for political self-interest.

The Victorian coalition has executed this cruel campaign, wilfully targeting families in Broadmeadows — the heavy lifters and truly forgotten people who have underwritten the state's prosperity for generations. While the Broadmeadows community has had the nous to establish Australia's first multiversity, the coalition cut $25 million from Kangan Institute then merged Kangan with Bendigo TAFE in an attempt to win marginal seats. Victoria's coalition also redistributed almost $100 million in shovel-ready projects that Labor had budgeted for Broadmeadows to sandbag marginal seats in Mordialloc and Frankston.

Coalition governments state and federal stand condemned for punishing vulnerable families and abandoning their pledge to govern for all.

The SPEAKER — Order! The member's time has expired.

Royal Commission into Trade Union Governance and Corruption

Mr BATTIN (Gembrook) — The Royal Commission into Trade Union Governance and Corruption has further exposed the rotten core of the Victorian Labor Party. The royal commission heard that militant union thug John Setka presided over the Construction, Forestry, Mining and Energy Union (CFMEU) Building Industry 2000 Plus Ltd slush fund, which pilfered over $1 million from hardworking Victorians.

True to the form of this union and its leadership, according to Michael Elliott, counsel assisting the royal commission, when the union was asked to produce the financial records of the CFMEU's Building Industry 2000 slush fund the documents were found to be incomplete. As reported in yesterday's *Herald Sun*, Mr Elliott said:

> The response from Building Industry 2000 indicated that the company had very few board minutes and papers …
>
> Further, no audit had been completed in respect of the company's financial statements for the year ended 30 June 2011, the year ended 30 June 2012 or the year ended 30 June 2013.

Given this appalling display of a lack of financial probity, Victorians are owed answers. What dodgy union cash has been exchanged for political sweetheart deals in the Victorian Labor Party? The Leader of the Opposition must come clean once and for all and call this disgrace what it is. It is a fraud on the people of Victoria. If Dan — or Daniel — Andrews will not stand up to corruption inside the Victorian Labor Party and the unions, how can he be trusted to stand up for Victorians? This is just another example of why Labor and the Leader of the Opposition simply cannot be trusted.

The examples in the paper today go further, with union members speaking about the corruption they have been involved in. The Leader of the Opposition said that if

Labor members had their time again, they would do things differently. That is not an excuse for what they have done and the way they are treating Victorians.

Centre Road, Bentleigh, level crossing

Ms HENNESSY (Altona) — It was terrific this morning to go out and join with the Leader of the Opposition; the shadow Minister for Roads, the member for Narre Warren North; and the Labor candidate for Bentleigh, Nick Staikos, to announce Labor's commitment to remove the Centre Road, Bentleigh, level crossing. It was quite shocking to see the congestion there this morning — not just the impact on the rail lines but along the road as well. This announcement was rapturously embraced by those who were down at Bentleigh station.

It was quite challenging getting into Parliament this morning because, of course, the train was cancelled. Many people on the train wanted to talk about how disappointed they were with their experience of public transport in the local area, and they were very enthusiastic about Labor's announcement. Those commuters know that an $8 billion tunnel in Clifton Hill will deliver nothing for them.

Carranballac P–9 College

Ms HENNESSY — I would also like to acknowledge Carranballac P–9 College in Point Cook, which recently hosted a really fantastic Festival of Performing Arts. Lots of schools from right across the west performed at this festival. It was a really amazing concert, and I congratulate all of those involved, particularly the leadership team of Carranballac College.

Royal Commission into Trade Union Governance and Corruption

Mr KATOS (South Barwon) — The Royal Commission into Trade Union Governance and Corruption has further exposed the rotten core of the Victorian Labor Party. The royal commission has heard evidence of the Construction, Forestry, Mining and Energy Union (CFMEU) demanding that Boral cease doing business with Grocon, both of which are major employers in Victoria. When these demands were not met the CFMEU reportedly forced Boral cement trucks away from a Coburg building site in retaliation. Boral has put the cost of this action at $8 million so far. Jobs and productivity have been threatened by lawless and militant union thuggery, and yet there is not even a peep of protest from the Leader of the Opposition — not a single word. The Leader of the Opposition was the one who let the CFMEU back into the Socialist Left faction, and Labor has accepted more than $10 million from it over the last decade. Worse still, the member for Brunswick has gone so far as to proclaim the benevolence of the CFMEU on her website, where she praises CFMEU official Gerard Benstead. This is the same Gerard Benstead who was named in the royal commission as a standover man and is quoted in secret recordings as saying:

> Don't go talking to the ABCC … If you go running to the ABCC, forget about it. That will be the worst move you'll ever make.
>
> Everything works on a bit for youse and a bit for us. Forget about the law, right.

That is what Labor stands for: lawlessness and intimidation in the workplace. Labor and Dan — Daniel — Andrews are bad for Victoria.

Battles of Isurava and Kokoda

Mr TREZISE (Geelong) — On Sunday, 31 August, I once again was proud to have the privilege of laying a wreath at the memorial service commemorating the 72nd anniversary of the battles of Isurava and Kokoda. As it has been in the past, the service was held in Osborne House in North Geelong and was organised by the Geelong and district sub-branch of the National Servicemen's Association of Australia. The service was held on a bright sunny day and was led by Brian Dunn, chairman of the Geelong Kokoda committee. Reverend Brian Giddings, as always, led prayers, while the call to remembrance was conducted by Mr Neville Lewis. Mr David Howell was a guest speaker, Major Ron Brandy, retired, led the prayer of remembrance and Mr Phil Abbott conducted the prayer for Australia. The lament for the fallen was beautifully played by Pipe Major W. Spriggins and, once again, the *Last Post* was played by bugler Christina Bowden, a stalwart of Geelong services.

Others who contributed to the day were the 39th Battalion, the 2/14th Battalion and the 2/16th Battalion. Also participating were the Geelong RSL, the City of Greater Geelong, Alpha Company, the Geelong Memorial Brass Band, the Vietnam Veterans Association of Australia, Karingal, the Geelong coast guard and the Osborne Park Association.

North Geelong Secondary College

Mr TREZISE — I recently had the pleasure of being acting principal for a day at North Geelong Secondary College. It is a great school which I have spoken about on numerous occasions in this house. Principal Nick Adamou and his team do a wonderful

job, and I enjoyed the day, especially my lunch with students Thomas Grantham, Daisy Sheehay, Shea Fynn and Dillan Tabb; they are some very impressive young people indeed. I thank North Geelong Secondary College for its hospitality.

Royal Commission into Trade Union Governance and Corruption

Mr BURGESS (Hastings) — The Royal Commission into Trade Union Governance and Corruption has further exposed the rotten core of the Victorian Labor Party. As was heard at the royal commission's hearing yesterday and reported by the *Herald Sun*, former Construction, Forestry, Mining and Energy Union (CFMEU) secretary Phil Oliver, current secretary John Setka and president Ralph Edwards were among the directors of Building Industry 2000, a slush fund that was set up to pay for the election costs of their union mates. This fund pilfered over $1 million from hardworking Victorians. Never forget that the Leader of the Opposition, Dan — Daniel — Andrews, has form in embracing this militant union. It was he who allowed the CFMEU and John Setka back into Labor's Socialist Left faction, and it is he who refuses to kick them out despite gross malfeasance.

Never forget that the CFMEU is represented in this Parliament and on Labor's front bench by none other than the shadow Minister for Planning, the man who wants to be in charge of Victoria's construction industry, Brian Tee, a member for Eastern Metropolitan Region in the other place. Were proceeds of this slush fund ever used as leverage in the Leader of the Opposition's acquiescence in allowing the CFMEU to be readmitted to the Socialist Left faction of the Victorian Labor Party? Has Mr Tee ever been involved in procuring money for, or has he ever accepted money from, the CFMEU slush fund? The Victorian public is entitled to answers to all of these questions. What funny money has bought what favours in the Victorian Labor Party? Victorians deserve to know; they do not deserve the continued silence and abdication of responsibility so often shown by those opposite. It is always interesting to listen to those who yell the loudest; they are generally the ones who are most guilty.

Education ministers' comments

Mr HERBERT (Eltham) — How sad and pathetic is this government? After four years of absolute inactivity, the Minister for Education has been running around copying Labor's commitments. He has nothing of his own to say; he is simply repeating our commitments. Meanwhile his junior minister, the Minister for Higher Education and Skills, who is obviously sick of defending the indefensible such as this government's destruction of TAFE in this state, seems obsessed with the opposition to the point where he is going around telling absolute porkies to regional papers and media outlets. Twice in recent weeks he has quoted statements supposedly made by me that were clearly not my words. How sad and pathetic, with TAFE in this state on its knees, and with training being rorted and abundant dodgy providers, that instead of concentrating on trying to fix the problems in this state, the Minister for Higher Education and Skills is intent on playing childish political games.

Public transport

Mr HERBERT — Speaking about hopelessness, what about the Minister for Public Transport? He comes into this place, trumpeting statistics about train performance, but we read in the *Age* today that his statistics are made up. The only way you can sat there is better performance on our train lines is if you do not count all the trains that skip stations or, in the case of the Hurstbridge line, dump Eltham-bound passengers at Greensborough station to wait — —

The SPEAKER — Order! The member's time has expired.

Royal Commission into Trade Union Governance and Corruption

Mr WATT (Burwood) — The Royal Commission into Trade Union Governance and Corruption has further exposed the rotten core of the opposition, which is led by the Leader of the Opposition — Dan Andrews, Danny Andrews or Daniel Andrews. Labor's Kaye Darveniza, a member for Northern Victoria Region in the other place, and Cesar Melhem, a member for Western Metropolitan Region in the other place, have been hauled before the commission to explain their roles in rorting money from hardworking Victorians through the operation of slush funds full of funny money, handed out like candy to Labor Party and union mates.

The silence from the Leader of the Opposition has been deafening on this matter. How many of Dan's MPs have taken funny money? How many of Dan's MPs have taken money from the likes of the disgraced Kathy Jackson-Kaye Darveniza's Health Services Union slush fund, Cesar Melhem's Australian Workers Union Industry 2020 slush fund or the Construction, Forestry, Mining and Energy Union Industry 2000 slush fund?

When will the Leader of the Opposition demand that Labor MPs publicly come clean and disclose all the deals they had to do to get their hands on this dodgy union cash? When will he stand up to those in his party who are rorting money from hardworking Victorians? If the Leader of the Opposition will not stand up to corruption, intimidation and lawlessness in trade unions, and if he will not stand up to members of his caucus accepting money from disgraced union officials — money that belongs to hardworking Victorians — how can Victorians trust that he will stand up for them?

East–west link

Ms CAMPBELL (Pascoe Vale) — Congratulations to the magnificent Moreland City Council, which is representing its constituents and ratepayers in a fantastic way in the fight against the dodgy, dud tunnel — Denis's dodgy — —

The SPEAKER — Order! The time for making statements by members has now ended.

Mr Nardella — On a point of order, Speaker, I have left it until now to raise this point of order. The 90-second members statements are still covered by standing orders, which state that honourable members cannot make an imputation on or affect the reputation of a member either in this house or the other house, and further that honourable members should refer to other honourable members by their title or proper name. We only have five days to go, but I seek your assistance over the next few days and ask that you inform honourable members before the 90-second members statements begin that standing orders should be adhered to, on all sides, so that the standing orders are maintained. That is why I have raised this matter at this point in time.

The SPEAKER — Order! I thank the member for Melton for his point of order. He has pre-empted me. I was going to advise members, in particular after the member for Burwood's members statement, that a member must be referred to by their correct title at all times. I was going to counsel the member for Burwood on that.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

East–west link

Mr PALLAS (Tarneit) — I grieve for the people of Victoria. I grieve for each and every Victorian, because they are governed by cowards. Insufferably arrogant and inconsolably ignorant, government members listen only to themselves and act only in their own interests, discarding probity, accountability, honesty and, along the way, Victorians. Before this coalition government was formed they were too frightened to tell every Victorian what they were actually planning. They chose to lie directly to the people, pretending that public transport was their priority and seeking to avoid being judged on what they actually intended to do. They were willing to do anything to avoid telling the truth and being accountable for their duplicitous and irresponsible behaviour.

Government members disowned and demeaned the most qualified experts that were brought forward — loyal engineers — for warning them about the looming catastrophe that would result from their actions. Anybody who disagrees with this government is demeaned as ignorant and wrong and their expertise discarded. The government has spent millions of dollars having a business case prepared and then reprepared until it found somebody — anybody — willing to attest to the absurd assumptions underpinning it. Government members disregarded the recommendations of Infrastructure Australia and rode roughshod over the correct infrastructure project selection processes — processes that they used to advocate for in opposition. They have gone to court again and again to prevent the business case for their road from ever being revealed to the people of Victoria. Heaven forbid they should know where their taxes, their tolls and their future liability should actually be directed!

Government members totally ignored proper planning processes, they disregarded the rights of affected residents and they withheld information from their own planning committees. This may be their undoing, and of course it will be an issue of major legal contention. The final insult is their intention to sign contracts a matter of weeks before the election. If they had even a modicum of decency, let alone respect for democracy, they would delay the signing of these contracts and give Victorians a choice. But they are not about choices — they are about intimidation — and they will not respect the rights of the people of Victoria. The closest they come to a mandate is watching an episode of the program *The Bachelor*!

The Napthine government's behaviour in pursuing the east–west link shows its arrogance, hypocrisy and cynicism — and, by the way, its total and inconsolable

incompetence. We need to recognise that before the last election the coalition consistently told Victorians over and over again that it had no plans to build this project — it now says it is so important it cannot tell us about it or justify it — but now it is going to sign up to building it regardless of the timing of the upcoming election.

On 17 November 2010 the now Minister for Public Transport told Victorians:

> You're not going to drive yourself out of the problems … Our view is the answer is an efficient, reliable public transport system …

Apparently he made a choice, and in opposition his choice was to advocate for public transport over and above the building of this dud tunnel. He said the Liberals had no plans to build the dud tunnel. He lied.

Before the election the coalition said only it had 'a plan to improve public transport options for Doncaster-area residents'. That was what it stated to the people of Doncaster. It said it had 'listened to locals' and that it would 'provide a vital public transport alternative for families in north-eastern Melbourne who currently lack any form of rail or tram access'. Coalition members cried crocodile tears about their concern around public transport, and then they turned around and put it all in entirely the opposite direction, having received the votes and support of these communities.

Let us not forget that if you want to talk about managing infrastructure projects, you cannot go past Avalon rail. The coalition promised to 'commence building a new rail line to link Avalon Airport to Melbourne and Geelong'. It was going to create 'a huge opportunity for growth that will stretch far beyond Geelong to the Bellarine Peninsula, Barwon and throughout western Victoria'. The government coldly betrayed Geelong. The coalition even promised a 'high-speed rail advocacy unit'.

It is like something out of *Utopia* — 'We are building Australia. Bang!'. That is the sort of stupidity we hear from these people. That is their vision for Victoria. They had the temerity to criticise the previous government for '11 years of Labor's neglect' on high-speed rail. We do not know what the high-speed rail advocacy unit is doing — it sits there in silence — but we do know that not one substantive thing has happened. They said they were going to work to 'make high-speed rail a reality'. Now they are falling over themselves not to upset the Prime Minister, who refuses to make it a reality, but of course we know the state coalition government is a wholly owned subsidiary. So if any piece of infrastructure phantasmagoria gets the attention of the people of Victoria, they are happy to jump on that train and say, 'Toot, toot! We're building it. Bang!'. No, they are not; they are just talking about it.

We got promised utopia and we ended up with this sad, sorry excuse for a government. I grieve because the Napthine government is planning to waste $8 billion of Victorian's money on a project that simply does not stack up. I grieve that this is a government that glided into power, told the Victorian people it was not going to build this tunnel but ultimately decided that its interests in building this piece of dud infrastructure far outweighed the interests of the people of Victoria to have a say. Instead, it has decided to build this dud tunnel — a tunnel that is shrouded in secrecy. We have no idea how catastrophic the tolling on this road will be, and we may not know before the election. We may never know what level of debt this will impose upon the state's budget. We may never know what the availability charges will be, because we will have to wait and see whether or not a phalanx of lawyers is hired to hide exactly how cravenly stupid this idea is from the people of Victoria. But, of course, secrecy is the government's trademark.

Let us look at traffic projections. The Abbott and Napthine governments insist that the eastern section of the tunnel will carry 'between 80 000 and 100 000 cars a day'. Doug Harley, former manager of network modelling and analysis at VicRoads, was drummed out of his position because he dared to question the accuracy and the appropriateness of the modelling the government used. That is just part of the way this government operates. If you dissent, you take your life and your career in your hands. The Napthine government has gone to court to prevent Victorians from seeing the business case for this road, whereas the people responsible for delivering this road have revealed that it is based on 'garbage' assumptions. They are their words, not ours. They say that the real costs of parking in the CBD reducing over time is a garbage assumption; that motorists being increasingly willing to pay tolls — in defiance of recently failed toll roads in both Sydney and Brisbane — is a garbage assumption; and that petrol prices will decrease, which from day one Prime Minister Tony Abbott has been doing his best to disprove, is a garbage assumption. They needed these assumptions or the game would have been up.

The original business case set the benefit-cost ratio at an anaemic 45 cents for every $1. Let us see if we can understand and grasp the incomprehensible stupidity of this government. For every $1 of taxpayers money put into this project you will get 45 cents back. What a brilliant return! That was before the government

engaged high-priced consultants to twist the numbers in favour of the east–west link — of course, the benefit-cost ratio for the consultants doing the work is pretty good. They took the highest possible figure produced by the most generous of economic assumptions and put it in the executive summary of the short form business case.

The private sector is not at all convinced. That is why the taxpayer is being forced to accept almost all of the risks involved in the project, including the risk that patronage is below the insanely inflated figure of 80 000 to 100 000 cars a day, an unprecedented level of construction risk and the risk of a dispute with Transurban over the impact of the east–west link and its interaction with the CityLink network.

The government refuses consistently to tell Victorians how much the tolls will be on the east–west link. We may not know until people start hearing the beep on their e-tags as they enter the link, and it will beep often. All the government is willing to say is that it will be comparable to the tolls on CityLink. Is it bigger than a breadbasket or larger than a refrigerator? Will it weigh Victorians down every day they travel on it in terms of the costs they will have to pay on top of the costs and opportunities they will miss out on when these availability charges hit and our recurrent expenditure is reduced for health and education and the vital things that Victorians rely upon the government to provide for? All the government is willing to say is that it will be comparable. What sort of advice is that for the people of Victoria? An international study led by University College London suggests that in order to make the tunnel work the toll will need to be set at a minimum of $10.50 per trip.

The east–west link dud tunnel will not fix congestion and in many places will make it worse. Leaked modelling by Veitch Lister Consulting shows that traffic on Hoddle Street will increase by 35 per cent during the morning peak. The infrastructure that the government is going to deliver to the people of the inner city and Victoria will increase traffic on Hoddle Street by 35 per cent during the morning peak. Traffic on Racecourse Road, Flemington, will increase by 20 per cent during the morning peak, and traffic on Ormond Road will increase by 22 per cent in the evening peak.

The assessment committee identified numerous problems with the comprehensive impact statement, which the government totally ignored except to show Professor Roz Hansen the door. She knows what this tunnel is all about. It is about deforming Melbourne and Victoria and distorting investment. It is about a misplaced effort and about compromising Victoria's future. It is a failure of transparency and a failure of accountability, and it shows a government totally bereft of credibility and intestinal fortitude. It is about a government that does not have the courage to advocate for its own principal piece of infrastructure to the people of Victoria.

Victorians know exactly what the government stands for, and it does not stand for Victorians. Nobody voted for this road, and only one-fifth of voters think it should be a priority. But in order to avoid the judgement of the people, the government — the born-to-rule mob, the mob that like to treat Victorians like serfs — has said that they do not get a vote, because the government has decided. The people tasked with delivering this road — the engineers, the economists, the planners and the traffic modellers — have all cast their judgements and Victorians have had to find out about it through the back door. Many of them have been willing to lose their jobs to alert the Victorian people about what a dud the tunnel is and what a dud government they have. The government plans to sign contracts on this project without the moral authority to do so. It even lacks the legal authority to do so. What the government lacks is intestinal fortitude.

Hazelwood mine fire

Mr NORTHE (Minister for Energy and Resources) — It gives me great pleasure to contribute to the grievance debate today, and I do so on behalf of the Latrobe Valley community and in particular the Morwell community that has had to endure quite a bit over recent times, particularly during the course of the fires and the mine fire that occurred during February and March. I rise to speak in the context of the mine fire inquiry and the board of inquiry's report, which was tabled in Parliament a bit more than two weeks ago.

It is important to understand the history of the fire. In its deliberations the board of inquiry spoke about the commencement of the fire and how it started. On Friday, 7 February, a suspicious fire started in the Hernes Oak area. That was contained for two days, and then on Sunday, 9 February, during horrendous conditions, unfortunately the fire breached containment lines. At the same time, in a despicable act, a number of fires were lit along the Strzelecki Highway. I can only question the mental capacity of somebody who could have done such an awful thing on that day. Two fires came together and threatened the township of Morwell. I was in Morwell on that Sunday, and when I walked out of my office on that afternoon I thought that our community was going to be in awful trouble.

I commend, as the board of inquiry has done, and acknowledge the heroic and courageous efforts by all associated with that incident. At the time our local Country Fire Authority brigade somehow ensured that no lives or properties were lost. If you had seen the fire on that day, you would know that that is simply amazing. In the same context, during the course of the mine fire, firefighters from the Metropolitan Fire Brigade and the Country Fire Authority — career firefighters and volunteers — as well as industry, HVP Plantations and Department of Environment and Primary Industries firefighters, all did an amazing job in what were awful conditions, which they endured over a long time. Plaudits were given by the board of inquiry to all emergency service personnel, who did an outstanding job.

On 9 February relief centres were opened across our community. I personally attended the Traralgon relief centre on the evening of Sunday, 9 February, and I know there were hundreds of people at the relief centre. There were many local residents, particularly Morwell residents, who called the relief centre home for a time, and indeed a number of travellers who had been crossing our region were there. I have enormous regard for the Red Cross volunteers, Latrobe City Council staff and volunteers who came off the street to assist, and I commend them for their efforts. It was simply amazing.

I have a quick story from the same evening. At about 10.00 p.m. medication was required for some of the people at the relief centre. I rang my contacts, local chemists Mark and Helen Henning, after hours, and they showed what true spirit the local community has. They opened their chemist shop and were able to provide supplies for some of those people in need of medication during the course of that evening. That is just one of many stories I could tell you.

No doubt the impact of those fires on the community was profound in many senses, not just for residents but for businesses as well, so on 21 March the Governor appointed the board of inquiry for the Hazelwood mine fire. I commend former Justice Bernie Teague, John Catford and Sonia Petering for the work they did in the course of the inquiry. Bernie Teague comes with a fantastic reputation, having deliberated on the 2009 Victorian Bushfires Royal Commission report on the Black Saturday bushfires. The board did an amazing job, talking to many witnesses from GDF Suez, government departments and agencies, industry, council and importantly the community. There was strong attendance at many community meetings, where community members were able to provide feedback to the board of inquiry about their experiences. The terms of reference provided were to ensure that the board of inquiry could analyse fire prevention, health matters and regulation and prevent this type of incident happening again.

The inquiry concluded with 18 recommendations, 12 of which were aimed at the state government and its various departments and agencies, and 6 of which were aimed at GDF Suez. In the report itself the board affirmed 40 actions the government intends to take and has undertaken and 17 actions GDF Suez intends to take. My point is that there is a hell of a lot of work that has been undertaken already, and that is affirmed in the report itself. The report is extensive and in excess of 400 pages. It tells stories, provides recommendations and findings, and acknowledges the efforts of all concerned. Of course it acknowledges areas for improvement. The government is absolutely committed to accepting the 11 recommendations provided by the board of inquiry — one in principle, which I will talk more about shortly — and is very pleased to do that.

The response itself is really important. I do not seek to play politics with this incident, and I never have. I think those who suggest there has not been a substantive response to this particular incident are absolutely kidding themselves. Yes, there are areas for improvement. Yes, there are areas where things could have been done better. There is no doubt about that — nobody would argue with that. But in terms of the totality of the response, it is pretty hard to argue with the fact that around 9000 firefighters and 4500 support crew and staff tackled this damn thing for 45 days. It was just horrible. Interstate firefighters and additional aircraft came in to try to tackle this very difficult and complex fire. Some might say it could have been handled this way or could have been done better that way — sure, but the commitment from everybody concerned cannot be questioned.

The report acknowledges that initially relief centres were established, followed by respite centres in Moe and Traralgon, to provide information and relief for families. There is a commendation in the report for the establishment of the community health assessment centre in Saskia Way, Morwell, where the local ambulance centre is. I congratulate Ambulance Victoria (AV) and our local health services for being able to very quickly set up a health assessment team. Local community members could walk in off the street and have basic health checks done. That was terrific. In excess of 2000 people attended that health assessment centre. The board of inquiry commended the work of AV and others in setting that up. That was absolutely fantastic. I understand that a handful of people might have been referred to other health services, but the centre was also able to pick up a number of pre-existing

conditions in people who had health issues. That particular initiative served its purpose very well.

There were 5500 respite and relocation payments made to members of the community. As part of that, a $2 million clean-up package was announced. I know the board of inquiry questioned how well that functioned, but I would say it is the first time a state government has actually been involved in such a thing. It was put together in consultation with council. Again I accept the readings, deliberations and findings of the board of inquiry that we could improve the model next time — there is no doubt about that — but at the same time there were 844 professional clean-ups provided, 692 self-help clean-up kits provided, 855 laundry vouchers allocated and close to 1500 car wash vouchers provided to community members. Also, 440 high-efficiency vacuum cleaners, as well as industrial vacuum cleaners, went out to local residents.

At this point I might add that a forgotten piece in all of this is the fact that Alan Wilson Insurance Brokers should be commended for the work that they did. In excess of 500 successful insurance claims were made across our community. That fact has been missing from and has not been the subject of conversation. I take this opportunity to thank Alan Wilson and his insurance brokerage for the work that they have done in assisting local community members with insurance claims.

Some 13 500 V/Line travel vouchers were provided to people, 171 passes were provided to affected people so that they could visit Melbourne Museum and 5372 free entry passes were issued so that people could visit zoos in this state. It was a fantastic initiative to support local people by enabling them to travel to events and activities. The small business sector established a $2 million business fund. Some 170 or thereabouts businesses provided funding of up to $10 000 to get small businesses back on their feet after what was a very difficult situation for the local business community. Low-interest concessional loans of up to $100 000 were made available to primary producers and eligible businesses, and a number of workshops, events and mentoring services were provided.

That is a snapshot of the response the government and others provided in relation to this event. I will return to where I started on this matter and say that I do not think anybody could question the scope and detail of the response made by people who have been committed to providing ongoing support and assistance to our local community. One should also not forget schools and what a difficult time local schools had in relocating during the fire and in the cleaning-up period afterwards. Our local schools were absolutely fantastic, and I commend the Department of Education and Early Childhood Development, the work of which is also endorsed in the board of inquiry report. I commend our local educators on their work.

The matter of air monitoring is picked up in recommendation 5 of the board of inquiry report. The coalition government supports the recommendation in principle, and it has been the subject of sometimes not very accurate conversation. Members of the coalition government say that we support recommendation 5 in principle — of course we do — but in a practical sense we need to work through the implementation process that will apply in remote areas of Victoria and how problems might be dealt with in a practical sense. I put on the record that the coalition government supports recommendation 5 in principle and will work through the practicalities of its implementation.

In terms of health and health studies, recommendation 10 of the board of inquiry report is that the long-term health study of the effects of the fire be extended to a 20-year health study from a 10-year period, and this government will do that. We are already in the process of conducting a 10-year health study, and we agree that it should be conducted over 20 years. In our most recent budget the coalition government has provided funding for additional counselling sessions. We are working with the local council and with people in the community on a range of initiatives in terms of recovery, such as brightening our streets, holding events and putting marketing projects and programs in place to enable those events to occur.

On top of the recommendations made to government by the board of inquiry, the government is undertaking another initiative. We are ensuring that the emergency management commissioner works with the four coalmines in Victoria, including the one at Anglesea, to ensure that their fire risk mitigation plans are in place for this bushfire season and the next. We are making sure that our regulatory bodies also have appropriate expertise and resources to ensure better oversight of our mines and to ensure that discussions about bushfire prevention and fire prevention in mines take place. The coalition government is also making sure that the Latrobe region has its own Country Fire Authority district so that there can be more focus on the critical infrastructure that we have in the area. Having a separate fire district is important so that we can ensure that resources are available locally to protect all our critical infrastructure and therefore our local community.

In summing up, I again appreciate that the period of time during and since the fire has been awful for

members of our local community, who endured a fire event for 45 days. It has been frustrating for many people. The report of the board of inquiry provides great scope and detail and will help ensure that we can put in place and implement a number of measures, including mitigation practices that will give confidence to members of the community that they will not see this type of event happen again.

Hazelwood mine fire

Ms D'AMBROSIO (Mill Park) — I grieve for the people of Morwell, who endured and continue to endure the impact of the mine fire at Hazelwood earlier this year. I raise this matter during the grievance debate respectfully, and I note that the Teague board of inquiry has produced a very important and thorough report that goes to the essential elements of what went wrong during that period of assistance to the Morwell community. It is also important to comment on responsiveness on the part of the government, including what gaps existed during and after the fire and what gaps need to be filled from this point onwards.

At the outset I say that this government does not know what it is like to walk in the shoes of the people of Morwell. That is the fact of the matter. I will use some comments made by the Premier during the period of the fire which illustrate the mindset of the government, which was in stark contrast to what was happening and to what was being experienced by the people of Morwell on the ground. I turn to a radio interview conducted with the Premier by Rafael Epstein on ABC Radio on 28 February. I will read an extract from that interview, which I think is very salutary. Rafael Epstein asked the Premier:

> But you're not at all concerned that people aren't able to ask the mine operators if they'd done all they could to stop the fire? That's okay that we haven't heard the answer to those sorts of questions?

The Premier responded:

> Raf, let's be clear about this: the police are investigating the cause of this fire and have made it clear there are suspicious circumstances that lead to the obvious conclusion that this was caused by arson. Absolutely disgraceful behaviour.

Rafael Epstein then asked:

> But the fire started outside the mine.

The Premier responded:

> Absolutely disgraceful behaviour, putting the community of Morwell at risk, putting firefighters at risk. This is appalling behaviour and we give the police all the support they need to try and catch this absolutely disgraceful arsonist.

The interviewer then asked:

> Environment Victoria say that the exposed mine walls at Hazelwood were dry when embers from the grassfires ignited the mine fire, and that part of the mine that caught fire first, Environment Victoria says, hasn't been used for decades. Do you think there's any need for the mine operators to answer questions like that now?

The Premier answered:

> Raf, let's be very clear. This fire was started by an arsonist. An absolutely —

Mr Epstein said:

> Yes, you made that point.

The Premier said:

> disgraceful arsonist. That's who started this fire, and it is absolutely appalling that an arsonist would put lives at risk, would put the community at risk by lighting fires on that dreadful high-risk fire day some weeks ago. That is the appalling behaviour that needs to be properly investigated by the police.

Adding insult to this injury is the fact that whilst that diversionary commentary was being provided by the Premier, his government and its apparatus were failing the community of Morwell. Whilst the Premier was out on a frolic of his own talking about how terrible and evil a potential arsonist was in having started the fire, the reality of the need to deal with the fire and the impact, including the health impact it was having on affected communities at the time he made those comments, were being totally ignored by him. The leader of the state was failing the community every single day over the course of that fire, and he has continued to fail the community every day since.

Adding further insult to injury, the then Minister for Energy and Resources — not the current one, I note — was nowhere to be seen for more than a week. It took him more than a week to visit the Morwell community. The local paper knew that, and the community knew that. The local paper had headlines screaming that he was missing in action and asking where the minister was. Indeed where was the minister? It was only after the minister had been embarrassed about his lack of attention and empathy and his failure to do his job that he decided to turn up and pay a visit to Morwell.

Whilst this commentary was going on and this lack of action was being exemplified in the finest traditions of this government, the following is what was happening on the ground — and I refer to the words of the inquiry's report; its findings provide the picture. On page 14, for example, the report says:

> … fire services and GDF Suez have a lack of readily available equipment … relevant to best practice brown coal firefighting.
>
> …
>
> … the initial response to the fire was inadequate in suppressing ember attack and containing spot fires … on the afternoon of 9 February 2014.

The report says further:

> … GDF Suez was not adequately prepared for a fire of the kind, severity and complexity of the Hazelwood mine fire. This was primarily because GDF Suez did not sufficiently recognise the risk of embers from a bushfire causing a major fire in the worked out areas of the Hazelwood mine, or the potential impacts such a fire might have on Morwell and surrounding communities.
>
> Contrary to suggestions that the Hazelwood mine fire was the 'perfect storm of events', all of the factors contributing to the ignition and spread of the fire were foreseeable. Yet it appears they were not foreseen … as significant as the fire was, conditions on the day of the fire's ignition could have been worse and the consequences of the fire could have been more severe.

That is of course a point that it is important to make in the full context. This government was busy trying to find somewhere else to put the blame — pinning blame elsewhere is what this government does best. Rather than looking at its own responsiveness and its failures to manage coordinated assistance for the residents of Morwell to ensure their health and safety was protected, government members went on this frolic and diversion of talking about some arsonist out there who was evil and terrible. That may very well have been the case, and I know the police did a fine job in trying to identify that person, but while that was happening the government was failing in so many different ways.

The comment made in the inquiry's report about some matters being potentially foreseeable is a very important point for us to reflect on, especially as the government had sat on the 2012–13 annual report of the technical review board for eight months. Traditionally that report would have been released about this time last year — and we see dump days happening at the moment, with heaps of reports being released now, in the last few days of the sitting. The technical review board report was scathing and raised some very serious concerns about the stability of the mines in the valley. It referred in particular to the stability of the northern batters of the Hazelwood mine; it shouted from the rooftops to government that there were serious problems with the stability of those batters.

I do not pretend to say that these problems are not problems that have grown over a period of time — I absolutely recognise and accept that — but given the technical review board had been established by the previous government to keep a watchful eye on, monitor and report directly to government on the stability of mines within the Latrobe Valley, one would think that a diligent government would have seen and acted on the warning signs rather than suppressing the report for eight months and doing nothing. This government, in fact, did not do nothing; it cut the number of mine audits. The budget papers show quite clearly that the number of mine audits have been cut in half during the period of this government. It therefore not only suppressed the report but cut back the audits, knowing the contents of that report and the serious questions that had been raised about the stability of those mines, including the northern batters of the Hazelwood mine, which were the batters that caught fire. Having that information, this government, as I said, went ahead and cut in half the number of audits to be undertaken right across the Latrobe Valley mines.

That is a dereliction and an abrogation of the responsibility of this government. The government sat on that report, as I said, for eight months. I note too the questioning that occurred in a Public Accounts and Estimates Committee (PAEC) hearing in the context of the government having, in the dark of night, if you like, finally released this report without any fanfare; it had stuck it on a website somewhere. It was found two days before the PAEC hearings. The matter of the number of audits having been cut in half by this government was raised, and the minister spoke about streamlining activities. Tell that to the residents of Morwell — streamlined activities! Did that have an impact on the responsiveness of this government to the impact of those fires?

I am in disbelief about this government, given the knowledge it had had as a result of the technical review board's report — which no-one else was privy to until well and truly after the mine fire had come and gone. You really have to wonder whether this government is serious and genuine about doing its job and whether its members know what it is like to walk in the shoes of the people of Morwell. The evidence shows the contrary. That is something the government needs to live with.

It is very important to ponder on the continuing impacts of the fire on the community. It will leave the community at a heightened level of anxiety for many years to come, and it is important that everyone pulls together to work through what are very serious issues and potentially issues that will hang very low over the heads of the community in the long term, with the potential for ongoing impacts on their health. Only a few days ago the ABC reported that serious concern

had been expressed over an increase in the number of deaths in Morwell which were possibly linked to the fallout from the mine fire. That is a very serious matter that screams for a reopening of the inquiry to take into account the new evidence that has come to light.

The Labor opposition has made it very clear that forthwith and without delay the government should reopen the inquiry, because we need to get this right, but so far the government has ignored this call. If the inquiry was genuinely about a robust, full, comprehensive and transparent review of all of the circumstances that led to the fire getting out of control, then it would take into account the responsiveness of the various authorities, including the mine owners themselves and the way the community was assisted through this terrible crisis. If the inquiry does not take into account this very important new evidence, the government will not have done its job and will not have held true to its claim that this was going to be a thorough, robust, comprehensive and transparent inquiry. The government needs to step up and reopen the inquiry to take into account this very new important information.

Data has been presented by respected statistician Adrian Barnett, and it shows that the mortality rate in Morwell during the time of the fire was significantly higher than usual. The data shows that there were at least 11 deaths above the trend, and it comes amidst growing criticism of the government's handling of the response to the fire and its aftermath, therefore reopening the inquiry will do justice to this new information. Let the information be tested and analysed, and let the community come forward and put its views about new evidence that needs to be considered. The government has failed on many counts in terms of its responsiveness to the community. The government may or may not be returned to office after the state election. In the two months left between now and then it is imperative for the government to understand that the new information is significant enough for the inquiry to be reopened.

The government needs to have that evidence tested and allow community members to get on with their lives, knowing that there are still quite serious concerns about the long-term impact of contaminants in the air, which may have been breathed in and which could have long-lasting effects on their health.

Labor Party performance

Mr O'BRIEN (Treasurer) — I grieve for the people of Victoria who have to live under the threat of the economic irresponsibility of the Labor Party in this state. I take the chamber back 35 years, to 18 July 1979 and the maiden speech of the Honourable Evan Walker, a member for Melbourne Province in the other place. I am indebted to the member for Hawthorn for pointing this out to me, because this speech in many ways sums up what is in the Labor Party's DNA — it just does not get the need to build major infrastructure and major projects if we are to maintain the quality of life that this state needs. The following is part of the maiden speech of Evan Walker given back on 18 July 1979:

> Who of the government members can justify massive capital expenditures in recent years on projects of very doubtful need: uneconomic bridges — and I refer to the West Gate Bridge; ill-conceived freeways — and I refer specifically to freeway F19 —

otherwise known as the Eastern Freeway —

> grandiose cultural complexes — and I refer to the Arts Centre; and unnecessary undergrounds — I refer to the Melbourne underground rail loop? Who can justify the estimate of $1000 million spent in excess on these projects …

He went on to say:

> I also suggest that the money spent on the underground rail loop could have been better spent on building a rapid transit link from Melbourne to Dandenong and perhaps another in the other direction.

This sums up the inability of Labor Party members to make the decisions that Victoria needs. It is in their DNA. They opposed the West Gate Bridge and they opposed the Melbourne rail loop.

Let us now fast forward to 1996. An article in the *Age* of 13 March is headed 'City Link, tolls would be scrapped, says Brumby', and it states:

> Mr Brumby said that on winning power, Labor would negotiate with the Transurban consortium to build its alternative to City Link, the no tolls Melbourne Access 2000 project.
>
> …
>
> Mr Brumby said he hoped a Labor government could implement its plan through negotiation with Transurban, but left the way open to break the City Link contract through the use of Parliament if necessary.

Again, it is in Labor's DNA. It cannot be trusted on infrastructure, it cannot be trusted to manage money and it cannot be trusted with contracts. Time and again we have seen that Labor always pulls the wrong rein when it comes to infrastructure. What are Labor's great infrastructure highlights after 11 years in office? Labor gave us the myki card, the north–south pipeline and the desalination plant. They are the three great monuments to waste, to Labor's failings and to Labor's inability to make the right decisions on infrastructure.

The idea for east–west link is not something that was dreamt up by this government. East–west link was the clear recommendation of Sir Rod Eddington and his east–west link needs assessment panel, commissioned by the former Labor government. Sir Rod Eddington, a former CEO of British Airways, is somebody who knows a little bit about transport and infrastructure. He was commissioned by the former Labor government because of his expertise, and he said there were two main priorities for fixing transport in Melbourne and Victoria. No. 1 was building the east–west link. No. 2 was increasing the capacity of the Melbourne metropolitan rail system. It took a coalition government to do both those things.

The government supports building the Melbourne rail link and increasing the capacity of the rail system by 35 000 people per hour. We support the east–west link because a city the size of Melbourne and a state the size of Victoria cannot continue to exist with one solitary east–west crossing. The M1 corridor is not enough for a city the size of Melbourne and a state the size of Victoria. A growing city needs joined-up roads. It is a pretty basic proposition, but it is one that members opposite completely fail to understand. A growing city needs joined-up roads. That is what this government is going to do.

We know we need the productivity benefits. We know we need the congestion reduction. We know we need the travel time saving. We also know we need the 6200 jobs that will be created. I was very interested to see the man who, I think, is about to take over as secretary of the Victorian Trades Hall Council on TV the other day. Mr Hilakari, or whatever his name is — —

Ms D'Ambrosio interjected.

Mr O'BRIEN — A bit of respect!

The DEPUTY SPEAKER — Order! The member for Mill Park was listened to in relative silence. I would ask members of the opposition to listen to the Treasurer in silence.

Mr O'BRIEN — The fact is that this bloke stuck the knife into Brian Boyd; we know that. He is about to take his position as secretary of the Trades Hall Council. He would not come out and oppose east–west link because he knows that the jobs of 6200 Victorians depend on that project going ahead. It is not just about productivity. It is not just about reducing congestion. It is not just about improving travel times. It is about real jobs for Victorians. That is what this government stands for. Members opposite should hang their heads in shame at the fact that they oppose it.

We have seen changes in positions like you would not believe from the Labor Party. When the Leader of the Opposition was trying to masquerade as being responsible, here is what he said on the Neil Mitchell program on 19 November 2013:

> To rip up contracts … some would like me to do that, but to rip up contracts is to send a message to the world that we're closed for business. I won't do that to working families. I won't do that because that is not the responsible thing to do.

It was not a slip of the tongue, because he said it time and again. On the Jon Faine program on 31 July 2013 Daniel Andrews said:

> I've made it very clear that we're not about sovereign risk. We're not going to rip up contracts that are signed.

It was not just the Labor leader. It was also the shadow Treasurer, the member for Tarneit, who is reported in the *Age* of 18 April. The article states:

> 'We've never suggested it's anything other than a matter that goes directly to investor confidence and the cost of borrowing funds', Mr Pallas said. 'The view we subscribe to is that it's a well-accepted practice that future governments accept and honour contracts signed by a previous government'.

That is a pretty basic proposition. I can tell members that we would have loved nothing better than to go and rip up the contracts for the white elephant desalination plant that Labor foisted on Victorians. We are paying $1.8 million a day for 27 years for that desalination plant, but if you want water, that will cost you extra. I would have loved to rip up that contract. But when people sign a contract, it is not with Labor, it is not with the Liberals or The Nationals and it is not with the Premier of the day. They sign a contract with the state of Victoria. When the state of Victoria says it is going to do something, it needs to do it; otherwise, as the Leader of the Opposition said, it sends a message to the world that we are closed for business. That is exactly what members opposite would do. The cowboys are in charge of the Labor Party, and we cannot allow the cowboys to be in charge of the Victorian government or the Victorian Treasury. The Deputy Leader of the Opposition, the member for Monbulk, also weighed in on the Jon Faine program on 1 July of this year. He said:

> If the contracts are not honoured, taxpayers will be exposed to significant legal action and sustained compensation claims. You know it puts at risk our AAA credit rating …

He is absolutely right. That is exactly what it would do. Labor would put at risk our AAA credit rating. Labor would expose this state to billions of dollars in refunds,

compensation, damages and sunken costs. It is the most economically reckless thing I have ever seen. It makes former premiers Joan Kirner and John Cain look like prudent financial managers. That is what Labor is doing.

Why would those opposite do this? Why would they stop a project which will create 6200 jobs and give Victoria that much-needed alternative to the M1 as an east–west crossing that would improve productivity, reduce travel time and bust congestion? Why would they oppose that?.The answer is because they are running scared of the Greens in the inner city. That is what it is all about. We see a Socialist Left Leader of the Opposition trying to look after his Socialist Left mates in the inner city. This is all about the member for Melbourne, it is all about the member for Brunswick and it is all about the member for Richmond. All three are members of the Socialist Left, which is the same faction as the leader of the Labor Party.

If you need any more evidence that this is completely about pandering to inner-city lefties instead of standing up for the interests of Victoria as a whole, consider that it has been brought to my attention that some posters were put up in the inner city which said:

> Labor says they're against the east–west toll road …
>
> But why won't they promise to rip up the contracts?
>
> Vote for Stephen Jolly —

who is the Socialist candidate.

So we now see that the Labor Party is taking its policy positions from avowed socialists in the City of Yarra. I notice this poster was authorised by Anthony Main — a well-known serial pest and arrestee — from 54 Victoria Street, Carlton South, which as I understand it is Trades Hall. Labor is getting its orders from the Socialists out of Trades Hall. That is what this is all about.

It has been interesting to see the reaction to the brain snap of the Leader of the Opposition. The shadow Treasurer is also complicit because he stood by him at the press conference, as is the Deputy Leader of the Opposition, who also stood by his leader at that press conference. They were all nodding. They probably should have given the Leader of the Opposition a towel or a sweatband or something because I have never seen a man under more pressure than the Leader of the Opposition at that press conference. That was one of the worst press conferences I have ever seen in my life, and members opposite know it. It was a shocker. And why would it not be?

What was the reaction to it? Here is the reaction of the business community. In an op-ed in the *Age* headed 'We can't risk damage to reputation', Kate Roffey, the chief executive of the Committee for Melbourne, stated:

> If, at the final hour, the decision is made not to proceed, despite legal contracts having been signed, it will create a poor perception of Victoria as a place to do business.
>
> …
>
> A change in the plan to proceed with the east–west link would put us further behind the eight-ball.

In an article headed 'East–west link must proceed to drive our jobs and our transport needs', Mark Stone, the chief executive of the Victorian Employers Chamber of Commerce and Industry, is reported to have said:

> There is overwhelming support for it among Victoria's major business and motoring groups, including the RACV, and it is also supported by a number of key union organisations. It will be of great detriment to our state if it is abandoned.

A media release headed 'Threat to abandon east–west link will hurt Victorian businesses' from the Property Council of Australia says:

> … this decision is a major shock to the property industry and will throw Melbourne's long-term road transport planning into deep uncertainty.
>
> Victorian executive director of the Property Council, Jennifer Cunich, said that the decision is likely to worry many local and international investors.
>
> …
>
> 'This decision will mean that investment is more likely to move interstate where politics comes second to acting in the state's interest'.

The reaction of the newspapers was also interesting. It is rare that you actually unite both the *Age* and the *Herald Sun* in a common cause, but the Leader of the Opposition and Labor have done just that. The *Herald Sun*'s editorial headed 'Andrews has lost our trust' states:

> … Mr Andrews is playing fast and loose with more than taxpayers money. He will have trashed Victoria's reputation as a place to do business. Sovereign risk comes into play. The Victorian government would have failed to honour legally binding contracts and no future project could be undertaken with private business without this debacle becoming a factor. Victoria will have welched on its word. Mr Andrew's may be prepared to pay any price to win power but it is Victorians who will be paying down decades.
>
> …
>
> … Mr Andrews has become Labor's latest wrecking ball.

The *Age* editorial of 12 September states:

> By indulging in this type of political manoeuvring, Mr Andrews risks Labor being depicted as mercurial and capricious, and that puts the business community on edge, jeopardises credit ratings and serves to dissuade new investment. It is not the mark of a responsible leader.

The Leader of the Opposition's actions are nowhere near the mark of a responsible leader. His behaviour is the mark of a reckless cowboy who cannot be trusted to run Victoria's government or economy. As the *Herald Sun* said, 'Don't trust him'.

Hazelwood mine fire

Mr NOONAN (Williamstown) — Today I grieve for the people of Morwell and the Latrobe Valley who have once again been comprehensively failed by the Napthine government on the floor of this Parliament. I also grieve for our firefighters, who heroically battled the blaze at Morwell for more than six weeks but who have also been snubbed by the Napthine government. Two weeks ago the Hazelwood Mine Fire Inquiry report was tabled in this Parliament. The government promised the opposition that there would be dedicated time allocated to debate that report. Two weeks on it has changed its mind without explanation. Let me be clear: the Napthine government has sought to silence this Parliament's voice over the Hazelwood mine fire. It cannot be interpreted any other way. But Labor will not be silenced. The member for Mill Park in her contribution has already run through many of the issues and the failures of this government that were contained in that report. I will continue this in my contribution.

We will use this Parliament to hold the Napthine government to account. This might be unpleasant for the Premier and his ministers but it pales into insignificance compared to what the people of the Latrobe Valley were forced to swallow — quite literally — back in February and March. I want to make the very clear point: if you wanted to say one thing about the government's handling of the Hazelwood mine fire, you would say that at least it was consistent. It was consistently absent, it was consistently neglectful and it was consistently disinterested, and it still is to this day.

Let me start with the disinterest. We had the member for Morwell in an apologetic tone basically run through and justify the government's position. Where was the Leader of The Nationals? Where was the Deputy Leader of The Nationals? They were absent from this chamber. The only contribution was from the member for Morwell, while his leaders were absent from the chamber.

The report confirms that the fire started on 9 February. As it happens, Parliament sat on 18, 19 and 20 February. By that stage, the fire had been burning for about 10 days. Residents were enduring wave after wave of thick smoke and coal dust. As I said earlier, they were literally swallowing that coal dust, and they were anxious. People were advised to stay indoors. Men, women and children complained of headaches, irritated eyes, itchy skin and just feeling generally sick. Air pollution in the valley was reaching new heights. People were taping up the gaps in their doors and windows to keep out the fine-grained particles.

On the evening of Tuesday, 18 February, locals attended a meeting where the mood was absolutely hostile. People wanted answers. They wanted clear information. Instead, what did they get? Let us just recap what happened in this chamber in question time on 19 February. In the face of all of this, the member for Morwell rose to his feet and asked a Dorothy Dixer question of the Deputy Premier. He asked the Deputy Premier to update the house on the coalition government's work in supporting regions in economic transition to grow local industry. What an extraordinary moment that was. It was 10 days into the fire, and there was nothing in that question about the fire, nothing about the health of people in the community of the member for Morwell, nothing about the potential evacuations that people were talking about, nothing about the schools and early childhood centres — there was nothing whatsoever. When the opposition drew this to the attention of the absent, neglectful and disinterested Deputy Premier, how did he respond? He opened up with a cheerio to the people of Morwell. This is what he said:

> We wish all those folk in the Latrobe Valley the best in those difficult circumstances.

How contemptuous is that? No wonder the report found, as it states on page 402, 'a level of pre-existing distrust in government in the region'. That distrust still exists today.

I want to turn now to the firefighting effort. As the report stated on page 297, over 7000 fire service firefighters were involved in that firefight. I salute those firefighters for their magnificent work in fighting that fire. They went above and beyond the call of duty and acted courageously for the full 45 days. I also want to acknowledge the leadership of the fire services commissioner, Craig Lapsley, who coordinated the emergency services response to that incident, together with the other fires that occurred throughout the summer. Mr Lapsley was roundly praised by the board for his leadership and honesty during the fire. That is

important to reflect in the record of this Parliament, and I say on behalf of the opposition that we thank him for his work.

A number of findings in the report reflect the difficult nature of the fire for our firefighters, particularly in the early stages. Most critically, the report found that initially our fire services were inadequately prepared for the risk to firefighters of carbon monoxide exposure. This was reflected in the fact that 14 fire service firefighters and 12 GDF Suez staff presented to hospital due to exposure to carbon monoxide. The United Firefighters Union raised concerns with the Victorian WorkCover Authority about firefighter safety. Remarkably, according to the report this investigation remains ongoing. I ponder whether the Minister for Police and Emergency Services has made even one inquiry regarding the progress of this investigation. I suspect not, but he is welcome to correct me.

Back in March I asked questions of the minister in this place that I renew today. What impacts have the $65 million cuts by the Napthine government had on our fire services? How could it be that almost 25 of those firefighters were hospitalised during the fire? Why were some of the firefighters left in the pit for $3^1/_2$ hours, even after the dangers of carbon monoxide exposure were discovered? Why were the firefighters not prevented from using toxic water from the mine pit, and why did the United Firefighters Union have to pay $9000 for independent testing of that water? Why did some firefighters have to work 10 days straight? None of those questions has been answered by the government. All we know is that there is an ongoing investigation through WorkCover. I challenge the minister to come in and give us an update on how that investigation is going, but I suspect he will not do so.

I want to congratulate the board of inquiry on recognising the need to increase the number of career firefighters. Rather than taking firefighters to the Federal Court to break agreements about additional firefighters, the Minister for Police and Emergency Services might reflect on the board's conclusions. Recruiting firefighters rather than taking them to court will be Labor's priority. Restoring respect between government and our firefighters — and in fact all our emergency services workers — will be Labor's priority.

I move now to the government's botched handling of communications with the people of the Latrobe Valley. There was one failure after another. The government failed to listen to the community. Section 5 of the report makes for very sobering reading. I quote from page 28, which states:

> Feedback from the community consultation process, public submissions and evidence … pointed to significant shortcomings by government authorities, as well as GDF Suez, in communicating throughout the emergency. Throughout the 45 days that the fire burned, members of affected communities felt they were not listened to and were not given appropriate and timely information and advice that reflected the crisis at hand and addressed their needs.
>
> … what they were being told by health and environmental authorities was not what they were experiencing.
>
> …
>
> … Empathy was also often lacking, particularly from some government spokespeople.
>
> Government departments and agencies did not engage to any significant extent in listening to, or partnering with local residents and community groups.

Those are just some of the report's findings on this matter.

Of particular importance was the failure of the government to recognise what the disaster actually was. It was not simply a fire emergency; it was a significant and lengthy environmental and health crisis. These bright sparks, the ministers opposite, did not even have a communications plan in the first instance. As the report states, it took until 16 February — a full week after the fire had started — for a communications strategy to be prepared and until 20 February for it to be adopted. It begs the question of whose desk that was sitting on.

I quote from the report the view of a community member:

> It took government two weeks to get here, to even start thinking about it.

That is a direct quote, and what a condemnation it is. We know that the Minister for Community Services took even longer to get there, because she had business to do in Kew. The then Minister for Energy and Resources was also missing in action. He retired at the crease without facing a ball. This was a government missing in action.

If you do not believe me, look at some of the headlines generated from the fire. On 3 September the *Border Mail* said 'Reaction to mine fire was too late', the *Age* said 'Coalition response may prove costly' and AAP said 'Mine fire residents feel ignored by report' and 'Black Saturday lessons not learned'. On 4 September the *Latrobe Valley Express* wrote 'Too little, too late', 'Regulation oversights a "big wake up call"', 'Call to relocate came too late', 'Safety system was "out of action"' and 'Perfect storm of events "foreseeable"'; the *Herald Sun* read 'Mine fire residents left in cold';

and the *Age* said 'Mine fire report hauls all across the coals'. That is just a sample of the damning headlines from the newspaper reports on the way this fire was actually attended to by the Napthine government.

In regard to the environmental effects response, the board found:

> … the state control centre's initial request for the EPA's support and advice in responding to the Hazelwood mine fire came too late and the EPA was ill-equipped to respond rapidly.

This led to recommendation 5, which has unfortunately been adopted only in principle by the government. It is not accepting the need to use air quality monitor data to inform decision-making within 24 hours of an incident actually occurring. The government says that is impractical. Let me reiterate: Labor will implement all of the recommendations. There will be no backsliding on our behalf.

What is particularly concerning, and the member for Mill Park covered this, are the criticisms of the government in terms of the lack of response to the health issues of both our firefighters and the general public. At page 24 the report states that everyone failed:

> … to recognise the potential health risks to those involved in the fire operations, particularly from exposure to carbon monoxide.

Protocols for the protection of firefighters from exposure to carbon monoxide were not implemented until after some of them had already been exposed to increased levels of that gas. Neither did the health plan take into account the fact that some firefighters may have had pre-existing conditions, such as cardiovascular disease, which increase the risk associated with exposure.

With regard to the general population's health, the board found that although the authorities developed appropriate protocols for exposure to gases, it was all too late. The report notes on page 25:

> … this temporary relocation advice was provided too late. Further, the basis for limiting the advice to those in vulnerable groups living south of Commercial Road was poorly explained and was perceived by the community as arbitrary and divisive.

The board was rightly concerned about the long-term health impacts on that population and called for a 20-year long-term health study overseen by an independent board. Labor obviously supports this. Labor has been there right from the start to advocate on behalf of the community.

Labor also brings the issues of morbidity and mortality to the attention of the house. These were referred to in ABC TV's *7.30 Victoria* program last Friday night, in which Adrian Barnett from the Queensland University of Technology analysed population data. He found that there is an 89 per cent probability that there have been 11 additional deaths in the Latrobe Valley attributable to the mine fire. That is a 15 per cent increase in the death rate. I join with the Leader of the Opposition and the member for Mill Park in calling for the government to reopen the inquiry to look at those very important issues.

I note that the Premier is running away from this issue. He is reported in the *Australian* as saying that the government acted appropriately and responsibly. I say to the Premier: read the report again. He and his ministers' records are not particularly flash. Who are the people of Latrobe Valley to believe? According to the report:

> … government departments and agencies did not engage to any significant extent in listening to, or partnering with local residents and community groups …

The ministers opposite lead those departments. Why were the Premier and his ministers not listening? Why were they not engaging with the people of Morwell? Why did they not seek to support our firefighters when they were called to do so? Coalition ministers are not leaders. They have failed those ordinary citizens of Morwell and the Latrobe Valley. They have absolutely and comprehensively failed our fire services by cutting their budgets rather than supporting them when support was needed.

The government stands condemned for its inaction. It stands condemned for failing the people of Latrobe Valley in their hour of need. It stands condemned for not caring, not turning up and not being a part of the debate and discussion on this report that it promised two weeks ago. It stands condemned for silencing the Parliament. It stands condemned for not doing its job — the job that any good government should do when people need it. That is what I said in March and I say it again now: these criticisms of the government are levied for absolutely appropriate reasons. The government stands condemned for being absent, neglectful and disinterested.

East–west link

Ms RYALL (Mitcham) — I rise to grieve for all Victorians and particularly the members of my community in the Mitcham electorate and throughout the Ringwood area. My greatest concern is that by backflipping on his position on the east–west link, the

Leader of the Opposition renders Victoria an economically undermined state. His position on the east–west link is economically reckless. I refer to the front page of the early edition of the *Herald Sun* of 12 September 2014, which reads 'Don't trust him'. Certainly the feedback from many people in my community in recent days has very much been that they do not trust him. That backflip with a double pike shows more positions than you would imagine possible on the east–west link.

On 19 November 2013, the Leader of the Opposition told 3AW's Neil Mitchell:

> To rip up contracts … is to send a message to the world that we are closed for business.

On 18 April 2014 his position on tearing up the east–west link contract was that:

> There will be obviously jobs that could potentially be at risk … because you send a message on every project, you know, it is not safe to do business here. Now that is not necessarily a popular view, but that is the view a responsible party that wants to govern, not the Greens sitting on the fringe …

It raises the question of whether Labor is no longer a responsible party that wants to govern and whether it has consigned itself, in the Leader of the Opposition's own words, to 'sitting on the fringe' with the Greens. We know that is the case. We have known all along that Labor's opposition to the east–west link is about the Greens and the inner-city seats.

Moving on to 13 August, the Leader of the Opposition said:

> A responsible government — a government that actually values our state's reputation and good name — doesn't rip up contracts.

Therefore by ripping up contracts — should his party win government — the Leader of the Opposition will not value our state's reputation and good name.

More recently, on 25 August, the Leader of the Opposition said:

> We won't be ripping up legally binding contracts, that would be a silly thing to do.

His subsequent decision to rip up the contracts means that he is behaving in a silly way. According to his own words, he stands condemned for his recent announcement that he will rip up those contracts.

An article in the *Herald Sun* of 12 September says:

> Daniel Andrews has horrified businesses, jeopardised thousands of jobs, alarmed his MPs and exposed taxpayers to possible compensation claims by dramatically dumping a pledge not to tear up the east–west link contracts.

It further says:

> The new policy, which was not taken to shadow cabinet …

That might explain the glum faces on the opposition backbenches all through yesterday. The decision was not taken to shadow cabinet. It was made unilaterally by the Leader of the Opposition. If it was not taken to shadow cabinet, you have to ask: who is calling the shots?

Another article in the *Herald Sun* has the headline 'Premier, PM and business lash Labor leader'. The article states that:

> … the reckless move would cost Victorians $3 billion and 6200 jobs.

This is from a party that says it is concerned about jobs. That is clearly not the case. The article continues:

> … senior Labor sources said his decision to bypass shadow cabinet in making the shock decision was alarming.
>
> One said Mr Andrews was 'turning into Victoria's version of Kevin Rudd — making unilateral decisions on anything and everything'.
>
> …
>
> But others feared the message it sent to suburban voters regarding thousands of potential jobs lost.

These issues are resonating fairly and squarely in my community — jobs lost and gridlock on our roads. Many small businesses in my local community need to cross from east to west, and they do not have an alternative method to get to Geelong. A tradie I was talking to this weekend said to me, 'How on earth do they think I am going to get to Geelong twice a week using my current method of transport? I cannot run my business out of a train carriage. Am I going to be consigned to the current situation under a Labor government? Not happy'.

On Friday a woman stopped me and said, 'Do they think we're fools? Does Labor really think we are fools?'. You have to ask the question.

Mr Noonan — You personally? Yes.

Ms RYALL — Does Labor think my community are fools? I take up the interjection — —

The DEPUTY SPEAKER — Order! The member knows it is disorderly to do so.

Ms RYALL — I make reference to a Labor comment that refers to me. I suggest that the people of Ringwood deserve a bit more respect than is being shown by the member for Williamstown.

I was at a community sporting function on the weekend, and one man said to me, 'I'm a swinging voter, and now they have no chance. This is a deal-breaker'. The people in my community use a method to get from east to west, whether it be the Eastern Freeway or public transport. These people make choices in their lives. Many of them use the Eastern Freeway to get to the west and the airport and into the city. The message from everybody I spoke to on the weekend — from young tradies to parents to baby boomers to seniors — was clear. They are not happy because this is something they have been hoping for for generations; they want the dead end of their freeway to be turned into something usable so they can get to the city, the west and the airport. I expect people in the west are feeling the same.

Mr Angus — Betrayed.

Ms RYALL — Betrayed, as the member for Forest Hill says. Absolutely. Those people would be feeling betrayed. People in Ballarat and Geelong were also hoping for a second crossing. It was going to save them time, help them in their businesses and get them home sooner. That hope was trashed in one fell swoop last week by the Leader of the Opposition.

Like many in my community, I come from the world of small business. I struggled getting to meetings in the west. I would often be late to meetings because of unpredictable traffic. I missed flights. I remember having to call airlines to say I was stuck in traffic or there had been an accident. I had no alternative but to try and get a later flight. I hear similar stories from people in my community. These people know that this government gets things done. They know Labor's promises on level crossings are a cheap imitation of this government's actions. People have seen that it can be done.

Mr Angus interjected.

Ms RYALL — Labor is playing catch-up, as the member for Forest Hill says. The level crossings at Mitcham Road and Rooks Road are gone. The Blackburn Road level crossing has been budgeted for, and preliminary work is underway. Labor shunned all this work. All those level crossings were too hard for Labor, and there was always an excuse. After its first few years in opposition, Labor realised it had bombed. It had lost the opportunity it had while it was in government, and the community had lost confidence in Labor. The community can see a difference. It sees a government that gets things done and gets on with the job, and it sees an opposition that flapped around, wasting money and making excuses for 11 long years. The community got the desalination plant — $1.8 million a day for 27 years. It got myki, and it got the north–south pipeline, which wasted $600 million to $700 million. It got $3 billion on botched pokie licence options. It got cost overruns of $1.44 billion on information and communications technology projects. Labor also forgot signalling and trains for the regional rail link.

Mr Angus — Couldn't manage a chook raffle!

Ms RYALL — Labor could not manage a chook raffle. Labor also forgot the IT systems for the Royal Children's Hospital. The list goes on and on. Labor fiddled while Rome burnt. Victorians know that this government is not limited to one thought, idea, concept or major project. The government can walk and chew gum at the same time. It will deal with this state's major infrastructure needs for the future — not just for us now but for our kids and our children's children. It is about the future. Future Victorians will get a continuation of the level crossing removals that have been taking place for four years. They will get the Melbourne rail link, from which 35 000 more passengers per hour will be able to get around. They will get the airport rail link, and they will also get the east–west link.

I have said this before, and I will say it again: if you put Labor in government, it is not just about the here and now, it is about our children and their children, it is about the future, it is about the economic prosperity of the state and about making sure the standard of living is maintained.

We have seen the economic vandalism of those opposite. We cannot trust their word. We know that their word is not their bond, that they will change their minds and they will flip-flop continuously like the Leader of the Opposition. He will say one thing and then say another. He will say one thing and do another. He will do something and say something different. There is no clear position from the Leader of the Opposition on the east–west link. That affects all Victorians. It affects my community. It affects our overall ability and our standard of living. It affects businesses throughout the state.

I will refer to contributions from business organisations that have expressed concern. The Victorian Employers Chamber of Commerce and Industry has over 15 000 members, customers and clients. Its CEO said:

> Business confidence takes a hit when decisions made by government do not come to fruition.

The Australian Industry Group, which represents more than 60 000 businesses, said:

> This will detract from the value Victorians will get for their money.

Infrastructure Partnerships Australia said:

> Victoria has always had a good reputation as a destination for investment, a hard-won reputation that will suffer real damage if the east–west contract is cancelled.

This government has done an enormous amount to attract business and investment into our state. In fact, I would suggest we are the leaders in Australia at doing that. Major business organisations see the damage that cancelling this contract would inflict. It would undo the hard work we have been doing in creating jobs by attracting investment through overseas trade missions, innovation grants and other opportunities we have given business in this state.

On the one hand we on this side are growing opportunities for business and creating jobs and on the other hand those opposite want to destroy jobs and through their poor actions and inability to be trusted want to damage business, which is what will happen as a result of this change. The upshot is that the very people opposition members claim to represent — tradies and other workers — will be impacted by their decision. Their decision on the east–west link is not about jobs growth. It is about putting jobs down.

Mr Angus — It is about Greens preferences.

Ms RYALL — It is about Greens preferences, and it is about job losses as a result of businesses not being able to function properly because they are gridlocked and cannot get their products or services from A to B. It is about not being able to get agricultural or other products through to where they need to be because vehicles are stuck in traffic and gridlocked. Those opposite must take responsibility. What the media and many others have said loud and clear is absolutely true: Labor cannot be trusted. Leftie logic only works if you exclude all relevant information.

We will not bring Victoria to a standstill. We will not allow economic vandals to detract from and undo the great work that has been done. We will not send the wrong signals to business and investment. Those opposite say they are about jobs, but they are wrong. They say they are about business, but they are wrong. They are about their own people in their own seats. They are about protecting their inner-city seats. They are about being on the fringes with the Greens, in the words of the Leader of the Opposition. They have no vision and no purpose. They cannot be trusted and they have no place governing Victoria.

Youth employment

Mr BROOKS (Bundoora) — One thing is clear: at the next state election in just over 10 weeks time every single member of this dysfunctional government should be sacked by the Victorian people because while they sit there and laugh and make silly political points — we had the Treasurer here today making a fool of himself — we have increasing youth unemployment. It is rising among 15 to 24-year-olds. It has been described by independent commentators as an impending social disaster. What have we had today? The Treasurer gave us 35-year-old speech references and lame gags. What a disgrace. Surely the Victorian Treasurer would have something better to do with his time than to make silly gags for the benefit of his backbench. We know that is what it is all about — appealing to his backbench for a future ballot.

On 12 May an article by Henrietta Cook appeared on the front page of the *Age*, from memory the headline was 'Generation lost'. It cited an internal Department of Education and Early Childhood Development report that shows that 10 000 young people were disengaging from school, training and apprenticeships every year and a further 6000 were disengaging from vocational education and training within 12 months of starting that training. That is a massive number of young people leaving the education and training system every year. In any reasonable government, that should have set alarm bells ringing. Major employers were already leaving this state and shedding jobs. The report, which the government was privy to and which was exposed by the *Age*, should have set alarm bells ringing.

The government should put in place plans to address this serious issue. It should have put in place a jobs plan. It should have had a focus on young people who were leaving school and the training sector. Brotherhood of St Lawrence executive director Tony Nicholson is quoted in another article in the *Age* as saying Victoria is 'hurtling towards a social disaster' on this government's watch.

On the last figures for my part of town, the north-east of Melbourne, youth unemployment was at 10.6 per cent. In the south-eastern suburbs youth unemployment was 17.6 per cent, in Geelong it was 18.2 per cent and in Shepparton it was 25.3 per cent. It is a disgrace. Unemployment under this government is the highest in mainland Australia. Members of this government

should hang their heads in shame. Can you remember the days under the Bracks and Brumby governments when Victoria was the jobs-creation engine room of the country? It created more jobs than any other state. What we have seen is a complete reversal under this dysfunctional and ridiculous government. Unemployment under the Bracks and Brumby governments at the time of the change from Labor to the coalition was 4.9 per cent. We have seen that nudge up to where it is sitting now at just under 7 per cent. That is a great shame.

We have seen major employers shedding jobs. Qantas has shed 1000 jobs. Holden, Ford and Toyota are all going under this government's watch. That is a staggering thing. If you had have asked someone three years ago if they thought you would see the entire automotive industry indicate they were leaving under this government's watch, they would not have believed you. It is unbelievable that we have lost an entire industry under this government's watch. What has been the response of this government? It has looked the other way while its partners in Canberra, the federal Abbott government, goad the automotive industry to leave our shores. At Shell there have been 450 jobs lost. There are jobs going at the Point Henry Smelter. At Melbourne and La Trobe universities there are jobs going. At Coles there are 500 to 600 jobs going. At Australia Post there are up to 900 jobs going, most of them in Melbourne.

People expect their government to fight for their jobs. In my estimation, Victorian people understand the changes a global economy brings. They understand that some industries based in Victoria will go through change and that a government cannot save every single job. But they expect a government to fight for every single job as hard as it can with every last ounce of its energy. When it is exhausted, that government should get up and fight even harder for those jobs. What we have seen from this government is an absolute dereliction of that duty. It is not interested in people's jobs. It does not want to talk about jobs. The east–west link is the only answer this government has. When you talk about jobs and put the evidence of spiralling unemployment and a youth unemployment crisis to the parrots on the backbench, they will say, 'The east–west link will fix that'. What a joke of a government! The coalition has not even signed a contract for that project. It has been in government for nearly four years and its only answer is that it is planning to do the east–west link so the member for Mitcham can get to the airport quicker.

It is unbelievable. We saw it in this very debate today. The Victorian Treasurer came into this place with these serious issues before the Victorian people and chose not to address them or other matters of substance but instead gave us lame jokes aimed at his backbench about Socialist Alliance posters on poles in the city of Melbourne, or some other internal issue in inner-city Melbourne. I was not sure what he was talking about. What a disgrace for the Victorian Treasurer to belittle the position of Treasurer and to come in here and to give that performance. With so many challenges facing the Victorian economy — with employers and people's jobs on the line — why did the Victorian Treasurer spend time in here today debating like that? Why was he not out there fighting for Victorian jobs?

Mr Noonan — He was rehearsing for the leader's job!

Mr BROOKS — That is exactly right. The member for Williamstown has summed it up. He is rehearsing for the leadership. At the moment we are seeing a job application process between the Victorian Treasurer and the Minister for Planning. That is absolutely for sure.

People want a government that will fight for their jobs. They want a government that has a plan for jobs and a plan to address youth engagement and engagement with education and training. They want a government that is working to fix these problems, not make them worse. What we have seen from this government is the exact opposite. We have seen it do exactly the wrong things — the things you would not do if you wanted to improve youth employment. These are the things that this government has been doing — it has cut funding from school education, and it has cut funding from programs like the Victorian certificate of applied learning (VCAL) that transitions kids into trades and vocations. Why would you cut that program if you were interested in reducing youth unemployment? Why would you cut the support at regional offices for schools? The members on the other side know that this is hurting their local schools. I am sure that when they visit their local schools on their own — without a ministerial or departmental procession — that their school communities are telling them, 'Your cuts are hurting you'.

Then there are the cuts to the local learning and employment networks that have been made between Canberra and Spring Street. What harsh cuts! This is another program that helps young people find employment and training, and it has been cut by the Liberal Party and The Nationals. The Youth Partnerships program, initiated by the previous Labor state government, is another program being wound up by this lousy government. Youth Connections, a

federally funded program, is gone. It finished up at around the same time as Youth Partnerships, and it is another program that has been cut by the federal government. Then we have the completely irrational and short-sighted cuts to TAFE. The TAFE sector is in crisis. The poor Minister for Higher Education and Skills, who is at the table, is groaning because he has been thrown a hospital pass by the Premier on his elevation to the front bench in being given the TAFE portfolio. What a mess!

Mr Noonan interjected.

The DEPUTY SPEAKER — Order! The member for Bundoora to continue without the assistance of the member for Williamstown.

Mr BROOKS — The $1.2 billion that was ripped out of TAFE by this government means that campuses have closed, that course fees have gone up and that dedicated educators working in the TAFE training sector have lost their jobs. The victims are Victorian young people and people who are retraining for jobs who are missing out on quality TAFE training because of this government. It is one of the most short-sighted funding cuts a government could introduce. This is in the midst of rising unemployment and a youth unemployment crisis. It is an absolute dereliction of duty by a government.

We have seen youth unemployment skyrocketing. We have seen the government fixated on its internal processes — how to manage the member for Frankston and the leadership tension between the Treasurer and the Minister for Planning — and limping from one disaster and one scandal to the next while Victorians are clearly worried about the education and jobs that their kids are going to get. All this government has to offer is more cuts to TAFE, more cuts to VCAL and no answers in relation to job losses.

An honourable member interjected.

Mr BROOKS — I was waiting for the east–west link response. This government has become a 'gunna' government. 'We're gunna build east–west. We're gunna do this'. In terms of infrastructure this government has done nothing for four years. It has been a lazy, dysfunctional government that does not deserve to be re-elected by the Victorian people. It has had its chance in government, and in just over 10 weeks time the Victorian people will get a chance to pass its verdict on it. As I said at the start of my contribution, each and every one of the members on the other side of the house deserves to be given the sack. They deserve to go, because if you do not care about young people getting a job, you do not deserve to be in this place. You do not deserve to hold the high office of a member of Parliament. You do not deserve to be in here.

Youth unemployment in the regions is of particular concern. People in regional centres have limited opportunities for jobs. They have limited training opportunities. How can members on the other side from regional communities stand by and watch as the guts are ripped out of TAFE and VCAL? The member for Benalla applauded the cuts to TAFE and VCAL in his community, and that is a disgrace. I am surprised that members opposite did not go to the Premier and the Treasurer to say, 'I demand that you don't cut from these areas. I demand that my community be protected from cuts'. But we have not seen that from the spineless members on the other side of the house, who have been more concerned about protecting their positions in their parliamentary team than they have been about protecting their communities.

On this side of the house we will very strongly and proudly stand up for our local communities. In my community Greensborough TAFE was shut by the government and the buildings sit empty. That is a sign of the neglect — —

Mr Wakeling interjected.

The DEPUTY SPEAKER — Order! The Minister for Higher Education and Skills will get his chance.

Mr BROOKS — The minister responsible for the closure of Greensborough TAFE is sitting at the table and smiling — —

The DEPUTY SPEAKER — Order! The member for Bundoora should not invite interjections.

Mr BROOKS — Members on the other side are smiling at the fact that TAFEs are closing and that courses have been cut and fees have gone up. The problem is that the people who rely on TAFE training, in particular young people in the midst of this youth unemployment crisis, are missing out on the training opportunities they deserve. I suggest that in the middle of a youth unemployment crisis you would not cut TAFE; that just defies logic. Only the Liberal Party and The Nationals would think that cutting TAFE funding, cutting the Youth Connections program and cutting from local learning and employment networks, youth partnerships, education and programs like VCAL was a smart thing to do.

