PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 13 December 2012

(Extract from book 19)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Barker, Mr Brooks, Mrs Fyffe, Mr Hodgett, Mr McIntosh and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Mr Merlino, Dr Napthine and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly*): Mr Battin and Mr McCurdy. (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.

Economic Development and Infrastructure Committee — (*Assembly*): Mr Burgess, Mr Carroll, Mr Foley and Mr Shaw. (*Council*): Mrs Peulich.

Education and Training Committee — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmar and Ms Tierney.

Electoral Matters Committee — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis.

Environment and Natural Resources Committee — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote, Ms Crozier and Mr O'Brien.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

Law Reform Committee — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

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

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr O'Donohue.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

Acting Speakers: Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Eren, Mr Languiller, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Dr Sykes, Mr Thompson, Mr Tilley, Mrs Victoria and Mr Weller.

Leader of the Parliamentary Liberal Party and Premier:
The Hon. E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party:
The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:
The Hon. P. J. RYAN

Deputy Leader of The Nationals:
The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:
The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:
The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank [5]	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan [2]	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane [6]	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin [3]	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kanis, Ms Jennifer [4]	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 27 January 2012
[4] Elected 21 July 2012
[5] Elected 19 February 2011
[6] Resigned 7 May 2012

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THURSDAY, 13 DECEMBER 2012

CONTENTS

Thursday, 13 December 2012

The SPEAKER (Hon. Ken Smith) took the chair at 9.34 a.m. and read the prayer.

PROTECTIVE SERVICES OFFICERS: PARLIAMENT HOUSE ATTACK

The SPEAKER — I would like to give the house a quick update on our injured protective services officer and his condition. James is still in the intensive care unit of the Royal Melbourne Hospital. He is recovering after surgery and has been able to talk to his wife and his family. He is being closely monitored, and positive signs are that he has movement in