Honourable members interjecting.

Mr BROOKS — Members on the other side seem to be suggesting that is the way to go. I will tell them something: the east–west tunnel will not provide training to young Victorians. In a changing economy parents want their kids to have the skills to meet the challenges. They do not get them from the Napthine government. This government does not care. What this state needs is a Labor government.

Trade unions

Mr WAKELING (Minister for Higher Education and Skills) — We have just heard 15 minutes from the alternative government. Was it not a wonderful presentation to the Victorian people of what a future Labor government would deliver? The member for Bundoora has left the chamber, but for his benefit I am pleased to correct the record and advise the house that under this government there are today 95 000 more students being funded than were funded by those opposite when they were last in power in 2010.

I grieve on behalf of the Victorian community about the power and influence of the union movement in the state. The Victorian community can be rightly ashamed about the facts that are now being rolled out day by day at the royal commission. One only needs to read today's *Herald Sun* to note the appalling situation on building sites around the state. We see that Construction, Forestry, Mining and Energy Union (CFMEU) officials skimmed 20 per cent off the cost of soft drinks for every building worker, raising upwards of $1 million. A headline on page 5 of the *Herald Sun* notes '$1 million slushie fund'. But the money did not go to the union; it went to a union-controlled slush fund. That is an appalling situation, and it is an indication of how the CFMEU operates in the state.

What was the view of the Leader of the Opposition today? What comment did he make in the paper about it? What actions has he taken to condemn the actions of the CFMEU? He has said nothing. He has been silent, like those opposite. I am waiting for interjections to correct me if I am wrong, but opposition members have been very silent on the issue. Just yesterday a headline on the front page of the *Herald Sun* was 'Hail Cesar — Slush fund king'. The article talks about a member for Western Metropolitan Region in the other house, Cesar Melhem, who is called a Labor Party 'powerbroker' and who created a $250 000 slush fund called Industry 2020. What did Mr Melhem get as a reward for his efforts in putting in place the slush fund?

Mr Hodgett — Do tell.

Mr WAKELING — He is now a member of the upper house. He was handed a seat as a reward for the work he did in preparing the slush fund. As we know and as has been reported in the papers, $20 000 from the slush fund was handed to the Health Services Union. When asked about the actions of Mr Melhem, what was the strong language used by the Leader of the Opposition? Where was the condemnation? Mr Andrews said of Mr Melhem:

> If he had his time again he would do things differently.
>
> I think that's the right call for him to make.

Those comments are from the man who wants to lead the state as Premier, the man who wants to run the state and to have control of the government benches and the state budget. Those comments are from the man who believes he is the rightful person to run the state, and supposedly he is a man of conviction, but as we know, there is no conviction when it comes to the Leader of the Opposition. This is the man who said, 'I will not rip up a contract', only to then turn around because the polling in the seats of Melbourne, Brunswick and others shows that Labor could lose the seat of Richmond, and all of a sudden he needs to change his position to ensure that the Labor Party holds the seat from the Greens. Now he is going to rip up the contract. Such are the actions of the Leader of the Opposition.

But do not take it from us. An editorial in the *Herald Sun* of 4 July headed 'Andrews must toughen up' says:

> Mr Andrews's weakness in not using his authority to distance himself from Mr Setka and the Construction, Forestry, Mining and Energy Union is at best an embarrassment and at worst a portent of things to come.

That is exactly what this is about. It is about the Leader of the Opposition, who is solely reliant on the support of the Socialist Left faction of the union movement and on the support of the CFMEU. No commentary in today's *Herald Sun* or in previous weeks has seen the Leader of the Opposition do anything to denounce the actions of the CFMEU.

I return to the front-page story in the *Herald Sun* of 4 July — another front-page story. How many front-page stories does the Leader of the Opposition need about the CFMEU before he decides he had better do something about this issue? Under the heading 'Labor's $50 000 thug' the article states that an ALP branch president was accused of being a standover man:

> A Victorian Labor Party official demanded a $50 000 payment from the builders of the Pentridge Prison redevelopment in exchange for industrial peace …

'In exchange for industrial peace'! This is not the 1960s. This is not the 1970s, with the Builders Labourers Federation. This is happening today as a result of the actions of members of the CFMEU who are not only members of the administrative wing of the Labor Party but also branch presidents. Where is the denouncement from those opposite? Where is the condemnation? Of course we get silence. We hear nothing because those opposite know that it is not a good look for one of your own branch presidents to be a standover man. The article goes on:

> Pictures in today's *Herald Sun* show union official Stu-e Corkran in full club patches, a 1 per cent symbol shaved into the back of his head — a common symbol for outlaw bikies.

That is the sort of action we are getting from the CFMEU, and it is working in concert with the Australian Labor Party.

Let us look at the views of the shadow Minister for Planning, Mr Tee, a member for Eastern Metropolitan Region in the Council. This is the man who wants to run planning in this state. This is the man who wants to have control of future developments in and around the Melbourne CBD, Docklands and other parts of inner Melbourne. What is Mr Tee's view of the CFMEU?

Mr Foley interjected.

Mr WAKELING — I love the interjections of the member for Albert Park. Mr Tee is a card-carrying member of — which union? — the CFMEU. The shadow minister is telling the planning industry and the building industry, 'If I'm the future planning minister, I'm not only going to not work with the planning industry and future developers, but I'm also going to work in lock step with the CFMEU because I'm a member of the CFMEU'. I stand to be corrected, but I reckon he would be the first planning minister in this state who has been a card-carrying member of a construction union. Those opposite actually do not think there is anything wrong with that.

Mr Foley interjected.

The DEPUTY SPEAKER — Order! The member for Albert Park will desist.

Mr WAKELING — I just love the interjections from those opposite, because it shows they do not talk to industry or to the community. If they had spoken to the community and if they had spoken to those involved in construction, they would know that the actions at the Emporium Melbourne site, supported by those opposite — —

Ms D'Ambrosio interjected.

Mr WAKELING — The member for Mill Park laughs about the CFMEU's actions at the Emporium site. That is an absolute disgrace, because that was dealt with by the courts and the CFMEU was in fact found guilty of misconduct — —

Ms D'Ambrosio interjected.

The DEPUTY SPEAKER — Order! The member for Mill Park is warned.

Mr WAKELING — I relish the opportunity to hear the member for Mill Park — —

Ms D'Ambrosio interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Mill Park

The DEPUTY SPEAKER — Order! Under standing order 124, I ask the member for Mill Park to vacate the chamber for 30 minutes.

Honourable member for Mill Park withdrew from chamber.

GRIEVANCES

Trade unions

Debate resumed.

Mr WAKELING (Minister for Higher Education and Skills) — I appreciate that those opposite get very testy about these issues, but I am happy to deal with the issue at hand.

If the front-page story headed 'Labor's $50 000 thug' or the other articles I have referred to were not enough, there is another *Herald Sun* editorial of 20 June under the heading 'Bully blow for Labor leader'. It talks about further problems that the Leader of the Opposition had with one of his candidates. It goes on to say:

> The Labor leader's Socialist Left faction readmitted members of the CFMEU to its ranks, giving Victoria's most militant union a voice at the policymaking ALP state conference.
>
> The CFMEU has been fined heavily for its illegal activities and for contempt of court, which it is appealing. Yet Mr Andrews has remained silent.

This was back in June. One needs to ask the question: why is it that the Leader of the Opposition is so quiet when it comes to the actions of the CFMEU? One only needs to remember that the Leader of the Opposition,

back in 2012, actually took action to ensure the CFMEU returned to the state ALP. One has to ask the obvious question: why would you — —

Mr Foley — They were always affiliated, you goose!

Mr WAKELING — 'They were always affiliated'. It is disorderly to take up interjections, but let me just explain something to the member for Albert Park. If you had some backbone as a party, you would take some action to remove the CFMEU from that party.

Mr Foley — On a point of order, Deputy Speaker, I admire the consistency you bring to the enforcement of the standing orders, and I note your consistent application of them on this side of the house. I would ask that you apply them with equal force to the other side of the house in equal measure — —

The DEPUTY SPEAKER — Order! There is no point of order. The member has the right to speak, and he is making a contribution to the debate on his grievance.

Mr WAKELING — We have certainly sparked something in the house today, haven't we?

An article in the *Australian* of 19 May 2012 refers to the Leader of the Opposition saying at the ALP state conference that he would announce plans to scrap the Victorian code of practice for the building and construction industry if elected to power. The Leader of the Opposition has also strongly endorsed the work of the Construction, Forestry, Mining and Energy Union, and he has claimed that the CFMEU has a strong record of working to make safer worksites.

This is a man who wants to be the next state Premier and who in a couple of months could well stand on the spot on which I am standing. He could well be the new Premier of this state. This is a man who since 2012 has been consistently willing to publicly support the work of the CFMEU, a union that has been proved to not work in the interests of the Victorian community, a union that has been convicted and a union that has many problems within it, not the least being that it has $50 000 thugs running around who are ALP branch presidents.

This is a real test of the leadership of the Leader of the Opposition. If he had a backbone, if he had some control over his party, if he had some control over the unions, if he had some control over those unions that control his faction, the Socialist Left, then he would stand up to them and say, 'This type of behaviour is not acceptable. This type of organisation is not the type of union that should be a member of my party. I will not have the CFMEU as a part of my party'. If he had some backbone, if he had some spine and if he had some conviction, he would do that. But we know the choice for him is very clear: the Leader of the Opposition has no backbone on this very important issue.

Question agreed to.

STATEMENTS ON REPORTS

Family and Community Development Committee: social inclusion and Victorians with disability

Ms RYALL (Mitcham) — I rise to speak on the Family and Community Development Committee's report on its inquiry into social inclusion and Victorians with disability, which was tabled in the Parliament earlier today.

I will start by quoting from the executive summary of the report. The quote is from a transcript of evidence given at a committee hearing by a representative of the Association for Children with a Disability, Melbourne. Entitled 'A Great Life', it says:

> I'm part of this world and I have a disability
> But I don't want it to rule my life
> I want to find out what I'm good at and do it really well
> I want to do stuff with my brothers and sisters
> and I want to be happy at school
> and I want people to feel OK around me
> I want to hang out with friends and do cool stuff
> I love my parents but I don't want to live with them
> forever so … I'll need to get a job
> I want to fall in love and maybe have kids
> And when it's all over, I want to be able to say that I
> didn't just have a life
> — I had a great life.

Having looked at issues involving people with a disability — including Victorians with a disability and particularly younger people — what has become very clear through the process of our inquiry is that people with a disability have hopes and aspirations. I extend my thanks to members of the committee, including the member for Thomastown, who is the deputy chair of the committee; Andrea Coote, a member for Southern Metropolitan Region in the other place; the member for Essendon; David O'Brien, a member for Western Victoria Region in the other place; and the member for Shepparton.

In terms of social inclusion, Victoria has made some significant gains over the years and has seen marked improvement. The introduction of a trial site for the national disability insurance scheme in 2013 has been a

major contributing factor to the transformation of the disability support system. To a large degree the scheme shines a light on the issue of social inclusion for Victorians. When we talk about social inclusion, we must acknowledge that its opposite is social exclusion.

People with disabilities, regardless of the extent of those disabilities — whether they are mild, physical or intellectual, or profound and severe — have aspirations. The committee found that people with a disability want to participate meaningfully and not just for the sake of participation. They want to participate in life in a meaningful way. They have aspirations. There is an element of people with a disability wanting to have control over their own lives and to have opportunities to contribute and participate in society in meaningful ways.

I extend my gratitude to the secretariat of the committee for its work throughout the inquiry process, including Janine Bush, the committee's executive officer; Vicky Finn, the research officer; and Natalie Tyler, the administrative officer. They did an outstanding job in assisting with the preparation of the report for this inquiry.

I will list some of the chapters of the report, which looks at a range of areas. Chapter 1 is entitled 'Defining and measuring social inclusion', and I think the committee has done a very good job in defining what social inclusion is.

Chapter 2 is entitled 'Leading the social inclusion agenda'. This chapter is about responsibilities for assessing and funding disability support transitioning across government.

Chapter 3 is entitled 'Identifying and achieving aspirations', and it is about aspirations and social inclusion, what people with a disability themselves aspire to do in the context of social inclusion and about sustainable relationships and networks. Obviously they are vitally important to those with a disability.

Chapter 4 is entitled 'Social connections and natural networks'. People with a disability need to be connected socially and have relationships and those natural networks that people often take for granted. They also need to know how their social capital can be enhanced through their connections. Chapter 5 is entitled, Foundations for social inclusion'. Chapter 6, is entitled, 'Creating opportunities to participate'; chapter 7, 'Accessible and enabling environments' and chapter 8, 'Changing attitudes and behaviour towards people with disability'. They are the chapters within the report that we have undertaken.

I thank every one of the 133 people and organisations that made submissions to the inquiry, and I also thank the more than 70 organisations and individuals that appeared before the committee during our public hearings. They all made excellent contributions. Everything that those people contributed in terms of their thoughts and experiences was of value to the inquiry. I was very pleased to be able to table this report, and I know that I speak on behalf of the other members of the committee when I say that we are very pleased with the outcome.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee: marine rescue services in Victoria

Mr FOLEY (Albert Park) — I rise to reflect on the recently released report of the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee on its inquiry into marine rescue services in Victoria. I refer to chapter 9 of the report, particularly section 9.2, 'Recreational vessel licensing'. I wish to do so noting that still in my community the issue of how jet skis — or for the purposes of technical discussion, personal watercraft, as they are more accurately known — are used is a matter of some significance which this report touches on, and I know that it is a matter of significance for many other bayside communities, particularly those with marine infrastructure and services.

I raise this issue because in my own community a Port Melbourne family continues to grieve the loss of a father, partner and active community member, who was killed in a totally avoidable accident involving a personal watercraft in February 2012. In the area of Lagoon Reserve — near Lagoon Pier, in a designated swimming-only area — this member of my community was struck by a personal watercraft and later sadly died at the Alfred hospital. Then and indeed now we should have taken heed from that tragedy. Whilst insofar as this report touches upon the issues of personal watercraft, the committee has failed to follow the issue down the logical path it should have taken. We should have heeded this incident in 2012, and the committee, in this report, should have taken this issue further.

Incidentally, in approaching this issue I should point out that recommendations 9.6 and 9.7 of the report, insofar as they deal with the issue, are not of themselves objectionable; they simply miss an opportunity. The missed opportunity that is touched upon in the body of the report goes to the regulatory framework and the practical application of the framework for personal watercraft or jet skis. It is to be hoped that the government adopts the two recommendations it has had

set out for it, but I am not sure that ensuring a practical component in licensing testing and consideration of whether or not it is appropriate to license 12-year-olds to operate very powerful craft go far enough. In fact they barely touch the surface.

We need a package of changes to address the issue of the so-called boating zones that have been in operation for a number of years. We have had four years of missed opportunities to review these. Jet skis are increasingly powerful and popular vessels, but in the wrong hands they are dangerous, and we know they can be fatal. The approach we take to these machines on our bays and waterways, especially when their use clashes with the activities of swimmers, needs to be based around the primacy of recreational swimming as the main use for our increasingly busy beaches and waterways. The evidence available shows that in the last four years there has been inadequate enforcement of the current regulation and even less so any assessment of the suitability of the regulation model. Gaps are also found in the insurance, regulatory and licensing frameworks, and these cause those who happen to experience injuries or incidents personal loss and financial hardship. Add to this the poorly supported culture of education, training and licensing, which is touched on in this report, and the lack of recognition of the rights of other bay users, particularly passive swimmers and other recreational users, and it is clear that we face a growing crisis summer by summer involving a clash between jet ski users and swimmers.

Beyond the need for these two recommendations, issues around enforcement, appropriate regulation, licensing, insurance and education measures all need to be dealt with. In particular we need to make sure that jet skis are banned in all our shared boating and swimming zones. We need to make sure that jet ski exclusion zones are doubled from the current size of 200 metres to 400 metres. We also need to review the penalties and their application to achieve greater deterrence. We also need to make sure there is consideration of an appropriate system of licensing, testing, insurance and education. Given that this issue rolls around every summer in my community and other bayside communities, it would be most appropriate for this report to be seen as an opportunity for members on both sides of the house to consider an appropriate framework to make sure that the kind of tragedies that have happened in Port Melbourne do not recur.

Rural and Regional Committee: increasing exports of goods and services from regional Victoria

Mr WELLER (Rodney) — I rise today to speak on the Rural and Regional Committee inquiry into increasing exports of goods and services from regional Victoria. I acknowledge the great cooperation I experienced from the other members of the committee: the chair, Mr David O'Brien, a member for Western Victoria Region in the other place; the deputy chair, the member for Ballarat East; and the members for South Barwon and Geelong. I also acknowledge the hard work done by the supporting staff, including Ms Lilian Topic, the executive officer; Patrick O'Brien, the research officer; and Laura Ollington, the administration officer, in bringing out this report in the last sitting week.

This is a wideranging report. There are great opportunities to increase exports from rural and regional Victoria in the education, tourism, primary industries and mining sectors in particular. The committee received over 50 submissions and travelled throughout Victoria. We went to the ports and saw important infrastructure such as railway lines. A lot of the messages we were given indicated that if we are going to be competitive and grow our exports, we have to reduce the costs of production so that we are competitive in global markets. We have to increase efficiency. In terms of one of the needed efficiencies identified, it was often noted that it is dearer to get a product from regional Victoria to the port than it is to get it from the port to its destination, whether that be China or another country. We have a problem with logistics. If we can reduce the costs of transport from our local areas to the ports, it will be a winner for our exports.

We need to seek better markets. We acknowledge that the current government is doing a lot of work in that respect. There have been probably more than 80 international missions to increase trade. The committee recommended that red tape be reduced so that business can get on and become more efficient. This is about being more efficient and more competitive on the world market. We need to improve rail and intermodal hubs. I must acknowledge that the coalition government included the Murray Basin rail project in its last budget. There is $220 million available for that, about which this report is very supportive. This is a way of getting our freight to the ports more efficiently. Action on rail was identified as being needed by many of the people we spoke to, and the government is getting on and supporting that.

Ports is another area. We visited the port of Portland, and people there said they need another docking bay to handle more ships because the port has become so busy. With the growing export markets, it was identified also that the airports take on more importance, and in particular the two curfew-free airports we have in Victoria. We need to continue with those, as they represent an opportunity for us to export by air. Exporting does not necessarily need to be by sea; it can be by air as well. Another interesting thing that came out — and this is something we hear often — is that we need world-class communications in our regional areas so that our regional businesses can engage with worldwide markets and use those communications to be efficient and become more competitive in terms of exports.

I draw the attention of the house to recommendation 3, which is very important:

> That the Victorian government, in developing policies for regional and rural development, consider the benefits of:
>
> > facilitating clusters of related industries (especially those that can be established around rural agricultural activities) —

and that is our strength out in the rural areas —

> > supporting and promoting 'university towns' in regional Victoria, with consideration given to successful examples in other countries (such as Oxford, Cambridge, Yale and Harvard).
>
> As part of this, the government should focus on the infrastructure and other needs of international students, including the livability of regional centres …

Echuca, in the electorate I represent, would be the best place in this state to start a regional university. I commend recommendation 3 to the house, noting that the best place to start would be Echuca.

Public Accounts and Estimates Committee: budget estimates 2014–15 (part 1)

Mr PALLAS (Tarneit) — I rise to discuss the Public Accounts and Estimates Committee (PAEC) report into the 2014–15 budget estimates, part 1, and specifically page 89 at 10.4.3, which deals with key matters raised at the budget estimates hearings relating to the employment and trade portfolio. These matters include projected employment growth for 2013–14, which is referred to on page 5 of the transcript of those hearings. The projected employment growth for 2013–14, which is shown in the budget papers released in May, only two months before the end of that budget year, predicted that employment would grow by 0.75 per cent. Employment projections were revised down from last year's budget as well. They were originally expected to be at 1.5 per cent growth.

Between July 2013 and July 2014 the number of jobs in the Victorian economy decreased by more than 10 000 — that is, it shrank by 0.4 per cent. This government has a history of overestimating itself. In his first budget the former Treasurer promised 50 000 to 55 000 jobs a year, but he spectacularly failed to live up to that. When Labor left office the unemployment rate was 4.9 per cent, and it is now 6.8 per cent, seasonally adjusted. The 4.9 per cent rate was a result of the global financial crisis, which began with the onset of the subprime meltdown in August 2007. So after three years of Labor governments there was still a spectacularly better employment performance than what we now have under the coalition government.

The Premier has congratulated himself in this house on his jobs performance. We are told that this is the type of economic performance that is in the government's DNA, and yet Labor created 252 000 jobs in its last four years in government — from 2006 to 2010. By comparison this government has created 102 000 jobs — only 40 per cent of Labor's achievement over almost the same period. Under Labor, 73 per cent of the growth in the working-age population was accommodated in employment growth. So approximately three in four people of the working-age population were accommodated with a job. Under the Napthine government this figure is only 26 per cent. That is a massive story for this economy because that is under-utilised capacity and people are dropping out of the Labor market.

The coalition has increased the number of unemployed Victorians by 67 600 or 47 per cent. During Labor's last term the number of unemployed Victorians increased by 10 500 — well below population growth rates. Therefore four long, lost years of self-congratulation by the Baillieu and Napthine governments has led to inertia followed by panic. It is more that this government does not get that its primary responsibility is not to promote itself but to promote the welfare and the interests of Victorians. This government is failing to live up to its own tepid projections in terms of employment growth, as evidenced in the PAEC report and of course in the budget papers.

The government is utterly delusional if it thinks it can cut $1.2 billion from TAFE, watch campuses shut down, see young people's opportunities for employment disappear and unemployment skyrocket but still claim to be supporting jobs. It should have been investing in growing the state for the last four years, but

we saw little of that until it dawned on the government that livin' la vida laissez-faire-a, as they would like to call it, has substantially impacted on the performance of the Victorian economy. The government has gutted TAFE by $1.2 billion, and yet it says it is proud of its performance in TAFE. It has abandoned schools, cut capital spending by half compared to Labor, it has been a cheerleader for a federal government that has ripped $20 billion from our health and education systems, and yet it continues to apologise for that federal government.

It is also not an answer to just erect purple signs everywhere, telling poor businesspeople getting off the train at Southern Cross station who want to get a train to the airport that it will come after 2026. That is not a solution to the problems that confront the Victorian economy now. That is not governing. Governing is about recognising what realistic goals are, and if these employment figures demonstrate anything, it is that this government fails to set its goals and continues to underwhelm the Victorian economy with its performance.

Public Accounts and Estimates Committee: budget estimates 2014–15 (part 2)

Mr MORRIS (Mornington) — I am pleased to rise to provide some commentary on the report of the Public Accounts and Estimates Committee, and in particular the report on the 2004–15 budgets estimates that I had the privilege of tabling in the house this morning. The report was adopted at a meeting of the committee on Monday. That was the 374th meeting of the committee for this term — the workload is quite substantial. It is a credit to the application of not only the members but particularly the executive officer and her staff that the quality of the reports remains consistently high. I am not an independent observer in that regard, but I think that is pretty accurate.

The report completes the estimates process. It includes 64 findings and 6 recommendations. I have noted in previous contributions the divergence between the model followed in this Parliament with regard to estimates and that followed in other jurisdictions. In other parliaments generally the estimates review is undertaken by a portfolio-specific committee, whether it is an upper house committee as is often the case or, in unicameral parliaments, by just a portfolio-specific committee of the one house. That allows some detailed knowledge of particular issues to be brought to the table, but it does not bring a picture of the broad landscape of government undertakings. Rather than having a rotating, specialist membership, our committee hears from every minister, from both Presiding Officers, from the Premier and from the Treasurer, and then the conversation and deliberations that occur around the committee table are informed by the knowledge of members of the whole process and not simply a specific aspect of it.

That is important because spending decisions are not made in a vacuum, and the setting of priorities for particular portfolios is not done in a vacuum. They are done in the context of the overall finances of the state and in the context of the overall priorities of a government. In approaching the estimates in the way we do, a degree of consistency is achieved in the approach taken by government and by the committee, and in that way we get a much more forensic analysis of government plans, and Parliament is more fully informed as a result of that process. Whatever the future of the estimates process in the 58th Parliament, the approach that we take is a worthwhile one, and I hope it will be continued.

The fact that the report contains a modest number of recommendations is a measure of the work undertaken by the Minister for Finance during the life of the Parliament. Indeed not only is the number of recommendations modest but the thrust of the recommendations is generally about fine-tuning specific aspects of the transparency arrangements rather than suggesting we need a major shift of direction.

In one area, though, a shift is suggested, and it is of significance to the Parliament. The committee has suggested to the government that it should investigate bringing down the Victorian budget at a time subsequent to the introduction of the commonwealth estimates. The commonwealth remains a principal source of funding for the state, whether through untied assistance or specific-purpose grants or through transfer payments to other entities. Generally we have an indication of the level of assistance the commonwealth will provide, but it is not always clear on state budget day. During the hearings the Premier indicated that he thought there was a 'sound argument' to introduce the budget one or two weeks following that of the commonwealth, and I certainly commend that recommendation to the government.

The report also underlines the sound finances of the state, and that is in stark contrast to the difficulties of many other Australian jurisdictions. We have an average growth rate across the forward estimates of 3.7 per cent revenue; we have an asset investment program that is substantially funded from internal cash resources; a sharp decrease in net debt is anticipated across the forward estimates process; and of course our

AAA credit rating was confirmed again in the last few days.

Those numbers should be of importance to all members, because they mean that if we have those circumstances — the strong revenue, the asset investment and the shrinking debt — we have the financial strength to fund the services and infrastructure that we need to provide for continuing improvements in our standard of living. I thank everyone who participated in the estimates process, including the members of the committee. I particularly thank the ministers, the Presiding Officers and the staff. I commend the report to the house.

Environment and Natural Resources Committee: heritage tourism and ecotourism in Victoria

Mr PANDAZOPOULOS (Dandenong) — It is a pleasure to speak on the Environment and Natural Resources Committee report on the inquiry into heritage tourism and ecotourism in Victoria, which was tabled a few weeks ago. The report makes 37 unanimous recommendations. It was pleasing for the committee to receive a reference from the minister on heritage and ecotourism. One of the committee's considerations was that Victoria has natural competitive advantages which, from a tourism point of view, we need to make sure we are well positioned to protect and utilise as part of our heritage and our story.

Ecotourism and heritage are often seen as two different things. One is seen as the environment and the other as representing human impact or the built form. However, on looking at best practice around the world in comparable jurisdictions like Canada and the US, the committee saw that a starting point is often heritage and that landscape and environment are subsets of that. Indigenous population and human habitation are separate but integrated parts of that.

The committee found it quite interesting to see that Victoria, while it does well in tourism, could improve its performance by utilising some of these natural advantages. One of the things the committee discovered was that despite these advantages Victoria has no world heritage registered public lands apart from the Royal Exhibition Building. This gives us a comparative disadvantage. Recommendation 34 was that we seek UNESCO world heritage listing for the Castlemaine Diggings National Heritage Park, a process which started prior to 2010 but which has stalled, and for the Budj Bim national heritage landscape in western Victoria, which is likely to be the oldest continuously inhabited site in the world.

I know from best practice that world heritage listing helps deliver international tourism numbers. The changing tourism landscape means that many Australians no longer holiday in their own backyard because, thanks to low-cost carriers and lower costs, they travel throughout Asia. Global travel is booming. Growth in the Victorian tourism sector will not come from the domestic economy; it will come from international travellers. Having these listings is about preserving and protecting the landscape, but it does not mean you cannot derive tourism value benefit from such listings.

Another thing Victoria has undersold is our Indigenous heritage. Our international visitors know about our Aboriginal population, yet we have never really done as good a job as we can in Victoria in highlighting our Indigenous heritage. Maybe that is because we focus so much on the environment and exclude the original inhabitants of the land and the impact they have had on that land. It is a comparative advantage that we can do something about. If we get these things right, and if we follow through on and accept the recommendations of the committee, I think we will improve immensely in this space.

One of the other areas the committee highlighted is providing even more support for our regional tourism boards. Regional tourism boards are part of a relatively new structure that came out of a 10-year tourism strategy a few years ago. It is being implemented by the current government and is still evolving. In observing good practice around the world we can see that regional tourism boards, with the assistance of government at the state level, are guiding and forming their own future.

One thing we need to do is trust them in terms of what they believe their needs are. The report outlines that often there is a gap between what the local tourism industry sees as tourism assets and what the government funds as tourism assets. Tourism in regional Victoria is the second-biggest economy sector after agriculture. There is the need to grow visitation to regional areas because with more international travel those regional areas are struggling. It is important that we trust regional tourism boards to identify their infrastructure priorities and their accommodation priorities. We must then get the rest of government behind them by working with local councils and local business to help them achieve the things that will drive extra visitation in Victoria.

SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014.

In my opinion, the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes amendments to the Sentencing Act 1991 with the objective of creating a scheme for people convicted or found guilty of offences constituted by conduct in connection with homosexual sexual activity to apply to have that record expunged as long as that conduct would not be an offence under today's law.

Expungement will require that the record of a conviction or finding of guilt be disregarded and not disclosed. In so doing, it will remove the stigma of a criminal record and the practical impediments created by a criminal record in relation to travel and employment.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Section 8 — Recognition and equality before the law

Section 8(3) of the charter act provides that every person has the right to equal and effective protection against discrimination. For the purposes of the charter act, discrimination is defined to mean discrimination on the basis of an attribute set out in section 6 of the Equal Opportunity Act and relevantly includes sexual orientation.

Whilst the laws that criminalised homosexual sexual activity have been repealed, the effects of these laws and of discriminatory enforcement of general sexual offences continue if a conviction or finding of guilt remains on a person's record.

Section 8(2) of the charter act is promoted in relation to persons of homosexual sexual orientation because the bill provides for the expungement of criminal records that relate to homosexual sexual activity that would be lawful today and will remove the stigma associated with such criminal records.

The bill does not apply to convictions which involved heterosexual sexual conduct. Although this may be discriminatory on its face against persons with certain historical convictions based on heterosexual conduct, charter act s.8(4) provides that measures taken for the purpose of assisting groups disadvantaged because of discrimination do not constitute discrimination.

Section 13 — Right to privacy and reputation

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

Section 13 rights not to have reputation unlawfully attacked are enhanced by the bill. Findings of guilt and convictions in relation to sexual offending and public morality offences carry stigma. The existence of such records might also restrict certain employment opportunities and volunteering. The person will not be obliged to disclose an expunged record and the expunged record of a person will not be a proper ground for refusing the person any appointment, post, status or privilege.

Section 13 privacy rights are also relevant because the application process requires applicants to provide personal information to the secretary including, for example, name, date of birth, address etc.

The applicant will give written authority to the secretary to access relevant government records that include the applicant's personal information. If official records are not clear or contain insufficient information, the applicant will be obliged to provide further evidence which could involve seeking corroborating evidence about the consensual nature of the homosexual conduct from other parties, but such statements can only be provided with the cooperation and consent of the third parties. The requirements for and powers to obtain this information are not arbitrary, are set out in legislation and necessary to assess the application and so do not interfere with the s.13 privacy right.

To further protect the applicant's privacy, the bill makes it an offence to disclose information handled as part of the application process or about an expunged conviction. (see new sections 105J (5) and 105O(1)). If an applicant seeks a review of the secretary's decision, the Victorian Civil and Administrative Tribunal (VCAT) must not identify the applicant unless it is in the public interest to do so. The tribunal file will not be open to third parties.

Section 15 — Freedom of expression

Section 15(2) of the charter act provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

The bill does place limitations on the ability of people to report on proceedings in VCAT. The bill also makes it an offence for a person who has any access to official records to disclose the fact that a person with an expunged conviction had been charged with or convicted of that offence, and makes it an offence to make a record of, disclose or communicate any information obtained during the course of the application where the information was obtained in performing a function or exercising a power under these provisions. However, the bill does not restrict the right set out in section 15(2) of the charter act because these limitations are lawful and protect the rights of the applicant to privacy and their reputation. VCAT retains the power to identify parties to

an application if it is in the public interest to do so, and the confidentiality provisions are in place to protect the privacy of the applicant for an expunged conviction. In this way, a careful balance has been struck between freedom of expression and the rights of privacy and reputation.

Section 24 — Right to a fair hearing

Section 24(1) of the charter act provides that a person charged with a criminal offence or a party to a civil proceeding, has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

In my view, the application to and determination by the secretary is not a civil proceeding to which s.24(1) applies.

If the secretary refuses the application, he or she is obliged under new section 105G(4) to provide the applicant with reasons for that decision and the applicant can seek a review of that decision by VCAT on the merits of the case. Review proceedings in VCAT are a civil proceeding to which s.24 applies and which satisfy s.24.

Section 24(3) of the charter act also provides that a proceeding should be public unless an act other than this charter permits. The proposed amendments to schedule 1 of the Victorian Civil and Administrative Tribunal Act provide that the VCAT proceedings cannot be reported on unless VCAT orders that it is in the public interest to do so.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Earlier this year the government announced that it would legislate to allow the criminal records of people who were convicted of criminal offences because, and only because, of homosexual conduct to be expunged. Victoria decriminalised homosexual conduct in 1981, but some Victorians continue to carry convictions related to their homosexuality that have hampered their opportunities to work, travel or volunteer.

It is now generally accepted that this consensual sex between adults should never have been a crime. While we cannot turn back the clock and undo what occurred in previous decades, we can act to ensure that Victorians do not have to continue to suffer from the legal consequences of what occurred.

This bill establishes a process that will allow people to apply to have historical homosexual convictions expunged. Once expunged, a conviction will be treated at law as if it were never imposed. It will not be released as part of a criminal history check and a person will be protected from ever having to reveal that conviction.

Although allowing historical convictions to be expunged is simple in concept, it presents a legally complex problem. The offences that have over the years been used to charge those engaged in consensual homosexual activities are often the same offences that were used to charge cases of truly criminal sexual assault. We cannot tell from simply looking at a person's criminal record whether the convictions on that record relate to consensual adult behaviour, or conduct that would still be criminal today. It is very important that this scheme not expunge the criminal records of those who have committed serious criminal offences that remain crimes today. Furthermore, many of the offences with which persons were charged were offences that did not relate solely to homosexual activity, even where those offences were used to target homosexual activity.

Accordingly, the historical convictions expungement scheme is built around two tests. Was the applicant charged with the offence because of the homosexual nature of the conduct and, if so, would that conduct be legal today? Where both these tests are satisfied, the conviction will be expunged.

The scheme has been drafted broadly to allow those who believe they have such a conviction on their record to apply to have it expunged. A historical homosexual offence can be any sexual offence, or any public morality offence, that was used to punish homosexual behaviour.

The bill does not exhaustively list these eligible offences because of the large number of relevant offences that have applied over the years, and the varied range of offences that have been used to target homosexual behaviour. But the sexual offences will obviously include the old offences of buggery and gross indecency with a male. The public morality offences will capture loitering for homosexual purposes and behaving in an indecent or offensive manner. These offences have been defined broadly to ensure that the scheme can consider convictions for behaviour ranging from loitering at a known gay beat, to public displays of affection between same-sex couples.

Regardless of the historical homosexual offence that an applicant seeks to have expunged, the facts surrounding that conviction will have to be considered, and a decision made. The responsibility to make this decision will at first instance be that of the Secretary of the Department of Justice.

An applicant will provide the secretary with those details known to the applicant about the offence. This will allow the secretary to search the relevant records

from Victoria Police, the Office of Public Prosecutions and the courts.

Once the contemporaneous records have been collected, the secretary will apply the two tests referred to earlier. Was the applicant charged with the offence because of the homosexual nature of the conduct? Would that conduct be legal today?

The first test is to ensure that the scheme only expunges convictions that were the result of a person's homosexual conduct, and not convictions in circumstances where charges would have been laid and a conviction would have resulted regardless of whether the conduct was homosexual or heterosexual.

Offences can also, of course, only be expunged if the conduct would be legal today. In some cases the secretary will need to consider the age of those involved. In other cases, the secretary may need to consider whether behaviour once considered offensive because of its homosexual nature would still be considered offensive today. The secretary will be able to draw on the advice of legal experts, if necessary, to assist in making this decision.

Much will turn on the records of the original criminal conviction. These records may, in many cases, be old, incomplete or ambiguous. They may not be sufficient to allow the secretary to be satisfied, on the balance of probabilities, that the conduct would be legal today. The secretary in such cases will be able to return to the applicant to require further information, for example, information to demonstrate that the conduct was consensual.

As I noted earlier, it is important that this scheme not inadvertently expunge convictions for truly criminal behaviour and that those who committed serious sexual offences in the past cannot attempt to use this scheme to hide their convictions.

If the secretary is not satisfied of either of the two tests, the application will be refused and the conviction will stand. However, there will be a right of review to VCAT if the application is refused.

If the secretary is satisfied that the applicant was only charged because of the homosexual nature of the conduct and that the applicant's conduct would be legal today, then the offence will be expunged at a set time after the secretary's determination.

If an offence is expunged, then an applicant will in future be treated for all purposes in law as if they had never committed the offence.

The applicant is not required to answer any question in a legal proceeding that requires them to disclose information about the conviction, and may state, under oath, that they do not have a conviction for the offence. An expunged conviction can no longer be a bar to a person receiving any kind of licence or permission.

The applicant will be further protected by obligations that are placed on those within the police, the courts and the Office of Public Prosecutions who hold the official records of the conviction. These organisations may not disclose the fact that the applicant was charged with or convicted of the expunged conviction.

In addition to creating these legal rights, the bill ensures that the records themselves will be altered. This scheme will cover official records held by a court, VCAT, Victoria Police or the Office of Public Prosecutions. These are the documents that are used to generate a criminal history and so are the documents that must be addressed if a conviction is to be expunged.

The records will take many shapes — from electronic records on the LEAP data base through to written records in individual courts' ledgers. The bill requires that, once an application is approved, the secretary will inform those who control the relevant records and they will then be required by the legislation to expunge the entry relating to the conviction.

The records will be annotated with a statement to the effect that they relate to an expunged conviction. Electronic records that are not original records may be dealt with in a number of ways. The entry relating to the conviction may be removed completely; or may be altered so that it cannot be found; or may be de-identified so that the record cannot be linked to the individual in any search of that database.

When the records are altered, the secretary will be notified and will, in turn, notify the applicant. An applicant can be assured that, as far as possible, their conviction will no longer have any legal effect.

It is intended that this scheme will be established and ready to accept applications by mid-2015.

The Liberal government of Sir Rupert Hamer decriminalised homosexual conduct in the early 1980s. This government now recognises the social and psychological impacts of carrying old convictions for behaviour that has not been considered to be criminal for over 30 years. Many people have felt constrained from applying for jobs or from volunteering, and some have been unable to travel overseas. These convictions have been allowed to stand for far too long, and we are acting to rectify this.

I commend the bill to the house.

Debate adjourned on motion of Mr FOLEY (Albert Park).

Debate adjourned until Wednesday, 1 October.

INTEGRITY LEGISLATION AMENDMENT BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Integrity Legislation Amendment Bill 2014.

In my opinion, the Integrity Legislation Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes various amendments to the Independent Broad-based Anti-Corruption Commission Act 2011 (IBAC act), in response to the special report following IBAC's first year of being fully operational (special report) released in April this year. Relevantly, the bill requires IBAC and the Ombudsman to provide information to a parliamentary committee in certain circumstances.

Human rights protected by the charter that are relevant to the bill

Section 13: privacy and reputation

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. This right may be relevant to clause 9 of the bill.

Clause 9(2) will require IBAC or the Ombudsman to release information to a parliamentary committee in the course of an investigation referred to the committee by the house. IBAC and the Ombudsman will only be required to provide such information in circumstances where a report of IBAC or the Ombudsman has been referred to the committee for investigation in relation to a possible breach of privilege or contempt of Parliament. In addition, the risk that the identity of a person who has made a protected disclosure could be exposed by this process is addressed by the requirement that IBAC or the Ombudsman redact any material that might reveal the person's identity.

In my view, the provision is neither unlawful nor arbitrary for the reasons outlined above and is therefore compatible with the charter act.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill makes important reforms to the Independent Broad-based Anti-corruption Commission Act, and other acts in the integrity framework, to improve the operation of Victoria's integrity legislation.

Immediately after coming to office in late 2010, the coalition government acted to establish Victoria's first independent commission to tackle corruption in the Victorian public sector. The Independent Broad-based Anti-corruption Commission, or IBAC, was established in 2012 and commenced full operation in February 2013.

IBAC is the pre-eminent investigatory body in the Victorian integrity system, and works collaboratively with other bodies, such as the Ombudsman and Auditor-General, to uphold integrity in the Victorian public sector by identifying, investigating and exposing corruption. IBAC also helps to prevent corruption through educating the public sector and the community about the detrimental effects of corruption and ways in which it can be minimised.

After little more than a year of full operation, it is apparent that IBAC is already making a substantial contribution to the fight against corruption. IBAC has undertaken a number of important investigations into potential cases of corrupt conduct and police personnel misconduct, facilitated the improvement of corruption prevention strategies across the public sector, and played an active role in building public sector and community awareness of issues relating to corruption.

In its first annual report, tabled last year, IBAC commented that it was confident that the IBAC legislation provided a solid initial framework for Victoria's integrity regime. In its recent special report to Parliament, tabled in April, IBAC reported on its first 12 months of full operation, and made a number of suggestions for possible improvements, based on its experience of interpreting and applying the legislation.

This bill responds to a number of those suggestions. The bill will improve the way IBAC and its partners in the integrity framework operate, by removing unnecessary restrictions, clarifying the interaction of certain provisions, and providing additional powers.

The bill will modify the threshold that must be met before IBAC can commence an investigation into public sector corruption. This threshold is intended to

reflect the division of roles within Victoria's integrity framework, under which IBAC's investigatory and coercive powers are focused on serious corruption. The current threshold provides that IBAC must not conduct an investigation unless it is reasonably satisfied that the conduct involved is serious corrupt conduct. However, concern has been raised that this requires IBAC to have formed a belief on reasonable grounds that conduct within IBAC's jurisdiction has in fact occurred or is occurring, and is serious enough to warrant investigation, before it can commence an investigation. The bill resolves this concern by making clear that IBAC can investigate a matter whenever IBAC is satisfied that the matter, if established, would constitute serious corrupt conduct and IBAC suspects on reasonable grounds that the conduct involved has in fact occurred or is occurring.

In addition, the bill will amend the IBAC act to grant explicit power to IBAC to undertake preliminary investigations before determining whether to dismiss, investigate, or refer a complaint or notification. This is consistent with existing powers available to the Ombudsman, and will ensure that IBAC is able to make enquiries and gather information that could support the commencement of a full investigation. A preliminary investigation will not involve the use of coercive powers by IBAC; however, the head of a public sector body will be required to assist IBAC with a preliminary investigation as needed.

In its special report, IBAC proposed that it should be able to investigate allegations of serious instances of the common-law offence of 'misconduct in public office'.

The offence of misconduct in public office applies where a public official, in the course of or connected to their public office, wilfully misconducts himself or herself without reasonable excuse or justification, and the misconduct is so serious as to merit criminal punishment, having regard to the nature of the public office and the extent to which the misconduct departs from the objectives of that office. While it is likely that other offences, such as bribery, fraud, and secret commissions offences, would cover most of the types of conduct that misconduct in public office conceivably covers, its inclusion will mitigate any risk that IBAC is not sufficiently empowered to deal with all allegations that could reasonably be considered serious corruption. Accordingly, the bill will amend the definition of 'relevant offence' in the IBAC act to include the offence of misconduct in public office.

The bill will also amend the requirements that apply to heads of public sector bodies to notify IBAC of possible instances of corruption. Currently, certain prescribed public sector body heads are required to notify IBAC of any matter that appears to involve corrupt conduct. By contrast, heads of other public sector bodies, including CEOs of local councils, have a discretion to notify IBAC of any matter they believe on reasonable grounds constitutes corrupt conduct. The bill will require all public sector body heads to notify IBAC of any matter where they suspect on reasonable grounds that corrupt conduct has occurred or is occurring. IBAC will be empowered to issue directions on what matters need or need not be disclosed under the requirement, and how notifications should be made.

This change will help to ensure that all significant matters reasonably suspected of involving corrupt conduct will be brought to the attention of IBAC to consider whether an investigation is warranted. It will also allow IBAC to customise the notification requirements to ensure there is not an undue compliance burden on agencies to notify trivial matters or matters that are known to have already been brought to IBAC's attention.

In accordance with the IBAC act, IBAC refers almost all protected disclosure complaints that it does not investigate itself to the Ombudsman. The bill will give express power to the Ombudsman to undertake preliminary enquiries into protected disclosure complaints. It will also clarify that the Ombudsman can discontinue investigating complaints, including protected disclosure complaints, on prescribed grounds or if the matter has been investigated sufficiently and further investigation is not warranted. These changes will ensure that the Ombudsman is not unduly burdened by the obligation to investigate the high volume of protected disclosure complaints it receives from IBAC.

Further, in response to a recommendation in a recent report of the Legislative Assembly Privileges Committee, the bill will make amendments to provide that, in circumstances where a house of Parliament refers an Ombudsman or IBAC report to a Parliamentary committee to determine if there has been a breach of privilege or contempt of Parliament, the Ombudsman or IBAC will be required, on request by the committee, to provide to the committee information or evidence collected during the preparation of the report. However, in providing such information or evidence, the Ombudsman and IBAC will not be required or permitted to disclose any information that could lead to the identification of a person who has made an assessable disclosure.

The bill will also make a range of technical amendments to the IBAC act, and to other acts in the

integrity framework. Among other matters, the bill will clarify and expand IBAC's powers of delegation; allow IBAC to appoint suitably qualified persons to preside at an examination; add to the list of bodies to which IBAC may disclose information; allow IBAC to apply to the Magistrates Court for a search warrant, as an alternative to applying to the Supreme Court; provide that a Public Interest Monitor need not hold a current legal practice certificate; and, allow a Public Interest Monitor to disclose information to staff working for them without unnecessary restriction.

This bill further improves the historic reforms to Victoria's integrity regime already introduced by the coalition government. The bill strengthens IBAC's ability to identify and investigate instances of serious corrupt conduct and streamlines provisions to reduce administrative burdens on IBAC and other integrity bodies. The bill will enhance and support the vital work that these bodies are doing to deter, prevent and act against corruption on behalf of Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr FOLEY (Albert Park).

Debate adjourned until Wednesday, 1 October.

Sitting suspended 1.08 p.m. until 2.00 p.m.

Business interrupted under standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome to the gallery the Transport, Housing and Local Government Committee from the Queensland Parliament, led by the chair, Mr Howard Hobbs, member for Warrego; the deputy chair, Mrs Desley Scott, MP; Mr John Grant, MP; Mr Darren Grimwade, MP; Mr Carl Judge, MP; and Mr Anthony Shorten, MP.

PARLIAMENT HOUSE SECURITY

The SPEAKER — Order! Before calling for questions, I advise members that the President and I met with advisers from Victoria Police today in respect of the security of the building. As a major public building, Parliament House maintains a level of security that endeavours to provide a safe environment for those who work and visit here whilst upholding to the fullest extent possible the tradition of openness which is the foundation of our parliamentary system of government. We note the higher alert that has been conveyed to the public by the federal government in the last week, and we believe that it was prudent that we have another review of our security to ensure that members, staff and members of the public are all secure in the building and that this iconic building itself is afforded the protection it is due. We continue to review and are alert to risks and take into consideration all available information. The President and I are working to ensure that any adjustments that may be needed from time to time will be made in accordance with the expert advice that is provided.

QUESTIONS WITHOUT NOTICE

Hazelwood mine fire

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I ask: when did the Premier first become aware of data showing an increased death rate in the Latrobe Valley during and immediately following the Hazelwood mine fire?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. Members will recall the situation with regard to the Hazelwood mine fire, which was a terrible situation that started, if I recall correctly, on 9 February and burnt in the coalmine for 45 days. This was a fire that started externally and spread into the coalmine. I pay credit to all those emergency service workers, particularly the firefighters — be they from the Metropolitan Fire Brigade, the Country Fire Authority or the mine itself — who were involved in the fighting of this coalmine fire. I also recognise, and our government is very understanding of, the impact this coalmine fire had on the surrounding community, particularly on the people in Morwell and Morwell South, who were adjacent to the coalmine and were affected by ongoing issues of smoke and ash.

We as a government quite rightly throughout the process followed the advice of the emergency services commissioner, the chief medical officer and the Environment Protection Authority to make sure that we provided the resources required to tackle the mine fire and deal with the matter. In response to the issues we set up an independent inquiry under the leadership of former Justice Bernard Teague. This inquiry has reported, and we have adopted in full and in principle the recommendations that are relevant to the government.

With regard to the specific issue of mortality in the area, I am advised that the best information available on the number of deaths in the Morwell postcode is as follows: in 2014 there were 88 deaths, in 2009 there were 86, in 2010 there were 91, in 2011 there were 67, in 2012 there were 89 and in 2013 there were 64. Given

this scenario, I am advised that there is no suggestion of a statistical variation over that period. These matters — —

Mr Andrews — When did you first become aware of it?

Dr NAPTHINE — I am just advising you of the deaths and saying — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order!

Dr NAPTHINE — The premise of the question was that there was a significant increase in deaths, and I have just outlined — —

Ms Allan interjected.

The SPEAKER — Order! The house will come to order.

Dr NAPTHINE — I am further advised that the number of deaths in Morwell in the February–March 2014 period during the time of the fire was 22, which is 19 per cent below the five-year average for 2009 to 2013. I am advised that information was provided to the inquiry by the community, through a local organisation known as Voices of the Valley. The inquiry has passed that information to the Department of Health, and that information will be incorporated as part of the 20-year study, as recommended — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Monbulk! The Leader of the Opposition has asked his question; opposition members should listen to the answer.

Dr NAPTHINE — That information will be incorporated in the 20-year study. I conclude by saying that the deaths in February-March were 19 per cent below the five-year average, and for January to June they were within the statistical variation.

Western suburbs transport infrastructure

Mr KATOS (South Barwon) — My question is to the Premier. How is the Victorian coalition government's investment in public transport and roads growing jobs and improving livability for families and businesses in the western suburbs, and are there any threats to this?

Dr NAPTHINE (Premier) — I thank the member for South Barwon for his question and for his interest in the important and key transport and road infrastructure needed to meet the fast-growing community needs in the western suburbs, in the cities of Wyndham, Melton, Greater Geelong and Ballarat. I can advise the member that this government is taking a comprehensive approach and investing in both public transport infrastructure and road infrastructure to meet the growing needs of that community.

With respect to public transport infrastructure, we are investing in the regional rail project. Under this government we have increased the scope of that. It is ahead of schedule and under budget, and under this government it won the Infrastructure Partnerships Australia 2014 Project of the Year. This will separate V/Line services from metropolitan services and provide increased punctuality and reliability; provide increased metro services from Werribee, Altona, Williamstown, Craigieburn, Sunbury and Upfield; and provide increased regional services. For example, the member for South Barwon will be interested to know that the regional rail link will deliver an extra 140 V/Line services per week, including 30 services per week in the peak hour; 90 kilometres of new track; new stations at Wyndham Vale and Tarneit; and major upgrades for Footscray, West Footscray, Sunshine and Tottenham.

The government has also commenced the geotechnical work for the western section of the east–west link. This is a vital project to take trucks off the road, take traffic pressure off the West Gate Bridge and West Gate Freeway, and deliver the essential second river crossing for the western suburbs and western Victoria. It is about taking trucks out of Yarraville, Seddon and Footscray once and for all. It is about decongesting the western suburbs, creating infrastructure for growth, improving transport efficiency and creating over 6200 jobs.

Indeed a number of commentators have supported the western section of the east–west link. An article in the *Age* of 20 August 2012 reports that the member for Tarneit said:

> … Melbourne's most urgent transport need was for a second river crossing to ease congestion on the West Gate Bridge.

On 3 April 2013 the *Herald Sun* quoted G21 regional alliance chief executive Elaine Carbines as saying:

> Our no. 1 priority for Geelong is the east–west link.

An article date 25 October quoted the Australian Workers Union's Ben Davis as saying:

> If the government gets the contract signed before the next election then that's great, it means jobs for thousands of people in the construction industry.

LeadWest said:

> The western section of east–west link is vital infrastructure to support our growing freight task, increase productivity and retain Victoria's status as Australia's freight gateway.

John Brumby in 2008 said:

> I think what is undeniable, in Rod Eddington's report, is that the city does need a second east–west crossing …

Indeed in their submission to the Eddington inquiry in 2008, Julia Gillard, Nicola Roxon, Brendan O'Connor and Bill Shorten said they supported the cross-city link between the western suburbs and the Eastern Freeway.

The SPEAKER — Order! The Premier's time has expired.

Hazelwood mine fire

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to findings by Queensland University of Technology Associate Professor Adrian Barnett about deaths in the region during and following the Hazelwood mine fire — 11 additional deaths according to Associate Professor Barnett. I also refer the Premier to his earlier answer, where he dismissed those findings, citing a five-year average mortality rate. Can the Premier confirm that the five-year average he quoted includes deaths associated with the tragic fires in January and February 2009?

Dr NAPTHINE (Premier) — I thank the member for his question. This government is concerned about the health and welfare of all citizens of Victoria, and we are particularly concerned about the issues raised in respect of the health and welfare of the people in Morwell — the people in the Latrobe Valley — who were affected by the smoke and ash from the Hazelwood fire. I have already indicated to the house the support of those on this side of the house, and I believe from the whole house, for the work of the emergency workers in those circumstances.

We also recognise the impact of the fire on the Morwell community. That is why we set up an independent inquiry under former Justice Bernard Teague.

The board of inquiry conducted a full and thorough investigation which was open to anybody to make submissions to and put information forward. I am advised that the head of the secretariat of the board of inquiry has written to the Secretary of the Department of Health and said as follows:

> The board of inquiry has requested that the Voices of the Valley letter attached be sent to you to consider as part of the long-term health study being conducted by the Department of Health into health issues arising from the Hazelwood mine fire.

So information provided to the inquiry has now been passed on to the Department of Health in regard to the Morwell mine fire.

In regard to the issues raised in the question about deaths, I can provide to the house the figures in regard to deaths in Morwell by postcode from January to June — —

Ms Allan interjected.

Dr NAPTHINE — The Morwell postcode.

Ms Allan — Which one?

Dr NAPTHINE — The Morwell postcode.

The SPEAKER — Order! The member for Bendigo East will cease interjecting.

Dr NAPTHINE — I am advised that in 2014 this was 88 deaths. In 2009 it was 86 deaths. In 2010 it was 91 deaths. In 2011 it was 67 deaths. In 2012 it was 89 deaths. In 2013 it was 64 deaths. I am advised that the Department of Health's preliminary analysis of the death data — —

Mr Andrews — On a point of order, Speaker, the question related directly to whether these five-year averages did or did not include those tragic events of summer 2009, and that is the question the Premier ought to answer. It is a serious matter, it was asked straight and it should be answered that way also.

The SPEAKER — Order! I do not uphold the point of order. The Premier was answering the question that was asked.

Dr NAPTHINE — I am advised that the Department of Health's preliminary analysis of the death data from the Victorian Registry of Births, Deaths and Marriages does not show anything other than normally expected variability in deaths during that period. The department also advised that we should be concerned about premature and incorrect correlations being made between deaths and the fire event that — —

Mr Andrews — On a further point of order, Speaker, the Premier cited a five-year average. He was

asked about what that average includes. That is what the question was about, and the Premier ought to answer that question.

The SPEAKER — Order! The Leader of the Opposition knows I cannot direct the Premier or any minister how to answer the question. I believe the Premier is answering the question. The Premier, to continue.

Dr NAPTHINE — I have finished.

Honourable members interjecting.

Regional and rural initiatives

Mr McCURDY (Murray Valley) — My question is to the Minister for Regional and Rural Development. How is the Victorian coalition government's investment in jobs and infrastructure in regional and rural communities building a better Victoria, and are there any alternative policies?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for his important question in the interests of rural and regional Victorians. With this Parliament drawing to a close, I knew the house would be most anxious to have a summary of the initiatives that have been undertaken through the $1 billion Regional Growth Fund, which has been operated by this government since July 2011.

Since it was established in 2011 the fund has delivered almost $440 million, generating about $1.8 billion of total investment over some 1600-plus projects. Just under the economic infrastructure element of the program, support has been provided to 97 projects that have leveraged about $190 million coming out of the fund itself. That funding has in turn brought about a total investment of $1.1 billion. The numbers around this are substantial and impressive, because they reflect the capacity of this initiative to create jobs in rural and regional Victoria. The anticipation and the reality regarding the programs that have already been delivered, coupled with those that are in process, is that these investments will create 5800 direct full-time jobs, about 11 500 indirect jobs and almost 5000 jobs during the construction phase, and they will assist in the retention of some 8000 jobs.

On Monday I had the great pleasure to be in Moe in the company of the member for Narracan and the federal member for McMillan, Russell Broadbent, to turn the first sod on what will be a great project — the revitalisation of the rail precinct in Moe. It is a $14.3 million project. The state government is providing a total of $3.75 million, the federal government is providing $7.5 million and the balance is coming from the local council. This is one example of how a community has for a long time aspired to see a great project take form. That community is now having it delivered. It will see the construction of a public library, a council service centre, public meeting and research rooms and consulting suites, all based in the new hub that is going to be built. This is but one example of the many projects that have been supported through the economic infrastructure program.

In addition to that area of the program, through the Energy for the Regions program, many of our towns out of the priority program that we announced before the last election are now connected or being connected to gas, including the beautiful town of Huntly, which I know is well known to the member for Bendigo East. It is wonderful to have been there recently to see that initiative take effect.

We have had many other programs that have been developed through the local government infrastructure program and the Putting Locals First program. All of these have combined to produce these 1600-plus projects. I was asked about other policies in relation to this incredibly important program, and I must say that the report from the front is not good.

The Labor government ran a program called the Regional Infrastructure Development Fund, a tired and pale imitation of the Regional Growth Fund. It produced about $61 million per year on average over 11 years, and it resulted in total investments of about $1.6 billion over that period of time, compared to the almost $1.8 billion generated by the great Regional Growth Fund in the last three years. When you look at its plan, what Labor is proposing to do if elected to government is scrap the Regional Growth Fund and reintroduce the Regional Infrastructure Development Fund. It will be groundhog day for all the wrong reasons in regional Victoria if Labor is to win government.

Hazelwood mine fire

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and it relates to toxic ash and smoke residue in Morwell homes. I refer the Premier to the fact that clean-ups funded by insurance companies have seen contractors using and wearing protective equipment designed for hazardous materials. I ask: how many people in Morwell have cleaned their own homes without that protective equipment, instead using only the plastic bucket and rubber gloves the government supplied them?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. As you would be aware, Speaker, when this fire took place it emitted a lot of smoke and ash, which caused some concern to the local community.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk.

Dr NAPTHINE — This government responded quickly and effectively to the concerns of the local community providing community health assessment centres and emergency relief centres. Acting on the advice of the chief medical officer, acting on the advice of the head of the Environment Protection Authority and acting on the advice of Craig Lapsley, the fire services commissioner, we as a government supported those agencies in dealing with this terrible situation.

Mr Nardella interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Melton

The SPEAKER — Order! The member for Melton has been warned. I ask him to leave the chamber for 30 minutes under standing order 124.

Honourable member for Melton withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Hazelwood mine fire

Questions resumed.

Dr NAPTHINE (Premier) — We as a government have responded with regard to the clean-up by working with Latrobe City Council and providing over $2 million to the council to assist with the clean-up. There have been 844 assisted clean-ups completed; there have been 692 self clean-up kits dispensed; 855 laundry vouchers have been dispensed; 1442 car wash vouchers have been dispensed; 440 high-efficiency particulate air vacuum cleaners were loaned; and 8 industrial vacuum cleaners were loaned. There has also been a $2.1 million Morwell business fund.

Since that time the Deputy Premier together with member for Morwell have been actively involved working with the Morwell community, working with the people of South Morwell and working with the local council to rebuild the confidence — —

Honourable members interjecting.

Dr NAPTHINE — We are working with the local community to rebuild the business confidence, rebuild the economy and rebuild the opportunities in that region so that families and the community have the opportunity to rebuild and recover from this terrible situation. As a government we have worked alongside the emergency services agencies; we have worked alongside the local council; we have worked alongside the local community; and this has been very much led by the member for Morwell, who has done a terrific job representing his community — —

Mr Andrews — On a point of order, Speaker, the question related to how many families have had to clean their houses without proper protection. That is what the Premier ought to provide. If he cannot, he should sit down.

The SPEAKER — Order! The Leader of the Opposition knows very well that that is not a point of order. The Leader of the Opposition is abusing his position as a member of Parliament to take points of order. I ask him to not do that in that manner again

Dr NAPTHINE — The member for Morwell has worked hard on behalf of his community. From day one, the member for Morwell has been a strong representative and strong advocate for his community. He is a person who is prepared to stand up for his community and a person who has had to defend his community, and he is not trying to play political games.

Mr Andrews — On a point of order, Speaker, I note your warning. On a point of relevance, the question was not about the member for Morwell; it was about the people of Morwell. I and them, all of them, would appreciate an answer. I renew my point of order on relevance.

The SPEAKER — Order! I believe the Premier was being relevant to the question that was asked.

Dr NAPTHINE — As I said earlier, when obviously the Leader of the Opposition was not listening, we talked about the amount of money we had provided with the local council for clean-ups, and the number of assisted clean-ups, self clean-ups, laundry vouchers and car wash vouchers. All of those were based on the best advice from science and technology about how to deal with these issues. That is what we have done. As a government we listened to the

professional and expert advice, and we provided that advice and assistance to affected families and affected individuals.

Mr Merlino — On a point of order, Speaker, on the question of relevance. The professional and expert advice was that the contractors wore protective — —

Questions interrupted.

SUSPENSION OF MEMBER

Member for Monbulk

The SPEAKER — Order! The member for Monbulk continually abuses his position in this house in taking points of order. Under standing order 124 the member for Monbulk will leave the house for an hour.

Honourable members interjecting.

The SPEAKER — Order! I will not be questioned on my rulings. There is a procedure to be followed if a member dissents from the Speaker's position. The member for Monbulk has abused his position in this house by raising a point of order again.

Honourable member for Monbulk withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

School funding

Mr BATTIN (Gembrook) — My question is to the Minister for Education. How is the Victorian coalition government's increased investment in our schools helping students and families and building a smarter Victoria, and are there any alternative views?

Mr DIXON (Minister for Education) — I thank the member for Gembrook for his very good question and for his great interest in education in his electorate. As the house knows, this year the government has put a record $9.2 billion in funding into schools. That is $1 billion more than in the last budget of the previous government — $1 billion extra.

There is more. The good news today is that this afternoon principals in every government school in Victoria will be given their indicative budgets for next year. What they will be receiving across the state averaged out is an increase of 4.6 per cent in funding for the student resource packages in the schools of Victoria. That is an extra $258 million on top of the record amount going into school budgets next year. That includes the largest non-wage indexation for 15 years. It also includes $34.5 million for the most needy government schools, so 740 of our most needy government schools will receive extra equity payments. It is also the non-government schools.

Mr Trezise interjected.

The SPEAKER — Order! The member for Geelong will cease interjecting in that manner.

Mr DIXON — Non-government schools will receive $8 million for the most needy schools. We are looking after the most needy schools and the most needy communities with that extra funding. We trust principals to understand the needs of their schools and to understand — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjections is far too high. The member for Geelong has already been called to order. I ask him to cease.

Mr DIXON — We trust principals to understand the needs of their disadvantaged communities, and we trust them to do the right thing by them. We are giving them the autonomy, we are giving them the trust, and we are now giving them more resources to meet the needs of their disadvantaged communities. We have the runs on the board so far as this is concerned with the disadvantaged programs in our schools. We have given $8 million for the local learning and employment networks next year, and we replaced the low socioeconomic national partnership with $186 million of funding over five years.

In this year's budget there was an extra $305 million over the forward estimates for students with a disability, bringing it up to $710 million being spent on those students. An extra 70 schools are taking up the school-wide positive behaviour program. We have increased the number of primary schools that have primary welfare officers from 500 to 800. We have put the student services support officers back into schools. We have taken them out of the regional offices and put them into schools under the control of principals. We have also continued the school-focused youth service, which was a great initiative by the Premier when he was the minister.

I was asked whether there were any alternative views. Some people say there are cuts to education. That is wrong. There has been an extra $1 billion since the previous government's last budget, and today there is an extra $258 million. That is not a cut.

Some people have said that we should have signed up to Gonski straightaway, which would have seen 500 schools, mainly government schools, losing funding. We were not prepared to do that. We were not prepared to give up on the autonomy of our schools, unlike the Labor Party and unlike the Australian Education Union, its political masters. We stood up for Victorian schools. We got the best deal for Victorian schools because we trust our schools. We give principals the autonomy to run their schools, and we give them the resources to meet the needs of all students in our schools, not just the disadvantaged students but all students. You cannot trust Labor to do that.

Hazelwood mine fire

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. I refer the Premier to extraordinary comments from the Minister for Health and Leader of the Government in the other place yesterday regarding the impact of the Hazelwood coalmine fire on Latrobe Valley residents, and I quote:

> Let us pull no punches about what is going on here. It is a few hardline lefties out there trying to say that things are terrible …

I ask: why should anyone in the Latrobe Valley forgive the Premier's government when it so arrogantly dismisses the legitimate concerns of the people of Morwell and the Latrobe Valley?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. I can advise the house that when that terrible fire got into the mine from an outside source all the resources available were provided to assist in combating it. There were resources from across the state, there were resources from interstate, there were experts from interstate and local experts, and there were experts consulted around the world. This was a difficult fire to tackle, and I give great credit to the firefighters who were involved in dealing with that fire.

From day one the government took the fire seriously. I well recall on that day being in the state control centre and being briefed by the emergency services commissioner about the problems and risks posed by the fire in the Hazelwood mine, and the emergency services commissioner devoted the resources that were available to tackle the fire.

Mr Andrews — On a point of order, Speaker, I am mindful of your guidance earlier on relevance. The question related to comments from the Minister for Health and this government's dismissal of legitimate concerns. That is the subject matter of the question, and I respectfully put it to you, Speaker, that that ought to be dealt with at least in passing in the Premier's answer.

Ms Asher — On the point of order, Speaker, the Leader of the Opposition in fact asked a very broad question. It included a quote, and it included a question: why should anyone trust this government? The Premier is addressing that very broad question. He is addressing it comprehensively, and he is answering the question in a relevant manner.

The SPEAKER — Order! I believe the Premier was addressing the question that was asked.

Dr NAPTHINE — From day one we as a government took this fire seriously, as the fire itself and also, importantly, as a risk to the local community. It was taken seriously by us as a government. It was taken seriously by the emergency services commissioner. It was taken seriously by the firefighters on the job. It was taken seriously by all of the other agencies involved in dealing with this fire. Any suggestion that those emergency workers were not taking it seriously is an absolute disgrace and a slight on those people. We took it seriously; the workers involved took it seriously.

Mr Andrews — On a point of order, Speaker, there is no inference in the question of casting any aspersions on any member of the emergency services. Therefore, on relevance, how can this presentation be in any way relevant to the question that was asked? A quote was given from the Minister for Health, and the question was in essence whether the Premier was prepared to back that. I will not repeat the question, but on relevance no assertion was made as the Premier has outlined, and therefore this answer cannot possibly be relevant to the question that was asked. I ask you, Speaker, to draw the Premier back to the question he was asked. The people of Morwell are entitled to an answer.

Ms Asher — On the point of order, Speaker, according to chapter 20 of the second-last version of *Rulings from the Chair* from December 2013:

> (4) A point of order must not contain statements nor be used to make a speech or personal explanation or to raise an issue during debate.

I put it to you, Speaker, that that is precisely what the Leader of the Opposition has done. He has used a point of order to simply seek an opportunity to make a speech, and I ask that you again rule the Leader of the Opposition's point of order out of order, because it is not one.

Ms Allan — In support of the Leader of the Opposition's point of order, Speaker, the Leader of the Opposition was merely drawing to your attention the fact that the Premier was not being relevant to the question that was asked and was imploring him to come back to answering the question, because we believe the people of Morwell deserve these answers. We would ask you to bring the Premier back to answering the question that was asked and to be relevant to the material that was asked about, because the people of Morwell deserve this.

The SPEAKER — Order! I do not believe the point of order was out of order. However, I do not uphold the point of order because the Premier has been relevant to the topic of the question he was asked.

Dr NAPTHINE — The question implied that this government did not take this serious issue in a serious way. That is absolutely and utterly wrong. That is an insult to the people involved. I was outlining the significant response of this government through our emergency service agencies. When a significant issue arose with regard to the ash and the smoke, we responded, again positively and strongly, with the health and wellbeing centres and the community health assessment centre. Over 2000 people were assessed at those centres, and the relief and recovery arrangements provided opportunities for people to safely leave the area and be rehoused elsewhere.

We provided advice and assistance to people based on the best information available to the government from the fire services experts, from the chief medical officer in the Department of Health and from the Environment Protection Authority Victoria. We worked extremely hard with the local council.

Mr Andrews — On a point of order, Speaker, I put it to you that boasting and bragging is not in order. The question related to the Minister for Health and his arrogant comments. The Premier has not addressed those, and on that basis how can this answer possibly be relevant to the question that was asked?

The SPEAKER — Order! The Leader of the Opposition well knows not to enter into debate when raising a point of order.

Dr NAPTHINE — What I am saying is that I totally reject and our government totally rejects any assertion from the Leader of the Opposition that we did not take this matter seriously. The fact that we set up a board of inquiry shows we took it seriously.

With respect to the recent material, I can advise that the secretariat to the board of inquiry wrote to the Department of Health passing on material and that material will now be part of a 20-year long-term study. We have taken this seriously from day one. We believe it is serious; we have taken it seriously.

Water charges

Mr K. SMITH (Bass) — I would like to address my question to the Minister for Water. I ask: how is the Victorian coalition government helping families bring down the cost of household water bills, and are there any threats to this?

Mr WALSH (Minister for Water) — I thank the member for Bass for his question and for his interest in the issues around water supply in Victoria. As everyone would know, Melbourne was recently voted the most livable city in the world again. For four years in a row Melbourne has been voted the most livable city. One of the reasons Melbourne is a livable city is that we have a good water supply and we are managing that water supply well, particularly with the work the coalition government is doing around the Right Water program. We are making sure we utilise all sources of water.

Ms Duncan interjected.

The SPEAKER — Order! I call the member for Macedon to order. I ask the member to desist.

Mr WALSH — Whether it be stormwater, rainwater, recycled water or water from our dams for drinking purposes, we are making sure we have got the right water for the program. And we are doing a lot of work in making sure our water authorities are as efficient as possible. Speaker, you would recall that in this house we have talked about the Fairer Water Bills initiative, where Melbourne water customers are getting a $100 reduction in their water bills each year for the next four years — a great outcome for Melbourne water users.

This is in stark contrast to the Labor government, which built a desalination plant — a huge white elephant and one of a herd of white elephants we have around Victoria because of the Labor government — and that resulted in Melbourne water customers seeing their water bills rise from $500 per year to nearly $1200 per year. Families using Melbourne water will pay $1.8 million per day for that desalination plant for the next 10 000 days.

Before the 2010 election the coalition had a very clear position on the desalination plant — it was too big and it was too expensive — but after the election the coalition government made a decision, as all reasonable and proper governments would do, not to tear up the

contract on the desalination plant. The reason you do not tear up contracts is that businesses will have no confidence in entering into contracts with a government in the future; it sends a bad message that the state is closed for business; companies will sue the government for breach of contract; and governments will be up for hundreds of millions of dollars in compensation payments.

It is interesting to talk about tearing up contracts. There has been some commentary in recent times, and some quotes, such as:

> … only an irresponsible political leader would be countenancing tearing those contracts up.

Comments to the effect, 'I am not in the business of ripping up contracts that are signed. They will be honoured'. Another quote:

> … a government that actually values our state's … good name doesn't rip up contracts.

Members might ask who made those particular comments about not tearing up contracts. The Leader of the Opposition made those comments in November 2013.

Honourable members interjecting.

The SPEAKER — Order! Members on both sides of the house are making too much noise.

Mr WALSH — The member for Bass asked me whether there are any risks to water efficiency here in Victoria. There is a risk that an incoming Labor government, if Victorians are unfortunate enough for that to happen, would have the — —

Ms Allan — On a point of order, Speaker, under *Rulings from the Chair*, debating opposition policies or positions is clearly ruled out of order when answering questions. No matter how the embattled Minister for Water tries to dress this up — —

Honourable members interjecting.

The SPEAKER — Order! The member should not debate the point of order.

Ms Allan — No matter how the embattled Minister for Water wants to dress this up, his answer is clearly not in line with those previous rulings, and we ask you to ask him to come back to answering the question in line with the standing and sessional orders.

Ms Asher — On the point of order, Speaker, the fact of the matter is that the Minister for Water was asked a specific question relating to threats to the Victorian coalition government helping families bring down the cost of household water bills. The minister was answering in relation to the specific question that he was asked, that being: are there any threats to this. I put it to you, Speaker, that the minister was being perfectly relevant to the actual question that he was asked.

The SPEAKER — Order! I have two points to make: it was difficult to hear everything the minister said from this position; and from what I did hear, it seemed to me that he was being relevant to the question that was asked.

Mr WALSH — I was talking about the Fairer Water Bills initiative, which has seen Melbourne water customers' bills reduced by $100 per year. There is a real risk that a future incoming government may not honour that commitment, and you would see water bills increase into the future. The coalition government put a lot of work into resolving the Murray-Darling Basin plan — a great outcome for the environment and for farmers in Victoria. That contract could be torn up in the future, and that would not work. The major threat to Victoria's sustainable water use is an incoming Labor government.

Hazelwood mine fire

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I again refer the Premier to comments from the Minister for Health. I quote again:

> Let us pull no punches about what is going on here. It is a few hardline lefties out there trying to say that things are terrible …

I ask quite simply: does the Premier support or reject these arrogant comments from his Minister for Health?

Dr NAPTHINE (Premier) — I thank the honourable member for his question. As we know, the circumstances of the fire at Hazelwood were difficult circumstances for all people concerned. They were very difficult for the emergency workers and health workers in the area, and very difficult for local residents, local families, local communities and local businesses. I can advise the house that at all times we as a government have acted on the best advice of and technical expertise from people within the public sector, whether it be in relation to combating the fire or in relation to dealing with the smoke and ash that affected the Morwell community and the Latrobe Valley community, but particularly families and communities in Morwell South. We also received advice from other relevant experts from around Australia and around the world.

We responded as a government should, by getting the best expert advice and putting the resources in — whether they be resources to tackle the fire, resources to monitor the health of local people, resources to assist vulnerable people to relocate to a different location, resources to assist local businesses or resources to assist with the clean-up afterwards.

Indeed as part of this process, because of the extreme and unusual nature of this significant fire and the effects of this fire, we as a government put in place an independent board of inquiry headed by Bernard Teague. Mr Teague and his commissioners had every opportunity to obtain and were able to receive submissions from the local community, from the technical experts and from the broader community to consider their matters. With regard to health issues, the board of inquiry made a recommendation — recommendation 10 — which relates to a long-term health study, and that is in the process of being commissioned. The report recommended that that study be up to 20 years.

I can advise members that on 22 August, Elizabeth Lanyon, head of the secretariat of the board of inquiry, wrote to the Secretary of the Department of Health. Her letter says:

> As part of the Hazelwood Mine Fire Inquiry the board of inquiry has been contacted by Voices of the Valley, a community organisation operating in the Latrobe Valley that was set up in response to the Hazelwood mine fire. Voices of the Valley is concerned that the mine fire has caused additional deaths in the Latrobe Valley and has conducted some preliminary research into this issue.
>
> The board of inquiry is not in a position to deal with the concerns raised by Voices of the Valley.
>
> The board of inquiry has requested the Voices of the Valley letter (attached) be sent to you to consider as part of the long-term health study being conducted by the Department of Health into health issues arising from the Hazelwood mine fire.

These issues will be dealt with by the Department of Health in response to recommendation 10 as part of the study, but as I outlined also earlier, their preliminary — —

Mr Andrews — On a point of order, Speaker, on relevance. The Premier has had a good go — 3½ minutes — and he has not mentioned the health minister once. The question related to whether he supports or rejects the arrogance of his health minister.

The SPEAKER — Order! The Leader of the Opposition should know that is not the way to take a point of order.

Dr NAPTHINE — As I said to the house earlier, I can advise that the Department of Health's preliminary analysis of the death data from the registry of births, deaths and marriages which relate to the postcodes of Morwell and related communities does not show anything other than normal expected variation in deaths during this period.

Public transport

The SPEAKER — Order! I call the member for Bentleigh.

Ms Duncan interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Macedon

The SPEAKER — Order! Under standing order 124 the member for Macedon will leave the chamber for half an hour.

Honourable member for Macedon withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Public transport

Questions resumed.

Ms MILLER (Bentleigh) — My question is to the Minister for Public Transport. How is the Victorian coalition government's investment in public transport infrastructure and services building a better Victoria, and are there any threats to this?

Mr MULDER (Minister for Public Transport) — I thank the member for Bentleigh for her question. How are we improving public transport services? More than 10 000 extra weekly train, tram and bus trips have been added since December 2010. Customer satisfaction is up from 60.9 per cent in the June quarter of 2010 to 70.4 per cent in this year's June quarter, which covers our first term in office. Punctuality on metropolitan trains has been above 90 per cent for 28 consecutive months. Fare evasion and overcrowding are down, bypasses of the Altona loop are down and the 2014–15 budget shows $441 million for maintenance going forward.

We are delivering new trains with a $386 million investment. Seven trains have been deployed, and another eight are on order for the metropolitan network,

supporting 130 jobs in Ballarat. Twenty-five new high-capacity trains will be delivered as part of the Cranbourne-Pakenham corridor upgrade, a $2.25 billion project. We are delivering 43 new V/Line rail cars, which represents a $227 million investment which is supporting 70 jobs in Dandenong, with the first new carriages to be delivered later this year.

We are delivering a $115 million bayside rail improvement program, which includes upgraded CCTV, track and signalling upgrades, platform improvements and passenger information screens. On top of that we are delivering a new railway station at Southland, and X'trapolis trains will run on the Frankston line later this year. We have 940 protective services officers, and another 96 are to begin training.

We will have more affordable public transport across the system, with travel across zones 1 and 2 for the price of a zone 1 fare and travel within zone 2 at the same lower fare — and free tram travel in Melbourne's CBD and the Docklands. There is also our Melbourne rail link and airport rail link project, an $8.5 billion to $11 billion project, which will enable 30 additional peak hour trains to run across the network and it will cater for 35 000 extra passengers. It is only a coalition government that will deliver a rail link to Melbourne Airport.

There should be credit where credit is due. We all recall the disastrous headlines that appeared during the reign of the former government about water bottles and ice creams pacifying angry passengers. An article in *mX* — the commuters' newspaper — of Wednesday, 13 August, has the headline 'Pat on the track' and describes good punctuality across the metropolitan network. The subheading says 'Metro stats show 27 months of punctuality'. An article in the Ballarat *Courier* of 9 September headed 'Track record improves' says:

> … 93.5 per cent of trains arrived within 6 minutes of their scheduled time — a sharp rise from only 88.7 per cent in July.

It is not just the stations, services, trams and trains; it is also railway station buildings.

Yesterday I was at Jewell station in Brunswick. In the future rather than having people tripping over syringes and broken beer bottles we are going to have a $70 million redevelopment of that station, taking it from syringes and beer bottles to community gardens. That will be a magnificent upgrade of that station.

The great risk to all of this, of course, would be a future Labor government, because Labor has vowed to abandon the Napthine government's design for a new metropolitan rail line if it wins government. Labor has said, as reported in the *Australian* of 7 May, that the planned airport rail link should be put on hold. The greatest risk to our public transport network is the risk of it falling back into the hands of a Labor government and incompetent public transport ministers such as the member for Lyndhurst.

COURTS LEGISLATION AMENDMENT (FUNDS IN COURT) BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Courts Legislation Amendment (Funds in Court) Bill 2014.

In my opinion, the Courts Legislation Amendment (Funds in Court) Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill will improve the current operation of Funds in Court (FIC) within the Senior Master's Office (SMO) in a number of ways, including promoting transparency and accountability of FIC processes and procedures, ensuring the best interests of beneficiaries remain a paramount consideration for FIC, and promoting beneficiaries' ability to choose who administers their funds.

Human rights issues

Human rights protected by the charter act that are relevant to the bill.

The obligations of public authorities to act compatibly with the charter act under section 38 may be relevant to the senior master when performing functions in an administrative capacity under section 4(1)(j) of the charter act. Administrative decisions made by the senior master and FIC officers may raise considerations under section 17 (protection of families and children). Clause 7 of the bill promotes compatible administrative decision-making by the senior master under the charter act by specifying that in administering any funds in court, the senior master is to give all practical and appropriate effect to the beneficiary's wishes, and is to take any steps that are reasonably available to encourage the beneficiary to participate in decisions affecting the beneficiary's affairs.

Section 15(2) of the charter act provides that every person has the right to freedom of expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds. The bill promotes freedom of expression by enhancing beneficiaries' ability to access and receive information about their funds administration and performance, the procedures and processes of FIC, and complaints mechanisms.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Court proceedings often result in the award of money to vulnerable litigants, including those aged under 18 years, and those who, due to injury, disease or physical or mental infirmity are not capable of properly managing their own affairs. These litigants are known as 'persons under disability'.

As a general rule, the money to be paid to a person under disability is to be paid to an administrator appointed by the Victorian Civil and Administrative Tribunal or as specified by a court, which may include State Trustees Limited. In some circumstances, where there is no administrator of the affairs of a person under disability, the Supreme Court may administer the person's financial affairs, as part of its inherent jurisdiction to provide for those who cannot take care of themselves.

The Supreme Court ensures that persons under disability receive a return on the funds that are invested on their behalf, and that their interests are protected. Funds paid into court under a court order and managed by the Supreme Court on behalf of persons under disability are known as 'Funds in Court'.

Funds in Court are administered by the senior master, who is an associate judge of the Supreme Court of Victoria. The Senior Master's Office supports the senior master in managing funds and providing assistance for more than 5200 beneficiaries.

The senior master and his predecessors have managed Funds in Court prudently in terms of investment management and internal prudential supervision arrangements. However, current legislative arrangements do not sufficiently promote transparency and accountability or choice of funds administration. The bill will put the administration of Funds in Court on a firmer legislative footing, including by articulating the objectives of the senior master in administering Funds in Court. This bill also provides the Supreme Court with the ability to appoint an external funds manager or custodian or both.

To avoid any perception that the Supreme Court, in the ordinary course, uses its discretion to appoint Funds in Court to manage beneficiaries' funds rather than appointing an external administrator, the bill makes clear that there is no presumption that funds be administered by Funds in Court in preference to any other administrator. The bill also provides for a Funds in Court beneficiary to make an application at any time to the court for their funds to be transferred to another administrator. Where the administrator is a public trustee in Australia or any licensed trustee company regulated under the Corporations Act 2001 (cth), the application must be granted unless the court is satisfied that the transfer would not be in the beneficiary's best interests. Where the application is for an administrator other than a public trustee or a trustee company, the court must grant the application if satisfied that the transfer would be in the best interests of the beneficiary.

The bill makes a range of amendments to promote the transparency and accountability of Funds in Court. This will occur through a legislative requirement for annual reporting and annual audits, and the provision of at least annual statements to beneficiaries. The bill also requires the senior master to provide new beneficiaries with information statements about the process of administration, including information about recovery of costs by the senior master, the procedure for requesting funds transfer, the risks associated with investments made by the Senior Master, and complaints procedures. This will ensure that beneficiaries and their guardians are better placed to make informed decisions about their individual funds management requirements.

In addition, objectives for the senior master are clearly stated to ensure that decisions made in the investment of Funds in Court are in the best interests of the beneficiaries. The objectives will also give effect to modern principles of supported decision-making. In administering any funds in court, the senior master will be required to give all practicable and appropriate effect to the beneficiary's wishes and take any steps that are reasonably available to encourage the beneficiary to participate in decision making. The bill also provides that the senior master is to ensure that beneficiaries and the operation of the funds are dealt with in a transparent and accountable manner.

Finally, the bill provides for an internal complaints process to be instituted and maintained by the senior master in respect of services provided.

In summary, the bill will underpin the transparency and accountability of Funds in Court, and make it clear that beneficiaries' interests are at the heart of Funds in Court administration.

I commend the bill to the house.

Debate adjourned on motion of Ms ALLAN (Bendigo East).

Debate adjourned until Wednesday, 1 October.

SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014

Statement of compatibility

Mr WELLS (Minister for Police and Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter act), I make this statement of compatibility with respect to the Sex Offenders Registration Amendment Bill 2014 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes amendments to the Sex Offenders Registration Act 2004 (SOR act), the Children, Youth and Families Act 2006 (CYF act) and the Freedom of Information Act 1982 (FOI act), relevantly:

amending reporting obligations relating to contact with children;

removing the requirement to destroy evidence after the reporting period of a registrable offender ends;

providing for the sharing of information relating to a registrable offender in certain circumstances;

amending the time frames for reporting obligations for registrable offenders;

providing for new reporting requirements relating to overseas travel; and

providing that documents contained in the register of sex offenders are exempt under the FOI act.

Human rights issues

Right to privacy (s 13)

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The right protects against interference with individual's personal and social sphere, including the physical and psychological integrity of a person, their private life and personal affairs, and multiple aspects of the person's physical and social identity, such as a person's name, means of personal identification and their image.

New definition for 'regular unsupervised contact with children'

The bill amends the current reporting obligations on registered offenders under the SOR act relating to contact with a child. Registered offenders currently have reporting obligations in relation to 'regular unsupervised contact with children'. Clauses 4 and 7 remove this expression in the SOR act and replace it with a detailed definition, which outlines when a registrable offender is deemed to have contact with a child for the purposes of his or her reporting obligations. The new definition includes when an offender: resides with or stays overnight in a place in which a child resides or is staying overnight; cares for or supervises a child; or, for the purpose of forming an ongoing personal relationship with a child, initiates any form of physical contact, oral communication or written communication, whether face to face, by telephone or by electronic means, or exchanges contact details with the child.

While the expanded definition of child contact is largely being amended to provide greater clarity and precision to registrable offenders regarding their reporting obligations, it is possible that the inclusion of this definition may increase the level of interference to an offender's right to privacy, as in practice it may lead to an increase in the number of reportable incidents. However, I am of the view that any subsequent interference that will occur will be neither unlawful nor arbitrary and will therefore not limit the right to privacy for the following reasons.

The primary purpose of the SOR act is to protect the community, and, in particular, children. Studies indicate that most child sexual offences are committed by persons known to the victim, and the register is intended to deter and reduce reoffending by those who pose the greatest risk to children. The current expression describing reportable contact is unsatisfactory as it allows for subjective meanings of what constitutes 'regular' or 'unsupervised' contact, which detracts from the scheme's aim of protecting children from potential harm.

The clarity provided by the inclusion of the definition in new section 4A will also protect registrable offenders who may be liable to serious penalties resulting from failing to comply with reporting obligations or providing false or misleading information to police, due to confusion over what circumstances constitute contact. The definition is formulated to exclude mere incidental contact with a child and any reportable contact can be notified by telephone within one day, which is not overly onerous, and constitutes the least restrictive means reasonably available to achieve the purpose of the SOR act. Accordingly, I am satisfied that these amendments are compatible with the right to privacy in the charter act.

Retention of material for certain purposes

Clause 13 of the bill substitutes section 30 of the SOR act with a new section that removes the current requirement on the chief commissioner to cause material retained through reporting obligations about a registrable offender to be destroyed at the end of the reporting period for that offender. New section 30 allows the chief commissioner to retain indefinitely copies of any documents, fingerprints, finger scans and any photographs taken as a result of reporting obligations for the purposes of law enforcement, crime prevention or child protection. It is noted that in cases where the registrant is subject to indefinite reporting, the information is already retained indefinitely. Consequently, the new section 30 will only apply where the reporting period is limited. Further, it is noted that the information on the register is subject to strict data privacy controls and safeguards.

The storing of personal data for law enforcement purposes in such cases may constitute an interference with the right to privacy. In my view, given the important purpose of retaining such information, I consider that the retention of such

information is compatible with the right to privacy. However, I note that the retention of information in this context could potentially be classed as an arbitrary interference with privacy as it gives discretion to the chief commissioner to retain a wide variety of personal information of all registrable offenders for an unlimited period of time, to be used for a wide variety of purposes connected with law enforcement and child protection. However, even if that view were accepted, I consider that any limit on privacy in this context is reasonable and justified under section 7(2) of the charter act.

The indefinite retention of information for law enforcement supports a key objective of the SOR act, namely facilitating the investigation of child abuse. The operational policing value of the information and intelligence relating to each registrable offender is significant.

The information and intelligence may be critically important in helping police to investigate alleged crimes in which the registrable offender is implicated, particularly alleged offences that occurred a long time ago. A large proportion of registrable sex offences relate to historical incidents where the offences are not reported and investigated until many years after the original offending, commonly in the range of 15–20 years. Similarly, there is often a significant time lag between many child abuse incidents and the time of their reporting.

Accordingly, given the significant value of the information on the register to future investigations, any restriction on the right to privacy is justified and is not arbitrary.

Information sharing

The bill contains a number of amendments that allow information disclosures relating to a registrable offender who is listed in the register. Clause 20 amends section 63 of the SOR act to provide that the chief commissioner may disclose to the Firearms Appeals Committee any information relating to a registrable offender that is in the register. Clause 22 will insert new section 64A into the SOR act to provide that the chief commissioner may provide de-identified information in the register to any person if considered appropriate to do so. This will enable the chief commissioner to disclose de-identified information to experts for the purpose of activities such as undertaking empirical research. As the information is de-identified it does not limit the right to privacy.

Clause 28 amends the CYF act to insert a new part 3.2A of that act to provide that the chief commissioner and the Secretary to the Department of Justice may exchange information relating to registrable offenders with the Secretary to the Department of Human Services. The information may be exchanged if it comes to the notice of any of those agencies that a registrable offender has had contact with a child. The amendments outline specific circumstances where information can be shared between departments and police to ensure that such bodies can exercise their respective statutory functions to protect public safety and the welfare of children. Information received from the Department of Justice or the Department of Human Services is protected in accordance with the information privacy principles in the Information Privacy Act 2000.

Clause 28 also allows the Secretary to the Department of Human Services or an authorised person to disclose certain information to any other person if the secretary or authorised person believes on reasonable grounds that the disclosure of the information to that person is in the interests of the safety and wellbeing of the child referred to in the information. An example of such disclosure is a child protection worker's disclosure to a child's parent, during a protective investigation, that a person having contact with the child is a registered sex offender. The Secretary to the Department of Human Services or authorised person must take reasonable steps to notify the registrable offender of the disclosure unless it is believed on reasonable grounds that doing so would endanger the life or safety of any person. Further, information obtained by a person employed or engaged in the administration of the CYF act or SOR act must not disclose that information without authority.

While the sharing of information between the chief commissioner and the Department of Justice and the Department of Human Services, and the provision of information to third parties limit the registrant's right to privacy, the purpose of the limitation is the safety and wellbeing of children. The circumstances in which the information may be provided is limited to where it is in the interests of the safety and wellbeing of children. Given the vulnerability of children, and the importance of that purpose, the limitation is reasonable.

Reporting time frames for changes in personal details

To address confusion arising out of different time frames for notification, the bill amends a number of sections of the SOR act to adopt a uniform notification time frame of seven days, which is consistent with other reporting obligations in the SOR act. This amendment will affect the requirement to report specified changes to relevant personal details under section 17 of the SOR act and the requirement to report a return to Victoria or change of intention to leave Victoria under section 20. The requirement to report contact with a child will not be amended and will remain as one day.

The consequence of this amendment is a reduction in the time frame of many notification obligations from 14 days to 7 days, which may increase the level of interference posed by the reporting obligation on an offender's right to privacy. However, in my view, the amendment is clear and necessary and therefore does not limit the right to privacy.

The purpose of the scheme is to require certain offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time in order to reduce the likelihood that they will reoffend and facilitate the investigation and prosecution of any future offences that they may commit.

Failing to comply with a reporting obligation without a reasonable excuse is an offence punishable by imprisonment. It is identified that a discrepancy in reporting periods has led to cases where offenders have breached their obligations by accident or out of a misunderstanding of their obligations. By providing a uniform period of seven days for most reporting obligations, the clauses promote consistency and will reduce difficulties with compliance, while upholding the overall protective purpose of the scheme. For these reasons, any additional interference occasioned by the amendment to section 17 of the SOR act will be neither unlawful nor arbitrary.

Reporting time frames for interstate travel

Section 18 of the SOR act provides that a registrable offender must notify the chief commissioner of an intended absence from Victoria seven days prior to departure or within 24 hours if seven days is impracticable. Clause 8 of the bill reduces the threshold for what constitutes a reportable absence from Victoria from '14 or more' consecutive days to '2 or more' consecutive days. Clause 9 of the bill makes a similar amendment to section 19 of the SOR act regarding change of travel plans while out of Victoria.

The result of these amendments is that offenders engaged in interstate travel of two or more consecutive days face more onerous reporting requirements. I am of the view that any resulting interference with the right to privacy is lawful and not arbitrary. The scheme in its current form only requires offenders to report interstate travel if they intend to be absent from Victoria for 14 consecutive days or more. Reducing this period to two or more consecutive days is more consistent with the purposes of the SOR, while still avoiding placing an unnecessarily onerous burden on offenders to report short trips or daily trips interstate for employment purposes. Consequently, in my view clauses 8 and 9 of the bill do not limit the right to privacy.

Additional reporting obligations in relation to travel out of Australia

Clause 11 of the bill inserts new section 21A into the SOR act, which provides for additional reporting obligations in relation to travel out of Australia. Registrable offenders intending to leave Victoria to travel out of Australia or returning to Victoria from overseas must, when complying with reporting requirements, produce their passport and any other document in the registrable offender's possession that contains information indicating where the registrable offender intends to travel, or has travelled, while out of Australia.

While this additional reporting obligation is an added interference with a registrable offender's right to privacy, I am of the view that it is lawful and not arbitrary. Documentary evidence pertaining to a registrable offender's overseas travel is necessary, among others things, to enhance law enforcement's capacity to combat international sex tourism.

Verifying movements of registered sex offenders overseas allows police to make registrants accountable for their movements in the context of the finite police resources that are available in order to investigate and establish the veracity of a registrant's report relating to movements overseas. Accordingly, I am of the view that this additional requirement to provide such documents is compatible with the right to privacy in the charter act.

Freedom of expression (s 15)

Section 15(2) of the charter act provides that every person has the right to freedom of expression. This includes the right to seek and receive information.

Freedom of information exemption

Clause 29 inserts new subsection 31(4) into the FOI act to provide that a document contained in the sex offenders register is an exempt document under the FOI act. This means that a person is unable to obtain access to such documents under the FOI act. Such information was already exempt under section 31(3) of the FOI act, as the register is maintained by the intelligence and covert support department (ICSD) of Victoria Police.

This amendment introduces a specific exemption relating to the register and will allow greater flexibility to the organisational structure of Victoria Police by removing the requirement for documents in the register to have been created by ICSD in order to rely on the exemption contained in section 31(3).

While the register is currently exempt, this amendment can be considered as further limiting the right of a person to receive information contained in documents on the register. However, section 15(3) of the charter act provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary for the protection of the rights of other persons and to protect public order.

The register contains documents that disclose personal information about offenders, including the identity of registrants, residential addresses and telephone numbers, employment details, internet user names, club affiliations, car ownership details, criminal records, identities of any children residing with the offender and travel plans of the offender.

The restriction of access to this information enables more effective case management of registrable offenders, ensures higher levels of compliance with reporting obligations, minimises the risk of vigilante activity and reduces the capacity of registrable offenders to network with other registrable offenders.

Accordingly, I am satisfied that this lawful restriction on the freedom of expression is reasonably necessary to protect the rights of other persons and for the protection of public order.

The Hon. Kim Wells, MP
Minister for Police and Emergency Services

Second reading

Mr WELLS (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The bill amends the Sex Offenders Registration Act 2004, the Children, Youth and Families Act 2005 and the Freedom of Information Act 1982 to assist Victoria Police, the Department of Human Services, and allied federal, state and territory law enforcement agencies to better manage registered sex offenders and the risks they pose to the community.

This bill will:

increase registered sex offenders' accountability to police by overhauling the definition of what constitutes having contact with children;

impose stricter controls on registered sex offenders by requiring them to verify their movements when travelling overseas to combat child sex tourism;

improve child safety by clarifying that a police officer can disclose a registrant's identity to a parent, a guardian or other third party where doing so protects a child's safety;

help police to investigate child sex offences by allowing the chief commissioner to retain important information and intelligence on registered sex offenders after they have completed their period of registration;

create new indictable offences for registered sex offenders who fail to report changes in certain personal details or who furnish false or misleading information about certain personal details to police;

give the chief commissioner the power to suspend the reporting obligations of certain registered sex offenders if he or she is satisfied that a registrant does not pose a risk to the sexual safety of the community;

codify existing arrangements for relevant agencies to exchange fulsome and timely information to each other to protect the safety and wellbeing of any children coming into contact with registered sex offenders; and

simplify reporting obligations by reducing variability of the reporting periods within which registrants must report changes in their personal details.

New definition of contact with children

Under the SORA, registered sex offenders are required to keep the police informed about any 'regular unsupervised contact' with children for a period determined by that act. The imprecision of that term 'regular unsupervised contact' and its lack of definitional clarity in the act can create enforcement difficulties. For example, it gives registered sex offenders too much latitude to interact with children without a requirement to report that contact. Currently, a registrant may spend a night with a child without supervision and the act lacks clarity about whether such contact triggers an obligation to report that contact.

The bill amends the SORA to provide a sensible, balanced, unambiguous and more enforceable definition of contact with children developed with operational police and child protection practitioners. Importantly, the definition removes the need for the contact to be 'regular' or 'unsupervised' to recognise that sex offenders may abuse children, even those being supervised by non-offending protective guardians and recognises that only one contact with a child can afford an opportunity to abuse.

The definition will require registered sex offenders to report casually staying overnight in the home of a child as well as supervising, or caring for a child. Further, it requires registered sex offenders to report physical contact where such contact is for the purpose of forming a personal relationship with a child.

However, the new definition is crafted so that registered sex offenders do not have to report incidental contact such as being served in a shop by a person under the age of 18 years or sitting next to a child on a tram. For the avoidance of doubt, the definition will not capture civil, polite or friendly interactions with a child in a social situation. Requiring such contact to be reported would be unfeasible, create no value and would engender unmanageable operational imposts for police who must receive and analyse all reports of contact with children provided by offenders.

Rather, the definition of contact refers to the registrant making an effort to form a friendship or a social relationship that extends beyond the type of incidental contact a person might have because they live in a community or encounter a child in a social setting. However, if the registrant engaged a young person in conversation and attempted to develop rapport to form a personal relationship, that would be considered contact and it would be necessary to report that contact to police under the SOR act with criminal penalties for failing to do so.

Importantly, the definition addresses child sex offenders' growing use of online environments and other electronic media to identify and groom children by requiring registered sex offenders to report communications and engagement with children in those domains. This new contact definition complements existing requirements for registered sex offenders to provide police with their internet service provider details, email addresses and online identities and further assists Victoria Police with its overt and covert online operations to detect and prosecute offenders engaged in online child exploitation.

Additional reporting obligations when travelling overseas — child sex tourism

Currently, registered sex offenders are required to provide police with certain details about their travel movements both within Australia and when travelling overseas. Victoria Police advises that finite resources make it particularly difficult to establish the veracity of reports made by registered sex offenders travelling overseas. In short, a registrant may advise police they are staying in one place but they are not required to prove this on return and police find that corroborating a

registrant's reported and actual travel movements overseas is very difficult. Victoria Police also advise that intelligence suggests that a growing number of Australians, including registered sex offenders are travelling overseas in regions including South-East Asia and Africa for the purposes of child sex tourism.

To assist police in this regard and to make registered sex offenders more accountable, the bill amends the SORA to require registered sex offenders to provide police with their passport and documents to verify or support their movements when travelling overseas. Based on advice from Victoria Police, the requirement to verify details of international travel creates better information and intelligence to share with the Australian Federal Police and international law enforcement partners attempting to combat child sex tourism in particular.

Disclosing a registrant's identity to protect children

Child protection workers may, and sometimes do, disclose to a child's parent or guardian during a protective investigation that a person having contact with the child has been convicted of child sex offences. The need to do so may arise when a relative who is a registered sex offender moves into a household with children or when a sole parent commences a new relationship with someone who has not disclosed that they are a registered sex offender. In these circumstances, child protection workers may disclose the fact that someone has been convicted of sexual offences to a carer, parent or guardian of a child if doing so helps protect the child's safety.

However, there are no express powers that permit police or child protection practitioners to inform members of the community that a particular person is a registered sex offender who is subject of the SORA in such circumstances.

As a practical example, the bill will clarify that police or a child protection practitioner may advise an unwitting mother that her new partner is a registered sex offender where a police officer or child protection practitioner holds the view that doing so will allow her to protect her children.

The bill also codifies existing arrangements for relevant agencies such as Corrections Victoria, the Department of Human Services child protection service and Victoria Police to exchange with each other, fulsome and timely information and data on registered sex offenders to protect the safety and wellbeing of any children coming into contact with registered sex offenders.

Allowing the Chief Commissioner of Police to retain information on registered sex offenders

Currently, under the SORA the chief commissioner must destroy all records and intelligence collected from the registered sex offender when he or she completes their period of reporting. The Victorian parliamentary report *Betrayal of Trust*, which examined the handling of child abuse by religious and other non-government organisations confirmed that many child sex abuse victims do not come forward to report their abuse until many years after the event (commonly 15 to 20 years). This complemented other studies showing that there is very often a significant time lag between many child abuse incidents and the time of their reporting. Investigating such historical cases is difficult.

This bill allows the chief commissioner to retain all information and intelligence collected on registered sex offenders during their reporting period and to use it in investigations where the registered sex offender is implicated. This vital information and intelligence will be invaluable to police in those investigations. Retaining, rather than having to destroy the information, will assist police if that registered sex offender is convicted and again placed on the sex offender register.

Increasing consistency of reporting time frames

Victoria Police has identified a number of breaches of the SORA arising from a failure to follow reporting obligations. Many of these are not successfully prosecuted because breaches are judged accidental, or arise from an offender misunderstanding their reporting obligations which vary in terms of the number of days within which changes must be reported.

The bill amends the SORA to reduce the variability across the prescribed periods for reporting changes in detail to police.

Reforms to offences under the Sex Offenders Registration Act 2004

The bill reorganises the current offence provisions in the SORA to create new indictable offences for registered sex offenders who fail to report changes in certain personal details or who furnish false or misleading information about certain personal details to police responsible for managing them. This recognises the importance of having registered sex offenders accountable for advising police about personal details such as contact with children, any identities assumed in online environments and social media.

Suspending reporting obligations

The bill amends the SORA to give the chief commissioner the power to suspend the reporting obligations of certain registered sex offenders if he or she is satisfied that a registrant does not pose a risk to the sexual safety of the community. Victoria Police only intend to apply this power in respect of a small number of current offenders who present no risk because they are incapacitated through cognitive or physical impairments such as terminal illnesses causing incapacitation and vegetative states or very aged registrants with dementia.

The bill also makes a small number of technical and consequential amendments to the Freedom of Information Act 1982 and the Children, Youth and Families Act 2005 to ensure the Sex Offenders Registration Act 2004 operates efficiently and effectively.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Wednesday, 1 October.

CONSUMER AFFAIRS LEGISLATION FURTHER AMENDMENT BILL 2014

Statement of compatibility

Ms VICTORIA (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter act'), I make this statement of compatibility with respect to the Consumer Affairs Legislation Further Amendment Bill 2014 ('the bill').

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes various amendments to several acts, including amending the Owners Corporations Act 2006 to better regulate the managers of owners corporations.

Human rights issues

Application for permission to be registered as a manager despite criminal record

Clause 11 amends the Owners Corporations Act 2006 to introduce a new ground for eligibility of a person to be registered as a manager of an owners corporation. The amendment provides that a person is not eligible to be registered if the person or, if a person is a corporation, a director of that corporation, has within the last 10 years been convicted or found guilty of an offence involving fraud, dishonesty, drug trafficking or violence punishable by a term of imprisonment for three months or more. Clause 13 makes amendments that provide that a person's registration as a manager is automatically cancelled 30 days after being convicted or found guilty of the above offences.

Clause 12 inserts new section 182A into the Owners Corporations Act 2006, which allows a person with a criminal record due to the offences outlined above to apply to the Business Licensing Authority ('the authority') for permission to be registered. Clause 14 inserts new section 186A into the act, which allows a person facing automatic cancellation because of their criminal record to apply to the authority for permission to continue to be registered.

In considering an application for permission, the authority may conduct any inquires it thinks fit; require the applicant to provide any further information that the authority thinks fit in the manner required by the authority; and seek advice and information on the application from any other person or body as it thinks fit. The authority may refuse to consider the application if the applicant does not provide any further information or does not give consent within a reasonable time to the authority to obtain that information.

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. This right protects the individual's interest in the freedom of their personal and social sphere in the broad sense, including the right to establish and develop meaningful social relations. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

Requiring a person to provide personal information related to past criminal activity, or to consent to such personal information being provided from other persons or bodies, is relevant to the right to privacy. Excluding a person from employment in their chosen field can affect their ability to develop relationships with others, as well as create social stigma and reputational damage.

However, I am of the view that these requirements do not constitute an unlawful or arbitrary interference with privacy, as they are reasonable in the circumstances.

Managers of owners corporations hold an influential and privileged position of significant responsibility in owners corporations. Managers are able to make decisions on behalf of owners corporations and deal with significant sums of an owners corporation's money, which can impact on the affairs of persons who own or occupy property managed by the corporation or are otherwise affected by the corporation. Managers are required to assume special duties and responsibilities, including to act honestly and in good faith in the interests of the owners corporation, and to refrain from making improper use of their position to gain an advantage for themselves or others.

Accordingly, in order to safeguard the interests of property owners, occupiers and other persons affected by the dealings of an owners corporation, it is reasonable that restrictions are placed on the registration of managers of owners

corporations. These restrictions mirror similar requirements for estate agents that exist in the Estate Agents Act 1980, and apply only to convictions or guilty pleas occurring within the last 10 years and relating to types of offending which are considered relevant to the suitability of a person as a manager of an owners corporation.

In relation to the provision of personal information, a person will only be required to provide information to the authority if they have a relevant criminal record and are seeking permission to be, or to continue to be, registered. The information being sought by the authority is for the purpose of enabling the authority to properly determine applications for permission to be registered, in order to be satisfied that it is not contrary to the public interest for the person to be registered as a manager. Any information provided to the authority will be subject to the protections on privacy in the Information Privacy Act 2000. Further, a person whose interests are affected by a decision of the authority may apply to VCAT for a review of the decision under s 191 of the Owners Corporations Act 2006. The requirement to provide information in such circumstances is neither unlawful nor arbitrary.

Therefore, clauses 11 to 14 do not limit the right to privacy in section 13 of the charter act.

The Hon. Heidi Victoria, MLA
Minister for Consumer Affairs

Second reading

Ms VICTORIA (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

This bill demonstrates the government's ongoing commitment to modernise and strengthen the consumer protection framework in Victoria. The bill amends several consumer acts to clarify and improve their operation, remove redundant provisions, and to correct minor technical errors. The bill also makes a number of amendments to the Veterans Act 2005 that will aid the wellbeing of the Victorian ex-service community.

Part 2 of the bill will make a range of amendments to the Owners Corporations Act 2006 to implement the outcomes of a public review of the regulation of owners corporation managers. These amendments will lead to more effective regulation of owners corporation managers and will enhance the ability of owners corporations to deal with unsatisfactory managers.

The public review was initiated in 2013 following reports of managers with criminal records allegedly defrauding their owners corporations while retaining their registration under the act as owners corporation managers.

An issues paper was released in October 2013 seeking the public's views on a range of issues concerning the responsibilities and accountability of owners corporation managers.

After considering the submissions received and undertaking further targeted consultation with stakeholders, the government resolved to progress a package of amendments to enhance the livability of apartment blocks and other buildings with owners corporations. These changes will benefit approximately 1.5 million Victorians who live and work in such buildings by strengthening the regulation and accountability of owners corporation managers.

The bill will amend the Owners Corporations Act so that people who have been found guilty of an offence involving fraud, dishonesty, drug trafficking or violence punishable by a term of imprisonment of three months or more will no longer be eligible to either obtain or retain registration as an owners corporation manager. This is consistent with the manner in which the Estate Agents Act 1980 deals with applicants for and holders of estate agency licences.

Managers will be required to disclose, in writing, conflicts of interest in relation to contracts entered into by their owners corporations and disclose any commissions and other benefits receivable under such contracts. They will also need to report to the owners corporation annually on commissions and other benefits received during the year.

The bill will insert a requirement that managers take reasonable steps to ensure that any goods and services they procure on behalf of an owners corporation are sourced at competitive prices and on competitive terms.

Managers' contracts will be limited to three-year terms. At the conclusion of the three-year period the owners corporation and manager may enter into a further contract, but again, for no longer than a three-year term. The bill will also introduce the capacity to prescribe appropriate exemptions in regulations — for example, where an owners corporation can show that it cannot attract an appropriate manager without offering a longer term contract.

In addition, the bill will amend the Owners Corporations Act to prohibit a number of contract terms. Provisions that allow the manager to renew the management contract at its option, or that require more than three months notice of non-renewal by large owners corporations or more than one month's notice by smaller owners corporations, or that provide for automatic renewal of the contract on failure by the owners corporation to give the required notice of

non-renewal, will no longer be able to be included in a manager's contract.

Where an owners corporation fails to give notice of non-renewal, the bill provides that the contract will roll over on a monthly basis.

Two unfair terms in management contracts will be prohibited: first, terms that require owners corporations to take certain procedural steps in revoking a manager's appointment that are not required by the act; and second, terms that fetter the ability of an owners corporation to refuse consent to an assignment of the management contract, other than a requirement that such consent not be unreasonably withheld.

These prohibitions are balanced by a provision that declares that the withholding of consent to an assignee who is a full member of an industry or professional body approved by the director of Consumer Affairs Victoria will be prima facie unreasonable.

The bill will extend the owners corporations jurisdiction of VCAT to enable it to determine disputes about management contracts, including unfair terms in management contracts.

The bill will tighten the record-keeping obligations of managers by requiring them to report annually on receipts and disbursements of trust moneys, and by requiring them to comply with any request by their owners corporation for copies of account statements, provided that the statement period is not more than three years prior to the request and that the request is otherwise reasonable.

The risks surrounding the current practice followed by some managers of pooling the funds of multiple owners corporations in one bank account will be addressed by prohibiting that practice unless the owners corporations in question are related, and they consent to the pooling or the pooling is in a statutory trust account.

The bill addresses the issue of developers using their voting power to have owners corporation managers appointed whose primary focus is serving the developers' interests rather than those of the members as a whole by extending the period during which developers who control owners corporations owe fiduciary obligations, from 5 to 10 years.

After 10 years, it is considered reasonable to allow those developers to act as any other member of an owners corporation and to use their voting power as they see fit.

The bill also refines the concept of control to refer to the ownership of a majority of lot entitlements rather than a majority of lots, as it is the lot entitlement attaching to a lot, rather than the lot itself, that determines voting entitlement.

The bill will impose a further conduct obligation on managers by prohibiting them from exerting pressure on members of owners corporations to influence the outcome of a vote or election.

The bill will also insert a new part 8A into the Owners Corporations Act to provide for the special position of owners corporations in some retirement villages.

New part 8A will prohibit a retirement village developer who has majority voting power in the owners corporation from voting on owners corporation fee increases.

This is because the other members of the owners corporation are residents of the village and they, rather than the developer, pay the bulk of the owners corporation fees. Fee increases will, of course, impact on their incomes, many of which are fixed. If the developer cannot convince the residents of the necessity or desirability of a fee increase, it is inappropriate for it to use its majority voting power to override their objections.

This protection will complement the control given to retirement village residents under the Retirement Villages Act 1986 over increases in the village maintenance charges they are required to pay.

New part 8A will also recognise the position of residents of villages with an owners corporation who lease rather than own their units, and who are therefore not members of the owners corporation. It will require that changes to the rules of the owners corporation can only be voted on at a general meeting of all residents convened under the Retirement Villages Act rather than at a general meeting of the owners corporation.

Finally, the bill will correct an anomaly in the Owners Corporations Act by relocating the provisions that apply the enforcement provisions of the Australian Consumer Law and Fair Trading Act 2012 from part 12 of the act to part 13. This will ensure that they apply to all offences in the act, not just to the offences in part 12.

Part 3 of the bill will amend the Retirement Villages Act to rectify a range of inconsistent and unclear provisions, clarify and strengthen existing resident protections, reduce regulatory burden on both operators and residents, and assist operators in the management of their villages.

These amendments were developed in consultation with key stakeholders and complement the range of reforms in the regulation of retirement villages already implemented by this government.

The bill will remove provisions in the Retirement Villages Act that conflate the annual meeting of the retirement village with the annual meeting of the owners corporation, and the operation of the retirement village residents committee with that of the owners corporation. These reforms, with new part 8A of the Owners Corporations Act, will resolve problems arising from the presence of owners corporations in retirement villages and confusion about the interaction of that act and the Retirement Villages Act.

The obligations of owners and managers to make precontract disclosure to prospective residents will be clarified to remove duplicated obligations, and village managers, as well as owners, will now be able to sign the precontract disclosure statement.

Payment of an ingoing contribution by a resident is a basic element of the definition of 'retirement village' under the act and distinguishes a retirement village from other types of seniors' accommodation. It is important that there not be any confusion about what constitutes an ingoing contribution.

The bill will clarify the definition of 'ingoing contribution' so that it expressly includes the purchase price paid by residents who buy their units in retirement villages, and an obligation to pay the ingoing contribution that is wholly deferred to a time after entry into the village, to close a possible loophole whereby the nature of the payment as an ingoing contribution is thereby disguised.

The payment of an ingoing contribution is essential for the existence of a 'retirement village' under the Retirement Villages Act and it is important to ensure that protections afforded to residents by the act are not artificially avoided.

The definition of 'maintenance charge' will be clarified to expressly include recurrent capital fund charges paid by residents, and charges for services to which residents are entitled under their management contracts but which are provided not by the village manager but by an owners corporation outside the village but within the overall development.

Currently, it is clear that the definition covers recurrent charges for recurrent services but not recurrent charges for services of a capital nature. Both types of recurrent charges affect residents' cost of living, and it will be made clear that they are both subject to the controls in the Retirement Villages Act on increases in maintenance charges.

The separate rights of residents to rescind their contracts during the statutory cooling-off period and to rescind for a failure by the village owner of the obligation to include a cooling-off notice in the contract will also be clarified by this bill.

Village owners will be able to obtain early release of prepayments of ingoing contributions paid by residents who lease their units, to match their existing ability under the Sale of Land Act 1962 to obtain early release of prepayments of the purchase price paid by residents who own their units.

The Retirement Villages Act requires a stakeholder to hold prepayments of ingoing contributions, paid by residents who lease their units, in trust pending settlement of their village contract. However, the language is wide enough to include payments of the balance of the purchase price paid by a resident who is buying a vacant block in the retirement village on which to construct a unit such that the proceeds of sale would not be available to the village owner until the completion of the construction of the unit. It is not intended that village owners be deprived of the proceeds of these sales and the stakeholder requirement will be clarified to exclude them.

The bill will simplify provisions relating to the extinguishment of the statutory charge over retirement village land that protects payment of residents' departure entitlements, and simplify provisions for the cancellation of the notice on the title to retirement village land stating that the land is subject to the act.

The bill will also make special provision for owners of retirement village land that contains a 'supported residential service' under the Supported Residential Services (Private Proprietors) Act 2010. An owner must choose whether to be registered under that act or under the Retirement Villages Act. If the owner chooses the former, the process for the extinguishment of the statutory charge and the cancellation of the retirement village notice in relation to that land will be simplified by giving the director of Consumer Affairs Victoria discretion to waive all or some of the statutory requirements.

The bill will revive the provisions of the Retirement Villages Act that enable operators of aged-care facilities on retirement village land to have the statutory charge on the land extinguished and the retirement village notice cancelled by removing the long-expired limitation period.

Some confusion has arisen over whether the definition of 'owner' in the Retirement Villages Act includes residents who own their units, and whether the definition of 'retirement village land' includes such units. The bill will substitute new definitions of 'owner' and 'retirement village land' that clearly exclude these residents, to ensure that the obligations imposed on village owners and in relation to retirement village land do fall on them and their units, particularly in relation to statutory charges and retirement village notices, and disclosure to incoming residents.

To end confusion about when the act's rights and obligations cease to apply, the bill will clarify that the Retirement Villages Act applies to a village until the retirement village notice is cancelled.

Finally, the bill introduces changes to improve the operation of annual village meetings by requiring village managers to give residents notice of the meeting, including notice of the business to be conducted and, if a resident requests, copies of the meeting papers, and by allowing residents to retrospectively dispense with the need for village accounts to be audited.

The bill will also make a number of other minor clarifying and technical amendments to the Retirement Villages Act.

Part 4 of the bill will amend the Sale of Land Act to clarify the definition of a terms contract and the application of the terms contract provisions.

The amendments are the direct result of stakeholder concerns that legislative changes made in 2008 have resulted in the inadvertent exclusion of some contracts from the statutory protections afforded to terms contracts under the act.

The effect of the 2008 amendments is that if less than two payments are required under a contract after an entitlement to possession or receipt of rents and profits arises, the contract is no longer protected as a terms contract under the act. To address these concerns, the bill amends the definition of 'deposit' to ensure that all multiple payments terms contracts intended to be terms contracts will be captured by the terms contract provisions.

The bill will also clarify certain circumstances in which a terms contract is, or is not, created. In particular, the amendments will ensure that a terms contract is not inadvertently created where a purchaser is granted permission by a vendor to access the property before settlement. This change responds to stakeholder feedback regarding case law in which access of this nature has been considered to be an entitlement to occupation of the property, resulting in the creation of a terms contract.

However, the amendments will ensure that a terms contract is created where a vendor of tenanted premises grants the purchaser the right to the receipt of rents and profits before settlement. As in the case of a purchaser who is granted the right to possession before settlement, it is appropriate that this category of purchaser should receive the protections afforded by the terms contract provisions.

Finally, the bill will also ensure that any payment which a defaulting purchaser makes according to a variation of the contract in response to the default will not result in the inadvertent creation of a terms contract.

The effect of these changes is to clarify the circumstances in which the special requirements and protections relating to terms contracts will apply to a contract for the sale of land.

Part 5 of the bill will make a number of amendments to the Veterans Act 2005.

As we approach the centenary of the Gallipoli landings, it is important to focus on the wellbeing of the Victorian ex-service community. Recent changes to the veterans sector in Victoria, including the ageing of the veterans population, have brought to light a number of deficiencies in the current legislative framework for patriotic funds that require attention. The objective of these amendments is to make it easier for the trustees of patriotic funds to manage these funds and provide support to veterans and their dependants.

The bill will simplify the process for trustees who are seeking to transfer patriotic fund assets to other patriotic funds or charitable organisations. At present, under section 36 of the Veterans Act, where the trustee of a patriotic fund wishes to transfer patriotic fund assets to a charitable organisation located interstate, the trustee is required to obtain the approval of the Governor in Council.

As the number of Victorian veterans who have retired to aged-care facilities located in other states increases, it is important that patriotic fund trustees are able to continue to be able to provide them with support. However, the time involved in obtaining Governor in Council approval can cause problems where financial assistance is sought as a matter of urgency.

In order to address this problem, the bill will remove the requirement to seek Governor in Council approval for certain interstate transfers. Instead, the approval of

the director of Consumer Affairs Victoria will be required for transfers up to $1000 in any six-month period, and the approval of the Minister for Consumer Affairs will be required for transfers up to $5000 in any six-month period. These limits may be varied by regulation. Both the minister and the director will be able to seek the advice of the Victorian Veterans Council in determining whether or not to approve a transfer.

In order to maintain an appropriate level of oversight for larger transfers, the approval of the Governor in Council will still be required for transfers of greater than $5000.

As a related amendment, the bill also amends the Veterans Act to clarify that the director of Consumer Affairs Victoria, the Minister for Consumer Affairs or the Governor in Council, as appropriate, can validate a transfer of patriotic fund assets that was inadvertently made without the necessary prior approval. However, a transfer may only be validated if approval would have been granted if sought prior to the transfer being made. At present, it is not clear whether there is such a facility under the Veterans Act, and this has brought into question the legal validity of a number of these transfers.

The bill will also amend the Veterans Act to provide that the director of Consumer Affairs Victoria has a limited power to consent to amendments to patriotic fund trust deeds.

Many older patriotic fund trust deeds do not contain a power of amendment. However, over time, trustees have changed, or new deeds that use modern language have been adopted, even though there was no power to make these changes. The trustees of these deeds have sought to regularise this situation, but due to the lack of an appropriate facility in the Veterans Act, have been unable to do so.

Accordingly, the bill will amend the Veterans Act to enable patriotic fund trustees to apply to the director of consumer affairs for consent to amend or adopt a new trust deed. The power of the director would be limited to approving amendments that are consistent with, and do not alter the purposes for which the patriotic fund was originally established.

Lastly, the bill will amend the Veterans Act to provide for a process to enable two or more patriotic funds to amalgamate.

In recent years, in order to ensure ongoing financial viability, an increasing trend has been for adjacent RSL sub-branches to seek to amalgamate. However, at present, there is no facility under the Veterans Act to enable two or more patriotic funds to amalgamate. This means that these sub-branches have been forced to maintain accounts for two separate patriotic funds, which is placing an increased and unnecessary burden on these sub-branches.

Including a facility to enable patriotic funds to amalgamate will reduce the regulatory burden imposed on these RSL sub-branches, and will better enable them to meet the needs of veterans and their dependants.

Finally, part 6 of the bill will amend the Australian Consumer Law and Fair Trading Act 2012 to clarify that it is not a prohibited debt collection practice for a creditor to contact a debtor for the purposes of complying with the requirements of the national credit code.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Wednesday, 1 October.

DRUGS, POISONS AND CONTROLLED SUBSTANCES FURTHER AMENDMENT BILL 2014

Second reading

Debate resumed from 16 September; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Mr TILLEY (Benambra) — I am delighted to be given the opportunity to continue my contribution from last night on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. Getting down to the detail of the bill, its purpose is to enable a person to obtain a licence to manufacture perishable pest animal bait as a schedule 7 poison used to bait wild dogs, foxes or rabbits from a mobile facility located in the field. During my contribution last night I mentioned a good local and good friend who has served our community particularly well, Michael McCormack. We have certainly discussed the issue, particularly the challenges associated with transferring bait from the Department of Environment and Primary Industries (DEPI) depots up into those far-reaching areas, including Shelley, which has been significantly impacted upon by wild dogs moving from public land onto private land and plantations.

This issue reaching the bill stage is the result of a great partnership between community leaders and DEPI, and I congratulate them for their communication with HVP

Plantations and the national wild dog committee. That this has all come together in the spirit of cooperation is absolutely significant. We are getting there, but it has been a slow road. This is completely understandable, however, given that this is the first term of a coalition government that is still dealing with the carryover left by Labor. That much is obvious after listening to the contributions of speakers opposite who barely touched on the issue of wild dogs last evening. I can at the very least thank Labor for not opposing this bill despite the very limited and narrow knowledge its members have on this particular scourge on our primary producers.

Significantly no person has been attacked in the bush or on public land to date, although we have certainly had a significant number of stalking incidents. At the beginning of this year I was camping and doing a bit of prospecting with my family around Porepunkah. At night you can hear the dogs. You hear a few noises and you get that chill down your spine when you know you are being stalked. Unfortunately I did not have my rifle with me at the time. I would have been able to knock one off and probably make myself a quick $100. The fox and wild dog bounty has been a great program from the coalition government.

Ms Green — Did you see a deer?

Mr TILLEY — There are plenty of deer up there. I will save that for another time, when we are discussing deer.

I congratulate Greg Mifsud from the Wild Dog Action Plan Steering Committee on the work he has done. Greg has travelled this nation far and wide, and he is particularly energetic. The advice he has provided to me over the last two parliaments has been very sound and balanced. We have undertaken studies which prove that the DNA of the wild dogs in the north-east of Victoria contains less than 5 per cent dingo. So let us not sympathise with these dogs on the basis that they are Australian dingo. If you want to see an alpine dingo, which traditionally lived in north-east Victoria, you will have to travel to Steve Irwin's Australia Zoo in Queensland where you can see five purebred alpine wild dogs.

We need to minimise the impact these dogs are having. As a state we are making a strong contribution, working together with the other states and the commonwealth. I thank the federal Minister for Agriculture, Barnaby Joyce, for the work he has done in this field. The dogs do not know — —

Mr Wells interjected.

Mr TILLEY — The minister has done it again. He is starting to get into me. I need a moment to collect my thoughts.

I will return to Barnaby Joyce, who is now a member of the House of Representatives, and his work in addressing the issue of wild dogs on a national basis. Wild dogs do not know boundaries or borders. They do not know the difference between the eastern side of the Great Dividing Range and our side of the divide, or vice versa. They do not know state jurisdictions or boundaries. They do not know what the Murray River is. They cross all boundaries. We need to work together as a nation, not just as a state. I have absolute confidence in the work that the Minister for Agriculture and Food Security and his parliamentary secretary are doing in this state, which is part of the jigsaw of the nation, to address the predatory nature of wild dogs.

I also should mention Mark Mulcahy, a journalist in the north-east of Victoria who writes for the *Border Mail*. Mark has reported extensively on this issue for over a decade. He can relate the history of the drama surrounding wild dogs, from the neglect during the term of the former Labor government through to the coalition parties forming government in 2010. He has been critical of us at times and has held us to account. However, we have turned the corner, and Mark completely understands the challenges we have faced, particularly with a federal Labor government which refused to allow us to aerial bait. The federal Labor government allowed New South Wales to aerial bait, but it did not allow Victoria to do so. That was purely about politics, which we also see in this house every day from the opposition. However, since 2010 we have significantly changed our approach in an attempt to address this issue. Our methods have included introducing the wild dog bounty and then doubling it to $100, reintroducing Lane's traps, establishing community baiting programs, using fencing, and cutting red tape for wild dog controllers to work and impact further than in the 3-kilometre zone. We know that is important because in my area there are trees all the way to the coast. I am looking forward to the contribution from the Minister for Local Government, who is the member for Gippsland East, because we share many of the problems with wild dogs. Benambra might not be in his patch, but wild dogs in his electorate probably move across to my side.

This bill is very important. I hope we can get it passed quickly so that we can put those baits in the field and get these people licensed.

Mr LANGUILLER (Derrimut) — I always enjoy making a contribution following the good member for

Benambra, with whom I shared time serving on the Road Safety Committee. It is always useful for members who represent city seats, whether they be in opposition or in government, to listen to debates about issues that affect members from rural seats. I place on the record my sincere appreciation for the good work that farmers and people in regional and rural areas undertake on our behalf. Those of us who live in cities enjoy their produce. It gives me pleasure to challenge myself to learn and get my head around the complexity of the issues that people who work in primary industries face.

My first job in this country was on a farm. I know people may find that hard to believe, but my first job was in Echuca. In those days there were tobacco farms. Many people who live in those regions would remember that there were many families there who came from Italy, Spain and other countries. I remember arriving at the hostel for migrants and refugees. One day later I was picked up by good old Charlie, who asked me, 'Do you want to come and work?', and got me a job. I worked on a farm. In those days farming in tobacco was tough. I cannot say that I want to go back there, but I learnt how tough it is to earn a living on the land. From that time I have made many other friends in the farming industry, and the dairy industry in particular, and I still have those friendships today. These people work in the dairy industry, including Dairy Australia and various other bodies. I will not name these people so I will not damage their reputations, but I have a lot of respect for them and the work they do.

The Drugs, Poisons and Controlled Substances Further Amendment Bill 2014 will provide for a licence to be issued under division 4 of part 2, poisons and controlled substances: licences, permits and warrants in respect of a mobile facility. As those engaged in or familiar with the sector will know, a mobile facility is defined for the purpose of a mobile facility licence to mean a trailer or a vehicle that is suitably fitted out or contains equipment and apparatus for the purpose of the manufacture of perishable pest animal bait, which is a schedule 7 poison.

The bill will introduce a new provision to enable a person to obtain a licence to manufacture perishable pest animal bait to deal with wild dogs. I concur with other speakers who have raised their concerns about wild dogs, foxes or rabbits and the fact that they are in the main foreign to this country and the nature of this wonderful continent. A mobile facility will be particularly useful to people in remote and complex areas where there is no access. We need to equip these men and women to deal with the challenges they confront.

The standards that will apply to mobile manufacture and requirements for the site where mobile manufacture will occur will be contained in a document of the Department of Environment and Primary Industries, *1080 Victorian Code of Practice for the Manufacture of Perishable 1080 Pest Animal Bait Products (Using 1080 Aqueous Solution)*. I will not even attempt to pronounce the scientific terminology for 1080, as it is called — and I glad someone came up with that name.

The bill also introduces a new provision that allows for compliance with codes or other documents to be made a condition of a licence, permit or warrant issued under the act. As I understand it, at present there is no express authorising power in the act to mandate compliance with codes or other documents as a licence, permit or warrant condition.

Members would be aware that 1080 is a colourless, odourless and tasteless compound. I understand it was first used in Belgium in 1896. Thereafter it was also used in the United States, starting from around 1940. As I understand it from research, it was first used here in the 1950s. From then on it has been widely used in Australia and New Zealand and indeed in other countries. Across the mainland it is used to poison rabbits, wild dogs, foxes and feral pigs. It is also used in Tasmania to poison native mammals. It is used in bait, and I understand from the briefings provided to me that it is as good as it gets.

It is important that we support this bill because it goes a significant way towards supporting primary producers, those who work on the land. Labor members will not oppose the bill, as we are cognisant of its importance. We will continue to support a coordinated approach to pest control in rural and regional Victoria, which includes the use of baiting. The poison is in widespread use in Australia because of its effectiveness against common pests, in particular wild dogs and foxes, as I said earlier. I understand 1080 is quite targeted and affects dogs much more than other animals. It is also relatively cheap and easy to use. Importantly for the purpose of environmental concerns, 1080 is biodegradable and therefore it is good that we use this one.

Wild dogs attacks pose a threat to primary industry. According to the Department of Environment and Primary Industries wild dog attacks kill in the order of 1900 sheep per year on average, along with other livestock. That is quite serious. Wild dogs are also known to target native wildlife, including endangered

species. It is important to deal with them for those reasons. Wild dogs pose a threat through the transmission of diseases and parasites, some of which can also affect humans. That is an additional reason for dealing with them. As has been said by members on both sides of this chamber, the bill will be particularly beneficial in remote parts of Victoria where it can be difficult to obtain access to fresh bait, and this is particularly so in the north-east. The bill will enable manufacturers to respond to demand for fresh bait in remote parts of the state.

Controlling wild dogs and other pests is a matter of urgency in Victoria. That is why Labor supports the government in ensuring that this legislation gets through — because we recognise how important this is to farmers, primary producers and people who work on the land. We are there to support them, as we understand this is an important measure. I will not claim to be very much across the use of this product, but I am certainly across the benefits of primary producers, because it is people like me and the constituents I represent who walk into Safeway, Woolworths, IGA supermarkets and other shopping outlets and purchase the products that those good people work hard to produce.

With those few remarks, I say this legislation is good for farmers and good for dealing with pests, including wild dogs, and it will ensure that our primary producers have an additional weapon in their hands, so to speak, in producing what everybody consumes in this country.

Ms McLEISH (Seymour) — It is with pleasure that I rise to make a contribution to the second-reading debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. There is no doubt that the coalition is building a better Victoria and that as part of this we are building a better future for Victorian farmers. As we know, when the regions do well, Victoria does well.

In the last sitting week I spoke on the Primary Industries Legislation Amendment Bill 2014 and the importance of protecting our herds from disease, which is so important in protecting our domestic and export markets. The protections I support this time also concern the agriculture sector, in particular livestock and predation, disease and pathogen transmission.

With this bill the coalition addresses the final key component of our comprehensive action plan for wild dogs, which was launched in December last year. We are certainly making a difference in getting results for rural and regional Victoria, which is something that as a member of the coalition I am extremely proud of. The purpose of the bill before us is to increase access to fresh-meat baiting and to improve access to good quality 1080. It is about getting those fresh baits closer to the target areas. As part of that, amendments are made to the principal act to provide for a licence to be issued for mobile facilities that can be used to manufacture and supply perishable animal baits; to further provide the terms and conditions that apply to licences, permits or warrants that are issued; and to make minor and consequential amendments.

I set the context by outlining the problem. We know that wild dogs impact very much on our agricultural and social assets and our biodiversity. The impact of wild dogs is felt very heavily by primary producers. In particular they prey on our livestock — sheep, cattle and goats. In the new Eildon electorate, this is particularly prevalent around Mansfield, Merrijig and Barjarg in the High Country. I have mentioned that wild dogs prey on livestock, but they can also transmit disease and pathogens to humans and livestock. The cost of wild dogs to Australia is very conservatively estimated at $48 million to $60 million per annum. That is a conservative figure. In Victoria that figure is between $13 million to $18 million. We also know that wild dogs affect more than our livestock and agricultural industry, because they also prey on native fauna. There are some 14 mammals that have been identified that wild dogs attack. We also have the impact of wild dogs on purebred dingoes, one of Australia's very well-known native animals. The more they crossbreed, the more it dilutes the pure breed in the dingo population.

The coalition government has got on with the job of trying to tackle the problem of wild dogs, because it includes country members who have wild dogs in their electorates. We have done quite a number of things since coming to government. First of all we introduced the wild dog bounty, which started at $50 and ended up at $100 per scalp. It is pleasing that some 1441 scalps have been handed in, and there is a wild dog collection point in Mansfield. Just as an aside, we have also had that bounty on fox scalps and to date some 317 491 scalps have been handed in, which is well in excess of $3 million in bounties. I think that demonstrates the extraordinary success of the bounty program. In my electorate, scalps are handed in at Mansfield and Broadford.

The coalition has also expanded community baiting programs. We have cut red tape so that wild dog controllers can work outside the 3-kilometre buffer zone. We have allowed baiting deeper than ever into remote Crown land areas. We have reintroduced Lane's traps, and we have established the Wild Dog Control

Advisory Committee. In this current year's budget we have provided $1.84 million for aerial and ground baiting in remote areas. That will be of particular help to farmers in the High Country of north-east Victoria and Gippsland, and it is on top of $14 million already forecast over the next four years to help farmers fight this vicious pest.

The methods we are introducing are effective and coordinated and include the humane management of wild dogs. These are things that Labor did not do. Labor's pathetic FoxStop program brought in just over 20 000 fox scalps in three years, compared to the 300 000 scalps that have been brought in since we came to government. We cannot trust Labor to act on the wild dog issue, because members in its city branches are very much opposed to baiting activity.

The bill has an amendment to allow the secretary to issue licences for mobile facilities suitably fitted out to manufacture, sell and supply perishable pest animal bait that is a schedule 7 poison. We are setting the conditions for the above. The schedule 7 poisons are dangerous, with a high potential to cause harm at low exposure, and they require special precautions during their manufacture, handling and use. There are risks associated with using these poisons, so the controls around them are quite strict, and there are certainly limitations as to who can deal with them safely.

Sodium fluoroacetate, or 1080, is well known and has been widely used for decades. Well before I was born it was used for rabbit control, and now its use has been extended to the control of foxes, wild dogs and feral pigs. Currently it is sold as shelf-stable dried meat or grain-based or perishable bait prepared from meat or carrots. Due to its nature, the perishable bait has a very short shelf life of three days from manufacture. At present, landowners may be required to travel some distance to get the bait. There are only nine organisations that are licensed to participate in the manufacture of live bait, so the location of those manufacturing points is somewhat limited.

A review found that introducing mobile baiting facilities would be beneficial because it would allow those particular handlers and manufacturers to move to work from remote locations, allowing more areas to be targeted in a much more efficient way. Those who now operate from fixed premises and comply with a manufacturing code of practice will be able to participate in the mobile facility practice. This practice is to be used in limited circumstances, but it will allow for a greater coverage of areas with live fresh bait, which has a much more powerful impact. We might have community groups or Landcare groups, for example, who want to help in certain areas and target a large area. They can work together, get the mobile facility out there and get areas covered as widely as possible in a short period of time without having delays and the risk of the bait itself going off.

This is about providing protection for our farmers. I mentioned the predation on sheep, cattle and goats. It has been estimated that some 1900 sheep are attacked each year, and that is pretty horrific. I know of farmers who have experienced these problems and think that the wild dog problem needs effective management and a variety of controls. The coalition government has put in place a number of different practices to tackle this from as many angles as possible. Being able to move mobile facilities from a fixed point of manufacture and allow them to get out into the field so that more people can take advantage of fresh bait and have a better chance of success is innovative. It is important that we tackle as many wild dogs in as many different ways as we can.

I commend the department and the minister's officers for the work that has been done through health but primarily through agriculture. It will complement the work done in this area by my parliamentary colleague and Parliamentary Secretary for Primary Industries, the member for Benalla. I have been to forums he has participated in, and I know how seriously he has driven this matter on the part of the coalition. I am very thankful that he has done that, and many farmers in the high country in particular appreciate the work that is being done. I wish the bill a very prompt passage through the Parliament.

Ms HALFPENNY (Thomastown) — I rise to speak on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. As has already been stated, the bill is not opposed by Labor. We are not debating the use of sodium fluoroacetate, or the chemical 1080, because it has been used for many years. The bill is about the way it is used and our ability to legislate for mobile facilities to be used by people who are required to do baiting to get rid of wild animals that are destroying native animals and livestock where the animals are because the chemical deteriorates very quickly. The Thomastown electorate does not have a problem with wild dogs and rodents, although there are certain problems with possums. There may be problems following the electoral redistribution because the electorate will now extend out as far as Wollert. However, I understand that there it is kangaroos rather than wild dogs and animals of that nature for which the bait is used.

A number of people in the electorate are concerned about animal welfare. I understand the RSPCA does not

oppose the use of 1080. In fact it says that while the use of this bait may not cause the death of a feral animal in the most humane way, there is really no alternative at this stage, and the organisation understands the need to get rid of this sort of problem in regional and rural Victoria to help farmers. It is necessary to ensure the security of livestock and protect farmers' livelihoods as well as to ensure that native animals do not become prey and are wiped out as a result of feral animals that are growing in great numbers and ruining all aspects of the environment and businesses. The RSPCA understands that this type of chemical needs to be used.

The use of the chemical 1080 as bait commenced in the United States in the 1940s. It was banned for a time, but its use recommenced in 1985 in the United States, Mexico and Israel. However, it is used most in New Zealand, and a considerable amount is used in Australia. As I said, the bill is not about arguing the pros and cons of the use of sodium fluoroacetate, or 1080. It is about the way it can be used to make sure it is most effective, and it is most effective if it is prepared in a mobile facility — mixed up on the spot — rather than being mixed up in one area and then being transported for long periods of time and over lots of kilometres to remote areas, whether that be in national or state parks or on farmers' properties in regional areas.

We should always look at the effect of chemicals on humans and any significant risk from their development, production and use. It is important to ensure that their use is safe and that people are not put at risk of chronic illness, poisoning or any carcinogenic effect in the future. There has been quite a lot of evaluation and research into the effects on humans of handling chemicals, mixing them up and making the bait. As I understand it from the research, which was re-evaluated as late as 2011, while the chemical is very poisonous to humans and there is no antidote, protective clothing and other protective gear as well codes of practices and regulations on the handling, use, storage and transport of this chemical can ensure that the risk posed to people is kept to a minimum. In terms of the use and production of sodium fluoroacetate, or the bait, for wild dogs et cetera, there are codes of practice in place and proper evaluation has been made to ensure that people are not put at risk.

It is always a concern if there is any watering down of the responsibilities of organisations such as the Victorian WorkCover Authority, or WorkSafe, It is vital that where we have codes of conduct and regulations, they be complied with and that we have inspectors and proper penalties. These things are needed to make sure if we are using poisonous chemicals such a sodium fluoroacetate — wherever they are used, whether in remote areas or in the city — that people are given appropriate protective clothing and receive proper instruction and that proper compliance codes are in place to ensure that all aspects of its handling are safe.

The legislation does not reduce regulation in relation to safety but ensures that the codes of practice continue to ensure safety. As I mentioned, it is also vitally important that authorities such as WorkSafe are given the resources and instruction from the minister that are necessary to ensure that the codes of practice are complied with and that there is checking even if a mobile kitchen is making up 1080 in a remote area. We must make sure that such facilities and the areas in which people are working have been checked and are as safe as they possibly can be.

The other issue is that other animals we do not want to target are also prone to eating this bait and being killed off. Again my understanding is that this is minimal. As I mentioned, the RSPCA has made statements to the effect that it understands this bait is necessary, as when it looks for alternatives there are none, and therefore this bait needs to be continued until some better alternative is forthcoming — and I am sure we would all be happy to see that.

In my final remarks I would like to commend the RSPCA for all the good work it does in the electorate of Thomastown. It has an animal shelter and pet shop where it does a lot of good work educating the community about looking after animals. I am very proud that the Labor Party has given an election commitment to provide extra funding to the RSPCA to carry out its good work. I am also proud that we are standing up against puppy farms, which are cruel to dogs and do not treat them the way everybody believes a life form should be treated — that is, in a humane way and not just for profit.

Mr McCURDY (Murray Valley) — I am delighted to rise and make a contribution to the debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. I say at the outset that I was delighted at the contribution of the member for Thomastown. I assume Thomastown is an area in which there are not a lot of wild dogs, but the member has certainly taken the time to understand this bill and she is supporting the bill, which I think is very important. My constituents and the people in the Murray and Ovens valleys are very grateful for this bill coming into Parliament. Sometimes in this place we speak on bills on matters that we are not completely

familiar with because they are not our core business, so I again thank the member for her contribution.

The nuts and bolts of this bill are that it enables the issuing of a mobile facility licence for the manufacture of animal baits that are schedule 7 poisons at a mobile facility and authorises their sale or supply from that mobile facility location. It will also allow a condition of a licence or permit under the Drugs, Poisons and Controlled Substances Act 1981 to mandate compliance with any code prescribed or published by any person or body. Furthermore, it allows a condition of a licence, permit or warrant issued under the act to mandate that the holder also hold another licence, permit or warrant. It also replaces the definition of 'commonwealth standard' with the new definition of 'poisons standard', and it makes other minor and consequential changes.

Wild dogs are a considerable impost on north-eastern Victoria. They are not a huge impost on my electorate of Murray Valley, where I reside, but they are a significant issue further up the valley and, as the redistribution takes hold, they will be in the Ovens Valley towards Mount Hotham, in communities like Edi and Bright and in communities near Beechworth, where my electorate borders that of Benambra. I have touched base with many farmers in that region. Wild dogs are close to the no. 1 issue for many farmers up there, and they are absolutely delighted that we are taking a proactive approach on this. Farmers have been screaming for many years for assistance to fight these very difficult predators.

For those who do not understand, wild dogs attack at all hours, day and night. They sometimes kill to eat, but mostly it is a 'thrill kill'. Wild dogs really are killing machines. Up until now the farmer has been fighting with one hand tied behind his or her back, because it has been very difficult to combat these wild dogs.

Mr Howard — Acting Speaker, I call your attention to the state of the house.

Quorum formed.

Mr McCURDY — I am very grateful to have more support here as I talk about wild dogs and the communities of the Murray Valley and the Ovens Valley, because wild dogs are an important issue. As I said earlier in my contribution, farmers have been crying out for support for many years. It has taken a coalition government to finally make these changes, and we in the government are delighted to be doing so.

The request to introduce a mobile facility licence to enable the manufacture and supply of schedule 7 poisons was made by the Minister for Agriculture and Food Security following a review in 2013 of the availability of 1080, a perishable pest animal bait. The review found that field site manufacture of 1080 perishable animal bait would benefit landholders in north-eastern Victoria. Currently these landholders need to travel some distance to purchase the bait, which has a life of only three days. Someone like yourself, Acting Speaker, coming from Mildura, will understand the tyranny of distance when you have a three-day window. Landholders have been saying that a mobile facility would make it a great deal easier for farmers to combat this predator.

As I mentioned, the poison we are talking about is 1080 — sodium fluoroacetate, a schedule 7 poison — which was first used in Australia in the 1950s to combat rabbits. The member for Rodney has spoken extensively in this place about rabbits and how they have been a blight on our land over the years; he has made some meaningful contributions on that issue. These days 1080 is used in Victoria to control pests other than rabbits, including foxes, wild dogs and feral pigs.

Classed as an agricultural product, 1080 bait is regulated by the Australian Pesticides and Veterinary Medicines Authority and comes as either a shelf-stable dried meat or grain-based bait in a form that goes into meat or carrots, or as a perishable bait with a short shelf life. The perishable form must be used within three days of manufacture. That narrow window is the biggest concern our farmers have. Local farmers in my area, such as those in Myrtleford, Edi and Everton, require a permit from the Department of Environment and Primary Industries to use 1080. The introduction of these reforms is a tremendous initiative on the part of this government.

It is important to recognise that the licensing of a mobile bait facility will not include the introduction of any new penalties. A mobile facility licence may be suspended or cancelled if the terms and conditions, limitations or restrictions are not complied with, as is the case for licensed permit holders at fixed premises.

In the limited time left I will briefly touch on the National Wild Dog Action Plan. It is a plan that Victoria has made a significant contribution to. It is a terrific initiative and is about stakeholders working together to try to deliver effective and coordinated management of wild dogs throughout the whole of Australia. As the member for Benambra said, wild dogs know no boundaries — they do not know the difference between New South Wales and Victoria — so we want to take a national approach.

The plan provides direction for the national management of wild dogs — that is, to minimise their negative impacts on the agricultural biodiversity and social assets in our communities. The plan is industry driven, and I have been part of formulating this plan at various meetings. The plan is an initiative developed in response to increasing numbers of wild dogs throughout the Australian mainland and their increasing negative impact on primary production and the environment. There is a need to take a national coordinated approach to dealing with these issues.

Members of the coalition government are working with regional communities, and we are very proud of the partnerships we have formed with those people. As I said earlier, it took a coalition government to understand these regional issues and to get on board and not just talk about the issue but make changes to legislation, which is what we are doing here.

Members of the coalition stand shoulder to shoulder with farmers in our communities. These changes are a perfect example of the partnerships that we deal with. We are now baiting deeper than ever before. We are reducing red tape in this area and introducing various other methods to help fight wild dogs.

While the member for Benalla is in the house I take this opportunity to say that he has made a significant contribution to these action plans to assist farmers in our communities. He is retiring at the end of this year, and his will be a great loss, because our communities certainly have respected the work that he has done in this field, and we hope that the rest of us can further that work as we move forward. I commend the bill to the house.

Mr EREN (Lara) — I too rise to make a contribution to the debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. As mentioned earlier, Labor is not opposing the bill.

Like many other members in this house, I am proud to represent a regional and rural electorate. My electorate of Lara covers a fair bit of ground, and agriculture and farmers play a very important role not only in the lives of the people who live in country Victoria but also those who live in the city. It is because of that that we must face the very important challenges that present themselves to farmers. I must admit that on occasions the present government has come up with some decent legislation and brought it before the house, but on other occasions the government gets it wrong. It is then up to opposition members to try to correct the legislation, and sometimes government members do not listen to us. Often they then have to come back in a few months time and correct the record and redo their legislation accordingly. If they only listened to Labor on more occasions, they would probably get it right the first time. On this occasion government members have brought before the house legislation which will make things easier for farmers in regional and rural areas, and that is why we on this side of the house are not opposing the bill before the house.

Serendip Sanctuary in my electorate is a wonderful location. I advertise the sanctuary to all Victorians — indeed to all Australians — because it is a wonderful place for tourism. Many people visit Serendip Sanctuary, including children from many local schools. Recently I had the pleasure of going to Serendip Sanctuary with children from Lara Primary School, a school in my electorate. The primary students educated me about the wildlife that exists in that location and the threats to it from such pests as foxes and potentially wild dogs. It is very important to maintain those areas. From my work in my shadow portfolio of tourism I know that such areas are very important not only for the local residents but also for the economy more generally and for the tourism industry in particular. This bill seeks to improve access to perishable 1080 bait, and it will enable those people in rural and remote areas who need the bait to access it with more ease and security.

Not long ago I had a look at the parliamentary library's information service research brief on 1080 poison. The library is a very informative place. I am not sure whether many members make full use of it, but I certainly appreciate the work that its staff do, and on this occasion they have not let us down. I have been educated on the issue of 1080 bait, which is sodium fluoroacetate. It is a highly poisonous substance used widely in Australia as a pesticide for pest control in agricultural production and to try to reduce the numbers of invasive introduced species, such as foxes, to help the survival of native species.

The background of 1080 is that it is a colourless, odourless and tasteless compound first synthesised in Belgium in 1896, and following United States-led research in the 1940s it was first used in Australia in the 1950s as a rabbit poison. It comes in powdered or liquid form, which may be dyed blue, and it is loaded onto baits — for example, carrots, oats or meat — for pest animals to consume.

Across mainland Australia 1080 is used to poison rabbits, wild dogs, foxes and feral pigs, and obviously there are arguments in favour of and against its use. The proponents of the use of 1080 poison, including government primary industry departments and farmers, argue that 1080 is the most effective way to control

pests and the best poison currently available because of its low cost, potency and ease of use. They also argue that 1080 is relatively species specific and less indiscriminate than strychnine or arsenic and that it is biodegradable and has a low risk of contaminating the environment.

Those who argue against the use of 1080 claim that 1080 baiting is controversial because of increasing public awareness of animal welfare issues. Such concerns centre on the length and intensity of suffering experienced by poisoned animals prior to dying and on the risk of native and non-target species being poisoned, including domestic animals. I have two dogs which I love very dearly, so I understand that we all need to be very careful about the use of poisons. Indeed we also need to consider farmers' dogs, which assist farmers in their duties. I am sure the farmers will be very careful in using this bait, and I am sure a minimal number of domesticated animals will be affected by it. The library's research brief is very informative, and I thank the library for it.

This bill amends the Drugs, Poisons and Controlled Substances Act 1981 in two key ways and through technical and administrative adjustments which are intended to function to provide people with a greater level of ease in getting the 1080 poison. The bill has provisions that will enable a person to obtain a licence to manufacture from a mobile facility located in the field perishable pest animal bait that is a schedule 7 poison used to bait wild dogs, foxes or rabbits.

This poison is advantageous not only for individuals who need poisons for their own property but also for local community groups, especially Landcare groups. With the ability to acquire and produce their own poison, individuals and groups are able to provide for strategic management of wildlife in their areas. A high standard of care is applied to our ecology. As we are the gatekeepers — if you can call us that — of the environment and our surroundings, we have a high onus to take care of and protect the natural surroundings that exist in many electorates.

Mr Bull interjected.

Mr EREN — If you want to live in my electorate, just say so, mate!

In my electorate of Lara a large portion of the land is either agricultural or grassland, which means wild animals are a common issue. I appreciate that such issues often give rise to a number of problems, which is inevitable in rural and regional communities. We know what it is like. I place on the record that around Geelong and in my region another very important matter for farmers between 2002 and 2010 was the significant drought we went through. A lot of consideration was given to how we could assist not only the wider Geelong area in terms of industry but also the farmers in terms of accommodating their need for water. That involved decision-making that had to be done very quickly. At one point I think the water levels in Geelong were reduced to about 10 per cent. That could have had a dramatic effect on how we lived our lives in that area, and we are very proud of the proactive measures we took to ensure that not only farmers but also residents had the water supplies they needed for the coming years.

As I have indicated, farmers are very important to how we live our lives. Every time we sit down to either a big steak — and on occasion I do not mind a steak — —

An honourable member — A rack of lamb.

Mr EREN — A rack of lamb, indeed. You forget where it all comes from. It comes from the sweat and hard work of the farmers out there, and we really appreciate that work. Bills such as this come before the house on occasion to assist those on the land, and on this side of the house we are very pleased to be able to assist the very hardworking farmers. Having said all that, I wish the bill a speedy passage.

Mr BULL (Minister for Local Government) — It is a pleasure to rise to make a contribution to debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. I say up-front that wild dogs are a terrible scourge in our society, particularly for our rural sector and particularly in my electorate of Gippsland East, in the electorates of Benalla and Benambra and in the soon-to-be electorates of Ovens Valley and Eildon. This government has taken enormous steps in attempting to control wild dogs and combating the impact they have on our rural sector. There are number of tools in the toolbox for controlling wild dogs. Baiting is not the only one. We have extensive trapping programs. We have these dogs shot. We also have the public contributing via the wild dog bounty program. This government has added a number of tools to the toolbox of those who are trying to combat wild dogs.

As I said, this is a big problem in my electorate. Just last week I met with landholders who came down after having lost sheep to dogs on the two previous nights. I get very bemused when I hear in some sections of our community descriptions of some control methods as being cruel. Some believe trapping is cruel, and some

believe baiting is cruel. I can assure members there is nothing more heartbreaking than a farmer getting up in the morning to see his dead stock — his dead lambs — lying in the paddock and the surviving sheep often walking around literally with their intestines dragging on the ground. If we want to talk about cruel, that is real cruelty, and that is the type of thing we are trying to combat through our various measures.

In my electorate, from the Licola Valley, where we have a very effective dogger in Terry Higgins, up through the Dargo area, where Wayne Peters is, to the Tambo Valley, where there are a variety of doggers, out to communities such as Benambra, Omeo, Ensay and Swifts Creek, over to Buchan and then right up to the north-east, north of Cann River and up in the communities around Bonang and Bendock, we have an enormous wild dog problem. We have been faced with a situation in which many of our rural landholders are going through such hardship that it is just heartbreaking for them, and in many cases it is very depressing waking up to what is going on.

This government has made a number of reforms, and I know this has been touched on by previous speakers. We retained the 72-hour trap checking, when some in the community wanted to reduce the time period to 24 hours. We have reintroduced Lane's traps, which were banned under the previous government but which our doggers wanted. The Lane's traps, which are slightly larger traps, have been put back into the toolbox of measures that can be used in combating the dogs. We introduced the wild dog bounty, which so far has meant there are more than 1400 fewer dogs not only running around and killing sheep in our communities but breeding up. We also reintroduced aerial baiting, which had been stopped by federal Labor, which had opposed it. We stood up for that, and with the change of federal government we have been able to reintroduce aerial baiting in Victoria. It was absolutely ridiculous that it took this long and could not be introduced earlier, but with the change of federal government, as I said, we now have aerial baiting.

We have also streamlined the controls around operating outside the 3-kilometre buffer zone to make it a 72-hour turnaround, which has been very much welcomed by the rural sector, our farmers and also by those within the department — our doggers — who are at the coalface fighting this problem. Even more importantly, as well as streamlining operations, we will take this a step further: I was absolutely delighted recently when the minister announced that, upon being returned to government, the 3-kilometre buffer zone would be abolished.

Mr Howard — Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Mr BULL — As I was saying, we have introduced a whole range of measures that are assisting our rural sector, our farmers and people within the department. I commend the opposition for supporting the bill, but it would also be good if the next opposition speaker was prepared to say that the opposition will support the 72-hour trap checking, support the reintroduction of Lane's traps and not abolish them again, support the wild dog bounty and, most importantly, support aerial baiting. These are all very important dog control measures that we need to maintain and that we cannot have removed as we continue to combat this absolutely massive problem.

I want to talk about instances in some of our rural areas, and particularly in the Licola and Tambo valleys. We have had instances where wild dogs will travel many kilometres to impact on sheep and stock. In some cases the signs our doggers have of the dogs that are impacting on private freehold land is 6 or 7 kilometres away from the private freehold property. In the past there have been serious restrictions on doggers if they wanted to undertake trapping, baiting or shooting outside the 3-kilometre buffer zone to private freehold. In streamlining this process we are allowing doggers, with a 48 to 72-hour turnaround, to get out in the wider bush to impact on these dogs, which are killing predominantly sheep but also in some cases calves and other livestock like goats and farm dogs. We have streamlined this process.

The minister's announcement that he will remove the 3-kilometre buffer zone has not gone down well with some who believe that dog control measures should be restricted to the lands adjacent to freehold and within that 3-kilometre zone, but the reality is that sometimes to get these killing dogs you have to go into the wider bush, where these expert doggers find the first traces of them, and sometimes this will take a dogger 5, 6 or 7 kilometres away from private freehold. Therefore this is a great initiative of the minister, and I certainly hope these flexibilities around dog control actions will be ongoing, regardless of who is the government of the day.

The significant changes in this area have been very well received. I do not think there are too many in the house who can understand the hardship, trauma, stress, pressure and depression that occurs when these farmers get up, morning after morning, only to find their sheep with their stomachs ripped out of them by a pack of

dogs that has been engaged in nothing more than thrill killing on their property. This needs an enormous amount of resources thrown at it; it also needs flexibility within the guidelines to combat these dogs. We have increased the number of doggers on the ground with the employment of a number of casuals and also contractors. I hope that everyone who speaks in this house tries to gain a true understanding of the hardship these dogs cause to our farmers, who we need to feed the country. I wish the bill a speedy passage, and I commend it to the house.

Mr HOWARD (Ballarat East) — I am pleased to add my contribution to the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. As we have heard from previous speakers, the bill focuses on the ability to licence manufacturers to be able to manufacturer 1080 poison from a local facility that can be located in the field, close to the site where dog baits are to be used. The bill also tightens up the responsibilities of people who are manufacturing and providing 1080 poison, and it streamlines the issues associated with the code so that the activities in the code will be more easily clarified.

In my earlier roles as Parliamentary Secretary for the Environment and Parliamentary Secretary for Agriculture I was pleased to travel to the north-east of the state on a number of occasions to meet with landholders. Upon meeting farmers who have sheep properties in the north I heard some of their accounts of regularly finding sheep attacked by wild dogs, and I picked up on the great distress and frustration they feel when they have been breeding up their flocks of sheep and have been very pleased with the outcomes of their breeding season but then find that their flocks have been devastated by wild dogs.

It has been very difficult to track down these wild dogs and kill them off. Clearly some of them are very large animals, and they take quite a deal of tracking if they are to be hunted, and that is why there has been the need to look at alternative means of getting rid of them, either by trapping or baiting them. We do not oppose the bill. It makes sense to enable the 1080 bait to be produced locally because it is best when it is fresh, and when using 1080 poison on dogs it needs to be placed on meat and produced in a fresh manner. Clearly it is a significant issue in the north-east of the state in particular, and we need to support the landholders in as many ways as we can to ensure that we reduce the threat from wild dogs. This does, however, have to be balanced. Obviously when you are looking at the use of poisons, you have to do some serious evaluation and be satisfied that in using that particular poison — in this case it is 1080, or sodium fluoroacetate — you are not going to see a whole lot of other non-target animals killed. There has been some concern in our community and across the world in regard to the use of 1080 and its potential effects on non-pest animals.

I have been pleased to read the research brief produced by the parliamentary library. It has been interesting to learn of the history of the use of 1080 and to note that it is used extensively in Australia. It is used more heavily in New Zealand, however. New Zealand probably uses more 1080 than any other country in the world. Why is 1080 used more extensively there? The interesting thing about New Zealand is that it does not have many native mammal species. It is far different from Australia. Surprisingly, the long-term development of New Zealand has meant that it has a very different biological background to Australia. New Zealand does not have the marsupials we have here that we want to protect, so it has been able to use 1080 extensively. It has problems with a number of introduced species. There are many more pest animals there, including possums, foxes and dogs.

In Tasmania 1080 is also used extensively. There it is not only used for rabbits, foxes and dogs, as in Victoria, but it is also used to poison Bennett's wallabies, Tasmanian pademelons and brush-tailed possums. In Victoria many people would be somewhat concerned about that and would know that 1080 poison can kill native animals, so we have to get the balance right in terms of the way we use 1080.

It is also interesting to look at information on the susceptibility of various animals to 1080. Oddly enough dogs are far more susceptible to 1080 poison than any other species I have seen listed on our chart. Pademelons come second but need double the dosage based on body weight. Humans require 40 times the dosage of 1080 that would kill a dog. There is another concern in relation to birds like eagles and to other animals that we know would take a meat bait. It takes between 50 and 300 times the amount of 1080 that would kill a bird to kill a dog.

There are some safety concerns around using 1080 meat bait to kill dogs. In my younger days growing up in the Geelong area I would go out to the country, particularly to the You Yangs. I remember seeing on a number of occasions 1080 bait out there. As a child, I saw lots of carrots put in nice little furrowed rows in different parts of the countryside around the You Yangs. I was advised by my parents, 'Make sure you don't touch those carrots in that furrow because it is 1080 poison to poison the rabbits in the area'. Back in the 1960s, 1080 was used extensively for rabbits, but it is not used much now because of the success of

myxomatosis and a range of other treatments for rabbits, including ripping up the burrows and things like that. We have not had the need to use 1080 so extensively in Victoria in the last 40 years, but clearly when it comes to wild dogs it is another issue.

We have been looking at poisons for foxes too. In my area foxes are of far more concern to sheep breeders than wild dogs. We do not seem to have many wild dogs in the area in which I live; they seem to come out of the more heavily forested areas in the north-east. In many other regions across the state foxes have been a serious concern to sheep breeders. Around my farm property in Waubra ahead of the lambing season some of my neighbours will be out shooting at night. I will hear them shooting or see their lights across my paddocks or across neighbouring paddocks and I will know they are shooting foxes to ensure that when the lambing season comes around they will be less of a threat.

Clearly there are still a number of foxes around many regions of our state, including right into the urban areas of Ballarat and even into the urban areas of Melbourne, which causes many problems. Where foxes are in urban areas we have to be very careful about baiting them. In the rural areas it is generally safer. We need to be careful using 1080 in areas where there are domestic dogs.

Labor is happy to support the bill. I do not know why it has been brought on so late.

Mrs POWELL (Shepparton) — I rise to support the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014 and to say that I am delighted it has bipartisan support and that the Labor Party will not be opposing it. The bill amends the act by making a number of technical administrative adjustments, but it mainly enables a person to obtain a licence to manufacture perishable pest animal bait that is a schedule 7 poison used to bait wild dogs, foxes or rabbits from a mobile facility in the field.

Most people who have spoken about this bill understand its importance and how much it is needed by people, particularly by those in the north-east. The poison 1080 is a well-known and important tool in the control of wild dogs, foxes and rabbits in Victoria. I know it will be of great benefit to farmers and landholders in the north-east.

A number of years ago I used to represent the north-east. I was a member for North Eastern Province in the upper house. This was one of the big issues landholders raised with me about the effect on their stock, whether it be sheep, cattle or calves. Wild dogs had an effect on their livelihood and on their stock. I have seen photos of some of the animals that have been mauled and killed by wild dogs, and they are pretty horrific. I know the Minister for Local Government, the member for Benalla, the member for Benambra and the member for Murray Valley have all spoken about this. The last three represent the north-eastern part of the state and understand the need for this legislation.

As I said, some of the photos the farmers showed me were pretty horrific. Some of the animals had been left to die and had not been killed outright. Other members have spoken about the horrific injuries that farmers and landholders have been confronted with when they have gone out in the morning to check their stock. It is devastating for farmers because some of them breed their animals for many years and over generations. A number of members have spoken about the thrill of the kill for wild dogs and just how devastating that can be for farmers.

I am delighted to be part of a government that has brought forward this important legislation. I congratulate the Minister for Agriculture and Food Security and the Parliamentary Secretary for Primary Industries, the member for Benalla. He has done a lot of work in this field as a former vet, and I know he has a lot of empathy for farmers battling this issue. As a former vet he probably also had to kill stock that had been badly mauled by animals or by other means. It is not a good thing for a landowner or farmer to have to go out and kill their stock. They breed their animals and make sure they have the best genetic stock available for market.

A number of members have spoken in graphic detail about animals being left with horrific wounds. Many farmers have said to me that their children have also seen their stock in this condition. That is really terrible. A number of members, including the member for Murray Valley, have talked about the thrill of the kill felt by these wild dogs. They also spoke about the national wild dog action plan, on which many stakeholders were consulted around Australia. I congratulate the member for Benalla, who presented at the National Wild Dog Conference. He did so because of his interest in Victoria's stand on the governance and management of wild dogs and feral animals.

Victoria is leading the way in community-initiated and coordinated wild dog control. It does so via a range of management tools, which a number of members have spoken about. They include shooting, baiting, tracking and aerial baiting. The bill puts a number of controls on the use of baiting and places strict conditions on mobile

manufacture. Fresh bait is prepared on-site because of its shelf life. The trailer must be registered and fitted out to transport schedule 7 poisons. The equipment needs to be qualified and quantified. The preparation and supply of poison has to be undertaken safely and under very strict conditions. This ensures the manufacturer and those receiving and handling the bait are protected. This is a great outcome. I know that farmers will welcome this initiative. I wish the bill a speedy passage.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise to contribute to debate on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. As previous speakers on this side of the house have already indicated, the opposition will not be opposing this bill.

I wish to make some comments on the bill not because I have had extensive firsthand experience of situations that lead to baiting but as someone who is very interested in ensuring that the measures that are applied to control dangerous animals and their attacks on livestock are dealt with in a way that strikes the right balance between the need to protect the livestock — which is very important for the livelihood of many communities across regional Victoria — and the need to reduce instances of incidental harm that might arise through the inadequate use of the powers and opportunities this bill seeks to provide. It is simply from a policy perspective that I make the following comments, which are very much in harmony with those made by others on this side of the house.

It is my understanding that 1080, or sodium fluoroacetate — which is its full name — has been in wide use around Australia since the 1950s. The member for Shepparton quite rightly referred to the pest animals that can be addressed. The 1080 chemical is one important tool of several available to people on the land who have unfortunately lost livestock due to attacks by pests or who had many fall sick as a result of infestation. The bill allows for the production of fresh bait on location. This recognises that there are some parts of remote and rural Victoria where the lack of access to fresh bait can sometimes mean that farmers are unable to respond as quickly as they would otherwise need to do to counter pests that attack their livestock. For the sake of protecting livestock, it is important that farmers have the opportunity to produce fresh bait in situ, which is more efficacious in the administration of 1080.

The bill allows for the production and supply of perishable pest animal baits, which is a schedule 7 poison, to bait wild dogs, rabbits or foxes. The bill provides that a licensee must have a vehicle or trailer that is fitted out safely and to a high standard to ensure the safe supply of 1080. The government advises that the Victorian code of practice for the manufacture of perishable pest animal bait products using 1080 aqueous solutions will be updated so that it meets the strenuous standards that are necessary to ensure that this new method of administrating 1080 is safe. That is very important.

This is a far more responsive way for farmers to utilise 1080, one which will hopefully lead to the greater protection of livestock. That is important. Information received from the Department of Environment and Primary Industries makes it clear that wild dogs are responsible for the killing of somewhere in the order of 1900 sheep and other livestock each year. That is a significant number of livestock which would otherwise have formed a productive part of a local farmer's economic wellbeing, which in turn can impact significantly on local economies and livelihoods.

It is important to acknowledge and recognise that this type of baiting is not taken lightly. I know it is not taken lightly; the evidence is clear. This situation confronts many people on the land. Livestock can be lost — and are lost — in great numbers each and every year to wild dog attacks, fox attacks and the like. These types of products need to be made available to farmers so that they have the best chance to protect as many livestock as possible.

I wish to acknowledge that 1080 is a relatively cheap poison. It is biodegradable, and it is relatively targeted in its use. Numerous speakers in this debate have acknowledged that wild dogs are far more sensitive to doses of 1080 than other animals. In that regard it is relatively targeted in its effectiveness, if you like, or in its impact. Notwithstanding that, it is important to note that if it is not used well or not applied adequately, it can have an impact on endangered species. That is an important factor to state in this debate. In relation to poisonous substances we can have the best protections and the best standards possible, but sometimes, for whatever reason, they fail. We need to acknowledge the unintended effects that these high-level poisons can have on wildlife in the area. However, I do acknowledge that most people who need to use 1080 do so very responsibly and for very good reasons.

These poisons, as I said, engender a very high response rate from wild dogs. It is also important to note that without these types of measures wild dogs and foxes can not only have devastating effects on livestock by way of killing but have also been known to spread disease and parasites. These can have equally deleterious effects on livestock and the wellbeing and

economic wellbeing of farmers and communities in terms of the production of good-quality, high-grade livestock for meat production, for example. It is important for us to acknowledge that and recognise that the bill seeks to strike a balance on these matters, for which reasons the opposition does not oppose it.

I note that significant work has been done over the decades since 1080 has been in use, not only in Australia but also across the Tasman in New Zealand. Studies have been carried out periodically on the impact of 1080, its use and its efficacy. It still stands as a reality today that 1080 is an important tool in the management and protection of livestock, and the management of wild animals and pests on the land, and it needs to be made available to people in rural and regional Victoria. With those few words, I wish to say that the opposition does not oppose the bill, and I wish it a speedy passage through the house.

Mr SCOTT (Preston) — I rise to speak on the Drugs, Poisons and Controlled Substances Further Amendment Bill 2014. Like other speakers, I would like to place on the record the fact that the opposition is not opposing this bill. Further, the opposition supports the sensible reform and application of poisons in order to control pests. The main thrust of this bill relates to the use of the poison 1080, as it is referred to, or more properly, sodium fluoroacetate.

I note the work undertaken by the parliamentary library to provide information to members. The research briefing it prepared is quite useful, and like other members, on behalf of my constituents I would like to place on the record my appreciation of the work that is undertaken by the library, particularly on bills that relate to technical matters. The regulation of poisons such as sodium fluoroacetate is a technical matter, and the information contained in the briefing paper is certainly of use to members.

This is a matter that relates to moral questions that are, in a sense, difficult. I place on the record the view that has been expressed by other members — that while the baiting of wild animals, particularly pest species such as wild dogs, does involve the pain and suffering of those animals when they die, that is a smaller matter than the pain and suffering they cause, not only to the economy and to farmers in Victoria but also to the animals they kill or injure, which often have to be destroyed later on.

To see this issue purely from the perspective of the suffering of the animal that is killed by poison in order to control a pest is to misunderstand the moral issues that are involved in these matters. As has been said by previous speakers, due attention should be given to the damage caused to both the farmers and their stock — the suffering and injuries that are caused. People sometimes take a fairly naive view of animals such as wild dogs. We are not talking about *Lassie Come Home* here; these are animals that often operate in packs and kill for fun. We have to be serious in dealing with this matter and take a rational approach based on evidence.

That is why Labor is comfortable with the proposals in the bill, which deal essentially — although there are some other technical amendments — with issues relating to the regulation of the poison 1080. In a sense the bill is quite simple. It creates greater access to 1080, particularly for farmers in the north-east of Victoria, and provides a greater period in which the poison can be made available to farmers. This is an issue because, as was noted in the research paper, one of the advantages of 1080 is that it is biodegradable. In simple terms it has a limited shelf life and is therefore advantageous because it degrades quite quickly in the environment.

The arguments for 1080 are numerous, and I will place them on the record in this debate. One of the arguments that has been touched upon previously by other speakers is that its lethal dosage is quite variable. It is a poison that is essentially targeted at vertebrates, but its impact on different animal species is varied due to their different tolerance levels. Information produced by the Tasmanian Department of Primary Industries, Parks, Water and Environment explains the relative toxicity of 1080 to different species, and it is worth going through those figures because they illustrate that 1080 is a particularly well-targeted poison when it comes to wild dogs.

The lethal dose for a wild dog is 0.06 milligrams per kilogram of body weight. If you take that as a relative tolerance level of 1, cats have a relative tolerance level of 6. For rabbits it is 7. For cattle, sheep and deer it is 3 to 10. Possums have a relative tolerance level of 12. For rats it is 17, and for wombats it is 25. Human beings have a relative tolerance of 40. For the eastern quoll it is 60. For the Tasmanian Devil — not that it is an issue in Victoria — it is 70. Mice have a relative tolerance of 220, and birds have a tolerance level of between 50 and 300. Because of other animals' susceptibility to 1080 and its variable toxicity per kilogram of body weight, this poison is highly effective in dealing with wild dogs.

That is what this legislation seeks to deal with, and it is something the opposition understands: this is a poison that is effective in dealing with a particular problem because of its level of toxicity for wild dogs relative to other species. It is sensible that we seek to use poisons, and I note that 1080 is used in Australia more than it is

in some other jurisdictions, such as the United States, but less than it is in New Zealand. I think the member for Bendigo East touched on the fact that there are fewer native species that will eat the bait in New Zealand. It is a poison that is suitable for use in Victoria, so the bill seeks to address the problem of the current regulatory framework not reflecting the needs of farmers, particularly in the north-east of the state, to access 1080. This is a bill about which the opposition is relaxed, and we believe it provides an adjunct to the existing regulatory framework.

There are also some technical amendments made by this bill. In particular there is a change in reference from the commonwealth standard to the poisons standard, which is a commonwealth legislative instrument. The bill also provides for two technical amendments concerning registered health professionals, both of which rectify omissions made by previous amendments. Those technical amendments provide no concern for Labor and are part of the normal legislative process for a Parliament like ours, despite best work practice. Having worked on occasion, now relatively infrequently because I am in opposition — —

Dr Sykes interjected.

Mr SCOTT — I will ignore the interjections from the member for Benalla. I could make some jokes about the baying of dogs, but I will resist.

It is normal practice in a Parliament like ours to have to amend legislation. The complexity of the law as it exists in jurisdictions like Victoria is such that ongoing technical amendments may be required to rectify minor drafting errors. This is a normal part of the legislative process. Having worked with parliamentary counsel on occasion, though sadly I do so infrequently now that I am in opposition, I can place on the record my deep respect for the work it undertakes. Drafting legislative amendments is an incredibly complex task that requires both precision and a broad understanding of the law, which I am sure, without assistance, would be beyond most members of this house.

The fact that there are technical amendments which rectify omissions is in no way a reflection on the ability of the parliamentary counsel or those who work within the government to draft such legislation on a professional basis. These tasks are very complex and by their nature will require ongoing work to ensure that the bills perform in the way they are intended to work. There will be omissions and the like over time which should be rectified in the manner in which this bill seeks to do.

This is a fairly straightforward piece of legislation that will ensure that sodium fluoroacetate is available more readily to farmers who need it, particularly those farmers for whom distance is an obstacle under the current regulatory framework. On that basis the opposition does not oppose the bill. I will return to the theme I touched on at the start of my contribution. By its nature, dealing with poisons is a difficult business that involves the pain and suffering of animals, but the pain and suffering of animals that are pests which are killing livestock is much less than the pain and suffering they inflict on both farmers and their livestock.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 21 August; motion of Mr CLARK (Attorney-General).

Government amendments circulated by Ms ASHER (Minister for Innovation) under standing orders.

Mr PAKULA (Lyndhurst) — It gives me pleasure to rise to speak on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014 and to indicate that the opposition will not be opposing the bill. I would also like to indicate that the opposition will support the amendments that have just been introduced, but before doing so, I will wait to hear from a government speaker, who might indicate — —

Mr Clark interjected.

Mr PAKULA — I understand from the Attorney-General that these amendments might be the consequence of a recommendation of the Scrutiny of Acts and Regulations Committee. There may be an opportunity for us to hear from a government speaker about the exact nature of those amendments.

This bill proposes to make a range of changes to sexual offence laws, including amending and updating rape

and sexual assault laws, clarifying elements of sexual offences against children, removing some prosecution time limits with regard to certain child sex offences, and I think 'modernising' would be an appropriate term to describe the changes the bill makes in regard to sexting laws as they relate to young people. In that respect, I acknowledge that work was done by the former parliamentary Law Reform Committee to look at the matter of sexting laws and to reform and update them, and to create some new offences with regard to the distribution of intimate images. That change is connected to the changes related to sexting laws.

This is a bill which by its nature is quite detailed. It is quite detailed because what it seeks to do is effectively codify huge swathes of the law as it relates to rape. In that respect, members should turn their eye to section 3 of the bill. The bill goes to the definition of consent in some detail — that is, the definition that will apply upon the passage of this bill. The bill defines sexual penetration in some detail. It defines touching, taking part in a sexual act, reasonable belief and the effect of intoxication on reasonable belief, and indeed it clearly defines both rape and sexual assault in a number of different guises. In that respect, the bill is quite ambitious, because these definitions have grown up over a considerable period of time in the courts, and this attempt to codify and, by cause of that, limit the defences to rape is a tricky business. However, this is an attempt to do that.

Sexual offence laws are generally quite complex and can be confusing to apply. This is an attempt to use updated language to make matters of this nature clearer for juries to understand. As I understand it, this bill was the consequence of a Department of Justice consultation paper and certain submissions that were made to the Department of Justice in response to that paper. I understand that there has been a reasonably extensive public review of sexual offences in Victoria, that the more significant problems with the law as it currently stands were identified and that questions were asked about the best approaches for reform. The department then produced a summary paper with regard to the law around rape and options for reform. I understand that the government has been in possession of this advice for a period of time. I do not underestimate the complexity of dealing with those recommendations or that advice. As I indicated, the drafting exercise, particularly in regard to the definition section, is a significant task.

What the bill most significantly does in regard to rape is institute more of a fault provision, to the extent that it no longer will be sufficient to simply have a belief in consent. The bill will create a situation where that belief must be reasonable. It removes in those circumstances the capacity for the accused to escape responsibility for a rape simply by arguing that they believed there to be consent if there were no reasonable grounds for that belief to have been formed. The definitions section puts some limitation on the circumstances in which that reasonable belief can be claimed. The bill repeals the current section in the Crimes Act 1958 that deals with consent and inserts a new section that lists the circumstances in which a person would not be held to provide consent.

To give the house some flavour of the circumstances in which a person does not consent, they include: where the person submits to the act because of force or the fear of force, because they fear harm, because they are unlawfully detained, because they are asleep or unconscious or because they are so affected by alcohol or drugs as to be incapable of consenting. The provision contains a number of examples of other circumstances in which consent cannot be made out. We have been advised that that is not an exhaustive list of such circumstances, but it is a strong indicator.

I put on the record that the Federation of Community Legal Centres Victoria, whilst broadly welcoming the changes, is still concerned that the new clauses lack detail. It believes juries will struggle to understand how to apply these provisions. It may be right or wrong about that. I think the only point that needs to be made about that is that given this is such an ambitious task these laws will require some close monitoring to ensure they are meeting the outcome that is desired of them.

The bill also removes mandatory jury directions on consent and on the accused's reasonable belief. Those directions were designed to formalise good practice and ensure juries are provided with consistent and appropriate information about the legal standard of consent. It is worth noting that stakeholders are concerned that the removal of mandatory jury directions in relation to consent and reasonable belief will lead to unjust outcomes. It is also at odds with recommendations of the Victorian Law Reform Commission from 2004. The bill retains the capacity for either the prosecution or the defence to request a direction. Under the Jury Direction Act 2013 a judge is required to give a direction if that is necessary to avoid a substantial miscarriage of justice.

We on this side of the house are committed to the notion of judicial discretion wherever possible and appropriate. We have confidence that in almost all circumstances — and in particular where either the defence or the prosecution seeks a direction of that nature from the judge — the judge will provide an

appropriate direction. We have confidence that members of the judiciary are more than capable of discerning for themselves the circumstances in which a direction of that nature is appropriate.

The bill also allows the prosecution to file a course of conduct charge where a case involves multiple incidents of sexual offending against the same complainant. That importantly removes the need for the complainant to provide separate details about each and every incident of abuse. We know a lot more now about the nature of the reporting of sexual abuse, in particular child sexual abuse. We know that in some circumstances it can take many years for a victim to report abuse they suffered as a child. In those circumstances, expecting the victim to be able to detail each and every incident is not a reasonable thing to ask of them.

Victims will not necessarily be date perfect and incident perfect. In many cases these instances can, in the mind of the victim, be merged together into one horrible incident of abuse. The enumeration of incidents is very difficult for victims, and it can be prohibitive in terms of evidence giving, reporting and ultimately obtaining a conviction. In those circumstances it is an appropriate change to give the prosecution the ability to allege a course of conduct which then makes out the offence. It is worth noting that course of conduct charges will also be made available in regard to other offences where, in a similar sense, there is a repeated pattern of offending, whether it be money laundering, fraud or the like. Where there is ongoing, systematic abuse of the law, course of conduct charges will be provided for.

The bill removes the time limitations that currently prevent the prosecution of certain sexual offences committed against children prior to 1999. Again, with a greater understanding of the way that historical sex crimes against children are reported, it is not appropriate to have those sorts of time limits on those types of legal proceedings. As has been reported previously — in the *Australian*, no less — the current legislation contains an out-of-date provision with regard to sexual offences against a child under 16 whereby an exception or defence to those charges has been if the older person is married to the person under 16. As we know, under our law it is not possible to be married to someone under the age of 16. In those circumstances it is appropriate to remove that redundant exception because we would not want anybody in our community to believe that it would be appropriate to engage in sexual offences against a young person simply by engaging in a form of marriage which is not recognised by Australian law.

With regard to the changes relating to sexting, it is the case that currently any sexually explicit depiction of a person under the age of 18 could be regarded as child pornography. This has the effect of capturing in particular teenagers who are engaging in sexting. As a consequence it means that many of these people — who are doing something that is inappropriate and an offence against the law no doubt — are ending up, however, on the sex offenders register. In December last year the Law Reform Committee reported on its inquiry into sexting and recommended that the government should introduce legislation to amend child pornography offences to provide defences for accused young persons engaging in sexting. So there are exceptions created specifically for minors if the explicit images do not depict an act that would otherwise be a criminal offence.

It is important for the house and for all young Victorians to understand that these exceptions expire on the day a person turns 18. We sought to understand whether that was the intention of the law, and it is, even if the offender is 18 years and 1 day and the other party is 17 years and 364 days. There had to be a cut-off, as the government has described it, and that is the cut-off. So whilst it is appropriate for these exceptions to be provided, the opposition also accepts that it is not inappropriate for there to be a strictly defined cut-off point so that there is absolute clarity in the law.

It is likely that that strict cut-off will create circumstances where there are boyfriends and girlfriends where one is just over and one just under 18, and these exceptions will not be made available to an 18-and-a-bit-year-old bloke, who might have put an offensive or inappropriate image online. I can understand that in those circumstances people might feel that the law has been unfair to them. There can be no fairer way of dealing with that than for everyone to be very clear and for those people who might choose to engage in misconduct to understand up-front that 18 years of age is the cut-off point. If you have any doubts about that, my advice would be to turn your eye to the parliamentary debates. I am sure that the government in its public relations campaigns, which it has become extremely adept at, will ensure that there is good public information so young people understand that at 18 these exceptions cut out.

In those circumstances the bill provides a new offence covering instances of intentional distribution of an intimate image without the consent of the person in the image where that would be contrary to community standards of acceptable conduct. There are also some further consequential offences provided by the bill in terms of it covering circumstances where there is a

threat to distribute an image of that nature. The bill also provides some guidance on determining the application of community standards and of acceptable conduct, and the court must consider such matters as the context in which the image was captured and distributed and the degree to which the person's privacy has been affected by the distribution.

I cannot speak knowledgeably on the amendments that were circulated by the member for Brighton but are to be moved by the Attorney-General, so rather than at this stage committing the opposition to support those amendments, I suggest that perhaps the Attorney-General make some comments in summing up the bill and take the opposition to the import of those amendments. It is important that we constantly review and update the law in line with community standards, and certainly in regard to sexting and the implications for young people that is important and timely. With regard to the rape laws, as we have said, we recognise that the department has conducted a pretty thorough examination of them. The opposition wishes the bill well in the sense that it is a very detailed attempt to codify the laws around rape and the exceptions to rape, and we are hopeful that it has the desired effect. With those words, Acting Speaker, I commend the bill to the house.

Mr NEWTON-BROWN (Prahran) — As any parent with teenagers knows, a hand-me-down phone is just not going to cut it in a teenager's social groups. Teenagers today demand the capacity not only to call you for a lift but also to be able to download apps, be able to participate in a broad range of social media platforms and to take photos and be able to share those photos online and between themselves. Uncomfortable as it may be for parents of teenagers to know, there has been recent research from Latrobe University which indicates there is a good chance that many teenagers, particularly older teenagers, use their smart phones to send sexts — in other words, intimate images by text. According to the Latrobe University study, the fifth national survey of Australian secondary students and sexual health, more than 70 per cent of sexually active year 10 to year 12 students have sent an explicit text message and over 84 per cent have received them, and more than half have sent naked or semi-naked photos of themselves.

The media has generally framed the issue of sexting as a shameful act done by 'bad' kids who sometimes get caught out when their selfies go viral. There have been many reports in the papers over recent years. However, the Latrobe University study indicated that the culture of taking and sharing selfies, including intimate selfies, is now so mainstream that it is a part of teen courtship. It also finds that despite these figures showing there is a sexualised digital culture, the rate of actual intercourse between teenagers is dropping. They are happy to share intimate images, but they are less inclined to engage in intercourse. The sharing of a selfie for many teenagers in our community seems to happen in the early stages of a relationship.

However, there are great risks for children in sending sexts. Obviously the potential for embarrassment is very high when images go online, and there is no way to recall an image once it has been sent. It will survive in cyberspace in some form, whether it be on an internet server, a mobile phone or a computer or, in the worst cases, picked up by porn sites.

The former parliamentary Law Reform Committee conducted an inquiry into sexting based on a reference given to it by the Attorney-General, who was concerned about the implications of sexting for children. Amongst many of the conclusions in its report was that between consenting participants there is very little harm done by sexting, whether those involved are kids or adults. If every party consents and the image stays between the consenting parties, then very little harm occurs. But when the intimate image is disseminated in circumstances which some have dubbed 'revenge porn', this is where the impact can be catastrophic.

Typically revenge porn occurs when a couple splits up. They may have been sharing intimate images and when they split up one party may use the images as weapons to hurt and humiliate the other party. This can often be spread with or without malicious intent. It may simply be a titillating image that is shared with friends once the bond of trust between the couple has evaporated. Inevitably when these images are disseminated in this manner they go viral, and this can be catastrophic for the people concerned.

In its deliberations the Law Reform Committee looked at the case of Amanda Todd, which is famous in Canada. Ms Todd was tricked into sending a topless selfie to somebody, and this person posted it online to her school friends. She had to move schools, and the person continued to harass her with this image. Finally she created a YouTube movie, in which she talked about her experiences in picture and message cards. Not long after posting the movie, she tragically committed suicide.

The Law Reform Committee recommended that a new offence be created to send a strong message to the community that if you are the recipient of an intimate image, it is not okay to share that image without

consent. The bill gives effect to the recommendation by creating two new summary offences — the distribution of an intimate image and a threat to distribute an intimate image in circumstances contrary to community standards of acceptable conduct. These offences will apply to both children and adults who are in possession of intimate images.

The other minefield under current Victorian law for children who sext is that they are liable to be charged with creating, possessing and distributing child pornography even if the image is of themselves. The impact on a child of those circumstances is significant in that they could be put on the sex offenders register, which has lifelong consequences. There is no doubt that when the Crimes Act 1958 was drafted no-one could have guessed that children would one day have the means and the desire to take naked pictures of themselves and in a few clicks share them with the world, but it is happening and the law needs to catch up.

The Law Reform Committee found that in general the police exercise discretion and common sense, and it is very rare for a child to be charged with child pornography unless there are aggravating circumstances associated with the sexting. However, the committee also found that given the dramatic consequences of a child pornography conviction it was best not to leave it in the hands of the police to exercise their good discretion, which has been the case to date. It recommended, and the bill provides defences in the Crimes Act to ensure that children who sext are not at risk of being charged with child pornography offences. Children who sext with other children are not paedophiles.

The proposed laws mean that children who sext each other in an age-appropriate relationship — that is, with an age gap of no more than two years — will have a defence to any child pornography charge. This is an appropriate response, which addresses the worldwide phenomenon of sexting, that every jurisdiction around the world is grappling with at the moment in how best to deal with the issue of child pornography. Yet again the government and the Attorney-General are leading the way with legislation to address this issue in a manner which will provide defences to children to prevent them from being charged with inappropriate offences, but it also goes a step further by sending a message to the community that if you are the recipient of an intimate image, it is not to be shared without consent.

Mr McGUIRE (Broadmeadows) — I rise to make a contribution on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014. The bill remedies a series of different issues confronting our community from the codification of rape and sexual assault offences to the modern issue to do with technology and so-called sexting. This is about how we address relationships between people and also the use and abuse of power, if I can put it that way, within relationships.

From the point of view of rape and sexual assaults offences, the bill amends the Crimes Act 1958 and makes changes to the drafting of offences of rape by compelling sexual penetration, sexual assault, sexual assault by compelling sexual touching, assault with intent to commit a sexual offence and the threat to commit sexual offence. The bill uses updated language designated to be clearer for juries. The bill gives clarity to the definitions, which is important for a jury. It is also important for the wider community to understand what the offences are and also to provide further education as each new generation comes through as to what is appropriate and what is unlawful behaviour. Labor will not be opposing the provision.

The bill deals with the removal of mandatory jury directions. It removes the mandatory requirement for jury directions on consent and on an accused's reasonable belief, although there is still the capacity for the prosecution or the defence to request the direction, and under the Jury Directions Act 2013 a judge is required to give a direction if it is necessary to avoid a substantial miscarriage of justice. This is an attempt to get balance on the issue — that is, that a judge can give a direction to avoid the wrong verdict being handed down. That discretion is important, and Labor will not be opposing that part of the bill either.

The bill introduces a course of conduct offence. It allows the prosecution to file a course of conduct charge where the case involves multiple incidents of sexual offending against the same complainant, removing the need for a complainant to provide details about separate incidents of abuse, as is currently required to make out a charge of persistent sexual abuse of a child under the age of 16 years.

The Family and Community Development Committee inquiry into child sexual abuse that delivered the *Betrayal of Trust* report was able to get an insight into issues that had been largely kept secret from the community. People came before the committee to testify, which allowed us to establish that on average it is about 23 years between an incident of sexual abuse occurring and people actually reporting the incident. The lag time for people to feel confident enough to address these matters is incredibly significant, as

perpetrators can get away with these incidents for a long time. It is important for us to know and understand as a Parliament and as legislators that there is this ticking time bomb effect.

The Minister for Police and Emergency Services, who is at the table, has also introduced other legislation today to try to address this issue. As the community is better informed, we are trying as a Parliament to keep up with fresh information and new insights and to change the law in a responsible way to address this new information and new technology. That has been debated by other members in their contributions on the issue of sexting — what is becoming the new socially acceptable proposition between teenagers in their courting life. This technology has only recently become available. In this time of shifting mores and sexual practices, this seems to be something that we as a Parliament are trying to catch up with, and we are trying to set guidelines on what is appropriate behaviour and what is now classified as illegal behaviour. Labor's lead speaker, the member for Lyndhurst and shadow Attorney-General, emphasised the critical point that the age when so-called sexted images go from being part of a relationship situation to becoming illegal is 18.

The broader public needs to know and understand when one could be an offender, and we need a communication strategy to inform the public. I am sure the broader public will not be reading the parliamentary *Hansard*, so we need a communication strategy from the government's perspective so that people know when something becomes illegal and what the consequences are, because the consequences are serious. This information needs to be broadcast into the community — and not just in a one-off set of circumstances, because as we know, young kids are coming through all the time and may not be informed in this way.

When we are setting these sorts of changes in law I think it is also the government's responsibility to make sure that these changes are known and understood. That is the next step after this legislation is passed by the Parliament: informing teenagers and the community of what is legal and illegal, of when something could become a charge, an offence and a guilty verdict, and the impact that could have on one's record and on the rest of one's life. Given the significance of that, the government is beholden to make sure that it has an ongoing communication strategy to get each new wave of young people to understand that this is a significant change that could have major consequences for their future careers and their lives.

There are a couple of other provisions, including the removal of outdated sections of the act. The bill removes time limits that currently prevent the prosecution of certain sexual offences committed against children prior to 1991. It removes the redundant exception to sexual offences against a child under 16 where the accused is married to a child, as it is no longer possible for someone under the age of 16 to be married. That issue has been addressed. Again, on the distribution of intimate images, the bill provides a new offence covering instances of intentional distribution of an intimate image without the consent of the person in the image, where that distribution is contrary to community standards of acceptable conduct. A further offence is proposed by the bill covering threats to distribute an intimate image of someone that would be contrary to community standards.

We are attempting to get the balance right. We do not want the situation where intimate images were shared in a relationship, but once the relationship has ended those images are used to threaten one of the previous partners. There is an attempt to try to find a balance so that such an image could not be held against someone later in their life or brought out to discredit them in an inappropriate fashion.

On balance Labor does not oppose the bill, which seeks to address a number of these issues, both from the past and with new technology today and into the future.

Mrs POWELL (Shepparton) — I rise to support the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014. I also acknowledge that the opposition is not opposing this legislation. We have heard a number of presentations from the opposition that indicate opposition members understand the legislation and its ramifications and importance. I congratulate the very hardworking Attorney-General for bringing this bill forward. This bill has been widely consulted upon, and I believe the community has been calling for it.

The second-reading speech says that rape and sexual assault are amongst the most despicable of crimes, and I think everybody in this chamber would agree that that is so. The impact on victims is horrific, often for a very long time. Some people never get over what was perpetrated upon them. But these crimes also have a huge impact on families and the community. We have all seen reports about people who have been raped and the impact not just on those people but upon their families and their communities. Often there are physical and mental impacts for many years.

There is a general lack of understanding about rape laws. This bill seeks to clarify the laws around rape and sexual assault. The purpose of this bill is to reform the law relating to rape and sexual assault. The bill will remove exceptions to sexual offences against children under 16 years which purport to apply where the accused is married to the child. These exceptions are redundant, since it is no longer possible for a person aged under 16 years to be legally married in Australia.

The bill also provides for the offence of grooming for sexual conduct of a child under the age of 16 years. A number of speakers have spoken about the issue of Facebook and young girls being groomed on their Facebook pages. Some people try to contact young girls by pretending to be somebody they are not, and these cases can impact upon young people. There have also been incidents in which young girls have been stalked and even killed by people who have sometimes groomed them over a period of months.

We have also heard from speakers about issues relating to the use of mobile phones with cameras and the sharing of photos. The bill provides changes to laws governing pornography offences by making exceptions for child pornography offences relating to the use of mobile phones. The member for Prahran gave a very good example of modern communication. He spoke about the use of Facebook and about sexting between young people. He noted what is perhaps young people's lack of understanding that such activity can go beyond their sphere of influence or the sphere of influence of those people with whom they have shared sexually explicit texts or photos through the use of mobile phone cameras.

The bill amends a number of other acts, but the main amendments concern definitions. The bill provides a definition for consent, which in clause 3 is defined as free agreement. It is important to define what consent means. Clause 3 also provides a list of circumstances in which a person does not consent to an act. Other contributors to the debate have spoken about submitting to an assault because of force or fear of harm of any type, whether to a victim's own person or to another person or animal. Sometimes a person may submit because they have been unlawfully detained, because they are asleep or unconscious, or because they are affected by alcohol or another drug, which all mean that they are incapable of consent.

We have also heard reports of people who have been plied with alcohol or drugs in an effort to get them to consent to and comply with the perpetrator. A person might be incapable of understanding or mistaken about the sexual nature of an act. A person may also mistake the identity of the other person involved in the act. A person may mistakenly believe the act is being perpetrated for medical or hygienic purposes and, in the case of an act involving an animal, may mistakenly believe that the act is for veterinary, agricultural or scientific research purposes.

There are a number of definitions in the act, and other members have spoken about them. I refer to clause 4 and the amendment to the Crimes Act 1958, in particular the issue of touching. New section 37E provides that touching may be done with any part of the body, with anything else or through anything, including anything worn by the person doing the touching or by the person touched. There have been reports, including recent reports, about inappropriate touching on trams and on public transport. In some recent cases the response of young girls has been either to get off the tram or attempt to tell the person touching them that they do not want to be touched in that way. This bill clarifies whether the touching is done by the person who is touching or the person who is being touched. It has to be made clear that people should feel safe on public transport.

When I worked in local government a young girl came to me and said that a member of staff had inappropriately touched her and that she felt very unsafe and degraded. When I spoke to the man, he did not understand that touching somebody on the bottom — a small pat on the bottom — could be inappropriate. He thought that it was being friendly and familiar, whereas what he meant by the touching did not equate with what she felt when she was being touched. At all stages it is about what a person feels when they are touched and whether it is sexual harassment, sexual assault; it is not what the person doing the touching feels.

This bill further explains the law. It is a good bill and an important bill, and I believe it meets the expectations of the community and makes clear the meaning of the law. I wish the bill a speedy passage.

Mr LIM (Clayton) — I rise to take part in the debate on the Crimes Amendment (Sexual Offences and other Matters) Bill 2014. Just yesterday a news article emerged about two men who thought it would be fun to rape a woman. Last year the two men smashed the window of a home in Melbourne, broke into the house and kicked down locked bedroom doors to reach their victims. The men were armed with weapons, used ropes to bind their victims and wore gloves to conceal their fingerprints. They used balaclavas and stockings to disguise themselves and used medication to drug their victims. The men then proceeded to repeatedly

rape a mother in her forties and her daughter, who was in her twenties. The men drugged the women, bound them and subjected them to racial and humiliating taunts. The men then proceeded to loot the house of jewellery, phones, wallets and computer equipment. The victims were terrified and extremely fearful during the 2-hour attack in their own home.

In her witness impact statement the daughter expresses how she no longer finds life enjoyable. She feels disgusted, and when she sees herself in the mirror she feels dirty. She was so traumatised by the attack that it took her five short sessions to compile a police statement. The attack has had a profound and lasting effect on the victims and has devastated them for the rest of their lives.

Stories like this are extremely distressing and saddening, but unfortunately they are not uncommon. Rape and sexual assault can have severe effects on victims. We need to better protect our community from sex offenders and to provide better support for victims of such offences.

The Crimes Amendment (Sexual Offences and other Matters) Bill 2014 intends to address these matters. The reforms in the bill are based on the Department of Justice's *Review Of Sexual Offences — Consultation Paper*, which was released last year. The paper addresses an extensive review of Victoria's sexual offences law. This paper identifies and analyses the main problems with and limitations of those laws. The paper contains proposals and options for improving Victoria's sexual offences laws. The paper also asks a number of questions about how best to deal with certain aspects of the law.

The bill also adapts to the recent and growing trend of sexting. Sexting involves the use of sharing sexually explicit images via the internet, mobile phones or social media. Unfortunately this practice is prevalent among our teenagers, and the exploitation of such images can result in lasting impacts on victims' self-esteem, self-worth and development. The bill takes steps to regulate the practice of sexting while making an effort to ensure that teenagers do not face unwarranted prosecution for child pornography offences.

Previously teenagers who engaged in sexting risked facing a criminal conviction for child pornography offences where the subject was under the age of 18 years. Where non-exploitative and consensual sexting occurred between peers, the risk of such a serious criminal conviction and record is unwarranted. The bill specifically allows for exceptions for persons under 18 years of age. The exceptions provisions include the stipulation that peers may be no more than two years of age apart. These exceptions are intended to capture non-predatory and non-exploitative sexting.

The bill includes two summary offences aimed at protecting victims of sexting where images have been distributed or have 'gone viral' against their consent. The first offence prohibits intentional distribution of an intimate image where the distribution is contrary to community standards of acceptable conduct. The offence is not applicable where the subject of the image is an adult and consents to the distribution. The exception does not apply to children, due to their greater vulnerability and need for protection. This offence carries a maximum two-year imprisonment term. The second offence prohibits a person from making a threat to distribute such an image and carries a maximum one-year jail term.

The bill introduces clearer sexual offences into the Crimes Act 1958 to address rape, rape by compelling sexual penetration, sexual assault, sexual assault by compelling sexual touching, assault with intent to commit a sexual offence and threat to commit a sexual offence. The bill introduces a fault element into the abovementioned offences. The element will take effect when a perpetrator did not believe a victim was consenting or where their belief that the victim was consenting was not a reasonable one. An accused's belief that a complainant was consenting is therefore required to have been based on reasonable and objective grounds, which include any steps taken by the accused to find out if the complainant was consenting. Circumstances to be considered in relation to the objective reasonable belief test do not include an accused's self-induced intoxication. This new fault scheme aligns with similar laws in the UK, New Zealand, New South Wales, Queensland, Tasmania and Western Australia, where the law has worked successfully for several years.

The bill will introduce a new course of conduct charge to enable victims of persistent sexual abuse to more easily support their case against perpetrators. The current law relating to repeated sexual offences, in particular those perpetrated on children aged 16 years or younger, is too onerous and complex. The current law burdens victims with the necessity of providing a high degree of detail about offences committed against them. It can be particularly difficult for children, especially those aged under 16, who have been subjected to repeated sexual abuse over a period of time to recall details of each instance. To circumvent this difficulty the bill will instead require that a course of conduct be proven beyond reasonable doubt. Where such conduct is proven, courts may impose a sentence

to address the aggregate offending. I note that the course of conduct provision will also apply to offences of theft, money laundering and obtaining financial advantage by deception.

The bill also removes the exception applying to sexual offences perpetrated on children aged under 16 where the perpetrator and victim are married to each other. This exception is obsolete, as it is not possible for somebody under the age of 16 to be legally married in Australia. The bill makes some improvements to sexual offence laws in Victoria. I commend it to the house.

Mr PERERA (Cranbourne) — I rise to speak on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014, which proposes to make changes to sexual offence laws. The proposed changes include amending and updating rape and sexual assault laws, clarifying elements of sexual offences against children, removing prosecution time limits for certain child sex offences, adapting the law to deal with sexting between young people and creating offences relating to the distribution of intimate images. The bill also redefines the offences of rape and sexual assault and proposes a new course of conduct offence.

As lawmakers we should continually review and update our laws in line with community expectations. It is important that our laws are clear and effective. The Department of Justice has conducted an extensive review of sexual offences and suggested modernisation of the laws, and on this side of the chamber we do not oppose these reforms. I am sure the department and parliamentary committees have extensively studied what is happening in jurisdictions in other parts of the world. In New South Wales the crime of sexual assault has replaced the traditional crime of rape and is being defined as non-consensual penetrative sex. In the US state of Illinois state law defines sexual assault as sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent.

The bill proposes to amend the Crimes Act 1958 and make changes to the drafting of the offences of rape, rape by compelling sexual penetration, sexual assault, sexual assault by compelling sexual touching, assault with intent to commit a sexual offence and threat to commit a sexual offence. Sexual offence laws are complex and can be confusing to apply. The redrafting of the offences aims to use updated language that is designed to be clearer for juries to understand. This has been informed by the Department of Justice consultation paper and submissions. The department conducted an extensive public review of sexual offences in Victoria. The consultation paper identified the main problems with current laws and presented proposals and asked questions regarding reform. The department invited submissions from organisations and members of the public and provided advice to the Attorney-General on how Victoria's sexual offence laws could be improved. It is unfortunate, however, that the Attorney-General has had this advice since the end of last year.

The bill introduces a fault element to these offences, which centres on the accused's reasonable belief with respect to consent. It has the effect of removing the accused's ability to escape liability in cases where they argue consent as a defence and where there is no reasonable basis for the belief that there was consent. It would be helpful for the legislation to clarify what consent means and when juries can conclude that there was not consent. In my view it is also necessary to build into the legislation a guide to juries to assist them in their decision-making about whether the accused reasonably believed that the complainant consented.

The bill repeals the current section of the Crimes Act that contains the meaning of consent and includes a new section that lists the circumstances in which a person is taken not to have consented to an act, which includes submitting to the act out of fear, when the person is asleep or unconscious or if the person is so affected by drugs or alcohol as to be incapable of consenting. The Federation of Community Legal Centres and family violence organisations argue that the new clauses lack detail and examples, and that this will mean juries will still struggle to understand and apply the law when it relates to consent. The laws will require close monitoring to ensure that they are meeting the desired outcome.

The bill proposes to remove the mandatory requirement for jury directions on consent and on the accused's reasonable belief. These directions were designed to formalise good practice and ensure that juries are provided with consistent and appropriate information about the legal standard of consent. For example, a judge may give directions in order for the jury to understand that inactivity or silence does not indicate consent under Victorian law. The stakeholders are extremely concerned that the removal of mandatory jury directions in relation to consent and reasonable belief will lead to unjust outcomes. The jury direction performs an educative function by clarifying the law and establishing standards of behaviour for sexual relations which are based on principles of communication and respect. Victoria and the Northern Territory have legislated jury directions about consent.

The Victorian model has been referred to as the most significant and progressive reform. In Victoria, section 37 of the Crimes Act 1958 makes it clear that the judge must direct the jury on consent only where it is relevant to the facts in issue in a proceeding. The judge must relate any such direction to the facts in issue in the proceeding and the elements of the offence being tried so as to aid the jury's comprehension of the direction. The matters about which the judge must direct the jury include the meaning of consent and the circumstances specified in section 36 to be a circumstance in which the complainant does not consent, as well as:

> (d) that the fact that a person did not say or do anything to indicate free agreement to a sexual act at the time at which the act took place is enough to show that the act took place without that person's free agreement;
>
> (e) that the jury is not to regard a person as having freely agreed to a sexual act just because —
>
> (i) she or he did not protest or physically resist; or
>
> (ii) she or he did not sustain physical injury; or
>
> (iii) on that or an earlier occasion, she or he freely agreed to engage in another sexual act (whether or not of the same type) with that person, or a sexual act with another person.

The jurors are randomly selected from our community. One could not expect them to be experts on these matters. I hold the view that jury directions are very helpful to the jury in determining whether the consent was granted or not. Therefore I believe such directions should be mandatory. The change is also at odds with the recommendations of the Victorian Law Reform Commission sexual offences review of 2004, although there is still the capacity for the prosecution or the defence to request a direction, and under the Jury Directions Act 2013 a judge is required to give a direction if this would be necessary to avoid a substantial miscarriage of justice.

Currently any sexually explicit depiction of a person under 18 years of age is potentially child pornography. This has the effect of capturing teenagers who engage in sexting. In 2011 researchers at the University of New Hampshire surveyed 1560 children and caregivers, reporting that only 2.5 per cent of respondents had sent, received or created sexual pictures distributed via cell phone in the previous year.

I commend the bill to the house.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Ms GREEN (Yan Yean) — When standing to speak on a bill I usually say that I take pleasure in joining the debate, but I do not think it is ever pleasurable to talk about the horrific crimes of sexual offences. The bill before us today is the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014. It is important to modernise statutes in relation to sexual offences on a regular basis, particularly given the impact of technology.

VicHealth today released a report on a survey of community attitudes towards violence against women. It is a really sobering read. I am a member of the VicHealth board, and I know there is quite a club of MPs in this place who have also been on the VicHealth board. The report released today is another groundbreaking but sobering one. It reveals that more than 20 per cent of Australians believe domestic violence can be excused if the attacker cannot control their anger or regrets it. It shows that 17 per cent of people think domestic violence is a private matter to be handled in the home. It further illustrates that one in five people believe that if a woman is raped while drunk or drug affected, she is partly responsible. That shows that we as legislators have to take leadership in matters like this, particularly to ensure that juries are very well informed and are not swayed by those attitudes that are so apparent.

The bill before the house proposes to make changes to sexual offence laws including amending and updating rape and sexual assault laws, clarifying the elements of sexual offences against children, removing prosecution time limits for certain child sex offences and adapting the law to deal with sexting between young people. It also creates offences for the distribution of intimate images. In relation to the rape and sexual assault offences, the bill proposes to amend the Crimes Act 1958 and make changes to the drafting of the offences of rape, rape by compelling sexual penetration, sexual assault, sexual assault by compelling sexual touching, assault with intent to commit a sexual offence and threat to commit a sexual offence.

Sexual offence laws are complex and can be confusing to apply. The redraft of the offences aims to use updated language that is designed to be clearer for juries to understand, and was informed by the Department of Justice consultation paper and submissions. The Department of Justice conducted an extensive public review of sexual offences in Victoria, and the consultation paper identifies the main problem with current laws, presents proposals and asks questions regarding reform. In addition the Department of Justice prepared a summary paper on the law of rape

and provided a short summary of the options for reform.

Submissions from organisations and members of the public along with advice on Victoria's sexual offence laws and how they could be improved were provided to the Attorney-General. The opposition's understanding is that the Attorney-General has had this advice since the end of last year. It is a bit of a concern that we are three-quarters of the way into this year before these amendments have arrived.

I note that last week was Child Protection Week and there were some disturbing figures in a small article in the *Herald Sun* and also in a report by Nino Bucci in the *Age* about the huge increase in and proportion of sexual offences that are reported in Victoria and the huge number of them that relate to children. All members in this place should be deeply disturbed by such figures. Given that a royal commission into institutional child abuse is underway, and given the *Betrayal of Trust* report, there is ample evidence for members in this place to know that the system is not working adequately. The rate of offending is not matching the rate of conviction.

I recently had discussions with a number of disability groups. People with disability often have great difficulty in being believed and in securing convictions. I draw the house's attention to a recent pilot by the South Eastern Centre Against Sexual Assault, which has worked specifically with people with a disability who have been victims of a sexual assault and has secured a much greater rate of conviction. It is progressive and intensive pilots like that which really deserve our support so that those most vulnerable victims in particular are not the ones let down the most by the system.

The sector, including family violence organisations, has welcomed the changes but argued that the new clauses lack detail. This will mean that juries will still struggle to understand and apply the law when it relates to consent, for example. The VicHealth report released today still shows that community attitudes have a long way to go. For that reason these laws will require close monitoring to ensure that they are meeting the desired outcome.

The bill removes the mandatory requirement for jury directions on consent and the accused's reasonable belief. These directions were designed to formalise good practice and ensure that juries are provided with consistent and appropriate information about the legal standard of consent — for example, the judge may give directions in order for the jury to understand that inactivity or silence does not indicate consent under Victorian law. The stakeholders are extremely concerned that the removal of mandatory directions in relation to consent and reasonable belief will lead to unjust outcomes. It is also at odds with the recommendations from the Victorian parliamentary Law Reform Committee's 2004 sexual offences review.

In relation to the course of conduct offence, the bill proposes to allow the prosecution to file a course of conduct charge where the case involves multiple incidents of sexual offending against the same complainant, removing the need for a complainant to provide details about separate incidents of abuse, as is currently required to make out the charge of persistent sexual abuse of a child under the age of 16. Given what various committee inquiries and the royal commission have heard, this is a really important to change. The bill also proposes to remove out-of-date provisions.

I mentioned technology at the outset. The bill also makes some changes in relation to sexting. Currently any sexually explicit depiction of a person under 18 is potentially child pornography, and this has the effect of capturing teenagers who engage in sexting. This measure follows on from the parliamentary Law Reform Committee's report on the inquiry into sexting, which recommended that the government make changes to this legislation.

I particularly commend a number of women's health groups and the Jean Hailes clinic, as well as school nurses and others in our education system, which are all doing a lot of great work in raising young people's awareness of the use of technology and not only how they might become victims through grooming but also that they may themselves be guilty of an offence. The education of young people together with the legislative change to the offence of sexting is welcomed.

The bill also provides a new offence covering instances of intentional distribution of an intimate image without the consent of the person in the image. There have been a number of very public cases around this. That is an important change.

In closing, it is always important for us as legislators to tackle the difficult areas of the criminal law that relate to sexual offences. The opposition is not opposing this bill. I commend the bill to the house.

Mr NARDELLA (Melton) — Whenever we talk about sexual assault and sexual offences it is important to understand what this actually means to the person who has been assaulted, as well as their family. With

regard to sexual assault, the importance of this bill is to understand the power relationship that is in place between the victim and the perpetrator. It is not necessarily about the sexual act itself, but the power that one person has over another. This disturbs me.

Reference has been made to the member for Prahran's work as chair of the Law Reform Committee in 2012. From 1992 to 1996 I was a member of the Crime Prevention Committee, which was chaired by the member for Bass, during its inquiry into sexual assault against women and children. This work predated the royal commission and investigations by the Law Reform Committee in 2012. During that time we did work that showed the absolute destructiveness of sexual assaults perpetrated on women and children. In the vast majority of cases these assaults were perpetrated by people who were known to the victims. In many instances those perpetrators were other family members. The things we saw and the testimony we heard at that time were very emotional, not only for committee members but also for the people who gave evidence.

One important thing that happened to me during that time occurred after a hearing in Parliament. I like bookshops, and so I went to one down the road. I was looking through the books when a woman came up to me and said, 'You're on that parliamentary committee'. I said, 'Yes, I am; that's right'. She said, 'I just want to thank you'. I said, 'Okay, yes'. She sincerely said, 'I just want to thank you because the evidence that I gave to the committee was the first time in 40 years that I have ever told anybody about it'.

The legislation before the house tonight forms part of that journey we have taken as a Parliament and a community to try to deal with these horrific offences against people who are sometimes extremely young but who are mainly women in our society.

I want to put on the record — as I have done in the past — my appreciation and congratulations to the government for putting together this bill that takes forward the reforms we need to modernise the legislation so that people who have been sexually assaulted can be better comforted by the judicial processes they must go through in order to put these criminals away — and they are criminals. They are not perpetrators. People call them perpetrators, but those who undertake sexual assaults are criminals.

This bill updates the language in the legislation so that juries, the people who are making the decisions in the court, are better informed and it is easier for them to understand what has gone on. These are complex issues. When jury members sit in a court, listen to the evidence and hear the various arguments, they can find the terminology and language used to be very complex. I understand this because I have been on a jury in a sexual assault case, so I understand and appreciate the work the Attorney-General has done in terms of modernising the language in this bill.

The other interesting thing about this legislation — and, again, this is part of the journey we are taking — is that in terms of the course of conduct charge, in the past somebody who had been sexually assaulted had to detail very specifically when the offence occurred. If multiple offences occurred over a long time the victim — and it could have been a child, a young person or an adult — had to try to pinpoint in court the actual dates or a time close to the dates when those sexual assaults occurred. If you are stressed because you have experienced a violent sexual assault, the last thing you should be expected to do is write those details down. You cannot write those things down. You may find it impossible to write those dates and other details in a diary, for example. This bill, as I understand it, provides that where multiple incidents occur the complainant does not need to provide details of separate instances; they can join those instances together.

The bill also removes out-of-date provisions. Before 1991 there were difficulties in bringing people to justice. This legislation removes those difficulties. It also removes a redundant exception to sexual offences against a child under 16 where the accused is married to that child. As I said before, I thank the member for Prahran and his committee for their work. The sexting exceptions to child pornography will also be important, because we are trying to keep up with the technology and the societal changes that are occurring in our community. There is a new offence of distribution of intimate images, which has been created to capture incidents where someone threatens to distribute such images without authorisation. There have been a number of cases where intimate images have been exposed and people have been hurt. I do not oppose the bill. It brings forward a number of changes that are extremely important.

Mr HERBERT (Eltham) — I am pleased to speak on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014. It is a sorry state in which we find ourselves, where we need to bring these sorts of bills to the Parliament to address the plight of those in our society who have been victims of sexual assault. Like many people in this place, I wake up on a daily basis and read stories in the papers of more horrendous acts. It is hard to work out whether there has been an

increase in these types of crimes, which are often against women and children, or whether there is just better disclosure. There is certainly greater willingness from victims to go to the police, tell their stories and make known the horrendous events that have happened to them, rather than locking them away behind closed doors, keeping the experience to themselves and then suffering for many years, often decades. We need to make it as easy as we can for the victims of these types of crimes to actually get their stories out and seek help and justice through our courts and for our Parliament to make sure that the offenders are brought to justice.

We live in a world of technology and change, whether it be in terms of things like date-rape drugs or the impact that technology has on the dissemination of inappropriate and illegal material that satisfies the craven desires of predators in our society. We in this Parliament need to be ever vigilant to make sure that the laws are in favour of the victims so that we can bring those who commit these heinous acts, whether they are new or existing crimes, to justice. With that introduction, I am pleased to support this bill.

The bill amends the Crimes Act 1958 and makes changes to the drafting of the offences of rape, rape by compelling sexual penetration, sexual assault, sexual assault by compelling sexual touching, assault with intent to commit a sexual act and threat to commit a sexual act. They are all really odious to decent people in this society. In particular this legislation broadens the definition of rape and the lack of consent to a sexual act. The old days of saying 'Hey, it was one simple act' are long gone.

Young women in particular find themselves in situations in which they have not given consent but have been afraid to come forward because they are unsure of the law. This law broadens the definition to make clear what the circumstances of rape are. It says if a person submits to an act because of force or fear of force, that is rape. If a person submits to the act because of fear of harm of any type, that is rape. If a person submits to the act because the person is unlawfully detained, that is rape. If a person is asleep or unconscious at the time, that is rape. If a person is so affected by alcohol or other drugs that they are incapable of consenting to the act, that is rape. If a person is incapable of understanding the sexual nature of an act, as is the case with people who have severe mental disabilities and are abused, that is rape. If a person is mistaken about the sexual nature of the act, that is rape. If a person is mistaken about the identity of other persons involved in the act, that is rape. If a person mistakenly believes that the act is for medical or hygiene purposes, that is rape. These are clear definitions.

It is good that this legislation is clarifying these definitions, because in recent years we have seen appalling circumstances — whether they be in rugby clubs in New South Wales or medical practices because doctors abuse the trust placed in them — in which women have been abused and then had to go through the courts and argue their case. They should not have to do that. It should be clear what non-consent is. This act makes it clear, and I really commend it for that. The truth of the matter is that we have to stand up for the victims here. It does not matter whether a patient has been abused by a trusted doctor, a woman has been the victim of date rape drugs, a person with a severe intellectual disability has been abused or a person, such as a child, has been abused by someone in a position of trust, it is up to us to stand up for them. It is up to us to detail the complexity of sexual assault in our modern society and protect the victims. That is what this bill does.

Of course this bill also does more than that. It covers a number of other issues which I will comment on briefly. There are issues in terms of the course of conduct offence. Currently people who have been victims of multiple sexual offences have to go through them one by one in court — they are often listed as separate charges, and victims have to suffer gruelling re-enactments of heinous crimes and horrible circumstances. That is simply not on; they should not have to do that in our system. This law, as I understand it, tries to bring offences together in the case of multiple sexual abuses — they can be brought down and contained for the benefit of the victim during the court process. That is to be commended. The bill makes some changes to jury directions which should make it easier for mandatory advice to be issued and make addressing these issues in court a clearer process for juries.

This bill also addresses an issue familiar to anyone who has been involved in education. I was a teacher, and I know many of my schools have been concerned about the issue of sexting. Of course there was the parliamentary inquiry into sexting. It was comprised of some very good members who took a very serious approach to the issue and came forward with new and innovative recommendations for this Parliament. It is an issue that every school in this state has had to grapple with. I know local schools, such as Eltham High School, have tried to develop new policies, and schools have tried to develop consistent policies for all schools across the area. Sexting is an issue when young people under 18 are involved in the texting of pornographic images, particularly when they do not

know about the potential consequences. The issue is that if they are under 18, we need to have some exceptions to the law. The minute they are over 18 the full force of the law should apply.

There is also a provision for the distribution of intimate images. We know there have been quite a few recent cases illustrating the threat posed by the distribution of intimate images. These situations caused horrendous grief for the people concerned. We have had suicides in the most tragic circumstances. It is not a Victorian issue or an Australian issue; it is a world issue. The act of sending images of a person around the world against their will by individuals who maliciously impact upon that person's sense of self really should be illegal. This bill makes it illegal. It should not happen, and we need to do something about it.

In the old days it was much harder to do this — you would need secret cameras and all sorts of things — but you knew the law was pretty clear. Today we have instant distribution of information and images, and we all know of examples of people's lives having been ruined because of the distribution of intimate images. Sometimes it is done for illegal purposes by the most heinous groups, which prey on young people in our society. We should not allow it. We have to make sure our laws are up to date and stay up to date with the technologies being utilised by the predators in our society who prey on young people using modern techniques. This bill addresses those issues, and it is obviously one in a long line of continually changing laws that will come before this Parliament. I commended it to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the debate on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014. I note that a lot of reference has been made to the inquiry into sexting by the previous Law Reform Committee, which was abolished by the coalition government in May 2013. The Law Reform Committee, before it was abolished by the coalition government, handed down a report on sexting. The committee was chaired by the member for Prahran. I quote from the chair's foreword, in which he said:

> In the committee's opinion, the laws that currently apply to 'sexting' miss the mark — the law does not adequately recognise that sexting by young people is different to the sharing of images by paedophiles, and the law does not adequately recognise that real and significant harm is done to people of all ages when explicit images are distributed to third parties without consent.

The chair went on to say in his foreword to this unanimous report:

> First, the committee recommends that an offence for non-consensual sexting be introduced in Victoria, to cover circumstances where a person intentionally distributes an intimate image of another person (or persons) without their consent … Second, the committee recommends that minors and young adults have a defence to child pornography offences, provided that they are able to engage in lawful sexual activity with the person depicted in an image (or other sexually explicit media), and that they are not more than two years older than any minor depicted in that image …

I note that the bill creates exceptions to child pornography offences for minors if the explicit images do not depict an act that is a criminal offence. However, I also note that exceptions apply only to minors, and this is inconsistent with the recommendations of the sexting inquiry, which were that the exception should be available to people not more than two years older than the minor who is the subject of the child pornography. The committee, of which I was a member, heard a lot of evidence from people on these matters.

Some people in the technological age are known as digital natives, and others — perhaps some of us here — might be better known as digital parents or digital grandparents in terms of our access to and use of modern technology. However, your online footprint — that is, what you say and what you choose to do online — is something that cannot be erased. It is there for all time. For people's records to be marked for all time before they have had a chance to live out their futures is a serious matter, and it is something we considered in the inquiry.

We heard many stories of people who were concerned about being placed on the sexual offenders register based on their use of the internet and technology, in particular the swapping of images on the internet or via phones. Such mistakes made in relationships can cause great difficulties for people. They can also cause great regret and consequences for young people, in many cases before they have become adults and have had an opportunity to understand these issues through life experience. I would guess that the mistakes that members of this chamber might have made, for the most part, have not occurred in an online community or environment and are therefore not available for the world to see and judge for all time.

The law has not kept pace with these matters, and it does not reflect the community's views on these matters. The legislation is not up to date enough to deal with the changing technological practices of new generations both here in Victoria and, as we found, interstate and overseas. It is good that the government has sought to grapple with the issues in this bill and has gone some way towards implementing the unanimous

recommendations of the Law Reform Committee in its report. I note in particular that on page 40 of the bill the explanatory memorandum states that clause 28:

> … amends section 57A of the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to insert the same four exceptions to the offence of publication or transmission of child pornography, as apply to the child pornography offences in new section 70AAA of the Crimes Act 1958. These new exceptions operate in the same way as discussed in relation to clause 8 of this bill.

I welcome these amendments. However, there are a range of other circumstances that the government has not chosen to address in this bill. I again reiterate that currently in our community any sexually explicit depiction of a person under 18 can potentially be considered child pornography. That has the effect of criminalising teenagers who engage in sexting. The bill creates exceptions to child pornography offences for minors if the explicit images do not depict an act that is a criminal offence. This opens up another area where this Parliament needs to do more work — that is, how we can provide an assessment mechanism for the government before it legislates on the recommendations of the Law Reform Committee inquiry into sexting. Can this house assess the value of the committee recommendations and where more work needs to be done, and can this house assess whether the community is accepting of the changes being proposed by the government, which the opposition does not oppose?

I note that when the Law Reform Committee released its report on 29 May 2012 one of the recommendations was that minors who can legally engage in sexual relations with one another should not be regarded as child pornographers if they take a photo or video of that activity. However, if there is more than a two-year age difference between the minor depicted in the specific image or recording and the person who possesses it, it should be treated as a child pornography offence.

The government has responded to the report. Several of the recommendations and amendments in the current bill relate to those matters, and that is welcomed on this side of the house. I also note that there are other recommendations of the committee which the government has not chosen to adopt, including that the Victorian government introduce a specific offence for sexting to the Summary Offences Act 1966. That is disappointing, but I think there is further work that can be done in the future in relation to this legislation. It is a new area of the law that the government and this Parliament is seeking to grapple with, which illustrates the challenge of ensuring that our laws reflect modern community values.

This Parliament has the capacity to empathise with younger generations and their interactions both with each other and with the community as a whole. We have to make a moral assessment, an assessment under law and, as people who might engage in different forms of communications, an assessment of what meets the community standards and values of a different generation of people who I am sure communicate in ways that are anathema to many of us in this place. We have gone a long way through the recommendations of the Law Reform Committee following the interviews and other matters people were prepared to put on the record.

I am sure members understand that it is very challenging for young people who at 17, 18 or 19 have made indiscretions in their choice of communications. Most of us would have had conversations, but those people choose to communicate online, in an image, by phone or by texting. That is there for all time as an assessment and judgement of them. I am sure I am not the only member in this place who would be concerned if every word I had uttered and every action I had taken were there for all time to be assessed and judged, regardless of my age and experience and with whom I had interacted.

We must apply common sense. Something that has always appealed to me since coming to this place is to make sure that the law is applied in a common-sense way. Literal interpretations of the law are not always appropriate. It is most important that in applying our law we are willing to provide empathy and understanding within the spirit, values and moral obligations of what the community expects. The challenges of the sexting inquiry included the courage of the young people, their parents and other family members who have supported them. They made contributions that explained the dilemma in which they have found themselves. They spoke of the threats and the possibility of being set back in their life's journey before they have really got out of the blocks, so to speak.

It is important that many of the recommendations of the Law Reform Committee have been given weight by the government. There is further work to do, but there has been some strong acknowledgement of them in the bill and the amendments put forward. The Labor Party does not oppose the bill, and I look forward to the continuing debate.

Ms GARRETT (Brunswick) — I am pleased to rise to make a contribution to the debate on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014, and especially to follow my colleague the

member for Ivanhoe. We were both members of the Law Reform Committee, which I again note this government abolished this year. The member for Prahran chaired that committee, which conducted an inquiry into sexting, and the recommendations following that inquiry form at least part of the provisions of this legislation.

Much has been said by the lead speakers and others about the provisions relating to sexual offences, and I will touch on those towards the end of my contribution. Given the work members of the committee did, in my contribution I will focus on the provisions relating to sexting. As others have noted in their contributions, we are in a very difficult period. The changes to technology have been extraordinary, exponential and rapid, and they are ongoing. I remember standing in this house speaking about the report we had compiled and presented to this place. I spoke about being 16 and there being no mobile phones. If you had an appointment, you had to ring on a payphone, and you could not be late.

At the end of a plane trip we would land and just sit there in the plane on the tarmac. People would not be getting out phones and texting and looking at the web. I remember that about that time my father brought home the first Mac computer and the printer that would go dot-dot-dot-dot-dot and would take about 4 hours to print out an assignment. I remember when we got our first video cassette recorder, the VCR, and the excitement that caused. You stuck in the tape and you could press the fast forward button. Those were extraordinary technological advances. For my mother and my grandparents it was all too much. There were massive remote controls that were as large as the moon, it seemed, and the television had two, three or five channels. There were certainly no digital images.

It is really important that we as legislators remember that that was not so long ago — certainly in our lifetimes. Now I have three children of my own — an 11-year-old, a 7-year-old and a 2-year-old. My seven-year-old is playing *Minecraft* like a complete pro and my two-year-old knows his way around an iPad. The manner in which we use technology has changed dramatically from when we were the ages of my children and the children of other members in this house.

With that comes great opportunity. To dig into the archives again, I remember going to law school in the 1990s, photocopying case notes and researching cases in the library with thick, heavy, dust-laden texts. Now I look at the manner in which our kids learn these days, with Google and the net, downloading and uploading, using PowerPoint, and on it goes. That is a wonderful opportunity for young people in terms of broadening their horizons, shaping their education and understanding the world in which we live. However, there is no question that it also creates its challenges.

The manner in which we communicate has changed at the same rapid rate. We have gone from having to use a payphone if we wanted to ring somebody and we were out to our phone being a tool for email, a web browser, instant messenger, a Facebook app, a Twitter portal and so on and so forth — a 24-hour, non-stop action tablet — and this has impacted on the way in which all of us but in particular young people are communicating, and young people know no other way.

The member for Ivanhoe pointed out the challenges of that sort of technology, particularly with young and impressionable people who are fumbling their way through their early teens and adolescence, as we all did. We need to be there to guide them around some of those pitfalls.

My generation, generation X, is probably the one that has been caught flat-footed the most. We have young children and children who are emerging into the teenage years, but as younger people we were not part of that massive technological revolution. Members of generation Y, generation Z and whatever the next generation is called will be much better placed to manage these issues when they have their own children, but we are where we are and the technology caught us all a bit by surprise. We did not understand the manner in which children were communicating. The real danger in this technology is the capacity to take a video or a photo and instantly send it on, upload it and disseminate it well beyond your own personal use — this ain't a polaroid, this is full-blown access to the World Wide Web. For children with a phone in their hand the excitement, sense of danger, rebelliousness, capacity and quite natural desire to explore, expand and test the boundaries can lead to lifelong consequences.

Certainly in our inquiry the Law Reform Committee found that the growing prevalence of sexting among young people had the potential to cause real harm. We also understood it is about getting the balance right. We know there have been tragic situations — but not a huge number — and that there was the potential under the then and current legislative framework for young people who had swapped explicit images between themselves to end up on the sex offenders register with a cohort of people who were clearly in a different category of conduct, behaviour and attitude.

The bill goes to address the issues we identified during our inquiry. It also grapples — as we attempted to do as best we could — with this issue of getting the balance right and understanding that the genie is out of the bottle in terms of how humanity is communicating, while recognising that we want to do our best to have some protections around young people so that their digital footprint is protected as much as possible.

We know ourselves now, or at least I know as a person in their 40s who has been involved in managing people or hiring people, that the first thing you do is have a look on the net and see what a person's history might be. We really want to protect our young people and children so that what they may have done in a foolish moment, in heat of the moment or as part of a party does not then haunt them for the rest of their days and impact upon their possibilities.

The recommendations of the committee, many of which have been picked up in this legislation, go some way to getting that balance right in that where there is consensual sharing of explicit images between two people, that stays where it is, so people do not end up on sex offenders registers. However, there is a need for an offence, both in terms of deterrence and punishment, for those who would without consent forward images on to others.

Again, this is not a Polaroid or something I am sticking on a workplace noticeboard which someone can take down. Once these images are out there, they can be forwarded on ad infinitum. Someone then loses control of their privacy and in many cases their dignity. At all costs we need to protect that. Hand in hand with these legislative protections must come a very large and serious resource commitment to the education of parents and through our schools.

We need to educate parents about devices. We learnt during the inquiry that it is really important that kids do not take their phones to bed, not just for these issues but also for cyberbullying. You do not want to be contactable 24/7, and we have seen some tragic cases in relation to that. We also need to educate children about understanding consequences, as we do in many other areas of concern — drugs, smoking, alcohol and the like. We should try to help young people understand the consequences of their actions and the lasting impact these may have on their lives. These things must all go in tandem; there has to be education, and there has to be a legislative response.

That is what the provisions of this bill do, and that is what our inquiry did. This is not over. Obviously we will need to engage in ongoing discussion and progression on these issues, but this is a good start, and I commend the bill to the house.

Mr CLARK (Attorney-General) — I would like to thank honourable members for their contributions to the debate, particularly those who have made very thoughtful and constructive contributions. Between the member for Lyndhurst contributing to the second-reading debate and now, we have been able to sort out the issue of the house amendments that were introduced.

The member for Lyndhurst and I have confirmed that the amendments were made available to him on Monday, but to be fair to him they were made available together with a range of other amendments, and the discussion on Monday concentrated on those. In any event, as I informed the honourable member across the table during the course of his second-reading contribution, the house amendments I have circulated relate to the recommendation made by the Scrutiny of Acts and Regulations Committee (SARC).

I just wish to put on the record very briefly that SARC, in its *Alert Digest* No. 12, made reference to the provisions that removed limitation periods in relation to a range of offences that previously were subject to limitation periods. The committee raised the issue of what might be referred to as consensual sexual activity between teenagers. To quote from the *Alert Digest* briefly:

> The committee observes that a similar ACT law enacted in 2013 expressly preserved immunity from prosecution in some circumstances to 'reflect current comparable child sexual offences'.
>
> The committee will write to the Attorney-General seeking further information as to whether or not preserving immunity from prosecution for past consensual sexual activity that would be lawful if it occurred now would be a less restrictive means reasonably available to achieve clause 10's purpose of ensuring the perpetrators of sexual crimes against children can be brought to justice. Pending the Attorney-General's response, the committee draws attention to clause 10.

I responded to the committee, referring to what it drew attention to, and thanked it for raising this issue and the approach adopted in the Australian Capital Territory to this issue. At that stage I said that I was giving consideration to introducing a house amendment to address this issue. That is the house amendment that is currently before the house.

Let me very briefly refer to some matters regarding the Federation of Community Legal Centres that were raised by the member for Yan Yean, and possibly by other members. I thank the Federation of Community Legal Centres for its thoughtful attention to the bill, and

for the matters that it has raised. I and my department have given careful consideration to the various suggestions the federation put forward, although ultimately we have not adopted them. There was a suggestion about providing more detail on consent and consent-negating circumstances, but the conclusion that I and the department reached was that further detail in the legislation would be unhelpful and unnecessary because the bill aims to simplify and clarify sexual offence laws and therefore should be drafted as simply as possible.

There was an issue raised about lack of reasonable belief in consent in circumstances being deemed. An approach similar to that has been taken in the United Kingdom, which has led to numerous appeals and would be likely to complicate the law if introduced in Victoria, and it is not generally supported by stakeholders. There was an issue raised about what were referred to as mandatory jury directions, which in the past were directions the judge was required to give when they were relevant but which must not be given when they were not relevant. However, as the member for Lyndhurst and other honourable members may be aware, the structure that has been adopted in the new Jury Directions Act 2013 is to provide for the relevant parties to request the giving of directions when relevant to matters in issue. On a generic basis that is considered more effective than so-called mandatory directions because it enables a focus on the real issues in the case and responds to the requests of the parties. The directions are still available. Either party at any time can ask for the relevant directions to be given. With those clarifications, I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1 agreed to; clauses 2 to 9 agreed to.

Clause 10

Mr CLARK (Attorney-General) — I move:

See amendments page 3426.

The amendments have the effect I outlined during the second-reading debate.

Amendments agreed to; amended clause agreed to; clauses 11 to 37 agreed to.

Bill agreed to with amendments.

Third reading

Motion agreed to.

Read third time.

EMERGENCY MANAGEMENT AMENDMENT (CRITICAL INFRASTRUCTURE RESILIENCE) BILL 2014

Second reading

Debate resumed from 6 August; motion of Mr WELLS (Minister for Police and Emergency Services).

Mr NOONAN (Williamstown) — It gives me pleasure to rise and speak on the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. I indicate from the outset that the opposition will not be opposing this bill. The bill amends the Emergency Management Act 2013, and it also consequentially amends the Freedom of Information Act 1982 and the Terrorism (Community Protection) Act 2003. Its principal aim is to provide for new emergency risk management arrangements for Victorian critical infrastructure, including, most centrally, the establishment of the Victorian critical infrastructure register.

Labor recognises that it is vital that Victoria is disaster resilient and safe. It is the essence of emergency management that there be best practice in regard to preparedness and response to emergency, be it natural disasters, accidents or — the most unwanted — terrorist incidents. In the last few days the Prime Minister has raised the terror threat in Australia. It is a very concerning move by the Prime Minister. Obviously that will trigger a range of additional security activities around places like airports, large public events, government buildings, ports and other critical infrastructure. Just last week we paused to reflect on the fact that it is 13 years since the events of 11 September 2001 in America, and I had an opportunity to join the Minister for Police and Emergency Services out at the police academy last Thursday evening to reflect on the worst event that has occurred on American soil in terms of lives lost.

Labor believes it is the role of government to provide support and oversight of critical infrastructure resilience in the best interests of the Victorian community. That goes to the health and wellbeing of Victorian citizens and the protection of the Victorian economy. Hence Labor acknowledges that a bill such as this is very

much in the interests of the Victorian people. The bill builds on the work of successive governments in Victoria, including the Bracks and Brumby governments. Victorians want to ensure that our services and infrastructure function well and continue to function in the face of disasters and emergencies.

Labor recognises the great work done by our emergency services personnel, be they police, firefighters, paramedics, doctors, nurses, lifesavers or anyone else involved in emergency medical response. Their work is done 24 hours a day, seven days a week right throughout the year. We recognise the work done by departmental workers in fighting fires on government land or in managing government facilities such as our water and sewerage systems. We thank those workers in private industry whose responsibility is also to ensure the safety of our community.

This bill builds on the past and Victoria's leading role over many years in this area of critical infrastructure resilience and emergency management. In 1999 and 2002 there were security of supply reviews, which defined essential services and assessed the sectors that required the highest level of protection. Sectors reviewed in 1999 were water, energy, emergency services and transport and communications. The banking and finance sector was added in 2002. The latter two sectors are now fully regulated by the commonwealth following a Council of Australian Governments decision in 2004.

The 2002 review defined essential services as:

> … services which, if disrupted would substantially disrupt normal life for a significant sector of the community.

Services considered to fall under this definition were water, gas, electricity, telecommunications, financial services, transport, fuel, emergency information, Melbourne Airport and cabinet and parliamentary services.

Following 9/11 and the Bali bombings the Bracks government passed the Terrorism (Community Protection) Act 2003, which under part 6 mandates specific requirements for those critical infrastructure elements that, due to their criticality, are declared services. According to the then Acting Secretary to the Department of Premier and Cabinet in the response to the 2009 Auditor-General report entitled *Preparedness to Respond to Terrorism Incidents*, trains were declared essential services. A critical bridge was also so declared, as were water and energy. It is this act that is subject to the change proposed in the bill by providing a more comprehensive and all-hazards inclusive framework for risk management, disaster preparedness and response. The need for continued improvement in this direction was identified by the Auditor-General in his 2009 report.

The 2009 Victorian Bushfires Royal Commission confirmed that Victoria is better equipped to deal with an emergency as a result of an act of terrorism compared with other emergencies. Subsequently, Neil Comrie's *Review of the 2010–11 Flood Warnings and Response* recommended major reform of Victoria's emergency management arrangements to bring about an effective all-hazards, all-agencies strategic approach, and this has been supported by all sides of the Parliament. The notion of an all-hazards, all-agencies approach to emergency management started under the previous government and has been continued with some momentum by this government.

The next steps were the release in December 2012 of the white paper on *Victorian Emergency Management Reform* and *A Roadmap for Victorian Critical Infrastructure Resilience*. The roadmap relates to the work of the Council of Australian Governments in 2011 through its national strategy for disaster resilience. The roadmap was developed with public and private stakeholders and sought to develop new arrangements that moved to an all-hazards resilience framework. There were new definitions of 'critical infrastructure', a risk-based approach for inclusion in legislation, flexible partnerships, clear roles and a robust assurance framework.

Last year the Emergency Management Act 2013 passed through the Parliament with the support of the opposition. That led to the establishment of Emergency Management Victoria, which is the overarching body for emergency management in this state. It has the role of coordinating emergency management policy, implementing emergency management reform and, through the role of the emergency management commissioner, Craig Lapsley, responding to emergencies. That response was identified as a gap after the Black Saturday bushfires. This body coordinates that response throughout our summer and through other emergency management situations that arise in the state. In fact only this morning a number of speakers in the grievance debate spoke about the response to the Hazelwood mine fire and the role that Mr Lapsley played with his team in coordinating that response on behalf of the emergency services and on behalf of Victorians.

In December last year the Victorian *Critical Infrastructure Resilience Interim Strategy* was released, and I have a copy of it here. From the outset that

document makes it clear, and I am quoting from page 1 of the executive summary:

> Some infrastructure is critical to the health, safety and prosperity of the Victorian community.

It also indicates that Victorian critical infrastructure delivers services that are critical to maintain the social and/or economic wellbeing of the state. That is really the driver of the work that sits behind the interim strategy. It outlines new management arrangements for Victorian critical infrastructure resilience, government-industry partnership, adopting an all-hazards approach, critical infrastructure ratings and the Victorian critical infrastructure register.

The bill starts to give effect to that strategy. The bill provides for emergency risk management arrangements for critical infrastructure resilience. It defines 'infrastructure' as meaning 'any premises, asset, good or system used for the purpose of the generation, production, extraction, storage, transmission, distribution or operation of an essential service' and includes communication systems. The bill provides for the creation of a Victorian critical infrastructure register that will record all infrastructure designated as vital or assessed as major or significant. It will be the responsibility of the relevant ministers to provide the Minister for Police and Emergency Services with the necessary information for that register.

The register will be maintained by Emergency Management Victoria. It will be a secure register with very limited access to those in government who require it for the exercise of their functions. The bill provides for an annual resilience improvement cycle and requires responsible entities to provide to the relevant minister a statement of assurance and risk management plans and demonstrate that they have tested their planning, they have tested their preparedness and they have assessed their prevention response or recovery capability in the event of an emergency. That will be a critical function which will be subject to audit. The specifics of the resilience improvement cycle will be subject to regulations or guidelines.

The bill sets out offence provisions for failure to complete the required actions under the legislation without reasonable excuse, and the penalties are quite substantial. By way of financial penalties, they are upwards of $80 000 for individuals and $500 000 for corporations. The bill provides that the inspector-general for emergency management — which is a new role — will have the function of monitoring, reviewing and assessing critical infrastructure resilience at a system level. I suppose the best way to look at that is with a global view in relation to that functioning role across all critical infrastructure.

The bill contains transitional arrangements for repealing parts of the Terrorism (Community Protection) Act 2003, which I referenced earlier in my contribution, and transferring responsibility for holding information from where it currently sits, with Victoria Police, over to Emergency Management Victoria as part of those transitional arrangements. The bill amends the Freedom of Information Act 1982 to exempt documents if they are held or created for counterterrorism or critical infrastructure resilience, including documents related to the details of the register. I understand from the briefing we had with the department quite some time ago that, if my memory is right, there have been no FOI requests in relation to the current register, which sits with Victoria Police. Obviously, given the sensitivity of that information, it would be inappropriate to provide those sorts of details to members of the public.

I understand that there have been extensive consultations with industry, that sector resilience networks have been established or are being established and that responsible departments are looking after the networks across broad categories, including banking and finance, communications, energy, food supply, government, health, transport and water. They form part of the critical infrastructure resilience governance arrangements outlined on page 8 of the strategy and reflected in parts of this bill.

A range of questions come through with this bill. Obviously some of those questions are of a sensitive nature and some are of a process nature, but it would be of value to at least raise some of them within the context of this debate. The government might choose to respond to some of these questions. As I said, I certainly appreciate from the opposition's side the sensitivity of some of the issues raised in this bill, but I think it would be of use if the government could inform the house of the progress of these networks and of how industry is preparing for the mandatory requirements under this bill. Clearly there is work going on across all of those areas of industry. Those networks seem to be quite critical as a conduit to ensuring that the obligations of this particular bill can be delivered. This also raises other questions. Obviously if you are creating some obligations on privately owned and operated assets, there can be some aspects around red tape, and it would be of value to understand whether the government has consulted with the red tape commissioner in relation to some of the obligations that will be placed on industry regarding elements of this bill.

It is clear that this bill has real and extensive requirements for owners and operators, especially those in charge of vital critical infrastructure. Those obligations are clearly there for good reason, and we take in good faith the fact that this process has real mutual interest for all concerned, not least the community, but it is probably worth understanding how well prepared industry may be for some of the obligations imposed under this bill.

It would also be useful for the house to be apprised — in approximate terms, without affecting security — of the expected cost to owners and operators of critical infrastructure in two parts: firstly, in the initial year of operation, including preparations for the new regime, such as assessments and initial risk management plans, and secondly, on an annual ongoing basis including assurance statements, revised plans, exercises and audits. Whilst many pieces of critical infrastructure have probably been on a register already, it is probably worth understanding for those that are coming onto the register what expected costs might be applied in relation to ensuring that they conform with requirements of this particular bill.

While we expect that owners and operators of critical infrastructure would already have in place extensive risk management and business continuity plans, there are quite specific arrangements in this bill in relation to annual requirements under the resilience improvement cycle. The bill in clause 3 inserts a new part 7A in the Emergency Management Act with new sections 74B and 74C defining infrastructure, including communications systems, under three categories. The first category is significant, where disruption is assessed as affecting one region. The second category is major, where more than one region is assessed as being affected. The third category is vital, where the impact would be on Victoria and the critical infrastructure is designated as vital. New section 74C is a very wide definition of essential service. For example, it can mean water, gas, power, light, fuel, transport, sewerage and anything else specified by the Governor in Council.

Assessments as provided in the bill are made by the relevant minister, so designated by the Governor in Council with respect to infrastructure or a class or type of infrastructure. The minister responsible for the act can ask the relevant minister to assess or reassess any infrastructure. The relevant minister can recommend to the Governor in Council the designation or revocation of a vital critical infrastructure. An assessment by the relevant department must have regard to the criticality assessment methodology. Any order in council must be distributed to the responsible entity of the vital critical infrastructure, Emergency Management Victoria, the Chief Commissioner of Police and the CEO of the council where the infrastructure is located.

These arrangements will require resources within the various departments to provide assessments to the relevant ministers as well as manage the sector resilience networks. As we know, many of these departments have endured fairly substantial cutbacks, and it is legitimately worth asking what arrangements will need to be in place within the relevant departments so that they are well able to deliver the assessments that are required under this act. It is also worth asking about the expected size of an assessment unit and the cost of running such a unit, and whether that cost will be absorbed by a department or additional funds will be allocated to the department to undertake the obligations under the act.

The bill provides for what is known as a criticality assessment methodology. I understand this is based on global standards, but as a new concept it raises some questions. I invite the government to inform the house whether this assessment methodology has been developed and tested and explain whether it is based on national and international standards or best practice. I invite the government to explain what consultation has taken place with industry on the development of the methodology to ensure its practicality in application is appropriate. I do not believe these are onerous questions for the government to inform the house on.

New section 74J establishes the Victorian critical infrastructure register. New section 74K restricts access to the register. It is quite prescriptive in that certain listed people can only have access to the register on request and as required in the performance of their duties, although new section 74K(1)(b) allows Emergency Management Victoria to provide access to ‘any other person that Emergency Management Victoria considers requires access in the performance of their functions’ et cetera. It is worth clarifying who is envisaged as possibly requiring access given the recently broad terminology of this subsection. Does it include the army? Does it include federal authorities? At what level is authority held with Emergency Management Victoria to make such a decision on whether such authority could be delegated? Perhaps the minister could clarify what is intended by this reasonably open provision.

Division 5 in new section 74 provides specific details on the resilience improvement cycle and sets out the requirements on responsible entities in respect of a statement of assurance, emergency risk management plans, exercises to test planning, readiness, prevention and response capability in respect of an emergency and

audits of any exercise. I raised questions earlier about what costs would have to be met by industry to implement the new requirements. In my electorate I believe there are a disproportionate number of major hazard facilities, including petrochemical operators, one of which is the Mobil refinery. It would be useful to understand, for example, what the annual costs might be for an entity such as Mobil, if it were to find itself on the register, to conform to the requirements envisaged in this bill.

Furthermore it would also be useful to understand what additional matters participation in the resilience cycle would require of an entity beyond requirements under other state or federal legislation or regulation — for example, occupational health and safety, environmental, dangerous goods, fire regulation and others. I invite the minister to respond to these questions about the cost to industry.

Before I sum up, it was interesting to read an article by Aisha Dow which appears in the *Age* of 30 July, the headline of which is 'Four big problems for Melbourne's $478 000 chief resilience officer'. In a forward-looking way, the article raises some of the resilience challenges facing Melbourne and places them broadly into four categories. When we talk about resilience, we do not immediately think about the weather. While weather is very much a contributing factor to disasters, the *Age* article focuses on considering the sorts of resilience we should consider when thinking about future weather conditions such as death and illness related to extreme heatwaves, one of which we experienced last summer. During heatwaves vulnerable people need the sorts of emergency services that we have all come to rely upon, and vulnerable people can need such services in a very intensive way.

The second aspect noted in the article is that of a suffocating economy, as the author put it. A suffocating economy can impact upon a city's construction industry. For example, the mercury might climb beyond 35 degrees during a mid-morning period.

The third aspect of the article relates to threats to vital infrastructure, which takes us back to the city's transport network, and also goes to water and sewerage utilities and the like, including the sorts of things that might have a significant cost impact associated with delivering government infrastructure in the future.

The fourth aspect in the article is an interesting one: civil harmony. The article states:

> These new tensions will widen class divides, as cities face a wave of climate-induced migration …

They are not necessarily the sorts of things that we are thinking about right now, but it is interesting to look into the future when talking about resilience and, in this case, infrastructure resilience more broadly.

In summary, Labor does not oppose this bill and recognises that it is vital that Victoria is disaster resilient and safe. The reality is that most owners and operators of infrastructure in Victoria do the right thing and have in place stringent practices to prepare for and respond to emergencies. Labor believes it is the role of a government, regardless of its colour, to provide support and oversight of critical infrastructure resilience in the best interests of the Victorian community. The Emergency Management Act passed by this Parliament last year was supported by the opposition. As I mentioned earlier, that act established Emergency Management Victoria, the overarching body for emergency management response and for policy and the implementation of emergency management reform. The act also established the positions of emergency management commissioner and the inspector-general for emergency management. There are a lot of 'emergency managements' in there, Acting Speaker!

On behalf of the opposition, I thank the departmental representatives for their very solid and expansive briefing on this bill; the briefing was appreciated by the opposition. It is a real pleasure to be briefed comprehensively by people who clearly are on top of their brief.

Labor supports the strong framework across all hazards for infrastructure resilience as envisaged by this bill. Labor is also aware that such a framework has its necessary costs and requires strong cooperation with owners and operators of vital and critical infrastructure. We want to ensure that all is in line for the proper implementation of the provisions of this bill, that industry is clear about its responsibilities and costs and that the impacts of the Napthine government's cuts to departments do not impede the emergency services management framework that is so necessary in this state.

Mr SOUTHWICK (Caulfield) — It is with pleasure that I rise to speak in the debate on the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. On 1 July this government delivered major reforms in emergency management, the most significant reforms in emergency management in 30 years. The government is committed to reform in this very important space, and it is my pleasure to be working alongside the Minister for Police and Emergency Services in this area. I am sure that members from all sides of the house understand the

importance of having the best emergency management team in the state and in the country. We are very proud of our team, and I pay tribute to all our emergency service workers and volunteers who do a fantastic job in keeping us safe.

On 15 September 2014 the Prime Minister announced an increase in the public terrorism alert level from medium to high as a result of significant events occurring around the world. The increased alert means that we need to have proper plans in place to protect much of our public infrastructure. Victoria Police is working very closely with owners and operators of key infrastructure like the MCG and other sporting venues to ensure appropriate security arrangements are in place. Victoria has well-tested, carefully made counterterrorism plans in place. But this bill expands that protection against terrorism to cover other emergencies — floods, fires and natural disasters — to ensure that proper emergency management plans are in place that are similar to those for a terrorist attack. Victoria hosts many significant events, and the relevant infrastructure must be protected.

In previous debates members have commented on the significance of the Hazelwood mine fire, where a number of agencies were involved, not just the police and emergency services. A disaster such as this is an example of how important it is that we ensure there are proper plans and processes in place to protect that infrastructure. Structures like CityLink, the West Gate Bridge, the Melbourne Metro rail tunnel and Yarra Trams, all of which are critical transport infrastructure, are protected under this legislation. While they remain the responsibility of the Minister for Public Transport, the minister will report to Emergency Management Victoria and be supervised by the Minister for Police and Emergency Services on emergency risk management activities. The bill gives clear guidance on how critical infrastructure will be managed and protected. Similarly water reservoirs and utilities such as gas and electricity and what have you will be managed by relevant ministers, who report to Emergency Management Victoria as the supervisory body.

The bill gives effect to the new all-hazards, all-agencies approach to how we deal with emergencies. We had a white paper in 2012, which looked at how emergencies had been managed in the past and recommended that we look to a more cooperative way of managing emergencies in the future. We have done that. We have learnt from the past to make improvements for the future. It is incumbent upon all governments to constantly review emergency management in this state and ensure that in any way possible we improve it so that we are better prepared for the future. Resilience is an absolutely critical part of this. We must ensure that we have a system that protects our critical infrastructure, and that is what this bill does. In summary, the bill amends the Emergency Management Act 2013 to mandate emergency risk management planning for owners and operators of vital infrastructure in Victoria.

I want to share with members an example of something many of our asset operators and agencies are currently doing which this bill provides for legislatively. A few months ago I was representing the minister during some CityLink testing. The CityLink operator undertakes desktop trialling of its systems, and every few years it conducts a practical example operation. Very early one Sunday morning — about 6.00 a.m. in fact — we went down to CityLink, and the tunnels were shut down. We had a number of volunteers — family, friends and relatives — who drove through the tunnels, and during that time we simulated a fire and then showed how we were able to put out the simulated fire. We also ran a number of other simulations to test the system. This is showing how an agency like the CityLink operator can be proactive and have a plan and test it.

This legislation ensures that such plans are mandatory, that they are followed through and that all of our infrastructure operators have a plan or process that is tested, that is trialled, that is part of the system and that can therefore help ensure that we are well prepared in case of this kind of disaster.

This legislation has come from a body of work constituting the Critical Infrastructure Resilience Interim Strategy of 2013. That body of work looked at a roadmap for Victorian critical infrastructure. It ensured that we had a consistent and transparent method for assessing the critical infrastructure. It showed that there should be a responsibility on the part of government and the owners and operators of all critical infrastructure, a responsibility that is shared between government and those owners of critical infrastructure. It showed there should be, as I said, transparency as well as a risk-based approach to managing resilience and managing these assets. The kinds of things that were covered — tested and discussed — as part of this were oil, electric power, water, telecommunications, natural gas and transportation assets.

If a major asset of our state — one of our tunnels, roads or power plants, for example — is shut down due to a natural disaster, we need to have a plan in place. The relevant minister, who already has the expertise, needs to be ready to go and ready to brief his departments, ensuring that we have that process. Most importantly,

we have introduced into the state this new body, Emergency Management Victoria, with our new emergency management commissioner, Craig Lapsley, to ensure that there is an all-hazards, all-agency approach to this, and we have the inspector-general to ensure that there is a system in place and that the systems are tested.

There are penalties for those who do not do the right thing. There is a penalty of $80 000 for individuals and $500 000 for organisations not having a plan, not testing a plan or not being prepared. There has been a transfer of responsibility for the issues we are talking about here. They have moved from being Victoria Police and terrorism matters to being emergency management matters in terms of the whole area being covered.

I conclude by saying that this bill strengthens the way we deal with emergencies. Terrorism is still at the front and centre of these matters, because terrorism is something we should all be mindful of and prepared for; we should certainly ensure that we have those systems in place. This bill, however, broadens that approach. It ensures that we have learnt from the expertise we have developed in our terrorism systems — in preparing for such attacks — and that we have broadened that out to be applied to other emergencies. We look at floods, we look at fires and we look at other natural disasters, and we ensure that we are prepared for the future. This is a solid body of work, and I commend our volunteers and our emergency services workers, and I commend the government on bringing this bill to the house.

Mr McGUIRE (Broadmeadows) — The Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014 is an evolution of Labor's initiatives following the 9/11 disaster. It looks at what should happen with regard to taking care of the vital infrastructure of the state of Victoria during not just acts of terrorism but also natural disasters. The principal aim of the bill is to provide for new emergency risk management arrangements for Victoria's critical infrastructure through measures that include establishing the Victorian critical infrastructure register. The bill establishes what should be managed and seeks world best practice for managing it.

The aim of the bill is to make sure, if there are serious natural events or acts of terrorism, that the state is not crippled economically or socially. The bill follows a gap analysis done after the assessment by former Chief Commissioner of Police Neil Comrie of the floods and what needed to be done there.

Labor recognises that it is vital that Victoria be disaster resilient and safe. This is a bipartisan issue that everyone supports and takes seriously. It is about finding the best blueprint and strategy and the most significant way to implement them. It is the essence of emergency management to have best practice with regard to preparedness and response to emergencies, whether they are natural disasters, accidents or — the most unwanted — acts of terrorism. While we look at what has happened overseas, we know that Victoria has not been completely free of acts of terrorism in the past. They have happened in Melbourne. We need to be alert to the strategy that should be in place and ready to go.

Labor believes it is the role of government to provide support and oversight of critical infrastructure resilience. We acknowledge that the bill is in the best interest of Victorians, and it builds on the successive work of the Bracks and Brumby governments. We want to ensure that our services and infrastructure function despite whatever calamity they may face.

In recognition of this, Labor recognises the work done by emergency services personnel, whether they are police officers, firefighters, paramedics, doctors, nurses or other lifesavers. During Black Saturday, the floods and the increasing number of different major incidents we have had to face as a state in the recent past, we have seen that the work of emergency services personnel is critical. Labor also recognises the work done by departmental workers in fighting fires on government land and in managing government facilities such as water and sewerage systems, which are also essential in ensuring that the community functions. Labor also thanks workers in private industries whose responsibility is to ensure safety.

The bill is an evolution from what has come before, informed by our responses to emergencies, and it is looking to best practice. The 2009 Victorian Bushfires Royal Commission confirmed that Victoria was equipped to deal better with an emergency as a result of an act of terrorism than it was with other emergencies. Neil Comrie's review of the 2010–11 flood warnings and response recommended major reform of Victoria's emergency management arrangements to bring about an effective all-hazards, all-agencies strategic approach. That collaboration is what we are now seeing come into play, and that is to be applauded.

The next steps were the release in December 2012 of a white paper on Victorian emergency management reform and a road map for Victorian critical infrastructure resilience. The road map related to the work of the Council of Australian Governments in 2011 through the national strategy for disaster

resilience. It was developed with public and private stakeholders and sought to develop new arrangements that moved to an all-hazards resilience framework, new definitions of critical infrastructure, a risk-based approach for inclusion in legislation, flexible partnerships, clearer roles and a robust assurance framework.

Work has been done on scrutiny, accountability and now this compliance regime so that roles can be defined and lines of communication can be improved. Lines of communication were a critical issue with the Black Saturday fires. From my recollection, the person who was doing the advance analysis of where the fires might go did not have direct communication with the operational people who were involved. Therefore that was clearly a gap in communication that needs to be closed to ensure that the lines of communication and those who are predicting where fire fronts may move are informed in the fastest and most collaborative way those who coordinate the response.

The bill provides for emergency risk management arrangements. It defines infrastructure as any premises, asset, good or system used for the purpose of the generation, production, extraction, storage, transmission, distribution or operation of an essential service, and includes any communication system. The bill provides for the creation of the Victorian critical infrastructure register, which will record all infrastructure designated as vital or assessed as major or significant.

It is the responsibility of the relevant ministers to provide the Minister for Police and Emergency Services with the necessary information for the register. The register will be maintained by Emergency Management Victoria. It will be a secure register with access restricted to those in government who require it for the exercise of their function. Put simply, it will be on a need-to-know basis to enable them to perform their duty. The bill provides for an annual resilience improvement cycle and requires responsible entities to provide to the relevant minister a statement of assurance risk management plans and demonstrate that they have tested the planning preparedness, prevention response or recovery capability of an emergency service as well as having conducted an audit. The specifics will be subject to regulations or guidelines.

This is an ongoing mechanism of scrutiny and accountability and compliance. There is no fail-safe system — we understand that — but this is a good system to keep people on their toes and to keep the checks being made. I think it works as a preventive measure as well to look at how we are framing these issues in terms of whether we have the right responses, the right personnel and the right strategies. The bill provides offence provisions for failure to complete the required actions under the legislation without reasonable excuse. The penalty can be up to $88 000 for individuals and $500 000 for corporations. The bill provides that the inspector-general of emergency management will have the function of monitoring, reviewing and assessing critical infrastructure resilience at a system level. It also contains transitional arrangements for repealing parts of the Terrorism (Community Protection) Act 2003 and the transfer of responsibility for holding information from Victoria Police to Emergency Management Victoria.

The bill amends the Freedom of Information Act 1982 to exempt documents if they are held or created for counterterrorism or critical infrastructure resilience, including those related to the details of the register. So this is an analysis of the needs for us to take care of our critical infrastructure. One of the other things we need to do to ensure we have the best preventive system is to ensure we have enough social infrastructure so that nobody feels they are isolated and marginalised within the community and that they do not become radicalised, as that is the road to extremism. We want to ensure that that social infrastructure is present in various pockets of the community and that people who have come from the four corners of the globe to now call Australia home feel that they are part of the opportunities that Australia provides.

I therefore call on the government to ensure that that preventive approach is looked at as well. This is not just my view; I have spoken to senior people in Victoria Police and they always say that the best asset you have is the community. They provide the best information and the best way of ensuring that we live harmoniously in Victoria.

Mr CRISP (Mildura) — I rise to support the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014, and I note that the opposition is not opposing this bill. The bill deals with some aspects of our preparedness for various events that might occur, and it is fairly timely that we are discussing this now, as an elevated terrorism alert has had to come into being in Australia. I also pay tribute right up front to all those who protect us: the police and emergency services personnel, both volunteers and professional, the support agencies and those who are involved in recovery after various disasters that occur. We are a strong country, and within that we are a strong state. We are well organised, but we need to be prepared. We also know what we have to do to protect our critical assets.

The purpose of this bill is to amend the Emergency Management Act 2013 to provide for emergency risk management arrangements for critical infrastructure resilience and to consequently amend the Freedom of Information Act 1982 and Terrorism (Community Protection) Act 2003. The objective of the legislation is to deliver on a commitment in the *Victorian Emergency Management Reform — White Paper* to replace the solely terrorism-focused critical infrastructure arrangements with an all-hazards approach to critical infrastructure resilience. Within that context the government released an interim strategy in December 2013 outlining the new all-hazards resilience framework for managing risk in the state's critical infrastructure and the interim framework for managing the state's critical infrastructure.

The interim strategy introduces a new Victorian critical infrastructure model, and the bill gives effect to new arrangements by mandating that owners or operators of infrastructure designated vital to supply of essential services undertake risk management activities to prepare for and mitigate risks for the supply of essential services. Risks vary across our infrastructure a great deal and are dependent on many factors. Terrorism is but one of them, and others include geology, climate, proximity to hazards and interdependency with other infrastructure, and the best practice regulation involves adopting a risk-based approach to dealing with the risks and consequences. We all know how much we have learnt from the Hazelwood mine fire.

We need to protect our critical infrastructure, and the all-hazards, all-agencies approach is something we have come to appreciate and develop in this state based on our experience. That is what we do: we learn from experience. A risk-based approach is very much the fashion of the time and is in fact best practice, and we know we face a number of risks. These include the environmental ones of flood, fire and storm that can cause a disaster, and terrorism. This issue is greater than government. This bill widely reflects that, and industry and operators need to share in protecting the assets of the state. We have learnt a lot about those risks, and we continue to learn about how best to manage those risks.

We enjoy a First World lifestyle in Victoria and want to keep that lifestyle, but our lifestyle will not look after itself. We need to be prepared, vigilant and well organised, and this bill establishes a framework that will ensure that the work that needs to be done gets done. The bill ensures that we do what is necessary. This is the state government doing what it needs to do and doing what it does best — that is, protecting the interests of its citizens in Victoria. We all know that things happen, and when they do we have to deal with them in a way that minimises the impact on our communities. This is excellent legislation, and I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to support the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. The introduction of this bill to the house is timely. A number of speakers before me have spoken about the legislative framework as it has developed over time, particularly from 1999 through to 2003 under the Brumby government, and the impact that 9/11 has had on the way we view critical infrastructure. The bill goes to determining what critical infrastructure is and the degree to which it is critical. It is not just about declaring infrastructure critical but also about the degree to which it is declared critical. The way we respond to the vulnerability of that infrastructure is crucially important. It is important that we have a centralised register of that infrastructure maintained and organised by a central body. That is what the bill proposes to do.

The bill also makes amendments to the Freedom of Information Act 1982 in relation to terrorism. After 9/11 all the states and the commonwealth as a whole were looking at their legislation in relation to terrorism and the way we protect our infrastructure from terrorist acts. The bill also goes to the point of making changes to ensure that we are protecting our infrastructure, including protecting it from natural disasters that may occur. With global warming we are seeing the occurrence of more and more natural incidents that can be catastrophic. We will see more of them if we do not take action on the changing nature of our climate.

Most importantly what this bill also deals with is the need to protect against terrorist attacks. That means acknowledging all infrastructure that is critical to our economy, to our movement around the state, to our social framework and even to us here in the Parliament. I am sure there may be people outside this Parliament who do not think we are critical infrastructure, but of course we must protect our institutions as well.

This is a very timely and important piece of legislation before the house. It builds on the work done by previous governments. It puts in place new bodies to handle this issue with the seriousness it deserves, and I think that is important. This is a moving feast. Things do not stay static; they change. We need to review what is critical. We need to build robustness into the system, which is what is indicated will be done with the yearly assessment of risk and how that risk will be dealt with should a catastrophic event occur.

This legislation shows that governments of both persuasions take very seriously the protection of their citizens and the protection of infrastructure and institutions that are important in ensuring the safety of our community, the stability of our economy, the capacity for people to move about, the capacity for people to socialise and most importantly the ability of people to feel safe in going about their business under whatever circumstances may prevail.

Whether there is a problem with our power supply, a flood, a fire or even a terrorist attack, we are well prepared to deal with that emergency, ensure that we minimise the impact as best we can and recover those services as soon as possible. That is what is crucially important. We cannot necessarily stop those events occurring. We cannot stop acts of nature — or acts of God, depending on your belief system. We can, however, ensure that we respond to them quickly and get people back to normal as quickly as possible. I commend the bill to the house.

Business interrupted under sessional orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome to the gallery Lord Mayor Darryn Lyons and Lady Mayoress Elissa Friday of the City of Greater Geelong, and the former member for South Barwon, Alister Paterson.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Royal Melbourne Hospital

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Health. The action I seek is that he write to the Auditor-General requesting an audit of falls suffered by patients at Royal Melbourne Hospital and particularly at the Royal Park campus. In recent months I have had four cases brought to my attention. They are appalling cases and help me understand why our local ambulances try to avoid using the Royal Melbourne Hospital if they possibly can when they happen to have people they know or family members on board. The situation is very serious and it requires the Auditor-General's attention. I will detail the four cases that have come to my office in the last couple of months.

A 77-year-old lady went into Royal Melbourne with a bad back in March. She did not receive the required assistance, no staff came to help her get to the bathroom during the night, and on her way to the bathroom she fell and broke her hip. She was then in hospital for another 12 weeks. She and her 80-year-old husband now have to move out of their lifelong home in Pascoe Vale and live in a granny flat at their daughter's home so that she can provide them with care.

The second case concerns Mr Y, an absolute champion and hero of the Greek community. He advocated for senior citizens throughout Victoria and was a model citizen. His distraught daughter came into my office recently. Mr Y went into the Royal Melbourne Hospital with a broken arm. He was transferred to aged care at Royal Park after the operation. At home he had been using a walking frame, but because his arm was in a sling he was unable to use the walking frame. The hospital gave him a four-pronged walking stick, which was insufficient to support him even prior to suffering the broken arm.

When Mr Y needed to go to the toilet, because he had received no assistance and the hospital had only provided a walking stick, he fell and broke his hip. Prior to an operation to insert a pin in his hip, the hospital spoke to his family and explained that if his heart failed he would need to be resuscitated and his ribs could be broken. The hospital required instructions in the event that he should need resuscitation. Mr Y in conjunction with his family requested no resuscitation, which was noted on his paperwork. When he subsequently developed an infection no antibiotics were administered, which is quite different to requesting no resuscitation. He died a few days later. Mr Y's daughter informed me that the lady in the bed next to her father also fell out of bed whilst in the care of the hospital.

Mr C, a 91-year-old war veteran, went into the Royal Melbourne Hospital for a hip operation and terrible things happened to him.

The SPEAKER — Order! The member's time has expired.

Balaclava tram super-stop

Mr SOUTHWICK (Caulfield) — I rise today to bring to the attention of the Minister for Public Transport the proposed construction of a tram super-stop on Carlisle Street, Balaclava, between Balaclava railway bridge and Blenheim Street. I ask the minister to look at postponing plans for the construction of the Carlisle Street tram super-stop in order to allow local business owners, traders and residents the time to provide input on the proposed construction. It is a construction that could have a dramatic impact on local

businesses and traffic flows down the bagel belt of St Kilda without proper planning consideration.

I am very proud of the work we have done to deliver a brand-new station at Balaclava, soon to be opened. While the importance of the Balaclava station and existing tram stops cannot be understated, local businesses have been interrupted during the construction works along Carlisle Street. In late 2013 additional station works along tram stops in Carlisle Street restricted all car traffic and reduced foot traffic throughout the area, causing local businesses to lose a significant amount of trade.

The business owners of Carlisle Street have had it tough in the past 12 months, with tram and railway works limiting the availability of access to the area for both foot and road traffic. I am advised by local traders that they have not been properly consulted as to their opinions about the tram super-stop, and some currently fear that this new construction has the potential to put them out of business within 12 months.

I would like to pay particular tribute to Sam Reid of Gattica, Helen from Room 296 and a number of other traders who have created a petition and been so active in running a campaign to ensure that they are properly consulted. One local businessman, who is currently circulating a petition to halt the construction of the tram super-stop, has claimed that ongoing construction along Carlisle Street has negatively impacted his daily trade by more than 25 per cent.

As the busy Christmas shopping season approaches, where many small businesses can make a substantial amount of their annual trade, I implore the minister to temporarily postpone the tram super-stop on Carlisle Street until local residents and businesses can have a chance to have their say on how to best and most effectively develop their local area.

I understand the importance of improving the precinct, and I commend the City of Port Phillip on its public transport strategy and work in this area. My focus is on delivering what is best for the Carlisle Street precinct. It is therefore imperative that we take a breath, conduct a proper review and ensure that whatever we do in this key retail strip in St Kilda is done right.

Residential parks

Mr SCOTT (Preston) — The matter I raise is for the attention of the Minister for Consumer Affairs. The action I seek is that a consumer fact sheet be developed for residents in residential parks relating to the provision of utilities.

Residential parks are where individuals own a building but rent the land. They have specific requirements relating to utility provision because in almost all circumstances they are unable to access the normal energy markets, where there is choice. Usually there is a monopoly provision of supply. This leads to particular issues and consumer concerns because the circumstances of these residents are quite different and the usual information relating to the provision of utilities does not always apply.

Residential parks and villages are a growing area of housing in our community. Disputes have arisen in relation to utility provision as the owner of the park or the village usually provides utilities as a monopoly service provision. This creates obvious dangers for consumers. It is important that consumers in these circumstances are provided with adequate information relating to their rights.

I have been made aware that this information is not always readily available to residents. Concerns have been raised in the past by residents of residential villages relating to disputes, which have caused them some confusion. Most residents of residential parks or villages are elderly pensioners. The adequate provision of this information would advance their consumer rights. I urge the minister to take up this request as soon as possible.

Merton memorial hall

Dr SYKES (Benalla) — I raise an issue for the Minister for Regional and Rural Development. The request I make is for him to consider favourably an application for funding by the Merton community for an upgrade of its hall.

I have a longstanding interest in this project. A couple of years ago I attended a function at the Merton hall to launch a book on the history of Merton and district. During the launch I commented that I thought the hall was a wonderful place for people to come together but that it needed a coat of paint. Fast forward a couple of years and the notion of a coat of paint evolved into a substantial upgrade of the hall, which included new kitchen facilities. It became a place in which the very strong and longstanding community could gather and foster community spirit.

I have an even longer association with the community of Merton — my father bought property there in the early 1970s. His first property was a small house on a few acres overlooking the Merton racetrack. After having that for a number of years, he subsequently bought a property at Growlers Gully Lane, where he,

my brother and I ran livestock. He then purchased another property on Woolshed Lane near Bonnie Doon.

During that time my father and I developed a very strong association with the Merton community and some of the families that have been there for generations. I am talking about Alan and Ailsa Fox, who are still there with their sons Stuart and Glen. They are very successful businesspeople. We also have the Kubeils and the Kippings. I remember Alan and Edith Hewitt shut the railway station — of course, that was when trains used to run there. That is all gone. That was decades ago, but we have a fabulous rail trail there. We also have great characters like Norm 'Spur' Jury, who I could tell many tales about if only I had the time.

What we are looking for is a continuation of government support for that area. We have already as a coalition government supported the local racing club, by supporting both its annual New Year's Day event and also the facilities there. We have supported this facility. We see it being used by other groups in the community, including the racing club, the cricket club, Landcare and other community groups.

Tarilta Road bridge, Vaughan

Ms EDWARDS (Bendigo West) — The matter I raise is for the attention of the Minister for Roads. Tomorrow I will table in this house a petition containing around 700 signatures on behalf of concerned residents of the community of Vaughan. The petition calls on the Minister for Roads to investigate the closure of the Tarilta Road bridge at Vaughan as a matter of urgency and provide additional funding to the Shire of Mount Alexander for urgent rebuilding works to take place on this vital asset. The action I seek is for the minister to take action on the requests in this petition.

The Tarilta Road bridge at Vaughan has been closed for 12 months now, and the closure of this bridge, which was earmarked for repair back in 2010, continues to frustrate local residents. The Tarilta Road bridge is over 100 years old and has some significant heritage value. The closure of the bridge has meant that locals have to detour on a dirt road to get to Castlemaine. The round trip now takes about an hour as a result.

As we are coming into the fire season there is growing concern among locals that emergency vehicles cannot access the bridge. Fire trucks will be forced to make the detour. Vaughan is located in a high fire risk area, and those living on the south side of the river have only a two-wheel drive departure and access route in case of fire. There is also concern that other emergency vehicles, such as ambulances and State Emergency Service vehicles, do not have access to Vaughan via the bridge.

The closure of the bridge has effectively split the town in two. Being permanently limited to using the Tarilta-Guildford detour is not a safe or acceptable option for residents. Many travellers and tourists are unaware that the bridge is closed, as the signage is inadequate.

In 2010 the council pledged to replace the bridge and then in 2013 it pledged to repair it. However, on 5 January 2011 the *Bendigo Advertiser* reported that the shire council voted to start work on Gibbons Bridge at Redesdale instead of the Tarilta Road bridge. In mid-2013 a hole appeared in the bridge after years of neglect. In October 2013 residents were advised that the bridge would be repaired within six months. A pile of rail sleepers was delivered to the site shortly thereafter, and locals' hopes were cautiously raised. After a few months the sleepers were removed.

A large numbers of bridge users, from local pedestrians to bushwalkers, Goldfields Track visitors, mountain and racing bike enthusiasts and motorists find their journey abruptly stopped at the bridge. Recently one family was without phone or internet for 10 days because the Telstra faults operator in the Philippines could not adequately convey to the service vehicle how to access the phone pole on Tarilta Road.

The Mount Alexander Shire Council is very aware of the bridge problem and the impact its closure is having on the community of Vaughan. Nevertheless, community feeling about the ongoing neglect of the bridge and its subsequent closure is understandably high. Residents have been informed by the shire that it has no money to repair the bridge. I ask that the Minister for Roads look into this matter urgently and seriously consider providing additional funding to the shire to have the Tarilta Road bridge repaired.

World War I centenary

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Veterans' Affairs. In particular I ask him to ensure that the department of veterans' affairs develops, implements and supports a promotional and marketing campaign for the Anzac centenary commemoration, which will take place on 19 October at Port Melbourne this year. That will commemorate the departure of the first convoy of ships from Victoria.

Members will recall that on 17 August we marked the departure of the very first Victorians who were original

Anzacs, and they left from Flinders Street as part of the Australian Naval and Military Expeditionary Force bound for Sydney and ultimately bound for German New Guinea. Last week, on 11 September, we marked the first combat in which Victorians participated at Bita Paka. Today, 17 September, marks the date of the centenary of the departure of the very first ship in the first convoy. The ship was requisitioned from the P & O branch line. It was a ship titled HMAT *Geelong*.

I know the mayor of Geelong is interested in that. I spoke to him about it just before, and I have spoken to him about it on previous occasions. The first ship to depart Victoria with troops on board was called the *Geelong*. It left in the first instance to go to Tasmania to pick up troops, it returned again to Tasmania and then it joined the first convoy from Victoria. Some 17 ships departed with around 7000 troops and 3000 horses. Those ships included the *Geelong*; the *Hymettus*; the *Pera*; the *Southern*; the *Wiltshire*; the largest ship, the *Hororata*, with more than 2000 troops; the *Morere*; the *Rangatira*; the *Benalla*; the *Anglo-Egyptian*; the *Omrah*; the *Shropshire*; the *Karroo*; the *Star of England*; the *Armadale*; the *Militiades*; and the lead ship in the first convoy, the *Orvieto*. The *Orvieto* had a significant role to play in the convoy that eventually assembled at Albany, and on 1 November the commonwealth marked that departure from Albany.

For Victorians the first disconnections of the war took place at Port Melbourne. That is where the tears were shed. Troops were marched through the streets of Melbourne, and whilst friends and family were prohibited from going to the dockside, in fact on each occasion many thousands made it to the dockside and farewelled the troops. The mood at the time was one of exhilaration and enthusiasm, but of course things did not turn out as expected. This is an important opportunity for Victorians to make these connections, and I urge all Victorians to look at anzaccentenary.vic.gov.au for the details and the marketing campaign.

Sunbury municipality

Mr McGUIRE (Broadmeadows) — My call is to the Minister for Local Government. The action I seek is that he attend a meeting at the Broadmeadows town hall at 7.00 p.m. on Monday, 29 September, to explain to the residents I represent why they are being dudded yet again by the Victorian coalition over its decision to allow the Sunbury municipality to secede from the City of Hume.

The minister must explain to residents why they are going to be unfairly penalised by major rate rises when they were led to believe that if they voted for Sunbury to separate from Hume, their rates would be cut. Instead the decision of the Minister for Local Government has left them facing the prospect of fewer services, less infrastructure, more debt and a new level of bureaucracy. I wonder what former Premier Jeff Kennett would make of the kind of folly that is going on under this administration. If a council made such a decision, it would be sacked. The greenhorn Minister Bull should suffer the same fate for this decision, which is unprecedented, unfair and unsustainable.

I have previously stated in Parliament that if the residents of Sunbury want to be independent, they should be truly independent and pay their own way. Under the coalition's proposal, Hume residents will be forced to bankroll a breakaway council in Sunbury by handing over more than $35 million in rates revenue from Melbourne Airport during the next decade. This is a cruel punishment whereby the financial burden will fall unfairly on the families who can least afford it.

What is worse, the government's scheme has no financial certainty beyond the proposed 10-year subsidy. The minister made a unilateral decision after the report was made, without any public discussion or further consultation with the community. He needs to come to Broadmeadows to face residents and explain his decision, which according to a council spokesperson has already provoked about 200 outraged residents to call the City of Hume and complain that they have been misled by the coalition government.

The Napthine government's decision is another triumph of politics over rational decision-making and further evidence of why the most unstable administration in modern Victorian history should forfeit the privilege of governing our state. The government's strategy echoes the Abbott coalition's punishing approach to the poor and disadvantaged. The Victorian coalition's policy punishes the people of Broadmeadows and continues its reverse Robin Hood strategy of robbing one of our poorest communities for political self-interest. The Victorian coalition has executed this cruel campaign which wilfully targets families in Broadmeadows — the heavy lifters and truly forgotten people who have been underwriting the state's prosperity for generations.

While the Broadmeadows community has had the nous to establish Australia's first multiversity, the coalition has cut $25 million from Kangan Institute and then merged it with Bendigo TAFE in another attempt to win marginal seats. I want the minister to turn up in Broadmeadows and explain his decision. The coalition has form on this sort of thing.

The SPEAKER — Order! The member's time has expired.

Global Traffic Management

Mr McINTOSH (Kew) — I have a matter for the attention of the Minister for Police and Emergency Services. It involves a company called Global Traffic Management (GTM) and the suspicious non-payment of superannuation contributions. The action I seek is that the minister raise this matter with the Chief Commissioner of Police and report back to me. I have been contacted by several employees of Global Traffic Management and asked to raise this matter on their behalf.

GTM provides traffic management services around Victoria to companies undertaking roadworks or other types of works on or near roads. They provide the 'lollipop' people who hold up the stop/go signs — very important safety work. I understand that GTM operates around Victoria and, although currently under administration, that it continues to trade. Obviously as an employer GTM has a responsibility to pay its employees, deduct pay-as-you-go tax and make prescribed contributions to a superannuation fund.

I have seen copies of GTM employees' pay slips, and all appears to be in order. They show wages based on an hourly rate of work, income tax deducted and a 9.5 per cent super contribution to a nominated super fund. I emphasise that the pay slips nominate the amount that has been directed to a named super fund. However, I am informed by an employee that when he spoke to the superannuation company that was supposed to be receiving those deductions he was informed that it did not know about them. He was told, 'We hold no such super funds; there must be some sort of mistake'. Similar complaints have been made by some 15 other employees of GTM.

I emphasise that commonwealth law requires all employers to pay the superannuation contribution to the employee's nominated fund or a default superannuation fund. As I said, I have been shown the employees' pay slips, and they indicate that payments have been made to a particular superannuation fund. However, when an employee contacted the superannuation fund they were told that in effect they did not exist, there had been a mistake or there had been an unfortunate error.

Critically, this is an important part of the wages policy that has been endorsed by both sides of politics. Obviously the Australian Taxation Office has the authority to investigate, but this is more about technical compliance. Unfortunately, because the superannuation funds do not appear to exist this could only amount to what could simply be described as a fraud. That is an offence under Victorian law and can be investigated by Victoria Police.

I therefore ask that the Minister for Police and Emergency Services speak to the Chief Commissioner of Police about this matter. While I understand that the minister cannot direct the chief commissioner, I ask that he at least raise the matter with him and have him report back to me.

Nillumbik regional shared trail

Ms GREEN (Yan Yean) — I raise a matter for the Minister for Environment and Climate Change. The action I seek is that he provide $1.5 million towards the construction of the Diamond Creek to Hurstbridge regional shared trail. This trail is the no. 1 priority trail for Nillumbik Shire Council, which is committed to starting the trail this financial year but needs further government funding to see it completed over the next four years. I thank my colleague Andrew Giles, the federal member for Scullin, who has also raised this issue with the federal government. The trail will provide enormous benefits to communities by giving children and families a trail to use to walk to school. It will benefit joggers, dog walkers, horseriders, cyclists and athletes in training, and it will have flow-on benefits for local businesses and tourism.

In early 2006 Peter Brock, the well-known Australian identity and at that time local identity, having been born and bred in the Hurstbridge district, along with local councillors and I led a mass on-road ride from Diamond Creek East Primary School to Hurstbridge Primary School in support of the trail to show how much it was needed. The Peter Brock Foundation raised seed funding on that day and continued to do so in the following years.

I commend the advocacy work of the Creek Trailblazers, a group that has since been established to push for the trail. Earlier this year the group presented a petition with over 2500 signatures to Nillumbik Shire Council. It was the largest petition ever submitted to Nillumbik council and included the signature of another local legend, Cadel Evans, who showed his support. The petition demanded that the Diamond Creek regional shared trail become a high-priority project.

This trail will not only be an asset to tourism in the area; it is now an absolute necessity for schoolchildren, following the coalition government's cuts to school buses and its refusal to provide additional train services on the Hurstbridge line, which are now possible after a

$60 million upgrade that was funded by the previous government but that this government now gleefully claims to have initiated. Although the infrastructure has been completed, no new services have been forthcoming. It is incredible that there have been no new services forthcoming on the Hurstbridge line to enable Diamond Creek students to get to school on time.

Mr Mulder — Wrong.

Ms GREEN — The Minister for Public Transport is telling me I am wrong. He should go and talk to the Diamond Valley College students who are now unable to get to school on time due to the poor timetabling arrangements. As I said, the matter I raise is for the Minister for Environment and Climate Change, and it calls on him to support the regional shared trail. I urge him to listen to the Nillumbik Shire Council and the 2500 Nillumbik residents who signed this petition.

Gallery Kaiela

Mrs POWELL (Shepparton) — I raise a matter for the Minister for Regional and Rural Development. The action I seek is that funding be provided to undertake a strategic plan for the future of Gallery Kaiela in Shepparton. Shepparton has many wonderful, talented Indigenous artists who exhibit at the gallery. One of those artists, Eva Ponting, was short-listed in the 2012 Victorian Indigenous Art Awards, so we have some prestigious artists in Shepparton. The gallery needs more space to exhibit the artists' paintings and crafts.

In July the Minister for Aboriginal Affairs came to Shepparton to visit a number of Aboriginal places during National Aboriginal and Islander Day Observance Committee Week. He visited the gallery, where he was shown around by the manager, Angie Russo. Angie showed the Minister for Aboriginal Affairs, me and The Nationals candidate for Shepparton, Greg Barr, the wonderful artwork and spoke to us about the need for more space. The studio itself is quite small, and Angie told us about the opportunities that would be available to the gallery if it were able to get that extra accommodation. At the gallery we were able to look at some of the artists helping students and others who would like to be a part of the studio with their artwork. We even had a go at trying to do some painting. The display area is very small, and the gallery must have more space if it is to attract the types of artists and students it needs.

We looked at a great exhibition called the SheppArchiballs Exhibition, which is currently on display at the gallery. This exhibition involved Indigenous artists decorating Sherrin footballs. Those footballs were made into the shape of kangaroos, emus and all sorts of other decorations, all of which were absolutely wonderful. The exhibition has also attracted some multicultural artists who are able to have their Sherrin footballs on display. Minister Bull bought a couple of boomerangs, which were handmade by Indigenous artists from the gallery. He bought two or three for his children and is really looking forward to them being able to use them. I bought a handmade bracelet from one of the artists.

Those are the sorts of opportunities the gallery might have for retail sales if the minister is able to provide that funding for a strategic plan. A strategic plan would hopefully look into a possible new location for the gallery and the new opportunities associated with that, including the ability for the artists to display and sell their artwork and attract new Indigenous artists. I call on the minister to provide some funding for a strategic plan that will include consultation with all the stakeholders to find out what is needed by the Aboriginal people and Aboriginal artists to ensure that this gallery is one they can be proud of and one that will allow them to grow and promote their culture.

Responses

Mr MULDER (Minister for Public Transport) — The member for Bendigo West raised an issue with me in relation to the bridge at Vaughan. My understanding is that the bridge is the responsibility of the Mount Alexander Shire Council because it is a local bridge. I am sure that the member for Bendigo West would know that the coalition government allocated $160 million for local councils, local roads and local bridges prior to the last election. My understanding is that we asked the Labor government to match that funding, but it declined, stating that local roads and bridges were not the responsibility of the state government. It refused to provide any funding whatsoever.

Nevertheless, we looked very closely at what was called the Whelan report, which suggested there were 40 councils in regional Victoria that were under stress as they tried to keep their infrastructure up to date. We provided $160 million over four years — $1 million a year for each one of those 40 regional councils — to upgrade their local roads and bridges. The member for Bendigo West indicated that this particular bridge at Vaughan that is due for a major upgrade was identified in 2010 for replacement and in 2013 for repairs, but the Mount Alexander Shire Council has decided to work on Gibbons Bridge first. I would imagine that is being funded out of the Napthine government's country roads

and bridges program as well. A new round of country roads and bridges program funding is about to be announced. It may well be that the Tarilta Road bridge at Vaughan is amongst those to be funded once again by the Napthine coalition government, as it was never going to be funded under the Labor government.

When I announced this recent funding allocation I visited Castlemaine and saw a bridge at White Gum Road that had been rebuilt. It provides improved access to a growing residential area, and a 15-tonne load limit which was on the original bridge has been removed. Works on that bridge were funded out of the coalition government's country roads and bridges program. Mount Alexander Shire Council mayor Michael Redden said that the additional funding would enable council to bring forward important road and bridge works that had been identified in the council's long-term capital works program.

I am sure the member for Bendigo West understands that a long-term capital works program would have included the period under the former Labor government when councils, particularly those under enormous pressure and stress, were calling for support and got absolutely nothing. I envisage that the Tarilta Road bridge at Vaughan could be listed in the next round of funding provided by the Napthine coalition government to the Mount Alexander Shire Council. I know that when I met the mayor at White Gum Road he was absolutely over the moon in terms of the amount of money that had been provided by the coalition government to regional councils to try to get on top of their lagging infrastructure. But, as I said, there was absolutely no interest and no support whatsoever from the former government, and there is no indication from the current opposition that it will provide any level of support if it regains government.

The Mount Alexander Shire Council's hopes and aspirations in relation to the Tarilta Road bridge at Vaughan sit fairly and squarely with the coalition government and our country roads and bridges program. I will ask my advisers to have a look at what they have identified as priorities with their $1 million allocation this year and whether or not the Tarilta Road bridge at Vaughan is covered. Most regional councils have a number of bridges that have decayed, particularly through the later years of the former government. We are now trying to get on top of those projects, but, as I said, the Tarilta Road bridge at Vaughan may well have been identified in that latest round of applications for funding from the Napthine coalition government, and we will look very closely at that.

We have not knocked back any of these projects. We do not stipulate to regional councils where the money should be spent, because we believe that councils are on top of the issue. They understand very clearly what the priorities are within their own municipalities and so we allow them to identify where the money should be spent. They are the ones who are closest and best aligned to their local communities, and we will allow them to make that decision, unlike Labor members who represent their local communities who are a little bit behind the eight ball in terms of raising these matters. Certainly they were very quiet during the days of the Labor government about bringing these matters to the floor of the Victorian Parliament.

The member for Caulfield is a very active member. He raised a matter with me in relation to concerns raised by traders in Carlisle Street, Balaclava, about the proposed loss of car parking associated with a planned new level access tram stop. The member for Caulfield would absolutely be aware that Victoria has the biggest tram network in the world, but a lot of people are not aware of that fact. St Petersburg, Munich and Berlin have tram networks, but we have the biggest in the world and we should play to our strength. There are just under 500 trams, 1200 drivers and 29 routes across the network — trams are big business in Melbourne. The beautiful new E-class trams currently being built in Dandenong are being delivered by a coalition government. As they are being rolled out across the network, they are providing enormous benefit to public transport users.

Our tram routes cater for 170 million trips a year, and as I said, we are continuing to roll out these E-class trams, particularly on route 96, which is our busiest route on the network. As these trams come into service, Yarra Trams and Public Transport Victoria (PTV) will be able to deploy larger trams to other routes to boost the capacity of other parts of the network. The government has also boosted tram services to help respond to population growth. In July this year we added 470 extra tram services a week, including adding capacity for another 45 000 trips per week in Collins Street.

We are also getting on with the job of making the tram system more accessible to everyone in the community. This is being done by introducing new low-floor E-class trams and upgrading existing tram stops for level access, or stops which allow passengers to board without stepping up. These upgrades are essential for passengers with wheelchairs, walking frames, prams and strollers. A number of level access stops are currently being planned and built across inner Melbourne. This includes a proposal by PTV and Yarra

Trams to upgrade an existing tram stop in Carlisle Street, Balaclava, into a level access stop, which will service the redevelopment of Balaclava station, which is nearing completion and was very strongly lobbied for and supported by the member for Caulfield. This proposed stop is being designed to improve pedestrian flow and cycling along Carlisle Street, and it will extend the space for trading.

However, there are always issues. The proposal for a level access stop in Carlisle Street, which is the subject of a heritage permit application to the City of Port Phillip, involves the loss of car-parking spaces for the shopping strip. The member for Caulfield has raised this issue with me. He sat down with me and had a very long discussion on behalf of the traders along Carlisle Street regarding the loss of car parking for this small shopping strip. It is a major concern for his traders, who rely on vehicle trade to support their businesses.

As a government we are committed to consulting properly with small business owners and other members of the community in our plans to transform the public transport system. On behalf of the member for Caulfield I have asked PTV and Yarra Trams to work with the traders and other stakeholders to review the current proposal and develop a more acceptable solution that will not have such a serious impact on available car parking for shoppers.

I think there is a meeting planned for tomorrow night, and I have asked one of my advisors to attend that meeting and convey to the traders, and others who are concerned about this issue, our thoughts and the actions we are going to take. I have no doubt the member for Caulfield will be there representing his traders, as he always does. We look forward to achieving a positive outcome for everyone involved. I thank the member for Caulfield for bringing this matter to my attention and for the hard work he does on behalf of his constituents.

Mr WELLS (Minister for Police and Emergency Services) — The matter the member for Kew has raised for my attention is indeed a serious one. The member for Kew is an outstanding member of Parliament and has a strong interest in law and order issues and legal matters and also a strong sense of justice. Any allegation of fraudulent practices by an employer in not meeting their legal obligation to employees in relation to remuneration or entitlements is a serious matter which should be properly investigated by the appropriate authorities. Employees should not be placed in a position where their legal entitlements to superannuation are not being honoured through allegedly dodgy or fraudulent practices by an employer who has deliberately not paid superannuation contributions into a nominated fund.

While I understand that a complaint has been lodged with the Australian Taxation Office, which oversees the governance of employer superannuation guarantee contributions, any evidence of fraudulent activities needs to be investigated by Victoria Police. Whilst I cannot direct Victoria Police to investigate, I am happy to raise the matter with the chief commissioner for his due consideration of this very important matter.

Mr DIXON (Minister for Education) — The member for Pascoe Vale raised a matter for the Minister for Health regarding falls at the Royal Melbourne Hospital, but she is not here.

The member for Preston raised a matter for the Minister for Consumer Affairs regarding a fact sheet for residential park tenants.

The member for Benalla raised an issue for the Minister for Regional and Rural Development regarding funding for Merton Hall.

The member for Hawthorn raised a matter for the Minister for Veterans' Affairs regarding a Port Melbourne event commemorating the first convoy to Gallipoli.

The member for Broadmeadows raised a matter for the Minister for Local Government regarding a meeting of the Sunbury out of Hume movement.

The member for Yan Yean raised a matter for the Minister for Environment and Climate Change regarding $1.5 million funding for the Diamond Creek regional shared trail.

The member for Shepparton raised a matter for the Minister for Regional and Rural Development regarding funding for a strategic plan for Gallery Kaiela.

I will bring all of those matters to the attention of the relevant ministers.

The SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 10.40 p.m.

CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014

Consideration in detail

Amendments as follows moved by Mr CLARK (Attorney-General) (see page 3409)**:**

1. Clause 10, line 9, before "Any" insert "(1)".

2. Clause 10, line 28, omit '**1991**). and insert "**1991**).

3. Clause 10, after line 28 insert —

'(2) Subsection (1) does not apply to an offence if the conduct constituting it would not constitute an offence under the law of Victoria immediately before the commencement of section 11 of the **Crimes Amendment (Sexual Offences and Other Matters) Act 2014**.

(3) Without limiting any other defence available to a person charged, because of subsection (1), with an offence of a kind described in column 1 of the Table in this subsection, the person may rely on a defence described in column 2 of that Table in relation to that offence.

Table

Column 1	*Column 2*
An offence against a child under the age of 16	A defence that would be available under section 45(4) of the **Crimes Act 1958** if the person were charged with an offence under section 45(1) of that act
An offence against a 16 or 17-year-old child	A defence that would be available under section 48(2) of the **Crimes Act 1958** if the person were charged with an offence under section 48(1) of that act

".'.

Thursday, 18 September 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 8 to 17 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Wellsford State Forest

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria draws to the attention of the house the continuing decline and degradation of the ecological values of the Wellsford State Forest (Bendigo, Victoria) under its current management regime.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the Victorian Environmental Assessment Council (VEAC) to review the conservation status of the Wellsford State Forest with the specific task of proposing an appropriate system of management under the National Parks Act 1975 to ensure the protection of the rich biodiversity of this important box-ironbark remnant.

By Ms ALLAN (Bendigo East) (795 signatures).

Tarilta Road bridge, Vaughan

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the Tarilta Road bridge at Vaughan has been closed for 11 months. The closure of this bridge has frustrated local residents. The closure impedes locals, who must detour on a dirt road to get to Castlemaine. That trip takes about an hour return. It also impedes emergency vehicles from getting to Vaughan. Effectively the town is split in two — even pedestrians cannot cross the ford.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Roads to investigate this matter urgently and provide additional funding to the shire for urgent rebuilding works to take place on this vital asset.

By Ms EDWARDS (Bendigo West) (703 signatures).

School chaplaincy and religious instruction

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the support in our community for the role of chaplains and wellbeing workers in government schools and the overwhelming support for the provision of special religious instruction. Both of these services are accessed on a voluntary basis, with over 300 schools employing chaplains and almost 800 schools offering special religious instruction.

The petitioners therefore request that the Legislative Assembly of Victoria take note of this support and affirm the commitment by all parties and members to ensuring that both chaplaincy services and special religious instruction remain part of our school system.

By Mr LANGUILLER (Derrimut) (2435 signatures), Mr ANGUS (Forest Hill) (1904 signatures) and Mr MORRIS (Mornington) (1171 signatures).

Swinburne University of Technology

To the Legislative Assembly of Victoria:

The petition of residents of the outer eastern suburbs of Melbourne draws to the attention of the house the proposed rezoning and sale of the Lilydale TAFE and university campus, which does not have the support of the local community.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that the Swinburne facilities remain solely for the educational purposes, and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

By Mr MERLINO (Monbulk) (1100 signatures).

Stonnington planning scheme

To the Legislative Assembly of Victoria:

The petition of resident, business owners, landowners and visitors of Stonnington, Victoria, draws to the attention of the house that we are opposed to the Stonnington planning scheme amendment C184 (PAO) due to the serious safety concerns of residents, business owners, landowners and visitors to the electorate. We believe that the proposed disjointed small pocket parks will have a direct negative impact on the safety of our electorate. We believe the proposed open space in the format, as currently stated on the Stonnington planning scheme amendment C184 (PAO), will not only increase criminal activity but will also be unsafe and unusable open spaces for our children to play in and for residents to walk through both during the day and especially at night. We believe that these pocket parks are unsuitable linkage points due to their unsafe nature and therefore unusable. Such pockets would only compact current issues facing this electorate, creating havens for drug deals and other illegal activities.

The petitioners therefore request that the Legislative Assembly of Victoria reject Stonnington planning scheme amendment C184 (PAO), and find a safe, usable and suitable solution for the issue of open space in this electorate.

By Mr NEWTON-BROWN (Prahran) (888 signatures).

East–west link

To the Legislative Assembly of Victoria:

This petition of Victorian residents draws to the attention of the house that the government has no mandate to build the expensive and traffic-inducing east–west toll road. At the last state election, Victorians voted to fix public transport and not for a toll road that could break our state's transport budget.

The petition therefore requests that the Legislative Assembly of Victoria suspend all work on the east–west toll road until Victorians are given a chance to vote on this expensive and unpopular project.

By Mr WYNNE (Richmond) (3067 signatures).

Big Hill goldmine

To the Legislative Assembly of Victoria:

The petition of the residents of Stawell and surrounding regions of Victoria draws to the attention of the house the proposal of a Canadian company to open-cut mine, within Stawell township, and within 40 metres of residences, destroying Big Hill, a historical landscape feature, and threatening the health and welfare of the community and our visitors.

The petitioners therefore request the Legislative Assembly of Victoria and the responsible ministers to refuse approval for this detrimental proposal.

By Mr HELPER (Ripon) (670 signatures).

Tabled.

Ordered that petition presented by honourable member for Richmond be considered next day on motion of Mr WYNNE (Richmond).

Ordered that petition presented by honourable member for Monbulk be considered next day on motion of Mr MERLINO (Monbulk).

Ordered that petition presented by honourable member for Bendigo West be considered next day on motion of Ms EDWARDS (Bendigo West).

Ordered that petition presented by honourable member for Prahran be considered next day on motion of Mr NEWTON-BROWN (Prahran).

Ordered that petition presented by honourable member for Derrimut be considered next day on motion of Mr LANGUILLER (Derrimut).

Ordered that petition presented by honourable member for Ripon be considered next day on motion of Mr HELPER (Ripon).

VICTORIA LAW FOUNDATION

Report 2013–14

Mr CLARK (Attorney-General), by leave, presented report.

Tabled.

DOCUMENTS

Tabled by Clerk:

Accident Compensation Conciliation Service — Report 2013–14

Adult, Community and Further Education Board — Report 2013–14

Alpine Health — Report 2013–14

Australian Centre for the Moving Image — Report 2013–14

Barwon Region Water Corporation — Report 2013–14

Beaufort and Skipton Health Service — Report 2013–14

Calvary Health Care Bethlehem Ltd — Report 2013–14

CenITex — Report 2013–14

Central Gippsland Region Water Corporation — Report 2013–14

Central Highlands Region Water Corporation — Report 2013–14

City West Water Corporation — Report 2013–14

Cobram District Hospital — Report 2013–14

Coliban Region Water Corporation — Report 2013–14

Commission for Children and Young People — Report 2013–14

Community Visitors — Report 2013–14 under s 35 of the *Disability Act 2006*, s 116A of the *Mental Health Act 1986* and s 195 of the *Supported Residential Services (Private Proprietors) Act 2010* — Ordered to be printed

Dental Health Services Victoria — Report 2013–14

Dunmunkle Health Services — Report 2013–14

East Gippsland Region Water Corporation — Report 2013–14

Edenhope and District Memorial Hospital — Report 2013–14

Emergency Services Telecommunications Authority — Report 2013–14

Environment and Primary Industries, Department of — Report 2013–14

Financial Management Act 1994:

Reports from the Minister for Agriculture and Food Security that he had received the reports 2013–14 of the:

Murray Valley Wine Grape Industry Development Committee

Veterinary Practitioners Registration Board of Victoria

Report from the Minister for Health that he had received the Report 2013–14 of Maldon Hospital

Geelong Cemeteries Trust — Report 2013–14

Geelong Performing Arts Centre Trust — Report 2013–14

Geoffrey Gardiner Dairy Foundation Ltd — Report 2013–14 (two documents)

Gippsland and Southern Rural Water Corporation — Report 2013–14

Glenelg Hopkins Catchment Management Authority — Report 2013–14

Goulburn Broken Catchment Management Authority — Report 2013–14

Goulburn Murray Rural Water Corporation — Report 2013–14

Goulburn Valley Region Water Corporation — Report 2013–14

Grampians Wimmera Mallee Water Corporation — Report 2013–14

Hesse Rural Health Service — Report 2013–14

Human Services, Department of — Report 2013–14

Inglewood and Districts Health Service — Report 2013–14

Judicial College of Victoria — Report 2013–14

Library Board of Victoria — Report 2013–14

Lower Murray Urban and Rural Water Corporation — Report 2013–14

Mansfield District Hospital — Report 2013–14

Melbourne Market Authority — Report 2013–14

Melbourne Recital Centre Ltd — Report 2013–14 (two documents)

Melbourne Water Corporation — Report 2013–14

Metropolitan Waste Management Group — Report 2013–14

Museums Board of Victoria — Report 2013–14

National Gallery of Victoria, Council of Trustees — Report 2013–14

National Parks Act 1975 — Report 2013–14 on the working of the act

North Central Catchment Management Authority — Report 2013–14

North East Catchment Management Authority — Report 2013–14

North East Region Water Corporation — Report 2013–14

Numurkah District Health Service — Report 2013–14

Omeo District Health — Report 2013–14

Orbost Regional Health — Report 2013–14

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Review of the Performance Measurement and Reporting System

Port of Hastings Development Authority — Report 2013–14

Port of Melbourne Corporation — Report 2013–14

Premier and Cabinet, Department of — Report 2013–14

Public Record Office Victoria — Report 2013–14

Regional Development Victoria — Report 2013–14

Rochester and Elmore District Health Service — Report 2013–14

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2013–14

Rolling Stock (Victoria-VL) Pty Ltd — Report 2013–14

Rolling Stock (VL-1) Pty Ltd — Report 2013–14

Rolling Stock (VL-2) Pty Ltd — Report 2013–14

Rolling Stock (VL-3) Pty Ltd — Report 2013–14

Rural Finance Corporation — Report 2013–14

Rural Northwest Health — Report 2013–14

Sentencing Advisory Council — Report 2013–14

Seymour District Memorial Hospital — Report 2013–14

South East Water Corporation — Report 2013–14

South Gippsland Region Water Corporation — Report 2013–14

State Electricity Commission of Victoria — Report 2013–14

Statutory Rule under the *Magistrates' Court Act 1989* — SR 121

Subordinate Legislation Act 1994 —

Documents under s 15 in relation to Statutory Rule 121

Documents under s 16B in relation to the *Food Act 1984*:

Exemption for retail sale or catering — eggs from small producers

Order exempting small egg producers from requirement for marking of eggs under the Food Standards Code

Order under s 4I

Tallangatta Health Service — Report 2013–14

Terang and Mortlake Health Service — Report 2013–14

Tourism Victoria — Report 2013–14

Victoria Legal Aid — Report 2013–14

Victorian Arts Centre Trust — Report 2013–14

Victorian Broiler Industry Negotiation Committee — Report 2013–14

Victorian Catchment Management Council — Report 2013–14

Victorian Civil and Administrative Tribunal — Report 2013–14

Victorian Funds Management Corporation — Report 2013–14

Victorian Institute of Forensic Mental Health — Report 2013–14

Victorian Law Reform Commission — Report 2013–14 — Ordered to be printed

Victorian Managed Insurance Authority — Report 2013–14

Victorian Privacy Commissioner, Office of — Report 2013–14 — Ordered to be printed

Victorian Public Sector Commission — Report 2013–14

Victorian Regional Channels Authority — Report 2013–14

Victorian WorkCover Authority — Report 2013–14

Wannon Region Water Corporation — Report 2013–14

West Wimmera Health Service — Report 2013–14

Western Region Water Corporation — Report 2013–14

Westernport Region Water Corporation — Report 2013–14

Yarra Valley Water Corporation — Report 2013–14

Yarrawonga District Health Service — Report 2013–14

Young Farmers' Finance Council — Report 2013–14

BUSINESS OF THE HOUSE

Adjournment

Ms ASHER (Minister for Innovation) — I move:

That the house, at its rising, adjourns until Tuesday, 14 October 2014.

Motion agreed to.

MEMBERS STATEMENTS

Women's sporting facilities

Mr EREN (Lara) — It is astounding to me that some people do not consider female participation in sport to be one of our biggest growth areas. It is imperative that women feel welcome and comfortable when participating in sport across Victoria. Accordingly, if elected, Victorian Labor will establish a $10 million fund to build and upgrade women's change rooms and facilities at sports clubs across the state. Labor will work with local clubs, sports organisations and local government to ensure that women are treated fairly when participating in sports.

Many sporting organisations have contacted me and pleaded for better women's facilities because for four long years they have been neglected by this government. The lack of women's change rooms has an impact on whether female sportspeople, particularly young girls, stay in sport or not. Many women's sports teams, including those with younger players and officials, are forced to use male change rooms, car parks or secluded areas at sports grounds to change clothes. Not only is it unfair but it is also unsafe. We will fix this problem.

But wait — that is not all Labor will do for sport. An Andrews Labor government will support the redevelopment of Ringwood East Reserve Sporting Pavilion. Upgrading this sports facility will provide a home for the Chin Burmese community at one of Ringwood's iconic sports grounds. Well done to Tony Clark, the ALP candidate for the new seat of Ringwood, on his hard work on this issue. An Andrews Labor government will also provide $100 000 to refurbish change rooms at Balfe Park so that the Brunswick Zebras Football Club will have another home ground and upgraded facilities. Well done to the member for Brunswick.

Heathmont Baseball Club

Ms VICTORIA (Minister for the Arts) — The Heathmont Baseball Club has had yet another brilliant season, with four of its five senior teams making the finals and two teams winning flags. The Penguins had an amazing weekend, winning their third division 1 premiership in a row. As the very proud patron of this well-established and highly successful club, I offer my congratulations to coach Matthew Gourlay, president Daniel Mack, vice-presidents Mark LeGrew and Shaun Hilliard, and all the players, volunteers and supporters on such a phenomenal outcome.

Bayswater electorate kindergartens

Ms VICTORIA — A great initiative of the Napthine government is the kindergarten grants, three of which I had the pleasure of announcing recently. I thank the amazing committee members and staff of Arrabri Kindergarten, Goodwin Estate Kindergarten and Colchester Park Preschool for their passion for the learning outcomes of the children who will benefit from their efforts.

Country Women's Association Boronia branch

Ms VICTORIA — Association Day at Boronia Country Women's Association is always a great affair, and this year was no different. The ladies enthusiastically bought fashion after the presentation, and then we all thoroughly enjoyed the truly scrumptious afternoon tea on offer. I am proud to be a Boronia Country Women's Association member, and I always enjoy the friendship and warmth of our branch.

Tintern Presentation Ball

Ms VICTORIA — With grace, elegance and great style, each of the 52 presentees at the Tintern Presentation Ball last weekend showed all who attended that the hard work in preparing for the night had paid off. Congratulations to the stunning young ladies and very handsome young gentlemen for doing themselves, their families and their school very proud. The evening was capped off by the ever-fabulous vocals of Lisa Edwards, who sang up a storm while we danced the night away. To the organising committee and all those involved, I say congratulations and well done.

Tarneit P–9 College

Mr LANGUILLER (Derrimut) — Only Labor will upgrade Tarneit P–9 College. The Deputy Leader of the Opposition, the shadow Treasurer, the member for Tarneit, and I recently confirmed to parents at the school that Victorian Labor will upgrade Tarneit P–9 College. Labor's $10 million upgrade at the school will go towards stage 2 funding of Tarneit P–9 College to continue building the new school and replace the portables currently on site. The shadow minister said:

> Only Labor will replace portable classrooms and learning spaces with new permanent ones at Tarneit P–9 College.

Our kids cannot get a first-rate education in a second-rate classroom. The shadow Treasurer, the member for Tarneit, said:

> Labor's announcement will help ease pressure on local schools in one of the state's fastest population growth areas.

I was delighted to join both members in communicating that to parents. What are the key facts? The key facts are that the government and Premier have abandoned Labor's plan to renovate, rebuild or modernise every Victorian school. The government has only spent a statewide average of $278 million a year on capital works compared to an average of $467 million by Labor in its last term in office.

The SPEAKER — Order! The member's time has expired.

Fairhills High School

Mr WAKELING (Minister for Higher Education and Skills) — I congratulate Anita Chipman and the students of Fairhills High School for their fantastic interpretation of the musical *Grease*. I recently had the pleasure of attending one of their performances, which was fantastic. Well done to all students and staff who were involved.

Ferntree Gully Arts Society

Mr WAKELING — I congratulate the local artists and the committee of Ferntree Gully Arts Society for the opportunity to open another fantastic exhibition, this one called Street Arts, at the Hut gallery. It was wonderful to see the works of so many local artists on display.

Alexander Magit Preschool

Mr WAKELING — I recently had the pleasure to visit Alexander Magit Preschool in Ferntree Gully to announce $10 000 in funding for an upgrade to its outdoor learning spaces. Alexander Magit Preschool is one of nine Knox preschools that will be sharing in $22 000 in grants made possible through the recent Children's Facilities Capital program for minor and IT grants.

Wantirna South and Wantirna primary schools

Mr WAKELING — I was pleased to visit Wantirna South Primary School and Wantirna Primary School to announce that they will share in over $116 000 in planned maintenance funding for much-needed building repairs. This funding is part of a broader $23 million investment in school maintenance across Victoria through the coalition's Planned Maintenance program. Well done to both schools.

Mountain District Learning Centre

Mr WAKELING — It was an honour to attend the 40th birthday celebrations for the Mountain District

Learning Centre in Ferntree Gully. Congratulations to Chris Markwick, Janet Claringbold and the staff and volunteers on reaching this important milestone for a great institution in Ferntree Gully.

Kurt Wenzel and Isabella Doughty

Mr WAKELING — Congratulations to Kurt Wenzel of Holy Trinity Primary School and Isabella Doughty of Regency Park Primary School, to whom I recently presented certificates and vouchers in recognition of their outstanding achievement in the 2014 Premiers' Reading Challenge. Congratulations to both students, who have been great learners.

Italian Senior Citizens Club of Bundoora

Mr BROOKS (Bundoora) — Next month Circolo Pensionati Italiani di Bundoora — the Italian Senior Citizens Club of Bundoora — will celebrate its 25th anniversary. To celebrate this special milestone the committee has organised a birthday lunch, with approximately 200 people expected to attend. Along with my colleague the member for Mill Park and my predecessor representatives in the Bundoora electorate John Cain and Sherryl Garbutt, I have had the pleasure of working with the Bundoora Italian senior citizens for significant periods of the club's 25-year history.

The club was originally established by Mr Augusto Mammarella, and its membership has grown substantially over the years. At its regular club meetings members are able to relax and enjoy a game of bocce, bingo or cards. These activities provide an important social outlet for members, who are able to interact in their native language. The positive social impact is difficult to quantify, but suffice it to say that this great social club has helped to ensure that many older people of Italian background who live in the area have led more fulfilling, healthier and happier lives.

I take this opportunity to recognise the City of Banyule, the City of Whittlesea and the Victorian Multicultural Commission for supporting this organisation over the years. On behalf of the local community I commend all of the members of the Italian Senior Citizens Club of Bundoora who have served on its committee during the last 25 years, including the current long-serving president, Ms Maria Biondo, and the secretary, Ms Antonietta Philippi, for their efforts in ensuring the success of this great club. I hope it continues to serve Italian senior citizens in the Bundoora area for many years to come. Buon compleanno.

Gallipoli student tour

Mr McCURDY (Murray Valley) — Congratulations to Wangaratta students Brad O'Meara from the Wangaratta High School and Maddison Talarico from Galen College on being selected to participate in the Victorian government's 2015 Anzac Day dawn service tour to Gallipoli. Brad, who is in year 11, and Maddison, who is in year 9, were selected from more than 600 students to participate in the tour, which includes attending the Australian memorial service at Lone Pine. The students will be at Anzac Cove for the 100th anniversary of the landing of the troops at Gallipoli. The tour is one of the many ways the state government is commemorating the centenary of the start of World War I, and I know Brad and Maddison will do their schools, families and communities proud.

Mount Hotham alpine resort

Mr McCURDY — I visited the Mount Hotham alpine resort on the weekend with the member for Benalla to announce funding of $25 000 towards the installation of new recycling equipment. The funding is part of the Victorian government's $600 000 Smarter Resources, Smarter Business recycling program to assist businesses to increase the quality and quantity of their recyclables and save on waste management costs.

Lions Club of Cobram

Mr McCURDY — Congratulations to Cobram Lions Club, which celebrated its 50th anniversary last Saturday night. Our service clubs are an integral part of our communities.

Swagtember

Mr McCURDY (Murray Valley) — I am officially opening the Swagtember event in Cobram tomorrow night. The event raises money for Street Swags, an organisation that provides durable swags to the homeless. Well done to the Cobram Citizens Advice Bureau, which is hosting the sleepover. Bob Beggs from the bureau has done a great job to organise this event and to raise awareness of people in need.

Kristan Height

Mr McCURDY — Congratulations to Myrtleford footballer Kristan Height, who won the Ovens and Murray Football and Netball League best and fairest award on Monday night. Kristan is the only player to win the league's best and fairest in both the Ovens and Murray and Goulburn Valley leagues, having taken out the accolade for Echuca in 2010.

Ambulance services

Ms NEVILLE (Bellarine) — Recently I have had a number of calls from residents, including a nurse yesterday, who was very distressed about information she had heard about changes to ambulance fees for pensioners and healthcare card holders. She was told that these patients would no longer get free non-emergency ambulance patient transport in clinically necessary cases. We now know that these changes were very quietly introduced at the start of July by the Napthine government and the Minister for Health. According to the Department of Health guidelines, the free transport will no longer apply where the individual is being transported from a private healthcare facility or the individual initiates a transport from one hospital to another hospital of their own choice — for example, to receive care from a preferred physician.

No wonder these changes were introduced quietly. The changes will impact on people who are often older, disadvantaged and ill, so they are already vulnerable, and they are the least likely to be able to afford bills of hundreds, if not thousands, of dollars for ambulance transport.

It is important to note that this is transport by ambulance that is deemed to be clinically needed for these patients. As the nurse said, there is a very real concern that patients without ambulance cover will put themselves at risk by taking private transport. These changes may also see public hospitals under added pressure, with increased demand as people choose to avoid treatment at private facilities for fear of the enormous costs if they need an ambulance.

The Napthine government should reverse this unfair decision that affects sick, vulnerable people on low incomes in Bellarine and across Victoria.

Bowel cancer awareness

The SPEAKER — Order! I call the member for Carrum. Welcome back!

Mrs BAUER (Carrum) — Seven months ago I became a member of a club I never wanted to join, one to which an estimated 17 000 Australians will sign up this year alone. With a diagnosis of bowel cancer I embarked on a challenging journey, one I never imagined I would travel. I am grateful to so many along the way. I have met some inspirational fighters battling the challenges that cancer brings and have been blessed with the never-ending support and encouragement of my family, friends, parliamentary colleagues and electorate office staff, my community and my medical professionals.

To my medical team — gastroenterologist Dr Lani Prideaux, colorectal surgeon Mr T. C. Nguyen, oncologist Dr Andrew Strickland, nurses at the Valley Private Hospital and South East Oncology, a heartfelt thank you. I would also like to thank members of this house for allowing me to take leave to look after my health following surgery and during six months of chemotherapy. It is a real pleasure for me to return today and tell you that I am looking forward to a long and healthy future.

I was also delighted that in my absence members of the Victorian Parliament held an afternoon tea in conjunction with Bowel Cancer Australia to raise awareness and that you determined, Speaker, that funds from suspended members' pay would be donated to bowel cancer research. Close to $10 000 in total was raised.

In closing, please remember to speak to your doctor if you experience symptoms, no matter what age, and especially do not ignore changes to your body. Have regular health check-ups, and do not hesitate to have that colonoscopy! Every day is a blessing; make the most of it.

Channel 31

Mr LIM (Clayton) — The recent decision of federal Minister for Communications Malcolm Turnbull to kill the free-to-air Channel 31 community TV station and force it into online operation is tantamount to plunging a stake into the heart of multicultural Australia. For the members of many ethnic community groups, Channel 31 is the lifeline connecting them to their cultural roots and their sense of being, identity, pride and joy. To cruelly put an end to their aspiration and vision is most patronising, condescending and insulting — typical of the born-to-rule characteristics of this conservative Tory government. It is tragic that this follows the miserable and failed attempt by the federal Attorney-General, George Brandis, to promote the right to be racist and a bigot by pushing to scrap section 18C of the Racial Discrimination Act 1975.

The minister's plan to sell Channel 31 to commercial interests defies the logic and rationale of community TV stations, which is not about critical mass audiences justifying their existence; it is about public access and equity, participation, engagement, sharing and diversity. Coercing Channel 31 into online operation overlooks the fact that the elderly and illiterate sections of the migrant community are not IT savvy and cannot

afford the associated costs. This reprehensible act of bullying by this minister has antagonised and provoked the migrant community around the country. The community will again take up the fight against this abuse and arrogance of power.

World War I centenary

Mr BAILLIEU (Hawthorn) — Victoria's World War I commemorations are very much focused on personal, family and community connections — those threads that bond us to people, places and events. Ben Walker and Adam Phillips grew up in Hawthorn as friends and neighbours. They went to the same schools and universities and have stayed in touch, but after 40 years of friendship they finally discovered that their great uncles had both died in the Battle of the Somme, that terrible battle. Their great uncles died just 30 days apart, and they had fought on opposing sides. Ben's great uncle Henry Ivanhoe Walker had grown up on Whitehorse Road, Mitcham, and departed Melbourne in January 1916 on the HMAT *Themistocles*. He died at Pozières barely six months later. Having come from Stuttgart, Adam's great uncle Rudolf Gillitzer was killed in the Battle of the Somme on 16 September 1916.

Their discovery led Ben and Adam to tour the Somme and in turn to write a theatrical production, *Ivan & Rudolf*, which will have its world premiere on Friday, 19 September, at the Düsseldorf festival. We look forward to it then going on to Brussels and returning in time for the Melbourne festival.

58th battalion commemoration

Mr CARROLL (Niddrie) — Last Sunday I had the honour of attending a function commemorating 100 years since the former City of Essendon held a farewell dinner for young soldiers of the local area leaving our shores to fight at Gallipoli. It is hard to imagine what would have been going through the minds of these young men at their send-off dinner at the town hall in Moonee Ponds a century ago. Thankfully the farewell supper was eloquently reported on in the *Essendon Gazette* dated 10 September 1914. Under the headline 'Send-off to Essendon boys. A successful function', the paper reported:

> About half past six the 160 soldiers sat down to dinner, and the Mayor (Cr. J. Goldsworthy) having taken the chair, he tendered them a hearty welcome on behalf of the citizens of Essendon, stating that he knew they would do their best for the Empire.

Cr Goldsworthy was the youngest mayor of Essendon when he was elected to that position in 1914. By all reports he set a cracking pace supporting patriotic activities. He created the first honour boards in the Essendon town hall, one of which was headed 'A tribute to the boys of Essendon for gallant services rendered to the Empire in the Great War'.

These young men made an invaluable contribution to our community and nation. They sacrificed their youth, health and life for the freedom we enjoy today.

I put on the record my thanks to the mayor of the City of Moonee Valley, Cr Jan Chantry, for hosting the commemorative luncheon and to the Essendon Historical Society, most notably the Honourable Judy Maddigan and John D'Oliveira, who compiled and presented a remembrance book with all the names of the local soldiers to mark the occasion.

Finally, I thank Ev Reynolds of the 58th battalion who spoke on Sunday and gave an insight into what these fine young men faced 100 years ago under the leadership of Lieutenant-Colonel Harold Edward 'Pompey' Elliott.

Ice Bucket Challenge

Mr BURGESS (Hastings) — I would like to thank the Bittern Sunday Market for allowing me to undertake the ice bucket challenge to raise awareness for amyotrophic lateral sclerosis (ALS) on 7 September. I accepted the challenge after being nominated by the mayor of the Mornington Peninsula Shire Council. Even though there were many onlookers present, none seemed too eager to be nominated for the next challenge. The aim of the challenge is to raise awareness and money for ALS, otherwise known as motor neurone disease.

Hastings railway station

Mr BURGESS — It was a great pleasure on 10 September to participate in the 125th anniversary celebrations of the official opening of the Hastings railway station, which was first established in 1889. Many Hastings residents were present to join in this historic occasion and celebration which also included a morning tea and the cutting of a birthday cake. Many thanks to the Mornington Peninsula Shire Council, the Mornington Railway Preservation Society, local historical societies, local businesses and schools, Metro Trains Melbourne and members of the public for making the day a great success. I also thank the Minister for Public Transport for providing funding of $15 000 for station improvements.

Langwarrin Park Preschool and Hastings Preschool and Long Day Care Centre

Mr BURGESS — Last week I was pleased to visit both the Langwarrin Park Preschool and the Hastings Preschool and Long Day Care Centre to announce funding for their individual projects. Langwarrin Park Preschool is to receive a grant of $9894 to install a sandpit shelter and cover, while Hastings preschool will receive funding of $8350 to create a new emergency services entrance access point and $1500 for two laptops and one iPad.

Tyabb Football Netball Club

Mr BURGESS — On 12 September in Tyabb I was pleased to join the Minister for Sport and Recreation and Tyabb Football Netball Club members to announce funding for Tyabb's own home netball courts through the country football and netball program. The Tyabb Yabbies netball club can look forward to playing netball on its own netball courts following the minister's announcement that the Napthine government will provide $66 000 to construct two netball courts at Bunguyan Reserve.

Fountain Gate Secondary College

Ms GRALEY (Narre Warren South) — Yesterday I had the privilege of meeting year 7 students from Fountain Gate Secondary College, including Evangaline Russell, Kristy Fedoro, Nada Mandic, Natasha Harris, Lauryn Blewett, Shannon Watson and Jason Varley along with their dedicated teachers Stephen Hughes and Jodie Doble. Their team name is ENGAGE, which is a clever acronym for 'Everyone Needs Goals and a Great Education'. The group is competing in the Future Problem Solving program, a national competition that requires school students to solve real problems within their community. It is a great program that brings out the best in the students. They will be representing Victoria at the national championships in October. The team's focus is on breaking the cycle of youth disengagement and unemployment in Casey by introducing an innovative careers program from year 7 and developing a careers hub for their community, which will act as a satellite for the agencies related to this cause.

Their portfolio is already looking fabulous. I thank the member for Albert Park for meeting with the students. He said he was impressed and inspired. Over the coming months the group aims to consolidate links with other outside agencies and develop a pilot program for other schools to follow. This amazing project is addressing a major issue that we have all been fully aware of for some time. Sadly youth unemployment in Casey is far too high. Too many kids are leaving school too early, and many are not taking up training. The ENGAGE team is trying to do something about it, and it has my support. I thank the team for authoring this members statement. We need Parliament to stand behind these fantastic young students to help them break the tragic cycle of unemployment. Every Victorian deserves quality education and a good job.

Terrick Terrick National Park cattle grazing

Mr WELLER (Rodney) — Well done to the Minister for Environment and Climate Change, who has approved a biomass reduction program in the Victorian northern plains grasslands. As a result of good seasons, the satellite paddocks of the Terrick Terrick National Park are covered with a thick biomass that is impacting on the ability of flora and fauna to survive, and it is creating a heightened fire risk.

It is well established that biomass reduction by controlled stock grazing is required to maintain the healthy condition of remnants of the park's threatened grassland ecosystem and to conserve populations of associated threatened species, such as the grasslands endemic plains-wanderer. Parks Victoria has consulted with the federal Department of the Environment to ensure that the reintroduction of low-intensity grazing in the northern plains will not have a significant impact on the critically endangered ecological community listed in the commonwealth Environment Protection and Biodiversity Conservation Act 1999. The Friends of Terrick Terrick National Park have welcomed this as a common-sense decision which will protect the plains-wanderer.

Rodney electorate football and netball finals

Mr WELLER — I congratulate the Lockington Bamawm United Football Netball Club, which won its fourth senior premiership in a row. The club has won four premierships from 2011 to 2014, all under the coalition government. I also congratulate the D-grade netballers, who pipped Colbinabbin by a goal.

Neighbourhood houses

Mr HELPER (Ripon) — I was pleased to be asked by a number of neighbourhood houses in my electorate to table a petition in support of neighbourhood houses. Unfortunately the petition was not in a format that was able to be presented to the Legislative Assembly, so I want to read the text of the petition into the record now:

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the need for reform in the neighbourhood house sector in order to address inequities currently experienced by communities and voluntary committees of management.

The petitioners therefore request that the Legislative Assembly of Victoria endorse the Association of Neighbourhood Houses and Learning Centres platform of three proposed reforms:

1. increase funding for the neighbourhood house sector that delivers a clearer alignment between investment and community need;

2. establish an annual growth funding to five emerging neighbourhood houses in communities that demonstrate a need;

3. invest in strengthening community governance through increased funding for 16 neighbourhood house networks across Victoria.

The petition was signed by approximately 220 petitioners. I want to add my voice in support of neighbourhood houses, which perform a very vital function in our community.

Prahran electorate early childhood facilities

Mr NEWTON-BROWN (Prahran) — I was pleased to recently attend the following local kindergartens to announce IT and minor infrastructure grants. Alfred Child Care Centre received $8191 for a storage unit and $1189 for a laptop; Brookville Kindergarten received $11 045 for a sandpit, stage deck, cubby house and iPad; Swinburne Prahran Community Children's Centre received $8910 for a redesigned play space; and Try Youth South Yarra received $1449 for two tablets and a printer. Since December 2010 a record $120 million has been invested. I congratulate all staff and parents at these kindergartens and childcare centres. Having dedicated, caring staff and a strong parent community is fundamental to ensuring our young kids are learning in a supportive and fun environment, where the best outcomes can be achieved.

Ocean Grove Primary School

Mr NEWTON-BROWN — I was pleased to attend Ocean Grove Primary School with the Minister for Public Transport to announce a $3.5 million upgrade to facilities under a re-elected Napthine government. I pay particular tribute to the Liberal candidate for Bellarine, Ron Nelson, who has lobbied hard for this community and been instrumental in the delivery of the commitment by the Napthine government. This announcement comes on top of an additional $426 000 to significantly upgrade Ocean Grove Primary School, $5.7 million for Portarlington Primary School and $1.1 million for Clifton Springs Primary School.

Lesbian, gay, bisexual, transgender and intersex parliamentary group

Mr NEWTON-BROWN — I invite my colleagues in the Labor and Greens parties to join me in setting up a friends of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community parliamentary group. As the bill to expunge gay sex convictions will pass through Parliament in coming weeks, it is timely to pause and reflect on the efforts of all sides of politics over several decades to remove the discrimination against the LGBTI community. There is still much that can be done to achieve full equality for this community and it is clear that there is much goodwill amongst parliamentarians across all parties. I propose that the first event be an exhibition in Queen's Hall on the history of LGBTI legislative reform.

The ACTING SPEAKER (**Mr Crisp**) — Order! The member's time has expired.

Coburg West Primary School

Ms GARRETT (Brunswick) — On 12 August I was delighted to be principal for a day at the beautiful Coburg West Primary School under the tutelage of the dedicated and inspiring acting principal, Lorraine Edwards. I enjoyed attending classrooms, touring the outstanding facilities and meeting extensively with students, particularly those from years 5 and 6. We discussed all manner of topics and I was very impressed with their intelligence, passion and sense of social responsibility. I was particularly pleased that so many students expressed a strong interest in science and sought to pursue a career in this field. I also met with the very dedicated and passionate school council, which has done so much to improve the school facilities and enhance the culture.

I was delighted to attend the Coburg West Primary School again on Monday of this week to celebrate its writers festival, where the school honours the stand-out performers in the school-wide writing competition. All the works were displayed beautifully in one of the school halls. Proud teachers, parents and, most importantly, students from prep to year 6 were beaming at the high standard of work, the great improvements that all students have made in this important skill and the recognition they had received from the school by way of this competition. I congratulate all who were involved.

East–west link

Mr KATOS (South Barwon) — The construction of the full east–west link is vital for the future of the Geelong region. At present Geelong relies heavily on the West Gate Bridge and the M1 motorway corridor for access to Melbourne. The West Gate Bridge has served us well, but it now has 165 000 vehicle movements a day and struggles to cope due to the growth in Melbourne's west, Geelong and Ballarat. A second crossing of the Maribyrnong River is desperately needed. The full east–west link will provide that vital second river crossing and take the pressure off the West Gate Bridge. It will also provide a contingency in the event of an accident on the bridge or the Ml, and travel times from Geelong to Melbourne will be reduced. The project will also create a vital 6200 jobs.

Last week the Leader of the Opposition irresponsibly backflipped and changed his position on the east–west link, saying he would tear up the contracts if Labor were successful on 29 November. This is despite saying for the last 18 months that he would honour any contracts. This shows the people of Geelong that the Leader of the Opposition cannot be trusted on anything he says. Whether it is the east–west link, stolen dictaphones or his dodgy associations with the Construction, Forestry, Mining and Energy Union, he cannot be trusted to be in charge of this fine state. The members for Bellarine, Geelong and Lara have all stayed silent on their leader's east–west link backflip. Did they stand up in caucus and say that Geelong desperately needs the east–west link and the 6200 jobs that will come with it, or did they sit there in silence and accept this decision, which is bad for Geelong and bad for Victoria?

A vote for the Napthine government will build the much needed east–west link and create jobs. A vote for Labor will condemn Geelong residents and their children to be stuck in traffic indefinitely.

A Gesture

Ms HUTCHINS (Keilor) — I rise to applaud the excellent work done by a great little organisation in west Sunshine called A Gesture and the employees and trainees who work there. A Gesture is a not-for-profit business that, in partnership with SecondBite, takes food from supermarkets and farms and repacks it to deliver to local charities in need. Last month I visited the business and met with the excellent trainees. Through its trainee program A Gesture takes on 10 to 15 people every three to six months. These people are largely long-term unemployed. It frequently costs the charity more to train these people than it receives back from the federal government, which gives it a flat rate of $600 per head.

I met some incredible people and heard some pretty powerful stories about how this program had changed their lives for the better. However, the state of the two trucks used by the charity is a real obstacle to the continuation of this program. One of the vans had broken down and the second one's air conditioning was broken, which is an occupational health and safety issue for the transportation of food. A Gesture requires one large air-conditioned vehicle, which would cost between $100 000 and $125 000. The program currently receives no support from the state government. Truck drivers Norm and Greg, who wrote to me inviting me out there, informed me that there are opportunities for the business to continue if it gets some sort of support. I congratulate operations manager Russell Rogers on the great work he does and the bright future he shows to so many of the long-term unemployed.

Australian National Piano Award

Mrs POWELL (Shepparton) — I was delighted to attend the 2014 Australian National Piano Award dinner at the Eastbank Centre in Shepparton on Friday, 12 September, with my husband, Ian; The Nationals candidate for Shepparton, Greg Barr, and his wife, Susan; and upper house members for Northern Victoria Region Wendy Lovell and Amanda Millar. It is a great honour to host this national event in Shepparton and to have as principal patrons of the award the Governor of Victoria, the Honourable Alex Chernov, and Mrs Chernov, who attended the civic reception in their honour hosted by the Greater Shepparton City Council, the dinner and the grand final concert.

Thirteen talented young pianists from across Australia spent a week of recitals in Shepparton, billeted in the homes of locals. Three finalists performed before a huge crowd at the grand final concert on Saturday, 13 September. We heard wonderful performances of Bach, Rachmaninov, Beethoven, Brahms, Haydn and Chopin. First prize went to Alex Raineri from Queensland, second prize to Daniel Le from Melbourne and third prize to John Fisher from Brisbane.

The award started in 1992 and is held in Shepparton biennially. It is a very prestigious event in the musical calendar of aspiring classical pianists. I pay special tribute to Neil and Erna Werner, who initiated the award and have been honoured with life membership. Congratulations to president Darryl Coote, secretary Judy Longley, who has been secretary since 1992,

artistic director Max Cooke, chief finance officer Barbara Evans and publicist Nicola Archer. I also congratulate the patrons, board members, associates and sponsors, and adjudicators Paul Badura-Skoda from Austria, Murray McLachlan from the UK and Wendy Lorenz from Australia, as well as ABC Classic FM.

Royal Melbourne Hospital

Ms CAMPBELL (Pascoe Vale) — The Auditor-General needs to examine fall incidents at the Royal Melbourne Hospital rehabilitation department and talk to patients and families.

The ACTING SPEAKER (**Mr Crisp**) — Order! The time for members statements has expired.

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Family Violence Protection Amendment Bill 2014.

In my opinion, the Family Violence Protection Amendment Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes amendments to the Family Violence Protection Act 2008 (FVP act) with the objective of delivering swifter protection and greater empowerment for victims of family violence.

Human rights issues

Human rights protected by the charter act that are relevant to the bill

Extension of operation of family violence safety notices

The bill expands the system of family violence safety notices (FVSN) issued by police by allowing FVSNs to be issued 24 hours per day, seven days per week and extending the maximum period before a FVSN has to be reviewed by a court from 120 hours to five working days. As a result, a FVSN can be issued at any time (and not only outside of court hours) and any limitations on charter act rights arising from the conditions included in the FVSN may operate for a longer period before judicial review of the FVSN.

The FVSN conditions generally, are relevant to the charter act rights:

not to have privacy of the home unlawfully or arbitrarily interfered with as the respondent may be excluded from their family home;

not to be deprived of property other than in accordance with law, because the respondent may be directed to hand in personal property;

freedom of movement as the respondent may be prohibited from being within a certain distance of the affected family member or a specified place;

freedom of expression as the respondent may be prohibited from contacting the affected family member or other protected persons; and

protection of families and children.

The rights to privacy and property are not limited as any interferences or restrictions are not unlawful or arbitrary. The right to freedom of expression is subject to lawful restrictions (such as those created by non-contact conditions in a FVSN) which are reasonably necessary to respect the rights of affected family members and to protect public order (see charter act, section 15(3)). Any limitation on freedom of movement of a respondent to a FVSN is justifiable under section 7(2) of the charter because FVSNs only operate for a limited duration, can only be issued in circumstances that require an urgent response, are confined to prohibiting movement near particular family members and particular locations and are subject to the supervision of the Magistrates Court. The limitation is also necessary for the important purpose of protecting the safety of affected family members and enhances the right to protection of families and children under the charter act.

Interim family violence intervention order amendments

The bill provides the Magistrates Court with the discretion to include a condition on an interim family violence intervention order (FVIO) so that it becomes final without further hearing unless the respondent wishes to contest the final order. The automatic nature of a finalisation condition is relevant to the right to a fair hearing because an interim order is made in urgent circumstances and can be made in the absence of the respondent so an order may automatically become final without the respondent being heard.

An interim order with an automatic finalisation condition is a limitation on the right to a fair hearing but is demonstrably justifiable because:

it is made in the magistrate's discretion and can only be made if the magistrate is satisfied it is appropriate after considering a non-exhaustive statutory list of factors such as whether the vulnerability of the parties, or the legal complexity of a matter may warrant the continued involvement of the court in finally determining the matter;

the finalisation condition can only take effect if the respondent is personally served with the interim order and so has notice of the finalisation condition;

if the respondent challenges the interim order within 28 days, then the matter proceeds to a contested hearing; and

if the respondent does not challenge the interim order within 28 days, the respondent can apply for the order to be revoked or varied, or that it proceed to a contested hearing, if there are exceptional circumstances.

There are also a number of other safeguards on automatic finalisation conditions. The court cannot include a finalisation condition in circumstances where the respondent is a child, is cognitively impaired or the affected family member does not consent.

Publication restriction reforms

The bill also amends the FVP act by permitting publication of a report about a criminal proceeding which states that the adult victim of the offence and the person convicted or accused of the offence were the subject of a FVSN or FVIO. This publication is only permitted in circumstances where the accused or offender has been charged with or convicted of:

a contravention of a FVSN or a FVIO;

a family violence related offence which would have contravened the FVSN or FVIO;

an offence which contributed to the making of a FVSN or FVIO;

and where the adult victim of the offence provides their consent.

These amendments are relevant to the right to privacy as they permit the publication of the fact that a FVSN or FVIO exists and applies to the adult victim of an offence and the person accused or convicted of this offence. However, publication can only occur with consent of the adult victim and in the context of a report of alleged or proven criminal offending by the respondent. In most cases, the names of the victim and the respondent can already be published. Permitting publication of the existence of a FVSN or FVIO is a justifiable limitation on the respondent's privacy for the purpose of increasing public awareness of family violence offending where the respondent is accused or convicted of family violence offending. Importantly, the adult victim's consent does not permit the publication of information, which could identify a child subject to a FVSN or FVIO. This prohibition recognises that the privacy of children should be strongly protected. The right to freedom of expression is enhanced by these amendments as the victim of a family violence crime will now be afforded the opportunity to have their story reported including the existence of a FVIO or FVSN, without the obligation to first obtain an order.

The bill also provides the courts with the discretion to make a publication order in respect of a child who is a party to or a witness in a proceeding under the act or is the subject of a FVIO. These amendments (which will be mirrored in the Personal Safety Intervention Orders Act 2010) are again relevant to the right to privacy and freedom of expression and the right to the protection of children. However, the effect on privacy is not arbitrary and any limitation on the other rights is considered to be reasonable as the court is required to consider whether publication of information is in the public interest and is just; and must also have regard to the views of any parent or guardian of the child before it can make such an order.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill amends the Family Violence Protection Act 2008 (FVP act) and the Personal Safety Intervention Orders Act 2010 (PSIO act).

Family Violence Protection Act amendments

The FVP act reforms aim to improve the family violence intervention order (FVIO) system by strengthening the family violence safety notice (FVSN) regime, promoting early consideration of risk factors and avoiding unnecessary multiple hearings and stress for victims. Additionally, reforms to the publication restrictions that apply to family violence intervention orders will strengthen perpetrator accountability by providing the victim with an opportunity to speak publicly about their experiences and have the perpetrator's details made public.

The bill amends the FVP act to extend the operation of FVSNs, and to enable some interim FVIOs to become final orders without the need for a further court hearing. The bill also amends the publication restriction provisions in the FVP act.

These reforms align with commitments in *Victoria's Action Plan to Address Violence against Women and Children* (action plan) to promote victim safety, hold perpetrators to account, and deliver swift and effective justice responses. Consistent with the action plan and the principles underpinning the family violence system, the protection and wellbeing of women and children has been the paramount consideration in the development of the bill.

FVSN amendments

Police-issued FVSNs were introduced to enhance access to protection for family violence victims and their children outside of court hours. A sergeant (or higher ranked officer) may issue a FVSN where necessary to ensure the safety of the affected family member or protect their children until the FVIO application can go before a magistrate.

Currently, FVSNs can only be issued outside of court hours. This has the anomalous result that police have less capacity to protect victims during court hours than

they have after court hours. It also contributes to unnecessary differences in the handling of family violence matters depending on the time of day, and the day of the week, on which they occur. The bill therefore provides for FVSNs to be issued at any time of the day and on any day of the week.

These FVSN amendments will provide swifter protection for more affected family members by enabling police to take immediate action whenever a family violence incident occurs.

The amendments will also improve the operation of the FVSN system for police. It is more efficient for police to commence FVIO applications by FVSN, which are also resolved with fewer court hearings. Courts will be better able to manage their listings as a result of police making fewer FVIO applications during court hours and through the longer period of operation of FVSNs.

The bill also extends the time frame for the first mention before the court following the issuing of an FVSN and expresses the time frame in terms of working days rather than hours. Legislation introduced by the current government has already extended the operation of FVSNs from a first mention date within 72 hours to a first mention date within 120 hours of the notice being served on the respondent. This will be extended to five working days, which will give affected family members and respondents more time to obtain advice and make decisions before attending court.

Interim order amendments

The bill provides that when making an interim order, the court may include a condition providing that the order becomes final 28 days after being served on the respondent if the respondent does not challenge the order. This is called a finalisation condition.

If no challenge is lodged with the court, an affected family member will be saved the trauma of having to attend the court for a further hearing and potentially having to face the respondent at the court. The matter will still come to court if the respondent seeks to contest the order or any conditions, but unless they do so, the interim order will automatically become a final order. A finalisation condition does not change the current requirements for respondents to attend court when a hearing is to be held. However, at present, the respondent does not attend court for a final hearing in over a third of cases, and the order is made in the respondent's absence. This arrangement exposes victims of family violence to undue stress, inconvenience and cost in preparing for and attending hearings. Allowing an order to become final without a further hearing where the order is not contested will avoid this time, cost and stress for victims and allow the court to focus on cases where a hearing is required.

A finalisation condition will only be included where both the court and the affected family member consider it appropriate. In determining whether it is appropriate to include a finalisation condition, the court must have regard to a non-exhaustive list of factors, including whether there is a history of family violence or other recognised family violence risk factors and the views of the police or the applicant, if they are not the affected family member. A finalisation condition cannot be included unless the affected family member consents to its inclusion.

A finalisation condition will not have any effect if the respondent contests the FVIO application, an application is made to vary or revoke the interim order, the court varies the interim order or the affected family member seeks to withdraw the FVIO application during the 28-day period. In these circumstances, the matter will return to court for final determination.

A finalisation condition must not be included in an interim order in a range of circumstances, including where the respondent is a child, has a cognitive impairment or the interim order would be inconsistent with a family law order. These exclusions recognise that there are matters where the vulnerability of the parties or legal complexity always warrants the continued involvement of the court.

Interim orders that include a finalisation condition must be personally served on the respondent if the condition is to take effect. This requirement will ensure that respondents know an interim order has been made against them and that they must act if they want the matter to return to court for final determination. To further underscore the importance of a respondent understanding the impact of a finalisation condition, the court must also consider at the outset whether the notice that will be given at interim order stage will be sufficient for that particular respondent and affected family member to understand the significance of a finalisation condition. If the court is not satisfied that personal service of an interim order will be sufficient, then it will not include a finalisation condition in the interim order.

Publication restriction amendments

The FVP act currently prohibits publication of reports about intervention orders or proceedings under that act that are likely to lead to the identification of individuals protected by a FVIO or any person involved in the

proceeding, unless the court has made a publication order. A publication order may be made where publication is in the public interest and is just. However, a court cannot make a publication order in relation to matters involving a child.

The bill introduces a specific exception to the publication restrictions where there is a charge or conviction for a family-violence-related offence by a person subject to a FVSN or FVIO and the adult victim of that offence consents to the publication.

More specifically, an adult victim or another person with the adult victim's consent may publish permitted content (which could otherwise be prohibited) where an accused or offender is charged with or convicted of:

contravening a FVSN or a FVIO; or

another offence that would have constituted contravention of a FVSN or a FVIO (i.e. where there was a safety notice or an order in place but there is no contravention charge or conviction); or

an offence that contributed to the making of a FVSN or a FVIO.

A report published under the amendments by the victim or with the victim's consent may contain permitted content which is:

that a FVSN or a FVIO applies to the person accused or convicted of the offence and protects the adult victim of that offence;

the type of restrictions imposed by the conditions of the safety FVSN or a FVIO;

the conduct constituting the contravention of the FVSN or a FVIO; and

details of and conduct constituting the offence.

The person who published the original report or another person may publish further reports containing permitted content. Where a further report is published by another person who is not the adult victim that person must reasonably believe that the original report was published with the consent of the adult victim.

The proposed amendments will allow honest and open reporting and discussion about the extent of family violence and its impact on Victorian families by giving victims the right to tell their stories publicly without having to seek permission from the court. These amendments will also contribute to perpetrator accountability, consistent with the action plan.

Apart from the new specific exception, the publication restrictions continue to apply to the making of intervention orders (i.e. civil proceedings). This will ensure that the privacy of family violence victims seeking protection through the legal system is protected and that victims are not dissuaded from seeking protection because of fear of public exposure.

The bill will also provide the court with a discretion to make a publication order in relation to matters involving a child and to update the definition of publish in the FVP act. Similar amendments are made to publication restrictions in the PSIO act.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Thursday, 2 October.

JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014

Statement of compatibility

Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014.

In my opinion, the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes important changes to Victoria's succession laws, including implementing a number of recommendations of the Victorian Law Reform Commission's 2013 *Succession Laws* report (the report). It also provides for commissioning parents of a child born in Victoria under an interstate surrogacy arrangement to be recognised as the child's parents on the child's birth record and birth certificate, subject to certain safeguards.

Human rights issues

Succession laws amendments

The bill amends the Administration and Probate Act 1958 to narrow the categories of people who may challenge a testator's will by bringing a claim for family provision. While there is no right to inherit under the charter act, by providing that usually only close family members may challenge a

testator's will through such a claim, the bill is consistent with section 17 of the charter act, which provides that families are the fundamental group unit of society and are entitled to be protected by society and the state.

The bill also amends the statutory wills scheme in the Wills Act 1997. That scheme provides for the Supreme Court to authorise a will on behalf of someone who does not have testamentary capacity. The bill makes the process of applying for a statutory will more accessible by removing the current requirement to first apply for leave. It also provides the court with the power to order the production of any available evidence as to the ability of the person to participate in the proceedings and/or otherwise express his or her preferences. These amendments enhance the right to equality before the law in section 8 of the charter act and the section 24 right to a fair hearing by making it more accessible for applications to be made for people with an intellectual disability or cognitive impairment.

Surrogacy amendments

Section 17(2) of the charter act provides: 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'. The proposed surrogacy amendments will promote the protection of families and children by enabling the commissioning parents of a child born as the result of a surrogacy arrangement to obtain an order for registration in the surrogate birth register when they have obtained a corresponding surrogacy parentage order in another Australian state or territory recognising them as the parents of the child.

The bill sets out criteria which must be satisfied before the Supreme Court or County Court may make a registration order, including that the order is in the best interests of the child and that the commissioning parents did not enter into the arrangement to avoid Victoria's surrogacy and assisted reproductive treatment legislation.

Victoria's criteria for surrogacy arrangements establish key safeguards for the surrogate mother, the commissioning parents and the child, as recommended by the Victorian Law Reform Commission in its 2007 report on assisted reproductive technology and adoption. Including similar safeguards for the making of a registration order is necessary to ensure that any registration order is in the best interests of the child, within the meaning of section 17(2) of the charter act.

The right to a fair and public hearing in section 24 of the charter act is relevant to registration order proceedings and proceedings for revocation of a registration order, as these proceedings are to be heard in closed court. Section 24(2) of the charter act provides that a court or tribunal may exclude members of media organisations or the general public from all or part of a hearing if permitted to do so by a law other than the charter act. Thus, the right is not limited, as the exclusion of the media and general public will be specifically permitted by the Status of Children Act 1974.

Section 24(3) of the charter act provides that all judgements or decisions made by a court or tribunal in a civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than the charter act permits it. The prohibition on publication of identifying material and the restriction on access to court records from registration order proceedings or revocation proceedings will be permitted by the Status of Children Act 1974. Further, in surrogacy proceedings and registration order proceedings, the child's best interests are promoted by court decisions not being made public.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill makes a range of changes to the Wills Act and the Administration and Probate Act to make the law clearer and fairer.

The changes will help to ensure that families are not caught up with unnecessary disputes about wills and that when they do need to go to court the costs are contained.

The death of a family member is usually a time of great sorrow and distress and if the law relating to wills and the administration of estates is not clear, it can quickly become a source of stress and conflict for families.

Complex and time-consuming succession laws can also result in a significant proportion of the estate being consumed by legal fees and administrative costs.

The bill implements a number of recommendations of the Victorian Law Reform Commission (VLRC) in its 2013 *Succession Law*s report.

The bill also makes a small but important change to Victorian surrogacy arrangements to allow parents to be registered on the birth certificate of their child even if the surrogacy treatment is undertaken outside of Victoria (but within Australia), and certain other conditions are met.

Succession laws

A key concern with current succession laws is that they allow for family provision claims — that is, claims that the will of the deceased, or the operation of statutory intestacy rules, should have made provision, or greater provision, for them — to be made in a broad range of circumstances. The ability to make such claims has historically been confined to cases where the deceased had a clear responsibility to provide for the claimant, which has usually been associated with family members for whom no or insufficient provision is made and a maintenance allowance is appropriate. The original legislation in this area provided only for claims to be made by widows and orphans. Over time, the

range of persons entitled to make a claim was gradually broadened to reflect changing social and family circumstances.

In 1997, the Victorian legislation was amended to remove any requirement for a specific relationship with the deceased, and instead based a person's entitlements to family provision on demonstrating that the deceased had a responsibility to provide for them. However, the fact that there is no restriction on who can make a claim, together with the broad nature of the test to be applied, has led to a wide range of claims, putting pressure on executors, administrators and other beneficiaries to settle even dubious claims in order to prevent the estate being consumed by legal costs.

To reduce the potential for opportunistic claims, and to better reflect the underlying policy objectives of family provision laws, the bill amends the current family provision scheme to limit who can make a claim on a deceased estate and the grounds on which a claim can be made.

Only specified categories of people will be eligible to make a claim. The deceased's children and stepchildren, spouses or domestic partners at the time of death, and former spouses and partners who have not had recourse to the Family Law Act 1975 before the death may apply for a family provision claim as of right.

However, the bill makes a distinction between applications brought by a child or stepchild of the deceased who is under 18 or a full-time student up to the age of 25 or who has a disability and, on the other hand, a child or stepchild who does not fall under one of these categories. Most adult children will fall outside these categories. In such cases, in determining the amount of provision, if any, to be ordered, the court must take into account, amongst other things, the degree to which the applicant is not capable, by reasonable means, of providing adequately for their own proper maintenance and support. This is intended to reflect the position that parents should not usually be regarded as having a moral duty to make provision for adult children who are capable, by reasonable means, of providing adequately for their own proper maintenance and support.

For other specified applicants, the court will need to be satisfied that they were financially wholly or partly dependent on the deceased. Such applicants include registered caring partners, grandchildren and other members of the deceased's household at the time of the deceased's death. For such applicants, in determining the amount of provision, if any, to be ordered, the court must take into account, amongst other things, the degree to which the applicant was dependent on the deceased.

The bill also replaces the requirement that the deceased must have had a responsibility to provide for the eligible person with a requirement that the deceased must have had a moral duty to provide for that person. This change is designed to emphasise that simply because a person is eligible to bring a claim, either as of right or in circumstances of dependency, is not sufficient of itself for the person to have provision made for them from the deceased's estate. The starting point is that a deceased is entitled to dispose of their estate as they see fit, and this should only be departed from where they had a moral duty to provide for the needs of the claimant and yet failed to do so. Thus, for example, a deceased would almost always have had a moral duty to provide, whether by way of their estate or by other means, for a spouse or partner and under-age children who were dependent on them at the time of their death. In other instances, such as where a person had become a member of the deceased's household dependent on the deceased, whether or not the deceased had a moral duty to make provision for that person will very much depend on all of the circumstances, including whether those circumstances gave rise to a legitimate expectation that provision would be made.

In addition to limiting who can make a claim on a deceased estate, the bill seeks to deter unmeritorious family provision claims by repealing the current family provisions costs provisions. Under the current provisions, the court may order that the applicant pay the defendant executor's costs if an application has been made frivolously, vexatiously or with no reasonable prospect of success. The courts have interpreted the inclusion of these specific costs provisions to mean that the usual rule as to costs does not apply in family provision cases. The result is that parties do not usually bear the risk of paying costs in the event that they are unsuccessful, removing a disincentive to bringing weak or opportunistic claims while forcing some families to settle those claims to avoid having legal costs taken out of the estate. The bill repeals this cost rule as a signal that there is no need for particular leniency towards successful claims in family provision matters, and that the usual cost rules should apply.

The bill simplifies and updates the rules for the payment of debts. The revised rules give primacy to the will-maker's intentions when the estate is solvent and clarify the application of the commonwealth Bankruptcy Act 1966 when the estate is insolvent.

The bill also gives effect to the VLRC's recommendations about the administration of small estates. At present, the Administration and Probate Act includes special measures to assist the administration of an estate with a monetary value of less than $25 000, or $50 000 where the only beneficiaries are the deceased's partner and/or children, or the deceased's sole surviving parent. These estates are described as 'small estates'. The thresholds have not been amended since 1995.

The VLRC recommended that these measures be strengthened to encourage applications for grants of representation in respect of small estates. Obtaining a grant lessens risk, clarifies the role of the personal representative and protects the interests of third parties, such as banks who hold an account in the name of the deceased. The bill increases the monetary value of a small estate to $100 000 and indexes this amount to the consumer price index. This will provide a cheap and accessible option for obtaining a grant of representation for small estates, noting that small estates rarely involve real estate or administrative complexity.

The bill repeals the separate expedited grant process in the Trustee Companies Act 1984 currently available to State Trustees Limited and private trustee companies. State Trustees do not use this process, opting instead to use the deemed grants process. Similarly, private trustee companies do not use this specific statutory expedited process.

The bill also recognises informal administration of a deceased estate in some circumstances. Informal administration may arise where assets of a deceased person are distributed to those entitled to them without a grant of representation, or where significant estate assets have passed by survivorship (for example, where an asset was jointly owned) or can be accessed without a grant of representation. The bill facilitates and validates simple transactions of property or money under a specified value without a grant of representation in certain circumstances.

The bill simplifies the process in relation to statutory wills. In general, a will may only be made by a person who is capable of understanding the nature and effect of the act of executing it. That is, the person must have testamentary capacity. Since 1997 the Wills Act 1997 has provided for a statutory wills scheme that allows the Supreme Court to authorise a will on behalf of someone who does not have testamentary capacity. For example, where a person has been hospitalised in a traffic accident and is unable to communicate their wishes, the court may consider it appropriate to create a will on behalf of that person where there is credible evidence of how they might have wished to allocate their estate.

In accordance with the VLRC's recommendation, the bill makes the application process for a statutory will more accessible by removing the current requirement to first apply for leave to bring the application. It also provides the court with a greater opportunity to ascertain the views of the person on whose behalf the statutory will is proposed, where this is possible.

Surrogacy amendments

In a surrogacy arrangement, the 'commissioning parents' intend to become the legal parents of the child and the 'surrogate mother' is the woman who gives birth to the child. The surrogate mother's partner may also be a party to the arrangement.

If a surrogate mother becomes pregnant with the child outside of Victoria, but gives birth to the child in Victoria, there is currently no way for the commissioning parents to be recognised as the child's legal parents and be named on the child's birth certificate. The commissioning parents may be able to obtain a parentage order in another Australian state or territory, but this is not sufficient in Victorian law for the commissioning parents to be recognised as the child's parents on the child's birth record or birth certificate.

When the Status of Children Act 1974 provisions dealing with surrogacy and parentage orders were introduced by the Assisted Reproductive Treatment Act 2008, a transitional provision was included to recognise the commissioning parents of a child conceived under a surrogacy arrangement where the child was born in Victoria before the commencement of the relevant provisions or within 10 months of commencement. This transitional provision applied if the commissioning parents were ordinarily resident in Victoria at the time the child was conceived and applied whether or not the child was conceived in Victoria.

However, this transitional provision did not assist in all cases. The government is aware of at least one family who had sought treatment interstate prior to the commencement of Victoria's surrogacy provisions, but was unable to be brought within the scope of the Victorian law, as the birth occurred after the time provided for in the transitional provision.

To resolve this situation and any similar situations in the future, the bill provides for commissioning parents of a child born in Victoria under an interstate surrogacy arrangement to be recognised as the child's parents on

the child's birth record and birth certificate, subject to certain safeguards.

The commissioning parents may apply to the Victorian County or Supreme court for a 'registration order' and the court may make the order if satisfied of particular criteria, including that: the making of the registration order is in the best interests of the child; the commissioning parents did not enter the surrogacy arrangement for the purpose of avoiding requirements under Victoria's surrogacy or assisted reproductive treatment laws; and the commissioning parents had a genuine connection to the state or territory in which the child was conceived. The bill includes transitional provisions allowing commissioning parents to apply for a registration order if they entered their surrogacy arrangement before commencement of the amendments made by the bill.

If the Victorian court makes a registration order, commissioning parents may then present the registration order and the interstate parentage order to the Victorian Registrar of Births, Deaths and Marriages, who must amend the child's birth registration to recognise the commissioning parents as the child's parents.

Being able to have a birth certificate that accurately reflects a child's legal parents is important for families, not just practically but also symbolically. These amendments allow for formal recognition of a child's legal parents in Victorian law, while the court process in the bill provides the necessary safeguards to ensure that Victoria's laws regarding assisted reproductive treatment and surrogacy are not circumvented.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Thursday, 2 October.

CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014

Second reading

Debate resumed from 4 September; motion of Mr O'BRIEN (Treasurer).

Mr PALLAS (Tarneit) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014. In doing so, I note that the opposition will not oppose the bill. We have reservations about the content of the agreement made by the bill, and I will go through those as I address the substance of the bill. I also want to make the point that through the passage of the bill the opposition can either support or oppose the agreement, but practically we are limited in terms of our support or opposition because it is not possible for us to renegotiate the agreement in opposition. On balance, I indicate to the Parliament that we do not oppose the passage of this legislation, but I will go through our position in detail over the course of my contribution.

I would like to put this into a historical context and consider how the state of Victoria has come to the point of striking an agreement in these terms. When you consider that the Treasurer used to be the Minister for Liquor and Gaming Regulation, it is difficult to fathom how this process was botched so completely. You would think that the government would be able to manage a simple tax grab — and let us be honest, that is effectively what was originally proposed in respect of this industry. However, apparently this government could not manage that. This process has been mismanaged, and Victorian taxpayers will be worse off because of it.

To understand the nature of the failure of this government we need to think about where we started from and where we have ended up. At the time of the 2013–14 budget update, the Treasurer was faced with declining revenue from gambling taxes, but he was not worried because he had devised an elegant solution to this problem. First, he would hit hotels, clubs and casinos with extra taxes on their electronic gaming machines to the tune of $130 million per year. Then he gave them permission to pass the extra tax burden straight onto the punters by decreasing the minimum amount that poker machines must pay back to players, from 87 cents in the dollar to 85 cents in the dollar. Understandably, Victoria's hotels and clubs were incensed and launched a campaign against the changes. Crown did not need to start a campaign — all it had to do was call the Treasurer's bluff and hold out for something better. It knew the Treasurer had effectively created a hole in his own budget, and it exploited this weakness. This has cost Victorian taxpayers, and it could have been avoided. The Treasurer simply needed to pick up the phone before he tried to impose the tax.

Developing good gaming policy requires caution, forethought and balance. These are many of the dimensions that add to the weight of public interest in this debate and that have been woefully absent in the government's planning and conduct in the carriage of this matter. They must be carefully considered. Having a Treasurer who runs around half-cocked trying to pull a shameless revenue grab and failing is simply not constructive. It undermines the government's ability to mitigate the harm caused by problem gambling. It also

threatens to compromise the economic benefit derived from having a gaming industry in the first place.

Turning to the content of this agreement, there are a number of questions around its continuing operation and interaction with the industry, and I would appreciate it if, either by way of reply or during the passage of the bill in the other place, the government could give us some further clarity on the matter.

Returning briefly to the substance of the deal, in the 2013–14 budget update the government originally tried to impose an additional tax of $22 715 per year on Crown's electronic gaming machines. Crown currently has 2500 machines on its floor, and the tax was predicted to bring in an additional $56.8 million per year for the state of Victoria. That works out to be a little over $1 billion between now and when the casino licence was originally going to expire in 2033. Under the arrangement identified by the government the new deal will raise at best $910 million between now and 2050.

The simple application of pure mathematics makes it obvious that the value of this deal to the taxpayer and the community is clearly subservient to the arrangement the Treasurer originally sought to impose. This is largely the consequence of a failure to understand the pre-existing arrangements that have impacted upon this industry. Of course we can only progressively reap that $910 million between now and 2050 if Crown's profitability increases by 4.7 per cent a year for the next 10 years. Based on the raw numbers I think it is pretty clear that the government has capitulated substantially in terms of its original aspirations, and its capitulation will cost Victorians. But of course these things are always complex. The payments are actually structured in a way that suits the Treasurer's bottom line before the election — he now gets an immediate cash injection of $250 million, and he has said that 'further announcements' will be made about how he is going to spend that money in the coming weeks.

So with some degree of justification we ask the question: what did Crown get in return? Quite a bit. The supertax on VIPs has been removed. It gets 40 new game tables. It gets 50 new automated game tables. It gets the right to purchase another 128 poker machines. It gets a 17-year extension on its licence, taking the expiry date from 2033 to 2050. It also gets regulatory certainty. The definition of 'regulatory certainty' has significant implications for future governments and the way in which this industry will have to be managed. It will create considerable difficulties for future governments but will nonetheless provide certainty of investment, and therein lies the balance that I think needs to be considered by the opposition when expressing concerns about the content of this agreement.

One of the key reasons that Labor members do not oppose the bill is that we acknowledge that there is a need to update Crown's licence to keep it internationally competitive, and we do understand and recognise the changing nature of the industry. We also understand and recognise the changing nature of the certainty that a number of industry players have in terms of their period of licensing and the impact that that certainty has upon the investments they put into their operations. That consequently impacts upon Crown's decisions on whether or not to make certain investments. Certainty as to the future does impact upon Crown's investments and ultimately upon jobs and opportunities for economic growth for the state of Victoria.

In our view the circumstances do reek of political expediency. We believe that this matter could have been handled much better, but Crown is important to Victoria's economy and inaction would ultimately cost jobs. One third of Crown's revenue comes from international and interstate VIPs, so unless Crown can continue to attract these visitors, it will be impossible for the Victorian public to get a share of this revenue. We acknowledge that simply doing nothing in this space would put Crown and ultimately the taxpayer at a disadvantage. When the VIP supertax was introduced it achieved its aim: Crown's VIP business was competitive and it allowed Victorians to reap a greater share of the benefit. That is no longer the case. Victoria's share of international and interstate VIPs has been declining, and this has diminished one of the key economic benefits of actually having a casino in Melbourne. We need to accept that part of the reason for this is a tax treatment that is, quite frankly, no longer competitive. The game of international VIP activity is a very competitive one, and one that is becoming increasingly competitive.

Our major concerns relating to regulatory certainty are in the areas in which Crown has been given special treatment. This bill creates a requirement for any Victorian government that wishes to enact reforms that compromise Crown's profitability to compensate the casino for its lost profits. Victoria's hotels and clubs were given no such concession but the government has handed them a strong case to demand it in the future. This goes to the chaotic and quite frankly bungled manner in which this deal came about. If the government had given this even a moment's thought it would have realised that by negotiating with Crown and effectively dictating terms to pubs and clubs it was

setting a regulatory time bomb for the state of Victoria. Quite frankly, that regulatory time bomb is an unanswered question in the context of the passage of this legislation and an unanswered question for the investment that the clubs and pubs of Victoria are demanding with increasing stridence from this government.

The stakes are too high for us to try to undo the damage from this side of the house. We accept that. For all our concerns about certain aspects of this agreement, we understand that we cannot have the access to the advice and the ability to negotiate on behalf of the state that the government has. We do acknowledge we have the capacity to either approve or not approve this agreement, and therefore effectively by our actions in not opposing this agreement we will allow it to have effect.

For all its rhetoric, this bill makes it clear that the coalition was not thinking about good policy or the public interest when it negotiated this deal. The Crown complex in Melbourne is, however, Victoria's largest single-site employer. Over 8800 people work there. If you took away those jobs, it would account for nearly 10 per cent of this government's entire job creation record. There are 4600 apprentices and trainees who have graduated from Crown College Melbourne. More than 23 200 full-time equivalent jobs supported by Crown in Melbourne are dependent upon the operation, the efficiency and indeed the competitiveness of this undertaking. For context, the 23 200 full-time equivalent jobs supported in Crown are almost as many full-time jobs as have been created in the entire term of this government. We in Labor will do what we can, but we will not effectively risk those jobs by trying to fix the government's mistakes from opposition.

The heading to the government's media release announcing this agreement is 'Agreement with Crown Melbourne to support investment and jobs for Victoria', but the government actually made no effort in its negotiations to secure any terms from Crown that secure jobs. The media release also states that the deal included 'measures related to responsible gambling'. As far as we can tell, that refers to the fact that this bill establishes a requirement that taxpayers compensate the casino if the government wants to introduce measures to encourage responsible gambling. That appears to be the measures related to responsible gambling incorporated within this agreement.

On Tuesday I wrote to Crown Resorts Limited, and I told it that Labor's support for this bill would be conditional on it doing something substantial to support jobs and combat problem gambling. Crown responded with an undertaking to Labor that it will substantially increase resources to support problem gamblers and will undertake to provide training for 500 recently retrenched workers.

There is a series of questions that I would be pleased to receive advice from the government on in the context of the operation of this agreement. One question is: what will now happen to the player ratio? The player ratio was adjusted for the purposes of the budget update, which provides:

> In addition, the minimum return-to-player ratio —

for electronic gaming machines —

> will be reduced from 87 per cent to 85 per cent, providing greater options for venues in managing their operations …

and is described in the context of the increased gaming machine tax rates for pubs and clubs. This change was introduced as part of the State Taxation Legislation Amendment Bill 2014. The question is: is there any reason that Crown has been able to bank this generally applicable advantage on top of all the others that it has gained?

The dispute resolution process is also quite complex. Questions have been answered via bill briefings. I want to express my appreciation to the government and to the Treasurer for providing two separate briefings, firstly, on the content of the agreement itself, and secondly, on the content of the bill. Questions have been raised that go to the value of putting our concerns around the quite substantial processes of what appear to be alternative dispute resolution procedures before a formal process of arbitration is entered into.

Questions go to the role of the umpire. Clause 3(j)(vii)(A) of annexure 1 to the variation agreement inserts that the umpire must:

> (A) act as an expert and not as an arbitrator …

This means the umpire must provide his or her expert opinion and is not mediating any dispute between the parties subject to what is set out below. There is a question as to whether the umpire's determination is binding: what is the status of any determination made by an expert or umpire? Annexure 1 to the variation agreement inserts that issues relating to the compensation amounts determined by the experts or umpire be referred to the court in certain circumstances. Clause 3(j)(x) states:

> Any determination of the Experts (or, in the circumstances contemplated by clause 3(j)(viii), the sole Expert) or the Umpire in accordance with this Annexure 1 will be final and binding on the parties in respect of the

> relevant Trigger Event. However, within 20 Business Days of the determination being notified to the Parties, either the Company or the State is entitled to make an application to the court for a declaration that, in reaching the determination, the Experts, the sole Expert or the Umpire, as the case may be, made an error in relation to a question of law.

Clause 3(j)(xi) of annexure 1 to the deed of variation in the bill states:

> If the court issues a declaration to the effect that an error has been made in relation to the relevant question of law, whichever of the Company or the State sought the declaration must immediately inform the Experts, the sole Expert or the Umpire, as the case may be, provide them with a copy of the declaration and request that they issue an updated determination, together with reasons, in writing within 20 Business Days of receiving a copy of the declaration. That updated determination will be final and binding on the parties in respect of the relevant Trigger Event.
>
> If the updated determination is to be issued by the Experts and they are unable to agree on the determination within the period of 20 Business Days referred to above, the matter must be referred to the Umpire in accordance with clause 3(j)(ix).

Effectively when can injunctive relief be sought? Clause 3(n) of annexure 1 to the variation agreement provides that nothing in clause 3 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of any dispute as to the compensation payable.

Those questions require clarification in terms of the operation of what is quite frankly a very complex dispute resolution procedure. The concerns of opposition members are that ultimately at some point there has to be some closure and some rights of enforceability and reviewability around the events and the actions taken by the parties consistent with the agreement. We must bear in mind that we are talking about circumstances where in the event of a decision to undermine the regulatory certainty that the agreement seeks to provide there is a maximum exposure to the state of $200 million within any given term of that government for the actions it takes. We need to have greater clarity about what can trigger such events and essentially about how the state can have those events properly valued and applied.

I want to be very clear that whilst these actions may place a cost upon the state in its being able to act in respect of these areas, from this side of the Parliament we see that as circumscribing or restricting the duty of care of the state in respect of problem gaming. We in this place have an obligation to the people of Victoria to continue to take actions, irrespective of the costs, with due consideration of the merits of those actions in relation to responsible gaming. That certainly is and will continue to be the position of those on this side of the Parliament, irrespective of cost, because the cost to the community in the long term needs to be borne and balanced. I hope that, despite the fact that there is a compensatory position here for Crown, there is not effectively an abrogation of our duty of care to the community in a broader sense.

I will speak briefly about the implications of what this agreement could do in terms of jobs. We understand that we in Victoria have seen a very substantial situation where more than 67 700 Victorians have been given the experience of being liberated, to use the word of the current Prime Minister, from employment under the Napthine government, and we do not hope to help or add to this number except to state our concerns about the content of the policy underpinning it and the actions that have brought us to this point.

As I have indicated, Crown has a significant impact on the Melbourne economy. Crown is Victoria's largest single-site employer, therefore it needs to be acknowledged for the commitment it has made to the Victorian economy. Some 8800 people work directly at Crown. If you took away those jobs, about 10 per cent of the government's entire job creation record would go — some 46 000 apprentices and trainees and 23 000 full-time equivalent jobs are supported by Crown. Over the life of this government the unemployment rate has risen from 4.9 per cent to 6.8 per cent, and increasingly the government has failed to meet its own expectations and objectives with respect to job targets. Opposition members do not see that there is anything of value that could be done in the context of prohibiting the making of this agreement that would in many ways cost Victorians dearly in an economic sense in the future.

In summary, in December 2013 as part of its budget update for 2013–14 the Napthine government announced that as part of its revenue initiatives the government would be introducing a new casino gaming levy. That levy, which would start at $5500 per machine, was to rise to $22 700 per machine within 2014–15. The government anticipated that it would get $56.8 million over the forward estimates period once the higher rate commenced. This announcement and this agreement effectively change all of that, because the government did not have the capacity to do what it thought it could. Crown has stood up to the government and said, 'We believe that you don't have the right or authority to do this'. The government had clearly mismanaged both its expectations in terms of revenue and the implications of its actions upon the industry.

The government's original announcement was made before it had concluded negotiations that were required under the state's agreement with Crown. The Treasurer's failure to conclude negotiations was made evident six months after the levy was announced, and the line item did not appear again — it mysteriously disappeared in the 2014–15 budget. Four months on the government has finally reached an agreement with Crown for a new revenue scheme.

In debating this legislation the Parliament needs to recognise the context in which this company has been brought to this point. The government empowered this company in the negotiations, because it created a hole in its own budgetary situation. It failed to appreciate the regulatory and agreement-making context in which it had to operate. Practically speaking, Crown has extracted considerably greater value, as I have indicated, under these arrangements in the negotiations with the government, such as they were, from the state of Victoria than the Treasurer expected. That is unfortunate for the taxpayers of Victoria and for the revenue base of the state of Victoria.

Nonetheless the agreement, as it is struck, provides for a way forward. It provides both regulatory certainty and an extension on a concession deed that otherwise would be out of kilter with the evident and clear concession deed arrangements relating to the life of operations that exist in the rest of the country and that therefore impact upon investments that are being made in this country and investments that will necessarily be used to assist Crown to continue to be profitable and a good and large employer in this state. On that basis the opposition will not oppose this bill.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014. At the outset I congratulate the Minister for Liquor and Gaming Regulation and the Treasurer on their diligence in bringing this bill to the house and on what has been clearly demonstrated to be the sound financial management, on behalf of the best interests of all Victorians, involved in the way this deal has been negotiated. I contrast that with the actions of the opposition. The last member to speak, the member for Tarneit, the shadow Treasurer, said he could not understand how a simple tax grab from the gambling sector could be botched. I remind the member for Tarneit what a very short memory he may have. The conclusion of the Victorian Auditor-General's 2011 report on the allocation of electronic gaming machine (EGM) entitlements states:

> The allocation of the EGM entitlements was achieved within very tight time lines. However, the project failed to achieve a satisfactory financial outcome and there were serious shortcomings in the project management.
>
> The revenue obtained from the sale of the entitlements was around $3 billion less than the assessed fair market value of these assets. As a result of this very significant difference, the allocation largely failed to meet its intended financial outcome of capturing a greater share of the industry's supernormal profits.

I think that is pretty clear. When it comes to managing contracts and agreements and getting the best deal for the taxpayer, the opposition falls short. As a government we have secured jobs and investment, supporting tourism and boosting the state's bottom line with this agreement with Crown. The bill implements the agreement, which will deliver tax competitiveness and investment certainty and, most importantly, secure the jobs of almost 9000 Victorians who work at Crown.

This is a big business. Crown is one of Australia's most successful tourism companies. It is envisaged that in the 10 years to 2016 Crown will have invested $1.7 billion to upgrade the Crown Melbourne integrated resort to make sure Crown remains competitive with the best integrated resorts in the world. I am referring there to a quotation from the chair of Crown, Mr James Packer. There is no question that this is a significant resort and a significant tourism opportunity for Victoria.

This bill ensures that the high rollers who come into Crown are incentivised to come here and not skip Melbourne to go to other properties in other states and around the world. This is very important, because not only do the high rollers who come here spend money gambling, although their doing that certainly creates revenue for our state, but while they are here they also contribute significant tourism dollars. They often come here with families and friends and others who also contribute to the economy.

I was talking to somebody who has an involvement with this business. One of the things Crown has recently introduced is a health tourism opportunity, in which it will bring high rollers who will come with an associated person — often an aunty, a mother or a grandmother — and while the high roller is gambling the other person is having an operation, such as a hip operation, which is improving their health, and paying top dollars into our health system. That is an example of a business such as Crown assisting not only with pure tourism dollars but also with health tourism dollars which go to benefiting our economy.

Under the contract that has been negotiated by this government there will be payments of up to $910 million made by Crown, including an immediate up-front payment of $250 million. These payments will

ensure that more money is coming back into the Victorian economy. It is important to also note that this is the 10th deed variation in about 20 years. That shows that this is a moving business. There needs to be flexibility in this moving regulatory environment, given the dynamic nature of the way it operates.

Having said that, I note that one of the key factors is that the industry is also becoming more and more competitive. More casinos are operating around the world. In 2001 there was only one operator in Macau. Now there are over 30 casinos. All of them are vying for high roller business. Queensland is in the process of issuing three-year casino licences. A second casino in Sydney targeting VIP players will be established in 2019. That is why we have had to bring this bill to the house. It will ensure that we capture those high rollers and that Melbourne remains a top destination for interstate and international visitors.

Interstate and international visitors make an important contribution to the Victorian economy. They not only play at our casinos; they also eat in our restaurants and cafes, drink in our bars, visit our art galleries, enjoy our theatre productions and take in many of the magnificent tourism offerings that we have in Victoria. To ensure that this continues, the bill abolishes supertax commission-based play to enhance Crown's competitiveness and extends Crown's licence to 2050. It does this by adding some additional machines, but still ensures that the state's threshold of 30 000 gaming machines is not breached.

In its last deal in 2009, Labor provided Crown with 150 additional gaming machines, which was a 43 per cent increase. In contrast, the coalition is providing Crown with an increase of just 8 per cent. The former government also botched the electronic gaming machine deal. The member for Tarneit suggested that Labor is better placed to manage these sorts of operations. To that I say that when it comes to money every negotiation the opposition has tried to manage has failed. In an *Age* article of 21 August, the shadow Treasurer said that this deal was negotiated under duress and that it looked like Crown had taken the Victorian government to the cleaners. If that were true and Crown had actually benefited from the deal, you would expect its share price to have jumped rapidly. When the deal was announced, Crown's share price closed at $15.98. On Monday this week it closed at $14.84, which is down from the price when the deal was announced. If the market is any indication of Crown getting a better deal out of this, then the shadow Treasurer needs to go back to look at his numbers a bit more carefully.

In concluding I will focus on one other important element, and that is the work this government has done in promoting responsible gambling. I am very proud to be a member of the Victorian Responsible Gambling Foundation, which this government established. The government has given the foundation a record amount of funding of $150 million over four years to provide key research, support and treatment for problem gamblers and ensure that there is proper information available so that problem gambling is tackled in this state. We lead the country and the world through our work on responsible gambling. As the then gaming minister, it was the Treasurer who brought this foundation into being.

A number of other significant changes have been made by this government in this area, including ensuring that ATMs are not in the vicinity of gambling venues. This is very important.

Mr Pakula interjected.

Mr SOUTHWICK — The member for Lyndhurst yells out, 'Oh, really?'. If it makes it much easier, then we stand by the work we have done here. The member for Lyndhurst can carry on all he likes, but we are very proud of what we have introduced during this term of government. We are committed to reducing problem gambling in whatever way we possibly can. This is a very good bill. It is a sound bill. It shows that we can manage money. In contrast, the opposition has failed to manage money at every post.

Mr PAKULA (Lyndhurst) — In considering this bill and the arrangement that has been reached between the government and Crown Casino, it is important to go back to the beginning of this saga, as I think it has now become. Earlier this year representatives of Crown Casino and clubs and pubs were called into a meeting with the government late one evening and told that the next morning there would be an announcement about their taxes going up. In the case of clubs and pubs, they were told those taxes would go up close to something like $80 million a year, and for Crown Casino it was somewhere in the vicinity of $57 million a year. There are not many things that a Treasurer can do that can cause his phone to ring in the dead of the night, but this is one of them.

From that moment, Crown Casino had this Treasurer by the short and curlies, because the government had made a revenue projection and assumptions about its gaming revenue take over the forward estimates and many years into the future which was simply unable to be met at that time. Unlike the pubs and clubs, which were terribly aggrieved at their treatment and the lack of

notice and consultation, Crown, on the other hand, simply said no. A negotiation process then ensued, and the government was on the back foot from that moment on. As the shadow Treasurer, the member for Tarneit, pointed out, the total amount payable to the state of Victoria under this agreement is less than the revenue take that would have come to Victoria had the original tax increase imposed by the Treasurer been payable. Had Crown not simply turned around and said 'No', the state would have received more.

Even though the state is now receiving less overall than it would have received under the original tax rise that was announced, in addition to that the state has made a whole range of additional concessions to Crown. It has increased the term of its licence, which we do not oppose. The state has removed the high roller supertax. The state has agreed to give the casino more electronic gaming machines (EGMs) — from the pubs and clubs, mind you — more automated tables and a compensation clause, which had never previously been contemplated. All of this was in return for less money than this Treasurer would have received had he not so comprehensively botched the process of increasing the tax rate earlier this year.

That is why, with only some 40-odd days to go until we are in caretaker mode, we as an opposition are now in the invidious position of having to either endorse in a legislative sense an agreement that we would never have made or alternatively scuttle the entire deal. I know that the Treasurer in his own clever way endorsed our decision not to scuttle the deal. As the member for Tarneit pointed out, there are somewhere between 8500 and 10 000 jobs at Crown, and, as the member for Caulfield indicated, Crown is not just a gaming facility; it is a hub of restaurants, it is a major tourism attractor and it is a very large hotel complex. Crown is much more than simply a casino. In these circumstances an opposition would have to hasten slowly if it were to scuttle a deal simply because it was not the deal that it would have made and there were provisions in it that the opposition had grave concerns about.

In the best tradition of these things, we sought to add to the agreement as we could. As the member for Tarneit pointed out, we received from Crown a commitment to create 500 training places for retrenched workers. I think that is a positive thing. No-one is treating that as some massive triumph, but it is a positive thing. It is a better arrangement than we would have had otherwise. The additional resources being put into Crown's problem gambling response is also a positive thing. However, I think it is important for the opposition to indicate two things. We are concerned about the implications of this deal for the relationship between the government and the pub and community club sector. Let us be clear that apart from the tax increase that was foisted on pubs and clubs, 64 pub EGM entitlements and 64 club EGM entitlements have also been taken out of the pub and club sector and given to Crown. We are of the understanding that there was no consultation with pubs and clubs, and there was no opportunity for pubs and clubs to express an interest in those entitlements before they were given to Crown.

Beyond that, the bill contains at clause 10 a very unusual device, which has allowed the government to do this — that is, the ministerial order for extinguishment. We understand that in the current circumstances extinguishment of those EGM entitlements might be necessary. If you give Crown an extra 128 entitlements and do not extinguish others, then the total statewide cap goes beyond 30 000. What we are concerned about is that that power to extinguish seems to abide into the future as well. Rather than creating a provision that simply applies to this one set of circumstances, the government seems to be giving the Minister for Gaming a general power to extinguish EGM entitlements into the future without compensation.

I would be grateful if the Treasurer, whether in summing up or during the consideration-in-detail stage, would explain why the government requires a general power to extinguish entitlements beyond this one situation, where additional machines are being given to Crown. Let me be very clear that in the view of the opposition it is not appropriate that entitlements currently in the possession of pubs and clubs can be extinguished by government as a general power into the future simply for the sake of protecting one arrangement being made through the bill before the house. This is not something that the opposition, if in government, would seek to impose on pubs and clubs.

Let me also make some remarks more generally about problem gambling. There has been some commentary that the arrangement for compensation precludes future governments from introducing problem gaming measures. Let me say that from the point of view of the opposition nothing could be further from the truth. We know that, as a consequence of the arrangement the Treasurer has reached with Crown, it will potentially cost up to $200 million per term if actions are taken that reduce Crown's profitability. Those might be problem gaming measures or something else.

What we also know is that when we were in government previously, every time we implemented measures that dealt with problem gambling, there was a hit to revenue. There was a hit to revenue with smoking

reforms, there was a hit to revenue with natural light and there was a hit to revenue in breaking up the duopoly.

Mr O'Brien interjected.

Mr PAKULA — The Treasurer says, 'Was there ever'. Yes, it would have been possible to milk every last cent. However, we made a decision that we would not do that because we wanted to ensure that problem gambling measures like the ATM ban could be put in place. We now know that if we want to put problem gambling measures in place in the future, whether they apply to Crown or to other venues, it will not just cost a revenue hit but will also cost the compensation given to Crown. That is the poison pill that the Treasurer has put in this bill. It is not something we are happy about, but if we want to implement problem gambling measures in the future, according to the best advice and the best information, that is what we will do. If it means there is a revenue hit, whether it be through reduced take or through having to compensate Crown, that is just the gift that this Treasurer has left future governments and the people of Victoria. With those words I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution to the debate on the Casino and Gambling Legislation Amendment Bill 2014. I congratulate the Treasurer, who is in the house, and the Minister for Liquor and Gaming Regulation for putting this deal together. It is a very important deal for Victoria. The bill will secure jobs, it will support Victorian tourism and it will boost the bottom line of the finances of this great state.

It is undisputed that Crown Casino is a gambling venue, but first and foremost Crown is an entertainment complex. It is the largest single-site employer in Victoria, with 8800 jobs, which is significant. Just because it is the largest single-site employer does not mean the government compromises on getting a good deal. We are pleased with this deal. I and the member for Caulfield, who spoke earlier on this bill, are members of the Victorian Responsible Gambling Foundation, and we will not allow compromises to be made. The state can enhance its finances by doing good business deals while at the same time committing $150 million over four years — $37.5 million a year — to the Victorian Responsible Gambling Foundation. I sit on the board of the foundation, and I see the great work it does.

The number of people with gambling problems in Victoria is deemed to be 0.7 per cent. Whether that figure is slightly higher or slightly lower, it is still about supporting people with a gambling problem. There is a great portion of people in our community who enjoy gambling and what the Crown Casino entertainment complex offers. We will continue to support people with gambling problems, but this bill delivers a win-win result for taxpayers, providing jobs in Victoria and investment in the business community.

Crown will receive a licence extension. We are aware of that. There is the removal of the supertax, which is important to commission-based gaming, and there will be a modest increase in gaming product. The state will receive payments of $910 million, which is another deal the Treasurer has put together. It is significant income for Victoria, and we can use the money for important projects throughout the state. It includes an up-front payment of $250 million. The government will ensure that these payments support enhanced investment in services and infrastructure that directly benefit Victorians, so the deal is important to the state. I will continue to say that it does not compromise our ability to look after people who have a gambling problem. This is a good business deal.

The Melbourne casino is facing sharply increasing competition from other areas. We know that in Sydney another casino will be opened in Barangaroo by about 2019. This deal is targeting international money, which is important to Victoria. Players come from all over the world. I understand that Macau had 1 casino some years ago; it now has over 30. It is a lucrative market, and provided that we can attract that market without compromising our core values and commitment to the people of Victoria then again I say it is a terrific business deal.

Tourism is important to our state. It generates $20 billion a year, half of which goes to regional Victoria and the other half to metropolitan areas. There are 200 000 people employed in tourism, and again half of them are employed regionally. Tourism is a growing business, and we want to do all we can to support it. The entertainment complex at Crown is one of those areas that is an attraction when people come to the city of Melbourne. It is a great focal point and meeting point, and the complex can use support from the government. It is a win-win result for all of us. As I said, the new casino in Sydney is due to open in 2019, so we need to make sure that we have all our ducks lined up so that we continue to have high rollers and big investors coming through our doors.

The bill provides what I would call a modest increase in gaming product at Crown. There will be 40 extra gaming tables, which the member for Lyndhurst mentioned earlier, and that is up from the current total

of 500 tables. There will be 50 extra fully automated table game terminals and 128 extra electronic gaming machines, up from 2500. The bill does not breach the cap of 30 000 electronic gaming machines in Victoria, and that is important. I say again that we are not exceeding that cap; those electronic gaming machines have come from other areas. It is about making better use of the licences that are currently out there. It is a fair deal both for Crown and for Victorians.

Crown's share price tells a similar story and reminds us that it is a good deal for Crown and for Victorian taxpayers. The shadow Treasurer, the member for Tarneit, said on the day the deal was announced:

> They have negotiated under duress, and it looks like Crown have taken the Victorian government to the cleaners.

It was disappointing to hear the shadow Treasurer say that. It is simply untrue. The market generally gets it right when announcements come through. Savvy investors throughout Victoria and the world understand what a good deal is, and that would be reflected in the share price one way or the other if they felt somebody had taken it in the eye or the other side had got a terrific deal. Crown's share price on the day before the deal was announced was $15.98. On Monday this week the share price closed at $14.84, so it was down from when the deal was done. It is not a huge variation, so the market is also telling us this is a good deal for both parties. That is an important point to make.

The Victorian Responsible Gambling Foundation, as I spoke about earlier, will receive $37.5 million. We are committed to responsible gambling and to the initiatives we continue to implement. Victoria's gaming regulation features some of the strongest responsible gambling measures in the world, and we acknowledge that gambling is a legitimate recreational activity enjoyed by many Victorians. Some just have a punt on the Melbourne Cup; others gamble responsibly throughout the year, and there is certainly an opportunity at Crown to do that. This government continues to implement a range of initiatives to foster responsible gambling and address the harm that is caused to people with gambling problems.

One of the measures the government is undertaking is precommitment. We are rolling out Australia's first statewide voluntary precommitment scheme, which is scheduled for delivery by the end of 2015. The arrangements with Crown simply will not impact on the delivery of the government's voluntary precommitment policy. All gaming machines operating at the Melbourne casino will be required to connect to the statewide precommitment system from December 2015. Again I say that we are not compromising any of our values or any of the policies and deals that are in place.

The member for Caulfield also touched briefly on ATMs. Since 2010 the government has implemented a ban on ATMs located within 50 metres of a gaming floor in Melbourne casinos, and the ban will continue. Again, these changes, this legislation and this deal will not impact on the ban. This is a very proactive measure. Certainly I am very proud of the government's commitment to supporting the separation of ATMs from gaming floors, and I am proud of the precommitment measures as well.

In conclusion, the bill will deliver significant financial benefits to the state while at the same time preserving the responsible gambling provisions that currently operate in Victoria, something we are very proud of. Let me be clear: this is not at the expense of responsible gambling. Crown is an important business to Victoria. As I said earlier, it is very important that we attract high rollers. Let us face it, international money is good money, and that is something we are very pleased to receive. Tourism is a winner. If you go to Crown Casino on a Thursday, Friday or Saturday night, you will see many people enjoying the entertainment features that Crown has, not necessarily gambling. I do not know the numbers, but there are an awful lot of people who are enjoying the entertainment that is on offer there and not necessarily having to gamble. We need to continue to see that Crown is an entertainment complex and a very important part of Melbourne and Victoria. This legislation, this new deal, will assist us to make the state more profitable and receive some of the benefits that flow on. I commend the bill to the house.

Mr PANDAZOPOULOS (Dandenong) — In speaking on this bill, I see that the problem the government has is that it says one thing in opposition and then does another thing in government. The Treasurer, who is at the table, was the shadow Minister for Gaming when in opposition. He used to talk about how the Labor government was hooked on gambling revenue, done deals, secrecy and a lack of transparency. He used to throw around words like 'corruption' at times. It is a lot harder being the minister. It is different throwing those things around in opposition versus being the minister.

The minister is embarrassed by this, and the reason we have the bill in the house at the moment is that the Treasurer messed up one of his budget measures. This is the same guy who used to come into this house and is on the public record, as can be seen when you look at *Hansard*, talking about the Labor government's dependency on gambling taxes and how it did not care

about problem gambling and how it did secret deals. When he was sitting there doing his budget papers, with the deficiency in his budget, he thought he would give a hit to the gambling industry because he thought he could extract more revenue because of his own dependency.

What happened was that the pubs and clubs sector, which is not in a position to go and argue the tax, particularly the club sector, had to end up copping it on the chin. Understandably, Crown went on to fight it. This is why we got a very different bill. I do not know how this bill was done. The way it should have been done was by senior public sector managers with commercial expertise sitting down directly with Crown's representatives to implement a government decision in policy to renew a licence. This is about renewing and extending a licence. When you are renewing and extending a licence, you should get extra value for the taxpayer.

No-one is saying that Crown should be gone. No-one is saying that Crown is not doing a good job. As many members have said, I am the longest serving gaming minister to date, and most of the relevant legislation, whether it be the Casino Control Act 1991 or the Gambling Regulation Act 2003, was amended in my term as minister. I am also the longest serving tourism minister, so I know what a great job Crown does for tourism and how important it is for our tourism offering. There is no doubt that there is a reasonable argument for extending its licence, and it wished for certainty up to 2050 to be able to negotiate that. It is of course very reasonable for government to extract a benefit for the public because it is an exclusive licence. The government gives that licence, and the community should be beneficiaries of it. This was botched from the start as a budget measure, which ended up having to be a negotiation on the extension of the licence, with some extra entitlements around gaming machines and table games.

What concerns me is that the government is not practising what it preached in opposition. We have not seen the transparency around us. What concerns me is that we have, like a lot of things with this government, a government that seems to be making things up as it goes along, which is why the government has difficulties at the moment going into the election. There is a lack of consistency in policy, and there is a lack of consistency in acting in the way that has been the practice in the past. For example, one thing we used to hear from government members when they were in opposition was that they were going to set up an independent, responsible gaming organisation that would have a look at policies and the implications of all these things, yet these guys have not done what we were led to believe they would do if the government were to make changes in policy. It is an independent organisation that did not even want to go on ABC 774 to explain its position. Government members told us one thing when in opposition but have given us another.

The bill refers to social and economic impact assessments. I believe that if the government were decent and honest, it would do a social and economic impact assessment, and I believe there would be proved to be a net benefit. I am concerned that while the biggest gambling operator in Australia is not required to do a social and economic impact assessment, an RSL or a bowls club in a country town or in the suburbs asking for an extra five gaming machines has to do an assessment as part of its planning permit. Crown is excused from doing that. When we excuse ourselves from doing these things, some members would think that there is no transparency — they would think that there is secrecy. I do not think that that is good for long-term gambling policy.

No-one is saying that we are going to get rid of the gambling industry; like it or not, it is here to stay. A lot of people want to gamble, and many of them gamble very safely. There are a lot of checks and balances that support responsible gambling. Many of the measures that could have been introduced have been introduced. However, that does not mean that additional measures will not be undertaken in the future.

The clause in this bill that states there will be no changes in gambling policy that would affect Crown negatively is probably unnecessary. From my recollection, gambling licences have contained a clause that states that government action will not disadvantage the licence holder, whether it be a lottery, club, pub or the casino itself. This is standard for such licences, because in providing a licence under certain terms and conditions, it is not unreasonable under contract law that the licence holder should be protected from any measures that may disadvantage it. As has been shown, this does not mean that the government, on the basis of good reasons or additional evidence, cannot introduce additional measures. Therefore I do not know whether this clause is necessary. On instinct, I think it is not, but it provides a broad undertaking that gives Crown confidence for the future. However, this undertaking does not look good. No future government should have its hands tied by a clause such as this. Licences are usually based on contract law, and legislation should not be required to provide the government with additional obligations.

Gambling is primarily a technology-based activity. After enacting legislation, governments may subsequently decide they need to introduce additional regulations to protect licence holders from being disadvantaged. However, if these conditions do not exist at the time when the legislation is enacted, such clauses should not be necessary.

In the last 2 minutes of my speech, I want to talk about the important role that Crown plays in Melbourne. We have heard that it is the single-biggest site employer in Melbourne. From a tourism point of view, after Tourism Victoria, Crown is the single-biggest investor promoting travel and tourism to Victoria. That is the basic fact and reality. The vast majority of people who go to Crown are visitors to our city. Many locals also visit it, but we know from reading gambling policy documents that destination venues can have a lower impact on problem gambling than local venues, which are highly accessible to people from where they live — that is, they are a short drive or walk from their home. Crown is a destination venue, and it is not just a casino, so it has a different impact than local gambling venues. From the way that I read this bill and the way I understand the changes it will introduce, it seems to me that if a socio-economic impact assessment were made of Crown, it would be shown to have a net benefit to the city.

Crown Casino has a monopoly, which means its impact is lower than the impact we would have if we had many casinos, as is the case in other cities around the world that have several casinos competing with each other for a local suburban population. Having a single-licence casino encourages that casino, and the government in drafting the casino's licence, to focus on the international and interstate visitor market. That is why Crown is the single-biggest private sector promoter of tourism and travel to our state. It is important that I put that on the record.

When I became Minister for Gaming in 1999, the front pages of newspapers in Australia, irrespective of which party was in government, were all negative about gaming. That has changed dramatically because the community has greater understanding of the role of Crown, but governments have also introduced major reforms. The Labor government worked hard to be transparent in the changes it introduced, and the most recent changes with regard to Crown were transparent. When the Kennett government awarded Crown its licence to run Melbourne's casino, Crown was supposed to build a lyric theatre. It did not want to build a lyric theatre, and the government did not want a lyric theatre at Crown to take resources away from our public institutions. We came up with a good arrangement.

The ACTING SPEAKER (**Ms Ryall**) — Order! The member's time has expired.

Mr SHAW (Frankston) — I will be brief because my voice is sore. Clearly that would not be apparent to readers of *Hansard*!

Members who have spoken on this bill have referred to the stock market. I have had dealings with the stock market in the past. Stock markets never reflect what is happening in the marketplace. Back in 2007, during the crash, Conzinc Riotinto shares were over $115, and they subsequently crashed to under $30. Does that mean that Rio was taking less iron ore out of the ground? I do not think so. Were people buying less iron ore? No, they were not. Markets regularly operate according to fear and greed. I do not buy into the argument that the prices for Crown have not moved, which would mean that markets understand what is occurring with regard to Crown. They do not understand what is occurring.

I will discuss eCorp, a company that James Packer owned in the late 1990s. It was priced in the cents when it was first introduced. It then went to $8.80 quite rapidly and was then delisted. Was the market right that eCorp should rise to $8.80? What was the basis for this increase? It was pie-in-the-sky, dotcom-type stuff. There was nothing there. Do not tell me markets will come to a fair price all the time. The markets operate on the basis of fear and greed.

Before 2007 Macquarie Bank was hitting $98, and it would have been the first bank in Australia to hit $100, but it dropped to under $20 in a very short period of time. Let us not believe that the markets understand what is occurring in the Victorian Parliament right now. They do not. The markets operate on the basis of fear and greed, not fundamentals. The marketplace is a fickle environment.

There are a couple of things that I do not like about this bill. It is not a good business deal for Victoria. It is not a good social deal, and it is not a good deal for Victoria's future. I do not like that the lowering of maximum bet limits for table games and electronic gaming machines would trigger a compensation payment, especially when there are currently discussions about maximum bets of no more than $120 per hour lost. The point is not a question of whether we as members agree with that limit. The point is it is being debated, and we are making it difficult for that debate to result in legislation. If future governments legislate to set such a limit, they

may incur massive penalties of up to $200 million per Parliament. That is not fair for future governments, and it is not good for the future of Victoria.

I heard what some other members have said regarding Crown Casino. Yes, it has done a fabulous job. I visit restaurants in the Southbank precinct. It has been good. I heard the member for Dandenong, who is a former Minister for Tourism, say it has been great for tourism in Victoria, and I agree with that as well. But just on this bill and just talking about this compensation package, I do not think it is as good a business deal for Victoria as people are saying. I do not think it is a good social deal for Victorians and I do not think it is a good deal for Victoria's future.

Mr PERERA (Cranbourne) — I wish to make a contribution to the second-reading debate on the Casino and Gambling Legislation Amendment Bill 2014. First, let us go through the proposed deal. In the 2013–14 budget update the government originally tried to impose an additional tax on Crown Casino's electronic gaming machines of $22 715 per machine each year. The casino currently has 2500 machines on its floor, so the tax was predicted to bring $56.8 million per year to Victoria's coffers. That works out to a little bit over $1 billion between now and 2033, when the casino licence was originally due to expire.

This new deal will bring in an additional $910 million for the state between now and 2050, and that is only if Crown Casino's profitability increases by 4.7 per cent a year for the next 10 years, so even on the raw numbers it is clear that the government has surrendered unconditionally on behalf of Victorians. The payments are structured in a way that suits the Treasurer's bottom line before the election, because he will get an immediate cash injection of $250 million, which will come in handy to distribute to marginal seats.

What did Crown Casino get in return? Quite a bit: the removal of the supertax on VIPs; 40 new gaming tables; 50 new automated game tables; the right to purchase another 128 poker machines; a 17-year extension on its licence, taking it from 2033 to 2050; and regulatory certainty. Crown has been given special treatment in relation to regulatory certainty, which is of major concern. The government would be liable if it lifted an exemption that allows gamblers to smoke in Crown's VIP gaming rooms or if it made any changes aimed at addressing problem gambling, such as lowering betting limits on tables, restricting access to ATMs or installing precommitment technology on poker machines.

It binds all future parliaments through to 2050, so that if changes are made — in particular problem gambling measures but also changes to taxes — that might affect Crown's profits, up to $200 million in compensation is payable within one term of government. The money would be paid if any new rules aimed at curbing problem gambling hit Crown Casino's bottom line. Interestingly, the member for Caulfield said that this is not a good deal for the casino and that its share price has not gone up. I am not sure whether he was serious or joking. I do not know of any casino in the world that has got such a lucrative deal from a government in the recent past. A Labor government would not have undertaken a deal of the same shape or form.

Who voted at the last election to give Crown Casino a free kick until 2050 on problem gambling and smoking reforms? This was not presented to voters at the last election. Who voted to give Crown more poker machines and gambling tables and reduce VIP tax? This was not an election commitment by the Liberal-Nationals coalition in the lead-up to the 2010 polls.

One-third of Crown Casino's revenue comes from international and interstate VIPs. Unless Crown can continue to attract these visitors, it will be impossible for the Victorian public to get a share of this revenue. When the VIP supertax was introduced, it achieved this aim. Crown's VIP business was competitive, and it allowed Victorians to reap a greater benefit. Crown says its management agreement with the government means any variations require the agreement of both parties. Few sectors in Victoria have the same power. Car manufacturers, cannery workers and even TAFE colleges cannot veto government policy; they have to cop it.

Crown Casino exists in Melbourne only because the government provides it with a licence. The government controls the licence, not Crown. Governments are elected to govern, and if a government believes the casino is not paying enough tax, it can charge it more. Few of us as individuals or companies get to negotiate our tax rate, but the Liberal government appears to be gifting Crown that right. Crown is already on a good deal with its $1-a-year rent for its large Southbank real estate. Unlike the situation in Sydney and possibly Brisbane, Crown is not facing competition from another casino. Crown is Melbourne's monopoly casino operator, with thousands of poker machines. It is the only poker machine venue allowed to operate 24 hours a day, seven days a week, and the only venue where smoking is allowed in some areas. The common phrase in gambling, 'The house always wins', was never more

appropriate than when it comes to Crown Casino's special treatment in Victoria.

Melbourne's Crown Casino is not only Australia's premier land-based gambling venue but the largest gaming complex in the entire Southern Hemisphere. As such, you would expect it to be a mecca for the most popular casino game in the world — blackjack. However, the Southbank establishment, along with its sister site in Burswood, Perth, has become something of a no-man's-land for players of twenty-one, or real international blackjack, in recent years due largely to the introduction of a controversial format known as Blackjack Plus. The original Crown blackjack game, which is the international standard blackjack game, bore a theoretical return of around 99.44 per cent — that is, playing with good strategy you could expect to regain about $99.44 of every $100 wagered. With Blackjack Plus, that rate sinks as low as 97.14 per cent when using a full shoe of eight standard decks. In the blackjack world, where the casino's mathematical advantage is often less than 0.5 per cent, a house edge of 2.8 per cent is extremely high.

This is an example of Crown not even doing the right thing by international standards and being too greedy. Victoria's share of international and interstate VIPs has been declining, which diminishes one of the key economic benefits of having a casino in Melbourne. I am sure this type of unreasonable money grabbing from punters would have contributed to this decline. With only 1 in 10 people with gambling problems reaching out for help, we aim to make getting help as simple and as easy as possible. Our Many Ways to Get Help campaign promotes the different ways people can get help with their gambling problems. Certainly responsible government and non-government organisations need to address this issue aggressively in the future to save problem gamblers. The bill exposes the state government to up to $200 million in compensation to Crown if new problem-gambling or smoking legislation changes adversely affect Crown. This is a poison pill. There should not be any impediment whatsoever to implementing solutions to problem gambling if we believe them to be necessary. Unfortunately this deal will stop any further campaigns.

We know Crown has a lot of muscle and a lot of money to throw around. It is a huge employer in Melbourne and pays more than $200 million in tax a year to the state's coffers. One of the key reasons that Labor does not oppose the bill is that we acknowledge there is a need to update Crown's licence to keep it internationally competitive. The other key reason Labor is not opposing the bill is that we need to support jobs. Crown employs almost 9000 people. When Labor left office the state's unemployment rate was 4.9 per cent. It is now 6.8 per cent. The Premier has congratulated himself in this house on his job-creation performance; apparently this type of economic management is in the coalition's DNA. Labor created more than 252 000 jobs in its last four-year term. In three years and nine months the Napthine government has created just 102 000 jobs, only 40 per cent of Labor's achievement.

The government should have taken this arrangement to the election to let the public decide on this important policy issue. The government should have postponed the Crown Casino deal until after the election. It is a very important deal. It is a big deal. The licence will be extended from 2033 to 2050. It is a high-stakes measure. I welcome Crown's undertaking to retrain and employ 500 recently retrenched employees.

Ms THOMSON (Footscray) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014. I do not do this with any pleasure, because I do not believe the bill should be before this house at this time. While Labor does not oppose the bill, we believe it is the ill-thought-out arrangements by the Treasurer in the lead-up to the 2014–15 budget which have put us in this position. This is indicative of this government's failure to consult properly on a lot of legislation that it brings before the house, as well as on some projects. It would have been nice for there to have been proper consultation over the east–west link. That would have been a good idea; maybe then we would not be facing the circumstances we now face on that issue.

One of the key reasons that Labor will not oppose the bill is that we acknowledge there is a need to update Crown's licence to keep Crown internationally competitive. Crown is the largest single-site employer in the state. We acknowledge that. It is not just about the gaming machines but the fact that there are restaurants, shops and other attractions that bring people to Crown, making it the centre of activity that it is. Having said that, this is a deal that is good for Crown. It is not such a great deal for Victoria. It probably should never have been a deal that needed to be done if the Treasurer had got his stuff right in the first place and understood what he was getting into.

I do not think Clubs Victoria or the hotel industry would be happy with this bill at all. They shouted loudly at the time the Treasurer brought in the changes to their gaming tax take. They shouted loudly that this was going to damage and hurt them, but Crown was silent. Crown knew it could afford to be silent because it knew it would be able to negotiate a better deal for itself. That is exactly what Crown has done, while leaving the small gaming enterprises — whether they

be hotels or clubs that generally give their money back to the community — struggling as a consequence of what the Treasurer has done to them. That is an indictment of this government.

Members on both sides of the house accept that we are going to have a gaming industry and that it is not all about Crown and poker machines. There are a multitude of ways in which people can gamble if they want to — racing, online betting and the TAB — but the truth is that small clubs that rely on that money to sustain their sporting activities or to give back to other community interests in and around where they are based have been hurt by this government while Crown has been given a huge gift. Labor is also waiting on the detail so it can understand what the contracts mean and what governments can do to ensure that problem gambling continues to be dealt with.

Everyone should have the right to have a flutter, to go and have fun and play roulette or whatever it is they do — I cannot tell you what they do, as I do not gamble except to have a flutter on the Melbourne Cup — but apart from people's right to have a bet, we have a responsibility to those who get themselves in over their heads and have a real problem dealing with gambling to ensure that we have mechanisms in place to support them to get out of problem gambling. We do not know how the restrictions set out by this legislation will impact upon government measures that aim to do that. The fact that Crown has to be compensated if we put those restrictions in place is anathema to us. It is a pity that we are in this position of debating this legislation with such concerns hanging over us because governments should be able to say, 'We need to regulate further in this area to protect those who have become so vulnerable and need help and assistance'.

There has been some debate about Labor's initiatives in this area, so I remind the house that it was Labor that proposed to ban ATMs at gaming venues and it was Labor that implemented a licensing regime to protect the smaller gaming venues, because those are the ones that definitely do give back to the community in spades. It was Labor that was prepared to do all that. It may have meant fewer dollars entering the coffers of the state government, but it did mean that there was more community activity and support. Labor was also prepared to have fewer dollars coming into the state coffers if it meant the government was helping people break their gambling habit. Labor was prepared to see gambling revenue decline over time if it meant less revenue was received from problem gamblers.

However, we do accept that Crown occupies an international space and has to compete in an international market. We accept that high rollers could gamble anywhere in the world — there are plenty of casinos in Asia — but they choose to come to Crown Casino to stake their bets, and hopefully lose lots of money! We do not mind if these high rollers lose their cash, because they can afford to and it is to the benefit of Victoria. But for that to happen Crown must remain competitive, and it is for this reason that Labor does not oppose this legislation. Make no mistake, we do not believe we should be in this position of having to debate it. We believe the Treasurer should have gotten this right in the first place by speaking to Crown and properly consulting with Clubs Victoria, the Australian Hotels Association Victoria and those who deal with problem gamblers. Had those consultations occurred properly, the government would have gotten this bill right in the first place and we would not have needed to renegotiate the deal with Crown Casino.

This is a sad day for Victoria. I do not think this is a great deal — but then none of us have seen the contracts and none of us know any detail about what is in them. That said, we do admit that Crown Casino is a major employer in this state. That might be an indictment of this government because it has no jobs plan despite the closures in our manufacturing industry — we should have many more companies capable of employing large numbers of Victorians in other industries.

Irrespective of that, Crown is a large employer through its gaming operations, restaurants, cinemas and retail shops down at Southbank. It is a large and diverse employer. It is also an important employer, which is why we welcome the fact that it is prepared to employ some of those who have been left unemployed by the closure of a number of manufacturers due to this government's failure to create a jobs plan that broadens, rather than narrows, our industry base. Unfortunately that is what is happening in Victoria — instead of broadening our opportunities and providing training for jobs growth we are narrowing them.

It is very sad that we should rely on a consumer-driven job base rather than building our manufacturing industries. The government could also be creating the industries of the future by accepting that climate change is real and building up our innovative environmental industries to respond to that. The government could be doing any of those things, but instead it is doing none of them because it is not a government that innovates. This is not a government that helps drive the economy for the future; it narrows it instead. That is an indictment of this government, and that is why it should last only four years. While it does not endorse this legislation, Labor does not oppose it — though it does

wish that the government had got it right in the first place rather than create the situation currently facing this Parliament.

Mr O'BRIEN (Treasurer) — I am pleased to conclude the debate on the Casino and Gambling Legislation Amendment Bill 2014. At the outset I thank the members for Tarneit, Lyndhurst, Dandenong, Cranbourne, Footscray, Caulfield, Murray Valley and Frankston for their contributions. This is an important bill for Victoria. It is an important bill to support jobs, investment, tourism and a very strong financial outcome of Victoria's bottom line.

A number of matters were raised in this debate. I will try to respond to them briefly. The member for Footscray raised concerns about what is actually in this agreement. I direct her to clause 8 of the bill, which inserts a new schedule 11, containing the agreement, into the Casino (Management Agreement) Act 1993. The details are set out chapter and verse in the bill.

There was some commentary from the members for Tarneit and Lyndhurst and some other members comparing arrangements regarding the casino mooted by the government during its budget update last year. We made the point in the budget update that we wanted to flag where we thought our discussion with the casino was going. The first point was transparency: we were very up-front and transparent about the fact that discussions were being undertaken with Crown Melbourne in relation to its terms. We put out a statement on 13 December noting that:

> The introduction of a casino electronic gaming machine levy and the associated estimates in the 2013–14 budget update are subject to the satisfactory conclusion of negotiations and mutual agreement between the Victorian government and Crown to establish an outcome that delivers real value for both parties.

The member for Tarneit suggested that some of the estimates in the budget update compare unfavourably with what is contained in this agreement. I point out to the member that in fact what was in contemplation at the time of the budget update was very different to what is in the final agreement. The basis of negotiations and agreements is that they do move over time. Unfortunately the member for Tarneit is comparing apples with oranges because the matters under contemplation by and in discussion between the government and Crown in December last year had a very different outcome to where we landed. I can assure the member for Tarneit that this government has extracted a very satisfactory financial outcome for the concessions that have been provided to Crown through this agreement.

I can confirm on the record that the return-to-player obligations for Crown Melbourne for its electronic gaming machines do not alter as a result of this bill or its agreement. The pubs and clubs have a different return-to-player ratio. I should say that is simply a minimum, and it is very much a matter for those pubs and clubs to determine whether they want to adjust their current return-to-player ratios. My understanding is that the peak bodies have indicated that their members do not intend to take up that opportunity. That is entirely a matter for them, and the government does not seek to dictate to pubs and clubs — or indeed the casino — how they should set their return-to-player ratios, other than obviously requiring compliance with the law.

The member for Lyndhurst raised an issue about the power to extinguish entitlements for gaming machines. As the member noted, the reason this power is contained in the bill is to ensure that the statewide cap of 30 000 electronic gaming machines is maintained. We do not believe Victorians wish to see an increase in the number of gaming machines in this state. Because of the way the Labor government conducted the gaming machine entitlement option process — and the member for Caulfield pointed out the $3 million loss to Victorians which the Auditor-General identified — there are a number of gaming machine entitlements that were not issued. In effect there are no entitlements being taken from pubs and clubs; these are entitlements that are currently unused at this point in time. They have been taken off the shelf and been provided to Crown Melbourne under this arrangement, but we are determined to ensure that there will be no net increase in gaming machine entitlements in this state.

I can certainly provide assurances to the member and to interested parties that there is absolutely zero intention to ever seek to use the power provided to the minister to extinguish entitlements in any sort of capricious way. Some would say the fact that a minister has the power to create an entitlement denotes a power to also extinguish those entitlements. This is more a matter of legal clarification than anything else. I can assure the member there is no intention whatsoever to remove and extinguish any entitlements that any pub or club holds.

The member for Tarneit also raised the role of the umpire and the experts in the legislation itself. While it is set out in detail and while it is complex, it is also a matter of transparency. We are setting out exactly how the agreement operates. It is effectively a form of alternative dispute resolution, but importantly it does not seek to operate as a privative clause. It does not seek to operate to exclude the inherent jurisdiction of the Supreme Court of Victoria in determining any of these matters. In fact that is contemplated specifically in

the agreement itself, and the powers of courts to issue injunctions are absolutely preserved.

We do not seek to say this is something that excludes courts, but as in many business agreements where there are opportunities — particularly in dealing with technical business concepts in relation to the gaming industry — to bring in experts to seek to assist the parties to have resolution on triggers and on compensation levels, that is the preferable option. It does not seek to exclude the court from the court's inherent jurisdiction. I think that is an important safeguard for the people of Victoria. They should know that ultimately it will not be politicians and it will not be casino executives, but it will be the Supreme Court of Victoria that will have the final say in terms of interpreting matters such as this.

I welcome the position of the opposition in not opposing this bill. Certainly when the Brumby government provided the public with information that it had entered into an arrangement with Crown — on, if memory serves me correctly, 12 September 2009 — there had been no suggestions beforehand that that was going to happen. By contrast we have been flagging publicly, probably for the best part of the year, that the government was in discussions with Crown. I think there is a great deal more transparency here than there was in previous processes.

Be that as it may, I understand from my time as the Minister for Gaming and also from my time as the shadow Minister for Gaming that this is always going to be a hotly contested area of public policy — and so it should be. Gambling is an important activity. It is important economically, and it has some very adverse social consequences. It is important for that reason that governments take seriously their responsibility to do more to tackle problem gambling. That is why on coming to office this government increased the funding for problem gambling by 41 per cent. The former government spent $132 million over five years on problem gambling. This government has spent $150 million over four years — that is a 41 per cent increase.

We have also effectively implemented the ban on ATMs from pubs and clubs with gaming and instituted the 50-metre exclusion from the gaming floor at Crown. We have set up the Victorian Responsible Gambling Foundation (VRGF), an independent body and I should say a bipartisan body. The foundation is very much modelled on VicHealth. Sometimes this Parliament does its best when it acts in a bipartisan way. The VRGF board has representatives from the Labor Party and from the coalition as well as independent experts. I acknowledge that the member for Geelong is a former member of the VRGF, and I acknowledge his great contribution to that body. Members of the coalition believe that governments have a responsibility to act seriously in relation to tackling problem gambling. As Treasurer and a former gaming minister, my concern is that increasingly online gambling is taking over, and there are far fewer safeguards in relation to online gambling than exist at a racetrack, a Tattslotto agency, a gaming venue or even a casino. I think there needs to be some more cooperation, particularly with our federal colleagues, on how some of the real challenges in relation to responsible gambling in the online environment can be dealt with.

I conclude by thanking all members for their contributions to this important debate. This bill will help secure jobs, help support investment and tourism, and deliver a strong financial outcome to the state of Victoria.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Clerk's amendment

The ACTING SPEAKER (**Mr Morris**) — Order! Under standing order 81, I have received a report from the Clerk that he has made a correction in the Casino and Gambling Legislation Amendment Bill 2014 as follows:

> In Clause 6, page 4, line 27, I have deleted the square brackets around '2.2(a)'.

EMERGENCY MANAGEMENT AMENDMENT (CRITICAL INFRASTRUCTURE RESILIENCE) BILL 2014

Second reading

Debate resumed from 17 September; motion of Mr WELLS (Minister for Police and Emergency Services).

Ms GREEN (Yan Yean) — I join the debate on the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. The bill amends

the Emergency Management Act 2013 and makes consequential amendments to the Freedom of Information Act 1982 and the Terrorism (Community Protection) Act 2003. The main purpose of the bill is to provide new emergency risk management arrangements for Victorian critical infrastructure, including by establishing the Victorian critical infrastructure register. Labor recognises how vital it is that Victoria is disaster resilient and safe. I know this only too well, having been involved with the terrible effects and impact of the Black Saturday fires on my electorate and surrounds on that terrible day in 2009.

Since that time we have learnt that it is essential to be prepared to respond to emergencies. Prior to Black Saturday a number of severe wind events and severe heat events occurred, and former emergency services commissioner Bruce Esplin reported on the impact of extreme weather on critical infrastructure and services and on households and industry, such as impacts on power and utilities, particularly gas and water supply.

My community is particularly impacted when there are power outages, because much of my community does not have access to reticulated water. It is a constant struggle to ensure that all municipalities and all agencies understand this. Many times I have had to contact power authorities and plead for specific areas that are not connected to a reticulated water supply to be given priority when returning communities to service. If people do not have a reticulated water supply and no power, then they cannot pump water. In a period of high fire danger it is absolutely imperative that power is restored so that water can be pumped not just for human consumption but for emergency purposes and firefighting.

There has been a lot of commentary in this debate, with people focusing on the terrorism threat. With today's arrests in Brisbane and Sydney, that issue is at the forefront of our minds. I have a great hope that the threat of terrorism will recede. However, due to climate change, the frequency and severity of weather events will continue to have big impacts on our community, and governments need to be cognisant of that.

It is not widely known by the community that more people died as a result of heat-related illnesses prior to Black Saturday than the terrible toll of the 173 lives lost as a result of the fires on Black Saturday. That sums up why we need to have a critical infrastructure management framework.

I visited New Orleans five years after Hurricane Katrina and learnt about what it had been like for those people. I do not think any of us will forget the horrific scenes inside the sporting stadiums, where people were trying to survive, and the failure of systems. People do not think these situations can happen in a First World country. For example, people in aged-care facilities were abandoned and left to die due to the rising floodwaters, and it was not the floodwaters that caused their demise but the fact that they had been abandoned.

I have some real concerns about what is not occurring currently in our emergency management. There have been some quite severe winds over recent months. One would think that in a community such as Kinglake every agency would be right on the ball to ensure that communities are not impacted adversely by the loss of critical infrastructure, but there are still areas of Kinglake, Strathewen and Humevale that even now, some weeks after the failure of the mobile phone service — people in the house might have seen photographs in the media of a telecommunications tower on the Sherwin Ranges, the top third of which had snapped and toppled over — have not regained mobile phone service, and there are still significant dead spots.

I have also heard reports of telecommunications companies that have halved their expenditure on maintenance. Formerly the eradication of weeds and other vegetation around critical telecommunications infrastructure would be done twice a year, but I am advised by some very well-informed sources that across Victoria this is now only occurring once a year.

What can people rely upon? We now have a national emergency alert system, which would have been in place in time for Black Saturday had the Howard government not refused to make the necessary telecommunications changes after Victoria had pleaded for those for some years. It was only after Black Saturday that those changes in federal legislation were made. We now have this emergency alert system, as I say, but it is incredibly at risk because of telecommunications companies halving their maintenance regimes and because vegetation is growing right up to these towers. The infrastructure people rely on to get an alert so they can prepare to respond to a disaster, whether it be a fire, flood or anything else, is definitely at risk.

The government received a relevant report at the end of 2012, and it is disappointing that it is at almost the end of 2014 that we see this bill come before the house. That is disappointing. Labor recognises that our fantastic emergency services personnel do a fine job, whether they be police, firefighters across all three agencies — the Country Fire Authority, the Metropolitan Fire Brigade and the Department of

Environment and Primary Industries — paramedics, doctors, nurses or staff of all the other volunteer agencies that kick in when there is an emergency. These include St John Ambulance and Red Cross staff. It is disappointing that their work is not being supported by having timely functions around critical infrastructure.

This government could be culpable itself in terms of poor management of public land, given the cuts to the Department of Environment and Primary Industries, which has been absolutely cut to the bone. A lot of the fuel reduction on land close to settlements that ought to have been conducted has not been. This is the case at St Andrews. There are public buildings under construction which are costing hundreds of thousands of dollars extra to build. The department has said it is sorry but it does not have the budget to manage the Crown land immediately to the north of St Andrews, which only just survived the Black Saturday fire. We are also seeing Country Fire Authority brigades in regions where risk is highest, including the Whittlesea-Eden Park, Plenty and Wattle Glen brigades, not getting the infrastructure they need.

This is an important bill. It puts a good infrastructure risk regime in place, but the government should not just talk about what others need to do; it needs to act on its own behalf and do the things it ought to be doing to protect communities, not just saying others should do so. I welcome the appointment of the chief resilience officer.

Mr Battin interjected.

Ms GREEN — The member for Gembrook is an empty vessel. He ought to listen and not interject. He had his turn. I commend the bill to the house.

Mr SCOTT (Preston) — As was noted by the member for Yan Yean, the opposition is not opposing the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. At the outset I place on the record that this bill should be seen in the context of a long series of pieces of work that have been undertaken principally since the terrible events of 9/11 and the terrorist attacks on Bali, after which the former Bracks government passed the Terrorism (Community Protection) Act 2003. Over time — and as the Acting Speaker would be aware in the context of the work the Public Accounts and Estimates Committee (PAEC) undertook on similar issues — there has been a shift in government. It is a shift which, to be honest, is not quite reflected in the material that has been presented around this bill; it is a shift that predates this bill. It is one that has become an all-hazards approach. This bill seeks to see threats to critical infrastructure not only in the context of terrorism attacks, as important as doing so is to protecting the community, but also in terms of ensuring that whatever the threat is, be it natural or man-made, critical infrastructure in Victoria is protected and available to the community in those contexts. Some of the material relating to this bill, such as the second-reading speech, seems to present this shift as a recent development, but given the PAEC work I am happy to inform the Parliament that that shift predates this work. It has been government policy for some time to use an all-hazards approach.

Before turning to some of the aspects of the bill, I note that I would be interested if the minister, in his summing up, or any other government members, in speaking on the bill, would address some of the issues that arose at PAEC, that relate to this bill and that do not seem to be directly addressed, including the role of central agencies and their responsibilities. The bill deals with a number of matters but not particularly, as far as I can see, the role that central agencies play, the relevant reporting and the need for central agencies to cooperate with line agencies and with each other in ensuring that critical infrastructure is protected. That was a matter that PAEC considered.

I do not usually commend the Treasurer's comments in this house, but it is true that some of the best work undertaken in the Parliament is bipartisan, and that work of PAEC, which relates to the subject matter of this bill, involved a very bipartisan and cooperative process. It led to an exploration of how the bureaucracy, rather than the political class — if I can put it that way — deals with important and sensitive issues related to community protection, an exploration that as far as I could see was not politicised in any way, shape or form. PAEC was trying to seek information which would assist to protect the community by exposing in a sensitive way — and these are sensitive matters — how the bureaucracy in some cases was failing to coordinate properly. I will be interested to see whether this bill will respond to those issues which have been the subject of parliamentary committee scrutiny.

Turning back to the bill, it looks to establish a register of critical infrastructure and to ensure that there is more appropriate management and planning around it. It also creates an offence in relation to failing to manage critical infrastructure. The committee undertook work in relation to a Victorian Auditor-General's report on preparedness to respond to terrorism incidents, and as I discussed, there has been a shift beyond that to ensure that there is a broader view of critical infrastructure from an all-hazards approach.

The bill provides for an annual resilience improvement cycle and requires responsible entities to provide to the relevant minister a statement of assurance and risk management plans and to demonstrate they have tested their planning preparedness and their prevention response in relation to emergencies or their recovery capability after an emergency, in addition to conducting an audit. These specifics will be subject to regulations or guidelines. We only have one more sitting week, but this is an area where it would be useful for the public to be informed about some of the regulatory guideline requirements in a manner that does not risk providing such information to those who might have nefarious intent.

As I said, an offence has been created for failure to complete required action under the legislation without reasonable excuse. The penalties can be up to $88 000 for individuals and half a million dollars for corporations. I understand they are approximate figures. Obviously these are penalty units in pieces of legislation that are indexed over time.

Relating my contribution to the previous work of the Public Accounts and Estimates Committee, I would hope that the regulatory framework and responsibilities do not simply flow down. The Labor Party does not oppose the creation of penalties for agencies or individuals that fail to comply with this important work. The issue that was highlighted to the Public Accounts and Estimates Committee was not the failings of agencies down the line, rather it was the failing of agencies at the centre of government. While I acknowledge that there is some logic and rationale for the creation of such penalties, the concern I raise is that there is a critical role for the central agencies of government in ensuring proper coordination in dealing with these sensitive matters, and it would be inappropriate that the only response would be to create penalties and accountabilities among agencies that have direct responsibility for the management of such critical infrastructure if there is no commensurate responsibility on central agencies and their coordinating role in government.

Without verballing other members of the committee, a bipartisan view was formed that central agencies needed to play their role and ensure that particularly the coordination role for which they had responsibility — in some cases statutory responsibility — was taken as seriously as the good work that is done by agencies which have direct responsibility for managing the infrastructure itself.

Returning to the bill, it also provides that the inspector-general for emergency management will have a function in monitoring, reviewing and assessing critical infrastructure resilience at a system level. The bill contains transitional arrangements for repealing parts of the Terrorism (Community Protection) Act 2003, and there is a transfer of responsibility for holding information from Victoria Police to Emergency Management Victoria. There are amendments to the Freedom of Information Act 1982 to exempt documents if they are held or created for counterterrorism or critical infrastructure resilience, including related to details of the register. I say from a personal perspective that there are obvious reasons why such exemptions exist. We live in a society where there are individuals who have been arrested for planning terrorist attacks. There are obvious reasons why material that could be of assistance to persons planning such attacks would not be available under freedom of information laws. There is rightly in some cases suspicion about changes to freedom of information laws to limit access, but this is one example where it is almost self-evident as to why such restrictions would be necessary. It is important to protect critical infrastructure and information relating to it in these contexts.

While the opposition does not always wholeheartedly support limitations on freedom of information for obvious reasons, this is an area where I would argue it is self-evident why access to freedom of information needs to be restricted. It is an area in which the provision of such information has the very real potential in some circumstances to endanger the community and the provision of critical infrastructure to it. That is a sensible limitation of the rights of individuals to access freedom of information and hence, as I stated, the opposition does not oppose the bill or those provisions.

I will limit my comments as my time is coming to an end, but I would be interested for any government speaker or the minister who is providing further commentary on the bill to note how the role of inspector of emergency management, who has been ascribed the monitoring and reviewing functions, relates to central government agencies such as the Department of Premier and Cabinet. That would be a useful piece of information to provide to the Parliament, as well as details of what reporting arrangements there are with central government.

Mr PALLAS (Tarneit) — I rise to contribute to the debate on the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. I note that the bill makes a series of amendments to the Freedom of Information Act 1982, the Emergency Management Act 2013 and the Terrorism (Community Protection) Act 2003. The aim of the bill, as principally stated, is to

provide for new emergency risk management arrangements for Victoria's critical infrastructure and also for the establishment of the Victorian critical infrastructure register. In many ways this work is a vital function of state government. It is about planning. It is about having a clear appreciation of where risk is and how risk should be minimised and ultimately responsibly managed for the community.

This is vitally important work for the state of Victoria. Without forewarning and long-term planning, as well as an appreciation of the risks associated with our critical infrastructure, our community is opened up to even greater risk and indeed disaster. From the outset I make it clear that in supporting this bill we need to recognise that making our infrastructure resilient and safe is a vital function of the state, a vital responsibility of government and one on which those on this side of the Parliament will seek to support the government in its efforts. Emergency response needs to be managed in a way that is both best practice and also recognises our preparedness to respond to emergencies. It does not really matter what sort of emergencies we are talking about. Whether they be natural or accidental disasters, or dare I say it something caused by those who wish to do our community harm in terms of a terrorist incident, it does not really matter, because all of these things need to be planned for as they all put the community at risk. An appreciation of the risk and a response to that appreciation in terms of proper and prudent planning by government is vitally important.

The bill builds on work undertaken by previous governments regardless of their political complexion. This is the essential responsibility of government. Indeed the Bracks and Brumby governments made substantial efforts to ensure that our infrastructure was prepared, resilient and safe. But of course work must go on.

I think Victorians have a very strong view. The bipartisan nature of the actions incorporated in this bill really does show that there is a need to ensure not only that our infrastructure functions well and performs the tasks it is intended to perform but also that it is capable of withstanding the problems that might confront it in the face of disaster or emergency, and that we as a community are prepared in terms of our emergency services response. The work of our police, our emergency service workers — whether they be firefighters, paramedics or lifesavers — and even our doctors and nurses; the integration of those responses; and an appreciation of how we as a community not only deal with risks around infrastructure but are capable of responding to disaster when it occurs are critically important. Critical infrastructure resilience is about — hopefully — avoiding the need for an emergency response and recognising that if such a response is required, we have the capacity to deal with the situation appropriately.

We recognise that this function should not be considered in isolation. In many ways it is the responsibility of the public sector to respond — it is not just our emergency services but also our departmental staff who play a critical role in all of this — but the private sector has also played and continues to play a part in our emergency services and critical infrastructure response. It is important we appreciate that this is a community-wide effort. It is not just an effort of individuals. It is not the sort of function that should be performed at one point in time and then returned to at a predetermined later point to be looked at. A continuous and diligent effort is required to ensure the proper functioning of our essential services — that is, the services that the 2002 review of the commonwealth, which was followed by a Council of Australian Governments decision in 2004, defined as services the disruption of which would substantially disrupt normal life for a significant sector of the community.

Understanding how those essential services impact on our community and how their compromise would impact on our community is vitally important. Whether those services be water, electricity, gas or vital pieces of infrastructure, an appreciation of their cost and redundancy risk is vital for the state. It is important to take that into account, to effectively plan for the compromise of this infrastructure and to provide for ways of dealing with such a compromise, but of course the most important thing is to know what our critical infrastructure is and what actions need to be taken in order to preserve it, how to protect it when it is at risk and, finally, how to minimise or obviate the impact upon the community in circumstances where it is compromised. All of those issues are vitally important for an effective emergency management response, and they are also vitally important to an appreciation of our critical infrastructure resilience and how we recognise and plan for that.

In the Comrie review of the 2010–11 flood warnings and response a series of recommendations were made around Victoria's emergency management arrangements. The recommendations were aimed at making sure that we could bring about an effective all-hazards, all-agencies strategic approach. That is a key part of the process. Bringing down the walls and barriers in terms of interaction between agencies is a vital part of having an effective response. That does not mean that each agency does not serve a vital and crucial

role in its own right. Making sure that those agencies work well together is a key component of any well-structured critical incident response. It is the responsibility of all those agencies to review and assess their assets' value and the risk of those assets to the community in a holistic sense. The review also outlined new management arrangements for Victoria's critical infrastructure resilience and the government's industry partnership approach on all-hazards approaches, including providing critical infrastructure ratings through a review of Victoria's critical infrastructure.

It is Labor's clear intention not to oppose the bill. We recognise that Victoria must maintain a vital and vibrant response to disaster, and we appreciate the level of resilience and safety required of our key infrastructure. The reality is that in many senses the owners and operators of infrastructure do the right thing, but they need to be effectively held to account. Putting in place the most stringent practices to prepare for and respond to emergencies is a vital function of the state and a function that we support. As a consequence, we do not oppose this bill.

Mr WELLS (Minister for Police and Emergency Services) — I thank all members for their participation in the Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014. We certainly live in a different world now, and it is the government's responsibility to make sure that people in the state are safe. Furthermore, it is our responsibility to make sure that critical infrastructure is protected in times of high alert.

This bill will ensure that proper risk management plans are in place and that they are regularly updated and audited. This will be coordinated and managed by Emergency Management Victoria to an acceptable standard. The inspector-general for emergency management, Tony Pearce, will work with the Department of Premier and Cabinet and my office, in my role as Minister for Police and Emergency Services, to ensure that those risk management plans are audited and updated on a regular basis.

Again I thank all members who have participated in the debate. I particularly want to thank the member for Williamstown for the briefings he participated in and the opposition for its support of this bill. I wish it a speedy passage through the upper house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

IMPROVING CANCER OUTCOMES BILL 2014

Second reading

Debate resumed from 20 August; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Ms GREEN (Yan Yean) — Cancer is one of the most pressing health issues of our time. About 80 Victorians a day are newly diagnosed with cancer, which is 560 people a week and 29 000 people a year. More than 10 000 Victorians die each year of cancer. In 2012, 16 075 men and 13 312 women were diagnosed with new cancers and 5974 men and 4806 women died from cancer. Directly or indirectly it touches the lives of every Victorian.

Over time, with investment and innovation, we have seen an increase in cancer survival rates in Victoria. Between 1987 and 2011 five-year survival rates increased from 47 per cent to 66 per cent. I am often called upon to speak on breast cancer and its consequences in my community and more broadly, and I well remember as a little girl that for virtually any woman who was diagnosed with breast cancer in those days the survival rates were not good and the treatment was pretty diabolical. Basically the only treatment was mastectomy, often double mastectomy, leading to disfigurement and shame. Because of this, many women did not speak about it or even get themselves diagnosed, and we have seen an amazing turnaround.

I give credit to Breast Cancer Network Australia, which is an absolutely groundbreaking organisation that was established by Lyn Swinburne, a breast cancer survivor, who was the inaugural CEO. It is now headed up by Maxine Morand, a former colleague and Minister for Women's Affairs in this place and also a breast cancer survivor. The Think Pink Foundation has also been fantastic in supporting women.

In my local community there is a fabulous support group called the 4Cs — that is, the Chicks with Cancer who Coffee and Chat. The group is incredibly active throughout the Diamond Valley, and it covers all types of cancers. Each time the 4Cs become aware that a woman in the local community in the Diamond Valley has a new diagnosis, she is immediately provided with a personal care pack and surrounded by support, whether she needs assistance with child care or elder

care and all those sorts of things. It is fantastic to see the way the community rallies around.

The member for Eltham, who is currently seated beside me at the table, has played an enormous role in relation to prostate cancer, supporting the development of a prostate support group in the Diamond Valley, and in relation to the fabulous Spanner in the Works program, which encourages men to talk about their health and be tested. It is incredibly important for men to talk about their health. There has been growth in the men's shed movement, with over 1000 sheds having been established in a very short period of time. Not only are the sheds great social outlets that do lots of community work and volunteer projects; they also help men take action on their health, which helps with early diagnosis of cancer. The sheds also provide support for men when they are diagnosed. There are support groups, and there is the bill before the house, but there remains more to be done.

The bill before us repeals the Cancer Act 1958, articulates the role of the Secretary of the Department of Health, authorises the collection of data relating to cancer and establishes a framework for the management of that data. It requires the production of a cancer plan every four years, and it provides for the registration of the Anti-Cancer Council of Victoria as a company limited by guarantee under the commonwealth Corporations Act 2001.

Following a review of the Cancer Act 1958, the bill provides a modern framework to support the reduction in mortality and morbidity associated with cancer. There is currently a disconnect between the databases associated with cancer control in Victoria and nationally. The current act has been prohibitive in creating a link between cancer screening and registries. For example, a woman's human papillomavirus vaccination status could not be recorded with her cervical screening test results, and if she moved interstate, the test results could not be transferred.

The bill requires the mandatory reporting of cancer diagnosis and imposes a mandatory obligation on the collection of screening information. This is useful for an individual's and the population's health. Information that is collected will be protected by the provisions in the Health Records Act 2001. The management of these datasets will remain with their existing operator — for example, BreastScreen Victoria or the Victorian Cytology Service — but the ownership of the data will lie with the Secretary of the Department of Health.

A cancer plan will be developed every four years, with the initial plan to be tabled in Parliament by 1 October 2016. We are heartened by this because, under the Baillieu and Napthine governments, we have not seen a demonstration of this level of commitment prior to this bill, given the abandonment and lapsed funding of the Victorian cancer action plan, which was initiated by the Labor government. The plan expired in 2011, and it is a shame we have had to wait another three years — and now another two years, according to the bill — for the next plan. This is something that is important to enshrine in legislation and should never have been allowed to lapse.

The governance of Cancer Council Victoria will be significantly changed as a result of this bill. Currently it is constituted under the Cancer Act in Victoria and is required to report to Parliament, but it is not classified as a public entity or part of the public service.

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

Business interrupted under standing orders.

QUESTIONS WITHOUT NOTICE

Mr Foley — On a point of order, Speaker, earlier today I wrote to you under the provisions of chapter 21 of *Rulings from the Chair* concerning matters of privilege. I am mindful of everyone's obligations regarding how matters of privilege need to be dealt with. Given those obligations and the need for the smooth running of this place, and given the fact that we have three days of sitting left, I seek your advice about whether those matters of privilege and the finding of that matter taking precedence will be dealt with in sufficient time to allow the matters that I raised with you to be reported to the house.

The SPEAKER — Order! I did receive a letter from the member for Albert Park this morning. I will take the letter into great consideration and look at it when I have a moment. I have been in back-to-back meetings, and I will look at it after question time.

Minister for Water

Mr FOLEY (Albert Park) — My question is to the Minister for Water. I refer to the minister's comments on ABC radio on 6 August regarding the Office of Living Victoria:

> The administration, the employment, the procurement of a department is an issue for the secretary.

I also refer the minister to his own written instructions to the chief executive officer of the Office of Living Victoria, leaked to the media today:

> Decisions about work priorities, structure, staffing and location are all critical and are for you as CEO, in consultation with me and my office.

I ask: will the minister confirm that he has deliberately misled the media?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. This is something that was canvassed again this morning in an interview with Jon Faine. As members of the house would know, there are two very distinct streams to how government policy is implemented. As members of the house and the public of Victoria would know, we went to the 2010 election with a very clear policy agenda and a very clear policy difference to the Labor government, which built the north–south pipeline and the too big and too expensive desalination plant at Wonthaggi. There was a very clear policy difference in 2010.

Honourable members interjecting.

Mr WALSH — What I have been committed to as a minister is making sure that that policy agenda has been fulfilled. Look at the Fairer Water Bills initiative, where there will be a $100 reduction each year for Melbourne water customers for the next four years. Compare that to the water bills under the previous Labor government, which went from $500 per year to nearly $1200 per year, so there has been that very clear policy difference from 2010 that I as the minister and we as the government have been very firmly committed to delivering. Whether at the Office of Living Victoria or the Department of Environment and Primary Industries, the minister needs to have policy discussions with his department about how they are going in implementing those particular policies. As I have said in this house in answers to previous questions from the member for Albert Park, employment and procurement are issues for the department, and the secretary is responsible for that.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr WALSH — As a minister, I have been committed to delivering that policy agenda, and that means talking to the senior officials of the department to make sure that policy agenda is delivered. As I said, we have a firm commitment to change the policy direction around water services in Victoria, and I think we have got the runs on the board. That is being demonstrated by the Fairer Water Bills initiative and with the Right Water program, which is seeing greater use of stormwater, rainwater and in particular recycled water in Melbourne. This is a great outcome for all Victoria, but in particular for Melbourne water customers.

When we get to the next dry period in our weather cycle Victoria will be much better prepared than it was under the previous government, which made a panicked decision to build the north–south pipeline — it cost $750 million to take water from the dry north to Melbourne — and it spent an absolute fortune on the desalination plant, which will cost Melbourne water customers $1.8 million per day for the next 10 000 days.

Terrorism alert system

Mrs BAUER (Carrum) — My question is to the Premier. What further advice has the Victorian government received from police and other agencies about the increased terrorism alert?

Dr NAPTHINE (Premier) — I thank the member for her question, and it is great to see her back in the house. Last Friday the Prime Minister advised the Australian community as follows in a press release:

> Based on advice from security and intelligence agencies, the government has raised the national terrorism public alert level from medium to high.

He further said:

> The advice is not based on knowledge of a specific attack plan but rather a body of evidence that points to the increased likelihood of a terrorist attack in Australia.

Later that day the Chief Commissioner of Police, Ken Lay, and I advised Victoria of the actions being taken by the government and Victoria Police in response to the raising of the national terrorism alert level. This morning Australian Federal Police conducted counterterrorism joint operations with New South Wales and Queensland police at various locations across Sydney and Brisbane. I am advised by Victoria Police that there were no raids of this type conducted in Victoria this morning.

Victoria Police is part of the national joint counterterrorism team that coordinates and shares information on terrorism investigations. Victoria Police and government agencies are working closely with their commonwealth counterparts to ensure that Victoria is ready for any possible threat. Victoria Police is working closely with the operators of key facilities and managers of major events to review security measures in light of the raised terrorism alert level. The chief commissioner recently met with senior AFL, Melbourne Cricket Club and Cricket Australia officials

to discuss security arrangements for upcoming major events. Victoria Police and the government are responding effectively and appropriately in these current circumstances.

However, it is important to note that we live in a very safe and secure part of the world. We cannot allow terrorists, or threats of terrorism, to stop us from going about the ongoing conduct of our daily lives. We should be freely going about our business, including attending our work, school or education, and including attending major sporting events, such as the AFL Grand Final, the Spring Racing Carnival and the Melbourne show. We should be forever vigilant. This raising of the terrorism alert shows the need to be vigilant as we go about our daily activities. We should report any suspicious activity to the police. The chief commissioner has outlined a number of the suspicious activities we ought to be aware of and prepared to report.

Victoria has well-managed, well-tested emergency management and antiterrorism plans and systems that are designed to protect our community. They are tested thoroughly, involving a number of training exercises, and we can be assured we are at the highest level of preparedness.

At the same time Victoria needs to recognise the strength of our diverse and harmonious multicultural and multifaith community. Indeed on Monday the Victoria Police Multi-Faith Council met with the chief commissioner and senior police to discuss these issues. One of the greatest strengths of our great state of Victoria is our multicultural community, our multifaith community. We are a diverse and harmonious society, and we must use this in a positive way to our advantage to protect each and every member of our community. We must not allow these matters to divide our community, but rather we must unite and work together to make sure we maintain safety and security in our community.

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I thank the Premier for his courtesy in extending me leave to speak. Let it be known to all Victorians that all members of this house — government and opposition; Liberal, Nationals, Labor and Independent — are united in the celebration of the diversity, the harmony, the respect and the inclusive nature of our multifaith and multicultural Victoria. It is, as the Premier so eloquently said, our richest asset. It is something of such amazing worth and value that we should always focus on those things that make us so much stronger — that richness of diversity in a multifaith, multicultural, modern Victoria. These security issues are real and manifest and are of great concern, but they should not be allowed to be used by any member of our community to undermine the value of that rich asset. Our diversity is our strength, Speaker, and every member of this Parliament has signed up to that core critically important principle.

Minister for Water

Mr FOLEY (Albert Park) — My question is to the Minister for Water. I refer the minister to his statement to this house on 6 August that when it came to the systematic rorts and jobs for Nationals mates at the Office of Living Victoria:

> I said to the secretary that the issues of governance and the management of the department were issues for him to resolve.

I also refer to the minister's own contrary written instructions to the chief executive officer of the Office of Living Victoria, leaked to the media today:

> As CEO, you are directly accountable to me …

I ask: will the minister confirm that he has deliberately misled the Parliament?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. The letter he is talking about was in the start-up phase of the Office of Living Victoria and was about making sure that the new government's policy agenda was going to be implemented. As I said in answer to the previous question, it is about having a substantial change in how the water resources of Melbourne in this case but also the wider area of Victoria are managed. We went to the election in 2010 with a very clear policy agenda about how we would reform the water sector here in Victoria. I think we have done a very good job of doing that.

If you look at the Fairer Water Bills initiative, and if you look at the likes of Frank from Brighton, when he got his water bill in the last couple of months he would have had $100 taken off that water bill because of what this government has done in conjunction with water authorities here in Victoria to reduce water bills. The Fairer Water Bills program has delivered real outcomes for water customers right across Victoria. It is a $100 reduction in Melbourne, but if you go across the state there have also been reductions in water accounts issued by regional water authorities over that particular time. As I have said in answer to previous questions, I did say to the secretary of the department that he has the responsibility for the recruitment of staff and the management of procurement. That is a fact.

School antibullying program

Ms WREFORD (Mordialloc) — My question is to the Minister for Education. How are the actions of the Victorian coalition government helping to provide a safer environment at schools and build a better Victoria?

Mr DIXON (Minister for Education) — I thank the member for Mordialloc for her question, and I note that Mordialloc College in her electorate has a wonderful antibullying program called Respect for All. It has been a great success. This morning the Premier and I were at Albert Park College where we launched the Bully Stoppers — Speak Up Against Cyberbullying campaign. We did that in conjunction with Facebook, which I think is a wonderful partnership.

We also announced a further $400 000 in funding which 54 government and non-government schools would be sharing in grants, joining another 190 schools that have already received these grants. The grants are for small programs in schools. The most important thing about these programs is the fact that the programs are for the students by the students. Students understand social media better than adults do. They understand the messages and the words that are going to make a difference in young people's lives. These programs have been incredibly successful in our schools.

We have had a whole range of other activities over the last couple of years. We have had activities and competitions which have attracted 1600 entries. We have had 120 000 people view our Bully Stoppers ads on YouTube, and hundreds of thousands of people have seen those ads on television. We have had 167 000 hits on the Bully Stoppers website as well. This is all in conjunction with our $10.5 million partnership with the Alannah and Madeline Foundation for the eSmart program. That has been a wonderful program, and we have seen four out of five government schools are now either accredited or on their way to being accredited as eSmart schools.

One of the most important preconditions for learning in a school is a safe and ordered environment. We really believe that schools should be very safe places of learning and safe workplaces for teachers. The Attorney-General introduced Brodie's law a couple years ago, which made serious bullying in the workplace a criminal offence. In 2011 we introduced legislation to give teachers and principals the clear power to confiscate what might be dangerous and harmful weapons or materials in school. We also gave principals greater powers to suspend and also expel students.

The member for Bulleen, when he was the Minister for Multicultural Affairs and Citizenship, and I also launched the Celebrating Unity through Diversity program. That was our vision for civic citizenship and multicultural education. We have had an extra 70 schools doing the statewide positive behaviour support program. We have delivered on our commitment and now have 800 primary schools with primary welfare officers. I also recently launched the Creating Respectful and Safe School Communities toolkit. That is about supporting schools and teachers and giving them the resources they need so they can learn how to confront the challenging behaviour of sometimes adults but also children in our schools. We have a whole range of proactive programs to make our schools very safe and ordered environments.

One of the great things is the $750 000 partnership with headspace. This is about looking at the mental health of our young people, which is a really important consideration. Just today I spoke to a school that has lost a year 11 student through suicide. I had no sooner finished that phone call than I was notified of another school that had lost a student in year 10. This is a real issue in our schools. We need to have resources for teachers, and we need to have respectful relationships and appropriate programs in place in our schools. That is what our government has been proudly delivering in both a proactive and a reactive way.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling the next question, I would like to warmly welcome to the gallery the 31st delegation to Australia of the American Council of Young Political Leaders, led by the Honourable Amy Sinclair, member of the Iowa Senate.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Minister for Water

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Water. I refer the minister to leaked confidential letters signed by the minister himself to his former departmental secretary, Greg Wilson, and Office of Living Victoria CEO, Chris Chesterfield. These letters reveal that from May 2012 the minister was personally updated on developments at the Office of Living Victoria through weekly meetings and written briefings. I ask: does the minister maintain that he was never advised in any of those briefings or

meetings about split contracts and jobs for Nationals mates being offered by the Office of Living Victoria?

Mr WALSH (Minister for Water) — I thank the Leader of the Opposition for his question. Those two letters the Leader of the Opposition is talking about are me as the minister setting out very clearly that I wanted the policy agenda we took to the 2010 election implemented. I would assume that most ministers, whether they be conservative government ministers or Labor government ministers, have regular meetings with their departments. How do they know — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high. The Leader of the Opposition!

Mr WALSH — If a minister of a Labor government never met with their department, it surprises me how they would ever know what was going on in their department. Perhaps if previous water ministers did not have meetings with their department, that is why we have a north–south pipeline and why we have a desalination plant.

Ms Allan — On a point of order, Speaker, under standing order 58 the minister is required to not debate the matter or introduce material extraneous to the question that was asked. The minister may be trying to do this to shield himself from answering the question.

The SPEAKER — Order! The member for Bendigo East may not use a point of order to introduce debate.

Ms Allan — I was merely pointing out to you, Speaker, that the minister is trying to deflect attention away from the substance of the question. The substance of the question is quite a serious matter. It goes to the conduct of the Minister for Water as a minister in this government. Nothing could be more serious.

The SPEAKER — Order! The member for Bendigo East's point of order is turning into a debate.

Honourable members interjecting.

Ms Allan — You are the ones who think that corruption is funny!

The SPEAKER — Order! I ask the member for Bendigo East to be brief with her point of order.

Ms Allan — I ask you to bring the minister back to answering the very serious matter raised by the Leader of the Opposition about his conduct as a minister in this government.

Ms Asher — On the point of order, Speaker, the member for Bendigo East has used her point of order to make a speech and repeat the question, both of which are clearly in contravention of standing orders and *Rulings from the Chair 1920–2014*. I ask that you rule her point of order out of order.

The SPEAKER — Order! I do rule the point of order out of order. The member for Bendigo East knew that she was entering into debate.

Mr WALSH — The Leader of the Opposition asked a question about whether I have regular meetings with my department. As a responsible minister, I believe that is what I should do — I should be meeting with the department.

Mr Andrews — On a point of order, Speaker, the minister is not being relevant. I am mindful of your commentary yesterday. The question related to the content of those weekly meetings and briefings, and specifically to whether dodgy contracts and appointing mates — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence.

Mr Andrews — Were split and dodgy contracts discussed by the minister?

The SPEAKER — Order! The Leader of the Opposition will resume his seat.

Mr WALSH — I do have weekly meetings with my department to be updated on its progress in implementing the policies of the government. I think that is the appropriate thing to do. As for the rest of the Leader of the Opposition's question, as I have said in this house before, last August the secretary drew to my attention that there were some issues about governance in the Office of Living Victoria. At a similar time the Ombudsman started his inquiry, and I was updated on those as the department put in place processes to make sure that government procurement and employment policies were adhered to.

Aboriginal leadership initatives

Mrs POWELL (Shepparton) — My question is to the Minister for Aboriginal Affairs. I ask: how is the Victorian coalition government's delivery of leadership programs amongst Aboriginal communities and protection of Aboriginal cultural heritage helping to build a better Victoria?

Mr BULL (Minister for Aboriginal Affairs) — I thank the honourable member for Shepparton for her question and indeed for her great contribution to the Aboriginal affairs portfolio in her term as minister.

The Victorian coalition government is very strongly committed to closing the gap on disadvantage between Aboriginal Victorians and non-Aboriginal Victorians. I know that has bipartisan support here in the house. This government committed $3.1 million in the 2014–15 state budget to help foster leadership among Aboriginal communities and importantly to protect their cultural heritage.

This money is being used to implement reforms that strengthen the Aboriginal Heritage Act 2006. It includes financial support for our registered Aboriginal parties, better known as RAPS, to perform their duties to deliver a further certificate IV course in cultural heritage management to our Victorian Aboriginal community. The government is strengthening leadership amongst those Aboriginal community members who are aspiring to improve themselves and go on to run and be involved in the management of Aboriginal organisations in this state.

I am delighted to inform the house that I have recently approved further funding of $85 000 to Victoria University to deliver the program entitled Managing in Two Worlds. It is a governance training program that I am sure will be very successful. This training strengthens the skills base and knowledge of Aboriginal people in relation to corporate governance matters. The funding will pay for four introduction to corporate governance workshops, and these workshops are expected to attract at least 80 participants. This brings state government funding to Victoria University to provide governance training to more than $171 000. This is a very significant investment in this field.

In August $500 000 of new funds was announced for the Right People for Country program. This is a very important program that supports traditional owner groups right around this great state of Victoria so that they can reach agreements on traditional country boundaries. This money is used in a range of areas, and it includes access to independent facilitators to assist in problem-solving and negotiation skills training, and it also funds Aboriginal people to walk and map country. By enabling community members to negotiate these agreements, the outcome will be that registered Aboriginal parties will represent a much wider area of Victoria and a much greater number of our Aboriginal community.

I was delighted to recently visit the Mallee District Aboriginal Services, better known as MDAS, in Mildura with the member for Mildura after it received $500 000 in funding from the Regional Growth Fund, which is the single biggest capital investment in an Aboriginal organisation from this fund. It was great to see the terrific work that that organisation, in close concert with the Aboriginal community, is achieving up there in the north-west of Victoria.

On 7 October I will host a ministerial round table with Aboriginal youths from across Victoria to hear about their experiences and challenges in life. I want to hear from these young people themselves about what they think is working and indeed areas where they believe they may need further assistance.

I will finish by mentioning that next week I will be hosting the fourth induction of the Victorian Indigenous Honour Roll, which recognises outstanding Aboriginal people within our community and the extraordinary contribution they have made in a range of fields. It is a fantastic initiative — so far 49 people have been inducted — and I look forward to the next tranche.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for the next question, I would like to warmly welcome the former member for Ringwood and former Minister for Community Services, Kay Setches, to the gallery.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Minister for Water

Mr FOLEY (Albert Park) — My question is again to the Minister for Water. I refer to a leaked confidential letter signed by the minister to the former environment department secretary, Greg Wilson, which reveals the lengths to which the minister went to ensure the Office of Living Victoria was answerable only to himself. I ask: can the minister confirm that this letter was never provided to the Ombudsman as part of its investigation into the rorts at his Office of Living Victoria?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. As the member for Albert Park would know, the Ombudsman is an independent body of the Parliament of Victoria, and he or she conducts their inquiries as they see fit.

Honourable members interjecting.

Mr WALSH — It would not be appropriate for a minister to be involved in what an Ombudsman is or is not investigating; it is an issue for the Ombudsman. As the member for Albert Park would know, the Ombudsman's report was tabled earlier this year, and in its response the department is implementing the recommendations of the Ombudsman.

Methamphetamine control

Mr SOUTHWICK (Caulfield) — My question is for the Minister for Police and Emergency Services. I ask: how is the Victorian coalition government's cracking down on the dealing and use of crystal methamphetamine, or ice, helping to build a safer Victoria?

Mr WELLS (Minister for Police and Emergency Services) — I thank the member for Caulfield for his question and for his interest in this area. The drug ice is a scourge in our community. It pits children — sons and daughters — against mothers and fathers; it pits brothers and sisters against each other. In a recent case, just yesterday, a 30-year-old man was sentenced to 16 years in prison. A man with a then nine-week-old daughter got behind the wheel of a car high on ice, sped through a red light and killed three people. He killed a couple, who had been married for 38 years and were travelling in another car, and he killed a 45-year-old man who was walking across the street with his wife. It has left these families torn apart and devastated, and he will not see his own daughter grow up. This horrific case is just one example of why the Napthine government is focusing its attention so strongly on ice.

In another case, a Longwarry footballer with a breathtaking criminal record cowardly beat a friend's love rival. He ripped off the flywire door of a bungalow and assaulted the man, punching him several times in the head. The offender was a regular user of ice.

Apart from the battles in the streets and in the homes, there is also the issue of ice on our roads. Some 26 per cent of all fatalities last year involved drivers who tested positive to drugs. Some 39 drivers killed in road accidents had either cannabis, ecstasy or ice in their systems. Just as horrifying is that 24 people were killed and another 121 were injured by drivers who tested positive to drugs.

Over the last four years the Napthine government has hit the ice scourge from all angles. We have doubled the number of roadside drug-driving tests across the state, and for the first time all highway patrols will have test kits in their cars and will test drivers who stupidly take the risk of driving on drugs such as ice.

The extra 1700 police the Napthine government has delivered on has meant that the chief commissioner can have a front-line task force, such as a drug task force, in each of the regions. As a result 248 drug labs have been smashed. Some 90 per cent of these drug labs were manufacturing ice. Also, front-line task forces are aimed at breaking the back of outlaw motorcycle gangs, which have that connection with drug manufacturing and the distribution of drugs.

Recently we committed to a further 11 passive alert detection dogs, and 8 of these will be sent to the regions. It now means that 100 per cent of officers executing search warrants will be able to have the assistance of sniffer dogs. Until this announcement was made only 80 per cent of officers executing search warrants had the ability to have sniffer dogs assisting them.

Once caught, the offenders can expect no mercy, and the hardworking Attorney-General has made sure that that is the case. New forfeiture laws have been introduced, stripping drug dealers of their assets, and now there is 14-year baseline sentencing for large-scale commercial trafficking. In addition to these measures, the hardworking Minister for Community Services is focusing on drug education and prevention. An important part of the strategy is working with the Penington Institute, which has launched a What are you doing on ice? campaign. The Napthine government is on the side of those families that have been affected by drugs.

Minister for Water

Mr ANDREWS (Leader of the Opposition) — My question is the Minister for Water. I again refer the minister to correspondence under his signature to his then departmental secretary, Mr Greg Wilson, entitled 'Living Victoria change agenda', and I ask very simply: was this correspondence provided to the Ombudsman — yes or no?

Mr WALSH (Minister for Water) — I thank the Leader of the Opposition for his question again. I am intrigued by his question and how he thinks I would know what work the Ombudsman does. As I have said, the Ombudsman is an independent body of this Parliament and is charged to go about its business as it sees fit, and I am not privy to what it does.

Infrastructure delivery

Mr GIDLEY (Mount Waverley) — My question is to the Treasurer. How is the Victorian coalition government's strong economic management and investment in infrastructure helping to grow jobs and build a better Victoria, and are there any threats to this?

Mr O'BRIEN (Treasurer) — I thank the member for Mount Waverley for his question. I am sure members will be pleased to hear that last week the Australian Bureau of Statistics handed down the labour force data for the month of August. In the month of August Victoria created an extra 26 100 new jobs. It means that there are now 108 900 more Victorians in work than when Labor left office. This is not just job creation in Melbourne; this is job creation throughout our regions as well, because today the regional labour force data came out, and for the three months to August regional Victoria created an extra 5100 jobs, so we are creating jobs in this state. This is good news.

I will be travelling later this day to attend a meeting of the Council on Federal Financial Relations (CFFR), which is the state, territory and national Treasurers meeting. We will have a very good story to tell, because Victoria will stand alone as the only state to have a stable AAA credit rating from Standard & Poor's and Moody's. We are the only state to have a budget in surplus now and every year over the forward estimates, and we are the only state to have a $27 billion fully funded infrastructure program.

The CFFR meeting has been co-located with a meeting of the G20 finance ministers, and there will be a number of sessions about infrastructure. I will look forward to discussing with the delegates what this state is doing when it comes to infrastructure, because we know that building the infrastructure that this state needs will grow our economy, create jobs, increase productivity and enhance our quality of life.

I can only imagine what some of the delegates from other states and other countries will say when I tell them that there are threats to our infrastructure agenda in this state. They include people who are prepared to rip up contracts of a sovereign government. There have been trenchant criticisms of that sort of conduct, such as the commentator who said:

> If the contracts are not honoured, taxpayers will be exposed to significant legal action and sustained compensation claims. You know it puts at risk our AAA credit rating …

Who was that trenchant critic of the Labor Party's backflip? The Deputy Leader of the Opposition. I would say he is his own harshest critic — but not while we are around, Speaker.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr O'BRIEN — The threat to rip up contracts signed by a sovereign government has been slammed by the Committee for Melbourne, it has been slammed by the Victorian Employers Chamber of Commerce and Industry and it has been slammed by the Australian Industry Group. It is the most economically reckless, irresponsible and reprehensible conduct ever suggested in this Parliament. It shows, as the front page of the *Herald Sun* memorably said this week, that when it comes to the Leader of the Opposition, you just cannot trust him.

Ms Asher — On a point of order, Speaker, at the beginning of question time the member for Albert Park raised a matter of privilege. I refer to *Rulings from the Chair 1920–2013* at page 149, which features a section on privilege entitled 'Procedure for raising'. Point 1 of the procedure for raising a privilege matter is:

> A member wishing to make a complaint of privilege must write to the Speaker giving details …

Point 3 is:

> The complaining member is not permitted to say anything in the house concerning the matter pending the Speaker's consideration …

I put it to you, Speaker, that the member for Albert Park appears to have breached the procedure for raising privilege in this house. I suggest, Speaker, that you may wish to take this into account when you respond to the member for Albert Park.

Ms Allan — On the point of order, Speaker, I suggest to you that it was a rather gratuitous point of order given that you had listened carefully to the point of order made by the member for Albert Park and that you had already responded to it. If you had felt that it had been inappropriate, I am sure you would have raised that at the time. I appreciate that the Leader of the House may be auditioning for future roles, but what we want to see is — —

The SPEAKER — Order! The member for Bendigo East!

Mr Foley — On the point of order, Speaker, I think that a check of the *Hansard* record will show that I was careful in what I said. I spoke with reference to

chapter 21, the privilege provisions. I was extremely careful to heed the points contained in *Rulings from the Chair 1920–2013* relating to privilege, including matters not being able to be specifically referenced, while drawing attention to the fact that there was limited time left in this sitting session and asking that the matters that had been raised in accordance with this procedure be dealt with in the manner set out there.

The SPEAKER — Order! I will carefully examine *Hansard*. If I made an error, I will advise the house.

Ms Allan — On a further point of order on a different matter, Speaker — before question time finally concludes — during question time today the member for Albert Park quoted from what I believe is a copy of a letter from the Minister for Water to his departmental secretary, a letter since revealed to have been withheld from the Ombudsman. I ask the member for Albert Park to make this document available to the house, as he quoted directly from it during question time today.

The SPEAKER — Order! I inform the member for Bendigo East that such points of order are normally taken during the time when the member is quoting.

Honourable members interjecting.

The SPEAKER — Order! No; the time for doing that has expired.

Mr Andrews interjected.

The SPEAKER — Order! Is the Leader of the Opposition questioning what I was saying?

Mr Andrews interjected.

The SPEAKER — Order! Thank you.

Mr Foley — On the point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence. Is the member making another point of order? I have ruled on THE point of order of the member for Bendigo East.

Mr Foley — On the same point of order, Speaker — —

The SPEAKER — Order! I am sorry; that is not possible.

Mr Foley — On a further point of order, Speaker, to assist the house in its deliberations, I am happy to have the letter tabled, should the house give leave for me to do so.

The SPEAKER — Order! No. Good try! Question time has ended.

IMPROVING CANCER OUTCOMES BILL 2014

Second reading

Debate resumed.

Ms GREEN (Yan Yean) — I will continue with my lead contribution for the opposition on the Improving Cancer Outcomes Bill 2014, which I had begun prior to the lunch break. The governance of Cancer Council Victoria will be significantly changed as a result of this bill. Currently it is constituted under the Cancer Act 1958 in Victoria, and it is required to report to Parliament but is not classified as a public entity or as part of the public service. It has a council consisting of over 50 members appointed by the Governor in Council. It will now become a company limited by guarantee within the meaning of the commonwealth Corporations Act 2001 rather than it being defined by Victorian statute. The bill provides for that transition.

Cancer Council Victoria supports this bill. Moving to being a company limited by guarantee is, to quote the council:

> … a carefully considered alternative that is supported by our CEO and board. It brings our governance into line with all other cancer councils in Australia, but will not change our daily work.

Earlier I referred to Labor's contribution in government to tackling cancer, which was a key priority of our government and of the now Leader of the Opposition and then Minister for Health. We backed up that commitment with the adoption of a $150 million Victorian cancer action plan, which ran from 2008 to 2013, the most significant one-off investment in cancer response ever seen in this state.

While we were proud of this, an investment alone was not enough. We also set goals because we wanted to significantly increase cancer survival rates. Included in the plan was $24 million to reduce major cancer risk factors and avoidable cancer deaths, $78.7 million for the Victorian Cancer Agency, $28.8 million to empower patients and carers throughout their cancer journey and $18.4 million towards boosting our workforce. By contrast the Napthine government has not demonstrated the same level of commitment. It abandoned the Victorian Cancer Action Plan and has

cut $831 million from our health budget over the last four years.

Labor is proud of its investment in cancer treatment over the years. If we have the privilege of being elected in November, we will again make cancer a priority by providing comprehensive integrated cancer services and a continuing commitment to provide a world-leading precinct in treatment, teaching, research and innovative cancer services. If elected, an Andrews Labor government will commit to reducing the number of cancer-related deaths in Victoria. We will fund vital cancer research and translate that research into real clinical outcomes for patients. We want to build on this state's strong history in medical research and ensure that Victoria leads the nation.

Victoria has achieved some outstanding successes in cancer patient care in recent decades. There are a number of members in this place who owe their constant life journey and ability to remain as contributors to this place because of that outstanding cancer patient care and research, and I want to commend the member for Carrum on her courage in returning to Parliament today and on her advocacy in relation to bowel cancer screening. I am not sure whether we reflect the population or whether it is something more to do with the type of work we do, but in my 12 years here it has been really sad to see so many of my colleagues afflicted by this dreadful illness. I mentioned the member for Carrum before. Earlier this year we were also delighted to welcome back the member for Northcote after her battle with breast cancer. The member for Narre Warren South has also made a great return to good health and can contribute many more years to the Parliament due to her recovery from that dreadful disease.

I also refer to a number of former members of this place with whom I have served. The former member for Altona and minister in various portfolios, Lynne Kosky, is maintaining a good life but is very ill fighting breast cancer. I know that everyone in this place would join me in wishing her well. Another dear friend of mine and a sister member of the class of 2002, Maxine Morand, the former member for Mount Waverley and a minister in this place — now the CEO of Breast Cancer Network Australia, as I mentioned earlier — is three years past her own run-in with breast cancer. Sadly, numerous members of staff have also been affected in recent years, some of whom are very young, including good friends of mine, sisters Rachael and Naomi Joiner, who both have the BRCA gene. Both young women are continuing to live on and live well, in addition to being champions of greater research into and better treatment and earlier identification of cancer. The former member for Koonung Province in the other place and Whitehorse councillor, Helen Buckingham, was diagnosed with cancer in either 2005 or 2006 and given a very poor prognosis. I am really delighted that eight years on she is still with us and contributing to her community.

Before I close I would like to make some further remarks. As the lead speaker on this side of the house I note that we have some great researchers and innovators in cancer research and treatment in this state. Sadly we also have some charlatans and people who put out the most appalling messages in relation to cancer and its causes. This is something we as members of Parliament are reminded of every week, if not daily, when we attend this place. I urge those supporters who are opposed to abortion law reform and who support Right to Life and other pro-life organisations to desist from making the connection between abortion and breast cancer. It is an appalling and cruel thing to do.

I have said to those people at the gate that I support their right to have an opinion on these matters, but it advances their cause in no way. We are only two blocks from the major cancer treatment hospital in this state, the Peter MacCallum Cancer Centre, where women with breast cancer go for treatment every day. They do not need anything else added to their load on top of being treated and trying to recover from this terrible disease. I urge those Victorians who are involved in those protests to separate themselves from the kooky ideas and pseudoscience that has emanated from the US which says that breast cancer is caused by abortion.

Both my parents were prominent members of Right to Life when I was a lot younger. We have different views on this matter. During the time I have served in this place, in the lead-up to 2006 election in fact, my mother was diagnosed with breast cancer. I suggest to those members of the community who continue to support this nonsense to think of every woman who has suffered breast cancer and their families, who have been joined by many members of the community for the Pink Lady at the G and many other supportive events in the state. If they want to make a comment about breast cancer, they should get involved in those events rather than using pseudoscience and trying to advance another issue, which is about the right of a woman to choose whether she has an abortion or not. These two issues should never, ever be discussed together.

With those remarks I close by saying that Labor does not oppose the Improving Cancer Outcomes Bill 2014. It is about time the government moved to fight this terrible disease. One would hope that it will recant in

relation to some of the cuts it has made to our vital health services across the state and that at the Council of Australian Governments table it will advocate to the federal government, Prime Minister Abbott and the Minister for Health, Peter Dutton, that they are really heading in the wrong direction by making further cuts to the health budget and doing things like trying to introduce co-payments for primary health services because this will not make our community healthier. It will mean that people will delay in getting a diagnosis for cancer or having their concerns allayed. That would be a retrograde step for the community.

I hope the Minister for Health and the Premier will use their connections to the federal coalition government to tell them not to touch health or Medicare and instead increase funding for health and cancer treatment in this state. I commend the bill to the house.

Mrs BAUER (Carrum) — It is a delight and a pleasure to be here to speak on the Improving Cancer Outcomes Bill 2014. The purpose of the bill is to repeal the Cancer Act 1958 and introduce cancer legislation that reflects today's modern society and supports our efforts in Victoria to reduce the incidence of cancer. The bill enables better, more efficient mechanisms to collect and use data for cancer research. There are currently three cancer registries across the state: the Victorian Cancer Registry, which is managed by the Cancer Council Victoria; the Victorian Cervical Cytology Registry, managed by the Victorian Cytology Service; and the BreastScreen Victoria Registry, which is maintained by BreastScreen Victoria.

The existing Cancer Act of 1958 was reviewed in 2012 with extensive stakeholder involvement. One of the suggested reforms from this review was in the area of data collection, which had not kept pace with advances in science and technology in today's modern world. We now have better technology to analyse the collection of data, and we have better systems to improve data access and to share that data. The government will collect the data, and the Secretary of the Department of Health will have the ability to contract it out. This data is essential to support the planning and future funding of cancer prevention and to inform cancer research as we move forward.

One example of this is the Monash Health Familial Cancer Centre. I have had a personal involvement with the Monash Health Familial Cancer Centre. It shares medical information, including incidences of cancer, where it was contracted and any genetic predispositions. Staff look through the patient's family tree to see what factors may have been involved in the contraction of cancer and to assist in future prevention. I think it is a fantastic service.

The bill requires the preparation of a four-year cancer plan and a cancer framework for Victoria. This is really appropriate, as cancer certainly is a burden on our community and a growing concern for Victorians. I am very excited to be standing here in Parliament as part of a government that is so committed to finding a cure for cancer. The four-year plan is an example of this commitment. I am very proud that Victoria is a leader in the field of cancer research and treatment. Some examples of our commitment include the Victorian Comprehensive Cancer Centre, the Peter MacCallum Cancer Institute, the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital, BreastScreen Victoria and, even at a local level, the Frankston Hospital is currently undergoing an $80 million expansion to the emergency department and other facilities. That has been welcomed by my community in the electorate of Carrum.

As we have heard, this is my first day back at Spring Street after a six-month recess. I have been diagnosed with bowel cancer, and I am very proud to be here speaking on the bill before the house, which is about ways we can show our commitment to improving cancer outcomes in Victoria. Just speaking about cancer improves awareness. One of the threats in relation to cancer is that awareness in the community is quite low. If you take my experience, for example, my diagnosis with bowel cancer was an incredible shock to me. Looking back to February, I had been experiencing symptoms, including abdominal pain. As I mentioned, it was quite a shock when I was diagnosed with bowel cancer, because awareness in my generation is low. The perception in the community is that bowel cancer is an older person's disease. Even though genetic predisposition can contribute to cancer, it is not something that I really thought about, even knowing that there was a history of it in my family.

I see the member for Hawthorn here, who always said to us as parliamentarians that family, health and fitness are incredibly important. I thought I had those priorities right. One thing I hear continually when I am out and about talking to people in my community is the fact that when we are busy with our family lives and our professional lives sometimes our focus on health can get lost. This is what happened to me as a young mum, busy in my role as the member for Carrum and in my profession. You often lose sight of the importance of your health. The message is that by just talking about cancer we can improve outcomes in the community.

After surgery and six months of chemotherapy, I am delighted to say that my prognosis is positive, and I am really delighted and optimistic. I think that in an unusual way what I have been through over the last six months has brought more depth and understanding to my role as the member for Carrum, because I can now relate to the thousands of people in my community who have been diagnosed with cancer. I can understand what they are going through on a daily basis in their struggle with chemotherapy and their prognosis.

While awareness of bowel cancer is incredibly low, bowel cancer is one of the preventable cancers. You can purchase a bowel test kit at your local chemist, for example; they cost about $35. I am proud of our commitment as a government to provide funding for those test kits. Colonoscopies, which pick up polyps to determine whether bowel cancer is going to be an issue for you, are another method of prevention.

In Australia 1 in 12 people will be diagnosed with bowel cancer by the time they are 85 years old. It is quite a concern that bowel cancer is the second largest cause of cancer-related deaths in Australia, so increasing awareness is very important. Of the 286 new cases of bowel cancer diagnosed each week, 77 will result in a person dying from the disease. According to Bowel Cancer Australia, in the city of Kingston, which is in my electorate, 40 per cent of people are at risk of bowel cancer because they have four of the health risk factors, which include physical inactivity, obesity, harmful use of alcohol and smoking. I must mention that a lot of those factors were not relevant to my case; I have a genetic predisposition in my family. Since being diagnosed with bowel cancer I have also learnt that it affects men and women both young and old. If caught in time, in 90 per cent of cases bowel cancer can be treated successfully.

In closing I would like to again highlight how proud I am of the members of the Victorian state Parliament and their efforts in my absence to raise awareness of bowel cancer research. A special morning tea was held by the Minister for Health — it is great to see him here in the gallery — which was attended by the Premier, other colleagues and representatives of Bowel Cancer Australia, to raise awareness of this disease. I believe that is the first time that has happened in the Victorian Parliament. It was a really fantastic contribution. The Speaker made a determination that the salaries of suspended and named members of Parliament would go towards bowel cancer research. Bowel Cancer Australia was absolutely delighted and very grateful for this commitment of the Victorian Parliament.

I am now proud to talk about anything related to cancer. Colons, bowels and colonoscopies are not sexy topics, and I think that is a big part of the problem — people find it difficult to talk about these subjects — but unless we talk about them, the awareness will continue to be low.

In my recent journey I have had great insight into what thousands of people in our community are also going through on a daily basis. Our medical profession is world class. I am incredibly proud to be a Victorian and to see the wonderful facilities that are out there in our community. I commend all of the everyday Victorians and Australians who are also going through battles and challenges. I wish them all the very best for their future. I am proud of our commitment to cancer research, and this bill will ensure that this commitment continues.

Mr HERBERT (Eltham) — I begin by welcoming back the member for Carrum and wishing her all the best in her ongoing treatment and her stoic battle with bowel cancer. It is good to see her back, looking well and positive and taking up the cause.

This bill is important to lots of people in the community. It helps us set the structure and framework for the administration of our battle against the scourge of cancer. Cancer is a growing problem, as we all know. It affects so many people in our community. The bill repeals the Cancer Act 1958; it better articulates the role of the Secretary of the Department of Health; it authorises the collection of data relating to cancer; it establishes a framework around the management of that data; it requires the production of a cancer plan every four years; and it provides for the registration of the Anti-Cancer Council Victoria as a company limited by guarantee under the commonwealth Corporations Act 2001. It does not sound like a sexy bill, but the framework of our battle against cancer is incredibly important to the outcomes we would seek to ensure.

This is highlighted by some of the statistics that are available. People in this state know about them, and they have been raised in this Parliament. We should all have them foremost in our minds. Those statistics show that about 80 Victorians a day are diagnosed with cancer; that is, 560 people a week and 29 000 people a year. More than 10 000 Victorians die each year of cancer. In 2012 about 16 500 men and 13 500 women were diagnosed with new cancer. In a shocking indictment of our knowledge of treatment, nearly 6000 men and 4800 women died from cancer. Directly or indirectly it has touched the lives of every Victorian.

Like the member for Carrum and those 30 000 people who are diagnosed with cancer annually, many

members and staff of this Parliament have been touched by cancer. I have been touched myself by the death of my mother from breast cancer and also by a category 1 operation that I had exactly one year ago today. It is ironic that one year ago to the day I was under the knife at the Austin Hospital having a fairly large tumour removed.

I was one of the lucky ones. Despite a fair few complications in that operation, and thanks to the expertise of the surgeon, a wonderful man by the name of Dr Ahmad Aly, who is head of the gastrointestinal surgery unit at the Austin, I came through pretty well. I am a robust sort of character. Like so many people I am back to good health and perhaps even a bit overweight. It is hard to believe that you could have a major stomach operation and have a fair bit of plumbing rejigged but still put on the weight.

I hope I will be like the 66 per cent of Australians who survive cancer. That is a five-year survival rate, and it has risen. After five years you are judged to be pretty much free of your original cancer. That figure of 66 per cent has grown, remarkably, from well under 50 per cent in the late 1980s. It shows you the benefit of new technology and a desire by our community to tackle cancer. Whether it be better techniques, better drugs, better innovation, better and more advanced equipment, better training or education or a better structure for our fight against cancer — and our institutions are at the forefront of that fight — we must all be ever-active in this battle.

The member for Carrum talked about bowel cancer, the need for better research and the great work that is being done. It reminded me that at home I have a test kit that is part of a bowel cancer trial being undertaken, and I have been pretty slack and have not done it and sent it in. I got a phone call the other day from the research institute, and I will go home today and make sure it is in the post before the weekend. That is for sure. We all have a part to play in the battle against cancer, and we should not be slack. We should be at the forefront, be active and go at it as hard as we can.

The truth is that people today are living longer and longer. My electorate of Eltham has one of the highest life expectancies of anywhere in Victoria. We are living longer and enjoying life more. We need to make sure that with that longevity and older age comes a good quality of life, and the greatest blight on quality of life is poor health. Cancer is often the worst thing people can get, so we need to do more to attack it. It is about not just the people who get it but a whole range of issues, including the ageing population, the increase in the cancer rate that comes with that and quality of life, particularly for people in their later years. We want people to have a great life and not sacrifice the quality of that life to the misery of cancer.

The bill does a number of things, including supporting a modern framework for datasets. When my mother first had breast cancer I remember going to the hospital. I had to go to one floor of the Royal Women's Hospital, pick up her file, go up to the next floor and hand the file through a window. Each time there was a complicated process of trying to find the file and put it through. There were handwritten notes. It was like something off the ark, and it should not be that way. We ought to have comprehensive data on individuals that can be analysed and used for research so that we clearly understand where we are in the battle; we must provide that information to those who need it to find cures for cancer. The bill helps with making sure the datasets are kept, are consistent and are able to be used. There has to be protection for the individual, and the ownership of the data will live with the Secretary of the Department of Health, as it should.

The legislation proposes regular cancer plans, with the initial plan to be tabled in Parliament by 1 October 2016, which is great. We are happy with that. It would be remiss of me not to say that my government, when Labor was in power, established Victoria's first cancer action plan, which went from 2008 to 2011. It was a good idea. If you do not plan, you do not get results. If you do not set targets, you can never meet them. That is a lesson for all in politics and in government. We need plans and targets, and the action then sits around those targets and plans. We are pleased that Labor's initiative is being reinstated by this legislation. It is a good way forward for applying resources to the battle against cancer so that we knock off as many forms of it as we can.

There are complex changes to the governance of Cancer Council Victoria. We are moving from one form of governance to another, basically making the cancer council an entity under the commonwealth Corporations Act 2001, rather than being defined under Victorian statute. It sounds complex, but it has been welcomed, and it brings our cancer council in line with every other jurisdiction around Australia.

In my remaining time I will talk a little about prostate cancer. We hear about a lot of cancers, but for men prostate cancer is one of the most common causes of death, after melanoma. It can have a shocking impact on quality of life, but there are some great new treatments and approaches being adopted, such as robotic surgery, which greatly reduces the risk of unintended incontinence and a range of other things.

There are better treatments and scanning available. We still have to rely on outmoded blood tests for the actual identification, but there is movement on that front. If you get it identified quickly enough, in most cases men are lucky and can move on with their lives. If you do not, it can be a quick road to the grave. I would like to see a lot more done about prostate cancer in Victoria and Australia.

Mr DELAHUNTY (Lowan) — I rise to strongly support the Improving Cancer Outcomes Bill 2014. I commend the member for Eltham and the member for Carrum, who spoke about their personal experiences, and also the member for Yan Yean for her opening address and for highlighting that the opposition will not be opposing this legislation.

As we all know, the bill has six main purposes. I will not go through all of them, but the speeches we have heard today have highlighted the fact that most families are touched by cancer. Cancer is a major health issue for most of us in the Victorian community, and we have a high expectation that we will get the best appropriate health care. As I said, most families have been touched by it. I have lost two brothers-in-law to cancer: Jock Rankin, who was husband to my sister Mary; and Peter Parker, who was husband to my younger sister Margaret. Everyone in this place has a connection to a lost family member or person who has been touched by cancer.

I know other members wish to speak, so I will not take my full allocation of time, but I want to thank the medical staff, whether it be the specialists, doctors or nurses, and the plethora of other people who work in supporting people with cancer. I say thank you to them for the work they are doing.

As the member for Eltham highlighted, healthy living is an important part of addressing some of these things. I was fortunate to spend nearly nine years on the board of VicHealth, where I learnt a lot. We all learn continually, every day of our lives. It is important that there were people from Cancer Council Victoria who were board members of VicHealth. Now I know that there are members of VicHealth who are on the cancer council, so there is a bit of cross-pollination.

During my time with VicHealth it was highlighted to me that healthy living is an important part of addressing some of the cancer concerns of Victorians. It is about keeping active. When I was Minister for Sport and Recreation I had a slogan, which members heard me say many times, and I will say it again. It is about getting more people more active more often. If we keep obesity rates down and that type of thing, we will address some of the health concerns. It is also about the food we eat and what we drink, and importantly, as the member for Eltham highlighted, we need to keep fit and healthy.

Regular check-ups are important, and the member for Carrum highlighted that. It is very important as we get older. When I was in my 30s and 40s I did not realise how many people get hit by cancer as they get older. It is highly likely it will hit you as you get older, so regular check-ups are important.

I was fortunate to be a member of VicHealth at the same time as a member of the then government, Maxine Morand, who is now the CEO of Breast Cancer Network Australia. I thank her for the work she is doing, but I particularly want to highlight the work done by Shane Crawford. I did not like him much as a footballer, because he did not play for Essendon, but he was a super footballer and has been a super human being in the work he has done to support breast cancer.

Mr Herbert interjected.

Mr DELAHUNTY — Yes, Peter Crimmins — and I am of that vintage — was lost to cancer. Again I commend those people.

I was pleased to see that we consulted widely with 18 different organisations. We know we need to change the Cancer Act 1958. It has outdated models of governance, and the data collection, usage and management models have failed to keep pace with advances in science and technology and to support cancer research. As we know, the bill alters the legal status of Cancer Council Victoria from a statutory entity to a company limited by guarantee. Importantly the bill maintains mandatory reporting of cancer diagnosis information and establishes mandatory reporting of cancer screening information.

I am pleased to see the enormous investment of this government, with support from the commonwealth government, that has gone into work on cancer, particularly in breast screening. Men get breast cancer too; it is not only women. There has been a lot of investment in infrastructure right across Victoria, and the Victorian Comprehensive Cancer Centre is just one example.

With those few words, although I would have liked to have used my full allocation of time, I want to say I am strongly supportive of this legislation. I am pleased to see that the opposition supports it too. I wish the bill a speedy passage.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution on the Improving Cancer Outcomes Bill 2014, in particular in representing the Ivanhoe electorate, which has two very significant health services located on one site — the Austin and Mercy hospitals in Heidelberg. Just recently, with the Premier, the federal member for Jagajaga, the Honourable Jenny Macklin, and many others, I attended the launch of the Olivia Newton-John Cancer Research Institute, which is picking up on the significant work of the Ludwig Institute for Cancer Research at the Austin and other research institutes that have made such a significant contribution to cancer research in Victoria and is basing that work at the Austin.

It is interesting to reflect on some of the history and previous work that has brought us here today. I had a look through the minister's second-reading speech, which talks in particular about what a significant history there has been in cancer legislation in Victoria, whether that was through the Anti-Cancer Council Act 1936 or the Cancer Institute Act 1948, which was essentially about establishing and renaming the Peter MacCallum Cancer Institute. In 1958 these two pieces of legislation were consolidated into the Cancer Act 1958.

We might at times think that there has been significant investment and a significant public consciousness and focus on matters of cancer treatment and cancer research. A clear look at the history of this place shows that our forerunners in this place had been significantly involved in legislating and advocating on public values and expectations as well as legislating on research and the use of taxpayers funds in relation to cancer research and treatment in Victoria. It is interesting also to refer back to matters at Austin Health, in particular the significant work that went into developing the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital and the work that was done under the Brumby government to fund the establishment and construction of that project.

Naturally, when we lost office there was still further work to be done to conclude that project, and I found it interesting that we had to campaign to secure the remaining $45 million to complete those works at the Olivia Newton-John Cancer and Wellness Centre and that there was some reticence at the time from the government about providing that funding. In Ivanhoe in early 2011 we secured some 3000 signatures on a petition seeking support from the government to fund in the budget the remaining capital works to conclude that project. It was an election commitment from the Brumby government at the time. There was no commitment from the incoming government, but, to its credit, it met that challenge in the budget in 2011.

From my perspective, it is significant that when you enter the Parliament, perhaps on the opposition benches, you think you are engaged with the community. It might take some time for the community to want to engage on particular issues, but on the issue of cancer research and investment, not only in relation to treatment services but also relation to the wellness centre at the Austin, the securing of some 3000 signatures some four or five months after the 2010 election shows that there is not a fatigue in the democratic process in local communities and that there is a great desire for it when we pick the issues that resonate in our communities. Particularly around cancer, people have so many significant personal experiences, and there is a great desire to see a collaborative and bipartisan approach. Again, it was interesting to see those funds secured by the government.

As we have heard from many speakers, the ongoing increase in those who are surviving their cancer experiences means that it is not just about research and treatment but also about what supports the community provides to the ever-growing number of cancer survivors as well as what supports are needed by friends and family members of survivors who go on that journey with them. Olivia Newton-John, in putting her name to the cancer centre at the Austin, has significant capacity to raise funds and awareness. She is determined to ensure that wellness is a significant concept as part of the centre at the Austin, and she is driven and determined to make sure that we do not forget that it is not just about treating cancer for individuals but also about ensuring that the experience for their family and friends who support them is a critical part of the cancer journey and that the ways in which people choose to fight are supported.

The Olivia Newton-John Cancer Research Institute, launched by the Premier just recently, will be chaired by former Premier John Brumby. There will be significant research and collaboration with Professor John Dewar, the vice-chancellor at La Trobe University. This is very significant for the northern suburbs of Melbourne and very significant for Austin Health. It bodes well for the future as we pick up on the significant works being done around the Parkville medical precinct and the continued investment from governments of both persuasions to ensure that Victoria remains a very significant nationally and internationally recognised medical research capital, particularly in relation to cancer services.

It is also important to mention that the Olivia Newton-John Cancer and Wellness Centre Wellness Walk is coming up next week, on the day after the grand final. Last year we had the inaugural walk on the Sunday. We had some 2000 people register for that walk around Heidelberg and Ivanhoe. This event gave people an opportunity to meet Olivia, who led the walk. It gave them an opportunity to spend time with family and friends and to walk past some of the great health services in the area, including the historic Heidelberg Repatriation Hospital, whose buildings are quaint, and which is delivering many significant services to veterans to this day; the ever-growing health precinct at the Austin and Mercy hospitals; and the Warringal Private Hospital across the road, at which some significant developments are happening.

It is a credit to Olivia that last year she was here for the week leading up to the walk and also that she has been here over the course of September, promoting and advocating that more people be part of the walk this year. I know that the Leader of the Opposition and his family have registered, and I am sure that there are many other members here who will take part with their families on that day. We will see greater participation by the community, not only because of the success of the walk last year but because of Olivia's determination to promote and be part of that right across September. That will ensure that we get many people registering and many more people wanting to get together and show that they are not alone in tackling cancer in their personal journey and also that they are not alone in their determination to raise public funds and support Olivia's commitment, which has evolved through her own personal experiences, to making a contribution to the community and to the significant research capacity we have at the Austin. I look forward to seeing as many people as possible attend the Wellness Walk on the day after the grand final. That is going to be a significant event for the local community.

I will just touch on a couple of other matters that are important. The bill also talks about cancer plans and the determination of the government to get some greater accountability on bureaucracy and reporting mechanisms, in particular the regular four-yearly cancer plan to provide a strategic policy framework for cancer in Victoria, which was outlined in the minister's second-reading speech. It is important to note that the former Labor government's Victorian cancer action plan was a very significant $150 million commitment for 2008 to 2013. Plans come and go, but it is all about your deeds and the legacy you leave. That is something for which this side of the house and the public will hold the government to account. Having previously worked in the Bracks and Brumby governments for the former Minister for Health, the Honourable Bronwyn Pike, I know that a lot of work was done to provide radiology services and other cancer services in regional centres, such as in the Latrobe Regional Hospital, in the Geelong hospital, and at Ballarat and Bendigo health services.

A lot of people might remember that there was a lot of talk about providing better public transport and train services to those regional centres, but it is also important to connect those regions to a range of health services. Not only does that provide patients with an opportunity to be treated in the towns where they live and be supported by their families. It also brings significant research capacity and interest from doctors, the medical community and the university campuses into those towns. It provides great energy, and work that has been done previously to energise our regional centres and provide the people who live in the regional areas of our state with the rights and expectations around the services we get in the city is vital and important. I commend the bill to the house.

Mr FOLEY (Albert Park) — I rise to also make a contribution on the Improving Cancer Outcomes Bill 2014. I begin by digressing for a brief moment and acknowledging the return of the member for Carrum from her own recent troubles. I am sure all members are pleased to acknowledge her successful battle with this disease, which hopefully will continue to be successful. As we have heard from members of both sides of this house, very few people in families, communities or electoral districts in this state are not touched by cancer. The people of Albert Park are no exception. As we have heard, increasing numbers of Victorians are diagnosed with cancer every year, and indeed from the advice we rely upon, we know that the number of people newly diagnosed with cancer each year is almost 30 000. Sadly some 10 000 Victorians succumb to cancer each year.

This bill continues the long-held bipartisan position of this Parliament to make sure that the governance framework that provides whole-of-government and whole-of-community support arrangements is implemented in a way that will achieve the maximum benefit from the resources that are put into this important area. As we know, this framework comes on the back of work by successive governments over many years. I recall some time ago reflecting on the figure of 10 000 Victorians who die from this disease every year. In the last Parliament the then government launched the Victorian cancer plan at the then Bob Jane Stadium, now Lakeside Stadium. in the Albert Park Reserve because that stadium held 10 000 people, which represented the number of people who fall to this

disease each year. That is an important example of representing in a very tangible way the extent of the battles that all Victorians face and the institutional frameworks that we create to deal with this disease.

As honourable members on both sides have said, the bill before us seeks to introduce a number of procedural arrangements to clarify and modernise the important governance frameworks that provide whole-of-community and whole-of-government approaches to this issue, but it particularly focuses on the operations of the Department of Health. In installing these new arrangements, the bill repeals the Cancer Act 1958 and clearly sets out the role of the Secretary of the Department of Health. It modernises arrangements for the collection of data, which is the fundamental knowledge base upon which the Victorian cancer action response plans are pitched. It rightly establishes a secure framework for the modern management of that data, and it requires a formal process whereby there is review, consultation, participation and modernising on a four-yearly cycle of cancer plans to deal this disease.

The bill also provides for the registration of the Anti-Cancer Council of Victoria, which is a fine organisation that has a well-developed reputation with a solid community presence and bipartisan support in this place, transferring it to a company limited by guarantee under the commonwealth Corporations Act 2001, which brings it into a modern governance and accountability framework. This modernisation came about following a review of the Cancer Act. As I have said, the goal continues to be a whole-of-government and whole-of-community response to the issues of mortality and morbidity flowing from a primary concern with the issue of cancer.

In regard to the modernisation of the data, the advice that the opposition has received goes to how the different data sets that are associated with the reporting and management of cancer control in Victoria and nationally can be more closely aligned and how the current act, in prohibiting a link between cancer screening and registries, is updated. We have heard honourable members point to examples concerning the vaccination status of women and particularly the recording of cervical screening test results. We have heard how that has created difficulties for states sharing information if a woman transfers interstate.

In terms of how the cancer plan is renegotiated and reconsidered every four years, the opposition has heard that the initial plan tabled by Parliament would need to be redrawn by 1 October 2016. That is something the opposition supports, because we want to make sure that the cessation in funding for the Victorian cancer action plan and the potential abandonment of that significant public health tool does not prevent this important work from continuing.

We have also heard that the modernisation involved in the Anti-Cancer Council of Victoria becoming a company limited by guarantee within the meaning of the commonwealth Corporations Act 2001, rather than an organisation established under Victorian statute, provides for a much more modern and robust accountability framework that will allow the organisation to develop in a whole range of new areas. Against this background, the current Victorian cancer action plan — and indeed the processes around the Victorian Cancer Action Plan 2008–11, which continues in some forms — deals with the arrangements whereby the Anti-Cancer Council of Victoria, community health services, all levels of community participation, all levels of different operations of governments and different operations of community organisations come together to take a holistic approach whereby issues of cancer treatment and disease that are identified as matters of particular concern are prioritised, funded appropriately and built into the future arrangements to ensure that we get on top of the growing incidence of cancer.

On the one hand we have seen an increased ability for people with some forms of cancer to survive, endure and live full and healthy lives, while on the other hand we have seen the incidence of other forms of cancer increase. As has been said, there are not many communities, families or members of this house who are unaware of the impact that cancer can have on people's lives. Ensuring that the arrangements in place are as robust, well governed and linked up across communities, governments and different levels of the state as they can be is an important contribution to ensuring that the wellbeing of Victorians and the community is protected, that the cancer survival rate — one, but not the only, important measure of progress in dealing with this significant disease, which we have seen progressively improve — continues to improve, that the lives of Victorians combating cancer and their families are improved and that the organisations they rely on are strengthened and made more efficient, while continuing to be well and appropriately supported.

Mr SCOTT (Preston) — I am happy to rise to speak on the Improving Cancer Outcomes Bill 2014. There is one part of the bill I would like to touch on first. I know it is disorderly to refer to or interact with people in the gallery, but it is worth placing on the record that there are representatives of Cancer Council Victoria in the gallery. Part 5 of the bill deals with the registration of Cancer Council Victoria as a company. As part of this

debate I think it is appropriate to place on the record the gratitude that members of this house have for the work that is undertaken by Cancer Council Victoria, a dedicated organisation that fearlessly advocates, regardless of who is in government, for the policy prescriptions and research it believes will reduce cancer rates in the community. It does not always do so in a way that is comforting to government, but it does it as is appropriate, because these are important issues.

In its publications Cancer Council Victoria says about 30 000 Victorians will be diagnosed with cancer and 11 000 will die from it this year. This indicates both the importance of the work Cancer Council Victoria undertakes and also the importance of the issue of cancer for our society. It is appropriate that there is a bill before the house, which builds on the work of the previous Parliament in this area, to deal with this matter, because cancer reaches into the lives of every member in this place and in the community. We all know people who are touched by cancer.

This is particularly important in the context where so much work has been done to improve cancer survival rates. Many wonderful individuals have dedicated their lives to improving survival rates — ending the view that a diagnosis of cancer is simply a death sentence — and to preventing cancer. In particular I refer to some of the work undertaken by Cancer Council Victoria to prevent cancer and change behaviour in our community around smoking. Again I think it is an appropriate time in this debate to place on the record my gratitude on behalf of my constituents and I am sure, as I said, the gratitude of all members of Parliament for the work that has been undertaken by Cancer Council Victoria in ensuring that more Victorians are free of the scourge of cancer through its work in educating people in the community and struggling for appropriate legislative reform and research to help Victorians. I also highlight that Cancer Council Victoria has estimated that 30 per cent of cancer is preventable. As important as acute medical services are in this area, the issue is about not just improving such care but also ensuring that the cancers that can be prevented are prevented.

In terms of the bill itself in relation to Cancer Council Victoria and its registration as a company under part 5 of the bill, clause 22 is a definitions clause and clause 23 sets out the information required by section 5H of the commonwealth Corporations Act 2001 for the registration of Cancer Council Victoria as a company. Clause 24 allows the minister to specify the day on which the Anti-Cancer Council of Victoria, as established under the Anti-Council Council Act 1936 and continued by the Cancer Act 1958, is taken to be registered as a company limited by guarantee.

Clause 25 provides for the corporate continuity of the Anti-Cancer Council of Victoria, which is important. The bill does not establish a new body but is a technical piece of legislation around an existing body and the continuation of its work, which is so important to the community.

Clause 26 provides that on and after the registration day a reference to the Anti-Cancer Council of Victoria will be taken to be a reference to Cancer Council Victoria. Clause 27 provides that on and after the registration day a person holding office as a member of the Anti-Cancer Council of Victoria, or as a member of a committee of the Anti-Cancer Council of Victoria, will cease to hold that office.

As I said, this is an important piece of legislation. The Labor Party is rightly proud of the work that was undertaken by the previous government to ensure that the incidence of cancer is reduced. I would not say that cancer will ever be removed as an issue, and it is an increasing issue because as the community and health professionals have been able to limit the impact of other diseases such as heart disease and other cardiovascular diseases, cancer has become more common in our society. But, as I said, there has been much work done.

The bill provides for the mandatory reporting of cancer diagnosis and imposes a mandatory obligation to collect screening information. This is useful for individuals, as has been stated previously. Population health information that is collected is protected by the provisions of the Health Records Act 2001. That is important. There has been a great deal of advancement as a community in ensuring that health records are dealt with appropriately. This does not occur in all jurisdictions; there are other jurisdictions around the world where health records are not properly kept, but in Victoria there is a bipartisan understanding that it is very important to preserve important private information. Sometimes that is seen as being gradated with perhaps mental health records at one end, but that is not true. People have the right to preserve their medical privacy and to ensure that their health records are treated appropriately, so it is appropriate that the information that is collected is protected and the privacy of individual members of the community is protected by this bill.

The management of these databases remains with the existing operators — that is, with organisations such as BreastScreen Victoria and others. The ownership of the data would lie with the Secretary of the Department of Health. There is also reference to the development of a cancer plan to be developed every four years, with the initial plan to be tabled by 1 October 2016. As has been

mentioned by previous speakers on the Labor side, this is a concept we welcome. We have not seen this level of commitment prior to this bill, particularly in the context of the previous Victorian cancer action plan. It is important to see this bill as building upon a record of the Labor government, which took cancer very seriously. I make reference to the member for Mulgrave and other ministers from the Labor government in terms of the commitment they have shown to this issue. There was the adoption of the $150 million Victorian cancer action plan, which was in existence from the period 2008 to 2013 and was one of the most significant one-off investments in cancer ever seen in this state. Of course this investment in itself is not enough. There was also a setting of goals to increase cancer survival rates.

I will go through some of the actions of that plan because I think the context in which cancer policies occurred in the past informs the debate which we are having here today. Included in the plan was $24 million to reduce major cancer risk factors and avoidable cancer deaths. As I previously commented, the Cancer Council Victoria has indicated that 30 per cent of cancers are avoidable. If we are talking about 11 000 deaths, that is more than 3000 Victorians who are dying every year of avoidable cancers. There has been a greater awareness of smoking, but there are also issues around diet and other factors such as exercise. This is a really important part of any response to cancer. Under Labor there was also $78.7 million for the Victorian Cancer Agency, $28.8 million to empower patients and carers through their cancer journeys and $18.4 million towards boosting the workforce.

It is also important to place on the record the appreciation that I am sure all members feel towards the dedicated nurses, doctors, radiologists, psychologists, GPs and many other health professionals who work in the Victorian health system and assist persons who struggle with cancer. It is a journey that individuals take by themselves, but in many cases it is a journey that their family and friends take with them. I have had someone close to me struggle to defeat a cancer they have had to live with, and I am sure many other members have seen family members do the same.

It is important to place on the record the gratitude of this Parliament to all those who assist in the struggle against cancer. In the northern suburbs of Melbourne we have the Olivia Newton-John Cancer and Wellness Centre at the Austin Hospital, a place that does fantastic work. It is a world-leading facility in Victoria, and it is great that in the northern suburbs of Melbourne there is a facility that provides such fantastic care to those with cancer. I believe my time has expired, but I wish the bill well.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The ACTING SPEAKER (**Mr McIntosh**) — The question is:

That the house now adjourns.

Monash Special Developmental School

Mr DONNELLAN (Narre Warren North) — My adjournment matter is for the Minister for Education. The action I seek is for the minister to provide the house with a full explanation of the review the Department of Education and Early Childhood Development carried out of the Monash Special Developmental School and of Helen McCoy, the principal, and Peter Lyall, the architect of the school.

Specifically I draw the following concerns to the attention of the minister: the relationship the principal, Helen McCoy, has with Anne Hamilton-Byrne, the evil, wicked founder of the cult The Family; the appointment of Helen McCoy as the executor of Anne Hamilton-Byrne's estate; the well-ventilated fact that Ms Hamilton-Byrne is a control freak and therefore simply would not appoint an executor to her estate unless she believed they shared similar beliefs; the appointment in 2008 and 2011 of Peter Lyall, a well-known member of the cult The Family and a person close to Helen McCoy and Anne Hamilton-Byrne, as the architect of the school; and the statement by Helen McCoy, the principal of Monash Special Developmental School, declaring she has an association with Peter Lyall, who is currently a member of the cult The Family, even though she maintains she was not a member of the cult The Family herself. Mr Lyall designed Monash Special Developmental School.

I also raise the following concerns: bullying and the mistreatment of children in the school, including inappropriate restraints and having children change in public; the fact that Ms Helen McCoy seems to feel at ease saying that she is 'a friend' of this child abuser, Ms Hamilton-Byrne; that the department believes that a

close friend of a child abuser should be the principal of Monash Special Developmental School; that the department does not appear to have investigated whether Ms Helen McCoy has ever been a member of the cult The Family; and the lack of accountability of the school in relation to its spending and results.

I also draw the minister's attention to an article published in the *Age* of 22 July 2013 in which Helen McCoy is described as a strong supporter of Ms Anne Hamilton-Byrne. Furthermore, I draw the minister's attention to the question of why so many members of The Family are directors of Helen McCoy's wildlife rescue centre, Life for all Creatures, including Peter Lyall, Michael Stevenson-Helmer, David Munroe, Olivier Mackay-Dalkeith, Mr Dawes and Ms Hamilton-Byrne, who was a director until 2005. The minister needs to step up to the plate to protect children. The minister has been warned, and these issues have been ventilated in the *Herald Sun* as recently as July 2014. I cannot understand how a close friend of Ms Anne Hamilton-Byrne, who shares the same beliefs, could possibly be an appropriate person to be a principal of Monash Special Developmental School, a school in which children are vulnerable and not able to fully communicate their concerns.

Caulfield Racecourse Reserve

Mr SOUTHWICK (Caulfield) — The matter I raise is for the Minister for Environment and Climate Change, and the action I seek is that the minister adopt the recommendations outlined in the Victorian Auditor-General's Office report entitled *Management and Oversight of the Caulfield Racecourse Reserve*. The report outlines that the trust has not been an effective manager of the reserve and that insufficient attention has been paid to fulfilling the potential for community use of this reserve.

It is important to mention that Caulfield Racecourse is one of the most prestigious racecourses in Australia. It brings significant revenue into the state through racing and events. It hosts significant racing events, including the Caulfield Cup and the Caulfield Guineas, and it was the training home of the legendary Black Caviar. In addition to a racecourse, the 1949 Crown grant designated the land as being for two other purposes: public recreation and as a park. It would be fair to say that, despite the efforts of many, the trust has failed to deliver on the recreation and open space benefits to our community, which the report highlights. Without elaborating on the failure by the Labor government to properly administer land swaps and to take up recommendations from previous reviews, we are now in a great position to finally implement a management plan by taking up these recommendation to the benefit of both racing and community use.

Members would have heard me advocate in this place for more community use of the reserve's 54 hectares of land. We have seen racecourses, such as Happy Valley Racecourse, with strong sporting facilities and golf courses in the middle of their reserves. We are perfectly placed to do a similar thing at Caulfield. I place on the record acknowledgement of the efforts of the current Melbourne Racing Club administration, which has demonstrated a willingness to adopt a plan that incorporates better public use of the facility. In 2012 I worked with the club and the City of Glen Eira to deliver a $1.8 million upgrade of the centre, including barbecue and jogging facilities. That project was funded by the racing club to encourage community use of the reserve.

Despite having done all that, as we have known and as this report highlights, the community does not fully utilise this space because it is hard to get to. Caulfield Racecourse Reserve is desperately calling out for an active space plan to bring people into the centre of the reserve. We could do this through proper community consultation, which this report also suggests. I thank the minister and the current Department of Environment and Primary Industries administration for their commitment to fixing the inherent problems in managing this reserve and the work they have done so far with the trust.

The recommendations of the report include more rigorous oversight of Caulfield Racecourse Reserve; adopting a governance framework consistent with contemporary standards, determining the trust's responsibilities, powers and obligations; a community engagement strategy that can identify the needs and will ultimately result in a land management strategic plan that contains a clear and measurable outcome for use of Crown land consistent with the grant; and the exploration of alternative management arrangements for the reserve so it can be better placed to meet the needs of the racing and local community into the future. Ultimately we are looking for the best outcome for all — the best outcome for residents and the community while keeping in mind that it is a racecourse.

I call on the minister to adopt all the recommendations in this report. This is a once-in-a-lifetime opportunity to get things right in this unique and valuable space known as Caulfield Racecourse Reserve. I will give the community my undertaking to continue to fight for better community benefit in this great space.

Disability accommodation

Ms GARRETT (Brunswick) — I wish to raise a matter for the attention of the Minister for Community Services relating to disability care and services for Alexander Curotte, the son of Peter and Paula, who are constituents of mine. The action I seek is an urgent response to the ongoing and significant unresolved matters regarding Alexander. His parents hold grave fears for Alexander's safety given his long history of traumatic injury while he has been a resident in his current accommodation, a place manifestly unsuited to his needs.

Mr Curotte has multiple physical, intellectual and cognitive impairments and is severely autistic. He has just turned 29. I again draw the minister's attention to the lengthy and detailed SAL Consulting report, which deals with Alexander's situation in precise detail and makes clear recommendations for the provision of clinically informed future support. The SAL report was commissioned by the Department of Human Services (DHS) in late 2010. To date the department has given no written response to Alexander's parents regarding the implementation of these recommendations.

In concluding her response regarding Alexander's care during the adjournment debate on 12 September 2012, the Minister for Community Services said:

> As I said, we are very aware of the complexity of the needs of Alex and the concerns of his parents. We are working to develop a longer term plan. Given the extent of his needs and the complexity of his disabilities this is not a straightforward process. However, we certainly seek to achieve the objective of his parents, which is safety for him, long-term accommodation in the Bendigo region so he can be close to where his parents reside, and obviously maximising his opportunities and safety for the years ahead.

Two years have since elapsed, and Alexander continues to reside in unsuitable accommodation. Alexander is at constant risk of falling onto unprotected concrete due to his hemiplegia, has swallowing difficulties, frequently sustains bruises and lacerations, has impaired vision and spends most of his time sitting in a chair watching a television set which is mounted high on a wall and encased in a metal cage. Alexander has no access to a kitchen and cannot help himself to a drink or a snack without attracting the attention of a staff member. He has very limited access to a vehicle despite his delight in nature and love of the greater Bendigo area and meeting with his friends and family.

Through their tireless work and love for their son, Alex's parents have assembled a team of highly skilled specialised allied health clinicians and medical professionals to provide optimum health care for Alexander. In addition, they are in close consultation with an accredited potential accommodation and care provider in Bendigo. Nonetheless, his parents have been informed by DHS regional managers that no transitional funding is available to facilitate the move. Sadly the matter now seems to be at an impasse, while Alexander's wellbeing continues to be at risk in his current accommodation. I seek the minister's urgent intervention in this matter and her advice as to what assistance is being given to Alexander and his family to allow him to move to Bendigo, where he can live a safer, fuller life, and where he can be expected to receive the sort of care and accommodation he deserves.

Carrum Downs Recreation Reserve

Mrs BAUER (Carrum) — I wish to raise a matter with the Minister for Sport and Recreation. The action I seek is that the minister visit the Carrum Downs Recreation Reserve. Following the changes to the Carrum electorate boundaries, the large and growing areas of Carrum Downs, Skye and Sandhurst are now included in my area of responsibility. Census figures show that in the 10 years between 2001 and 2011 the population of this area had risen by almost 8500 to just under 30 000. By 2016 that number is expected to grow by around 4500.

Sport is a major weekly activity in areas with young families. A 2009–10 survey found that 64 per cent of people aged 15 years and over had participated in sport and physical recreation as a player at least once during the preceding 12 months. Carrum Downs Recreation Reserve serves as the major centre for organised sporting activities. Netball, AFL, cricket and tennis are among the top 10 most popular sports and all are played there. The reserve caters to a variety of sports and activities. It is home to the Carrum Downs Cricket Club, Carrum Downs Tennis Club and the Carrum Downs and Skye football clubs as well as the 1st Carrum Downs Scout Group. It has a large playground, exercise stations and walking tracks.

The Carrum Downs Recreation Reserve master plan 2006 identified that there was poor provision of recreation facilities throughout Carrum Downs and Skye. The general quality and condition of the reserve was not rated highly, with the majority of residents rating its condition and facilities as 'poor' and 'fair'. The report also found that with its young population profile, in the short to medium term there would be sustained demand for sporting and recreation facilities in the area. Little has been done in the eight years since, illustrating a lack of commitment by the Labor government. An example of this is the strong Auskick

program at the reserve — the largest in the south-east, with 250 children — which is being run out of a shipping container.

The Victorian coalition government has a strong record in supporting team sports in the Carrum electorate, including providing around $75 000 to junior football clubs, $80 000 to the local rugby club and another $75 000 to soccer clubs in the electorate. Baseball, lawn bowls and tennis have also all benefited since the coalition took government in 2010. Since taking up his portfolio, the Minister for Sport and Recreation has proven to be a great friend of the Carrum electorate, with visits to the Frankston Basketball Stadium to discuss its redevelopment plans, an announcement of $100 000 for a pavilion upgrade for Bonbeach Recreation Reserve and most recently the opening of the $49.7 million Peninsula Aquatic and Recreation Centre. I invite the minister to meet with club officials to discuss the need for upgraded sporting facilities, and I look forward to his response.

Clayton South landfill sites

Mr LIM (Clayton) — My adjournment matter is for the Minister for the Environment and Climate Change. The action I seek is that he conduct an urgent investigation into the sickening odours that continue to come from landfill sites in Clayton South. The minister would be aware that I first raised this matter in Parliament on 29 June 2011, and I am extremely concerned that action is not being taken by the government to ensure that landfill operators comply with their obligations under the Environment Protection Act 1970. I am also concerned that the Environment Protection Authority Victoria (EPA) has decided to discontinue its landline complaints telephone number and replace it with a 1300 number that many pensioners in my electorate cannot connect to. It is outrageous that any government department would make it harder for people to make a complaint to it, but to make it harder to report serious health issues is just plain wrong and a disgusting abdication of responsibility. Complaint numbers should be free to residents regardless of whether they call from a landline or mobile phone.

The minister is quite aware of this issue, particularly as the City of Kingston mayor is a Liberal Party operative. The minister should be demanding regular briefs from both the City of Kingston mayor and the EPA, but I will brief him today. In December 2010, after many years of lower than average rainfall, the drought broke and landfill operators were caught short with rain flooding into their landfill sites. The result was massive disruption to the quality of life of residents in Clayton South, Dingley Village, Heatherton and Oakleigh South, which continues today as both the state Liberal government and the City of Kingston were slow to act.

Community meetings were held and subsequently some landfill operators invested in reducing these sickening odours by using methane gas extraction systems. As a result there have been some improvements for people residing some distance from these sites but my constituents residing close by are held captive 24/7. On 19 February 2013 I also raised this issue by way of an adjournment matter with the Minister of Health, but my request for a health study for my constituents was refused. This winter residents have again smelt these sickening odours day after day, particularly coming from the former sites near the Grange Reserve and Spring Valley Golf Course and also those close to houses between Old Dandenong Road and Clayton Road. A Victorian Auditor-General's Office report was handed down on 3 September 2014. It states:

> Improvement is required to better manage localised risks to the environment and surrounding community amenity from both active and closed landfills not designed and constructed to today's better practice standards …

It further states:

> Both EPA and councils have been slow — —

The ACTING SPEAKER (**Mr McIntosh**) — Order! The member's time has expired.

Robinvale arenacross track

Mr CRISP (Mildura) — I raise a matter for the Minister for Sport and Recreation. The action I seek is funding for the Robinvale arenacross track. The Robinvale motorcycling precinct on Shaggy Ridge Road has been developed by Robinvale and District Motorcycle Club members and others over the years with as much assistance as they can muster from wherever they can get it. The club now plans to construct an arenacross track, including lighting, fencing, spectator mounds and a watering system. Arenacross is a growing sport, and Robinvale can accommodate both local and regional competition with an arenacross track. However, the club is seeking assistance from the government to make this a reality.

Regional sporting events can assist local economies through a combination of the activities and people coming to visit. Robinvale has had some successes. It has an annual ski race which packs out the town and delivers considerable benefits to it. It was also successful in having the recreational vehicle and camper annual general meeting in the Robinvale area last year, which also attracted very large numbers. These kinds of major events in communities like

Robinvale can have significant impacts on their economy. This benefits both employment and other community groups as well.

The motorcycle club and the arena are seeking this funding, and I am sure that the minister will view their request favourably.

Port of Hastings development

Ms HUTCHINS (Keilor) — I raise a matter for the Minister for Ports. The action I seek is that he provide the house with the government's plan to accommodate the projected traffic that would be generated by the proposed container port located at Hastings.

An independent report by the Institute for Supply Chain and Logistics at Victoria University entitled *Build It — But Will They Come?* was released in August. It shows that 70 per cent of Victoria's freight would have to travel across metropolitan Melbourne to the proposed new container port at Hastings. Current demographic trends and the growth corridor policy for the expansion of Melbourne indicate that the largest population growth in metropolitan Melbourne will be to the west and north-west of the city.

Taking this into consideration and assuming that the industry works 24 hours a day, 7 days a week, this would mean that nearly 4200 trucks or 140 freight trains per day, every day, would have to find their way across metropolitan Melbourne via the existing road or rail networks if a container port was up and operable in Hastings.

According to Victoria University figures, a freight train would run every 10 minutes every day from Hastings to Tottenham rail yards in Melbourne's west via Flinders Street station, forcing the widening of narrow rail cuttings through the suburbs of Malvern, Armadale and Toorak. To my knowledge, the Napthine government has no current plans to make any sort of infrastructure investment that would support or cater for these increased freight volumes that would be generated through a second container port located at Hastings.

According to this report, a container port at Hastings could increase freight travel time, travel costs and emissions to the environment by 95 per cent. Shockingly it would also potentially add $400 per container to the cost of freight and its movements — that is, we are talking about a doubling into the future of the cost of moving freight by locating a second container port almost 100 kilometres from the current port of Melbourne. This sort of burden could be crippling on the freight industry and could be especially crippling for Melbourne's lead in the competition against other states.

I note some public comments that were made by the managing director of Qube Logistics, Maurice James, just last week at a Committee for Economic Development of Australia event. He said that the port of Melbourne and Victoria have failed, and the Victorian government has failed, to facilitate effective freight movements through the port for the economic wellbeing of all Victorians. He also said that a platform of uncertainty has now been created in Victoria, which has led his company to question further investments in the freight industry in Victoria.

Narracan electorate recreation reserves

Mr BLACKWOOD (Narracan) — I raise a matter for the Minister for Environment and Climate Change. The action I seek is that the minister allocate funding for the clean-up of two important and popular recreation reserves in my electorate. These sites are Coopers Creek day visitor area near Walhalla, and the Limberlost recreation site at Gentle Annie. Both of these sites have been impacted by strong winds and wet weather over recent years, and their accessibility and safety have been compromised by fallen trees and landslips.

Coopers Creek is a very popular day visitor area, used by four-wheel drivers and bushwalkers. It is quite close to the Horseshoe Bend tunnel, another unique historical site near Walhalla. A landslip adjacent to the recreation area has caused access issues to the recreation area; however, it has not impacted on the recreation area itself. There is a need for signage and bollards to keep visitors away from the landslip area and direct visitors around this area to the recreation area itself.

Walhalla is part of the Walhalla and mountain rivers tourism area, and it is a very popular spot for day visitors and in particular four-wheel drivers and four-wheel drive clubs. The Walhalla township attracts thousands of local, interstate and international visitors every year and is an important feature of Gippsland's heritage. The Walhalla railways, the Long Tunnel Extended Mine, the heritage buildings and the cricket ground provide a fantastic snapshot of the history of Walhalla.

This area also has an enormous amount to offer in the way of bush tracks, which access historical sites right through this area of state forest. It is very important for day visitors to the area to have a safe and accessible area so they can stop for a break and have a barbecue or a picnic lunch.

The Limberlost recreation site at Gentle Annie also hosts many visitors each year. Mainly trail bike riders and four-wheel drivers use this area of state forest for recreation. It is within an hour's drive of the eastern suburbs of Melbourne, and for this reason it is very popular among locals and attracts large numbers of visitors.

The Limberlost recreation site has been affected by fallen trees and large branches that need to be cleared so that access can be restored. This area was also heavily impacted on by the Black Saturday fires, and as a consequence many trees have died and are very prone to damage during strong winds.

Both of these areas are extremely important and are used regularly by large numbers of day visitors. It is important that we maintain safe and accessible rest and recreation areas in appropriate locations in our state forests. By doing so we encourage more people to visit and appreciate the magnificent beauty that the Gippsland forests and parks have to offer. I urge the minister to provide the funding that is required to clean up these areas.

Wales Street Primary School

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Education concerning Wales Street Primary School. The action that I seek again from the minister is that he immediately return principal Chris Sexton to the school.

The issue is of great concern to me and my community, and I am sad to say it is an issue that has dragged on for way too long to the detriment of students and the wider school community. This principal was removed without notice at the start of the year after an episode concerning asbestos at the school. It was clear that not all the processes had been put in place to deal with asbestos removal, and this has no doubt contributed to the incident at the school.

However, what is also abundantly clear through this incident is that at every turn the minister's department, and in particular the regional office led by Jeanette Nagorcka, has constantly sought to scapegoat this principal in order to absolve themselves from any responsibility over this incident.

First they told us the principal was facing WorkCover charges so he could not come back to the school. What they did not tell us is that WorkCover had already expressed its frustration over the regional office's refusal to cooperate with WorkCover's investigation. WorkCover also confirmed that if the principal was found wanting, no doubt the department would also be found wanting. Then Shane Gillard from WorkCover — not the regional office, interestingly — informed the president of the school council that WorkCover had conducted comprehensive inquiries into asbestos issues, and based on the inquiries undertaken by the Victorian WorkCover Authority they were of the view that there is no basis for this investigation. In short, the principal had no case to answer as far as WorkCover was concerned, and all this was six months after the incident.

I called on the minister to immediately act, and he directed his department to return the principal on day 1 of term 3, but with no-one to hang, the department then did the most shabby thing possible. It went behind the school's back and leaked its version of events to the local media, and needless to say the truth did not feature in the media's account of events. This action was so ham-fisted that it did not have the desired effect of turning the school against Chris; in fact the calls for his return grew louder.

The department then told us that Chris was facing internal disciplinary matters and still could not return. The department would not say how long this so-called internal investigation was going to take, so still we wait. Of course the minister's deadline for this matter to be resolved has long passed — term 3 ends this Friday.

Throughout this episode the regional office of the department has tried to bully the school council into submission. So badly has the department handled this issue that a parent has quit the school council in disgust at the department's antics. Further, the department has consistently misrepresented events, has denied the principal natural justice and, most importantly, has denied the school its principal, who up until this moment received nothing but praise throughout his career from the department that has so recently failed him and his school.

This witch-hunt has to be brought to an end, and while we are at it an apology to the principal and the school community is certainly called for. A proper investigation into how the Department of Education and Early Childhood Development has handled this matter would not go astray either. I ask the minister to bring back our school principal and to remind his department that its primary role is educating our kids and not persecuting principals in a bid to cover the department's obvious failings.

Orrong Road, Armadale, development

Mr NEWTON-BROWN (Prahran) — My adjournment matter is directed to the Minister for Planning. The action I seek is that he accept the will of the Stonnington community and sign off on new controls for 590 Orrong Road, as sought by Stonnington City Council in amendment C153. I make this request with the support of the Treasurer and the member for Malvern.

The community and the Stonnington City Council have made it quite clear that the proposed Orrong Towers development at 590 Orrong Road is not acceptable. At first the developer sought towers of up to 16 storeys, which was comprehensively rejected by the community. The revised plan was still too high and still too intense, with 466 new apartments and buildings up to 12 storeys high. Sadly for the community the decision at the Victorian Civil and Administrative Tribunal (VCAT) was significantly out of line with community expectation for the site, and VCAT granted a permit for the number of apartments and the height sought.

This site is on the border of the electorates of Malvern and Prahran, and while it is in the Treasurer's seat of Malvern, it also impacts on my seat of Prahran. Both the Treasurer and I have previously expressed our concern about the outcome of the VCAT hearing relating to the site. Proper controls for this site should have been sought by Stonnington council many years ago and certainly well before any developer had the opportunity to present an inappropriate development. Prior to 2011 the community sought that a coalition government minister for planning would not call in a development application. This commitment was given, and the application went through the usual processes of council consideration and appeal to VCAT. The outcome at VCAT was a disappointment to the community, a disappointment to me and a disappointment to the Treasurer.

The council has now proposed through amendment C153 that the site should be restricted to no more than 250 dwellings, with each building having a height of no more than 17 metres or six storeys. Furthermore, Stonnington council is seeking that there be 6-metre setbacks around the site and a site coverage of no more than 50 per cent. The amendment was lodged with the minister some time ago. When he considers amendment C153 the minister must make a decision on what he believes is the appropriate form of development on the site. The Treasurer and I urge the minister to make this decision having regard to the strong community views expressed over many years. The fact that a development permit has been granted already should not colour the decision. It is not necessarily the case that the approved development will proceed. Projects regularly stall through lack of finances or poor presales. Any new permit application for the site will need to comply with these new controls approved under amendment C153 should they be approved by the minister.

The Treasurer and I believe that the minister should place controls over the site and that the controls now sought by Stonnington council are appropriate for our community. The community has spoken loudly and clearly on this issue, and we ask that the minister listen and act to represent our community's views.

Responses

Ms WOOLDRIDGE (Minister for Community Services) — I thank the member for Brunswick for her contribution to the adjournment debate tonight on an issue I know she has pursued over an extended period of time, as have I as minister. I particularly want to acknowledge a very significant amount of work the Parliamentary Secretary for Families and Community Services, Mrs Andrea Coote, a member for Southern Metropolitan Region in the other place, has undertaken as well as the work the Department of Human Services and Alexander Curotte's family have undertaken.

It is fair to say, as the member for Brunswick outlined, that Alexander has some very significant and complex needs, and addressing them is exactly the work that has been going on. When I had a brief word to Mrs Coote she described his progress as a very positive success. Apparently through the work over the last couple of years his communication capability has expanded significantly, and importantly his engagement with staff, with the community and with his family has been significantly enhanced as well. A lot of that is because of some recent work that has been done through a group called Grafton, which uses an innovative US model of working with people with very complex needs. We asked Grafton to conduct a trial of its approach with Alexander Curotte to get a sense of its capacity to work with someone with the extent of complex needs he has. He has been the test case in terms of how we might work differently with someone with very complex needs.

There has been some very good learning and some very good progress as a result of what I think really is a deep commitment from across the board to work out how to create an environment where Alexander can achieve his full capacity and potential. He has met some major milestones, and we believe he can continue to do so.

That work is happening now, and I understand it has taken some time, but it does with someone with the range of complex needs he has, because we want to ensure that proper service provision and proper support are in place. A lot of work is going into the model and the option of potential long-term accommodation in Bendigo.

I understand the desire for that to be resolved, but we believe there is still significant work to be done with Alexander, with his family and with service providers so that if such a transition can take place, it takes place in a way that is successful for everyone involved and most particularly for Alexander and his family. That work will continue.

Ms ASHER (Minister for Innovation) — The member for Narre Warren North raised an issue for the Minister for Education regarding an investigation into the Monash Special Developmental School, and I will refer that matter to the minister.

The member for Caulfield raised a matter for the Minister for Environment and Climate Change requesting the implementation of the Auditor-General's report into Caulfield Racecourse, and I will pass that matter on to the minister.

In referring to the matter raised by the member for Carrum, I hope the house will not mind if I add my congratulations to her on her return to this chamber and indeed on her four contributions today — that is an outstanding effort. The member for Carrum raised a matter for the Minister for Sport and Recreation requesting that he visit Carrum Downs Recreation Reserve, and I will pass that matter on to the minister.

The member for Clayton raised a matter with the Minister for Environment and Climate Change requesting an urgent investigation into landfill sites in Clayton South and the smell emanating from them, and I will pass that matter on to the minister.

The member for Mildura raised a matter for the Minister for Sport and Recreation regarding funding for the Robinvale arenacross track, and I will refer that matter to the minister.

The member for Keilor raised a matter for the Minister for Ports requesting that the minister outline the government's plan regarding traffic as a consequence of the development of the Hastings port, and I will pass that matter on to the minister.

The member for Narracan raised a matter for the Minister for Environment and Climate Change requesting money for a clean-up of two sites in his electorate, Coopers Creek and Limberlost, and I will pass that matter on to the minister.

The member for Northcote raised a matter for the Minister for Education regarding the Wales Street Primary School and the return of its principal. I know she has raised this matter before in the house, and I will pass that matter on to the minister.

The member for Prahran likewise has previously raised the issue of 590 Orrong Road in his electorate. He has requested that the Minister for Planning support the C153 amendment put forward by Stonnington council, and I will refer that matter to the minister.

The ACTING SPEAKER (**Mr McIntosh**) — Order! The house now stands adjourned until the next day of sitting.

House adjourned 4.35 p.m. until Tuesday, 14 October.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 16 September 2014

Liquor and gaming regulation: ministerial staffing

4831. **Mr PAKULA** to ask the Treasurer for the Minister for Liquor and Gaming Regulation — what is the total number of staff, and their position titles, employed in the minister's office as at:

(1) 30 June 2011.
(2) 30 June 2012.
(3) 30 June 2013.

ANSWER:

I am advised that:

Please refer to Legislative Assembly question on notice no. 4781.

Liquor and gaming regulation: ministerial staffing

4832. **Mr PAKULA** to ask the Treasurer for the Minister for Liquor and Gaming Regulation — what is the total number of staff (including ministerial staff and staff seconded from other departments) that have worked in the minister's private office at any time between 2 December 2010 and 30 June 2013, and what were their position titles.

ANSWER:

I am advised that:

Please refer to Legislative Assembly question on notice no. 4781.

Corrections: ministerial staffing

4833. **Mr PAKULA** to ask the Minister for Police and Emergency Services for the Minister for Corrections — what is the total number of staff, and their position titles, employed in the minister's office as at:

(1) 30 June 2011.
(2) 30 June 2012.
(3) 30 June 2013.

ANSWER:

I am advised that:

Please refer to Legislative Assembly question on notice no. 4781.

Corrections: ministerial staffing

4834. **Mr PAKULA** to ask the Minister for Police and Emergency Services for the Minister for Corrections — what is the total number of staff (including ministerial staff and staff seconded from

other departments) that have worked in the minister's private office at any time between 2 December 2010 and 30 June 2013, and what were their position titles.

ANSWER:

I am advised that:

Please refer to Legislative Assembly question on notice no. 4781.

Crime prevention: ministerial staffing

4835. **Mr PAKULA** to ask the Minister for Police and Emergency Services for Minister for Crime Prevention — what is the total number of staff, and their position titles, employed in the minister's office as at:

(1) 30 June 2011.

(2) 30 June 2012.

(3) 30 June 2013.

ANSWER:

I am advised that:

Please refer to Legislative Assembly question on notice no. 4781.

Crime prevention: ministerial staffing

4836. **Mr PAKULA** to ask the Minister for Police and Emergency Services for Minister for Crime Prevention — What is the total number of staff (including ministerial staff and staff seconded from other departments) that have worked in the minister's private office at any time between 2 December 2010 and 30 June 2013, and what were their position titles.

ANSWER:

I am advised that:

Please refer to Legislative Assembly question on notice no. 4781.

Mental health: beds

4849. **Mr NOONAN** to ask the Minister for Mental Health — with reference to funding for beds in adult acute mental health units, for each health service and unit location:

(1) How many beds were funded as at November 2010.

(2) How many beds have opened between November 2010 and June 2013.

(3) How many new beds were under construction as at June 2013.

(4) How many beds were funded as at June 2013.

ANSWER:

I am informed that:

The latest available data for funding for beds is published in individual health service annual reports.

Mental health: beds

4853. **Mr NOONAN** to ask the Minister for Mental Health — what was the total number of secure extended care unit beds:

(1) In 2010–11.

(2) In 2011–12.

(3) In 2012–13.

(4) From 1 July 2013 to date.

ANSWER:

I am informed that:

(1) In 2010–11 there were 103 secure extended care unit beds.

(2) In 2011–12 there were 103 secure extended care unit beds.

(3) In 2012–13 there were 103 secure extended care unit beds.

(4) The number of beds varied during 2013–14 and increased by 30 to 133.

Sport and recreation: Bendigo aquatic facilities

5117. **Ms EDWARDS** to ask the Minister for Agriculture and Food Security for the Minister for Sport and Recreation — with reference to the City of Greater Bendigo's proposed Kangaroo Flat Aquatic Centre:

(1) Will the government provide $10 million of funding in the 2014–15 budget towards the aquatic centre.

(2) What action will the minister be taking to secure funding in the 2014–15 federal budget for the aquatic centre.

ANSWER:

I am pleased to inform you that as part of the 2014–2015 Victorian budget the coalition government announced a contribution of $15 million dollars towards the development of the Bendigo Regional Aquatic Centre.

With respect to federal funding for this and any other sport and recreation facility in this state, while this is a matter for the federal government, I will continue to strongly advocate for this state at any opportunity. This project was first proposed in mid-2010. Since then neither state nor federal Labor have demonstrated a commitment of funds to this project. I have been informed by the City of Greater Bendigo that should federal funding not be secured, that this project will be completed through the city's funding.

Education: school bullying

5234. **Mr BROOKS** to ask the Minister for Education — what are the names of all schools that have received funding through the bully stoppers grants program.

ANSWER:

The names of all schools that have received funding through the Bully Stoppers grants programs are available on the Department of Education and Early Childhood Development website: http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/pringrantrecipients.aspx.

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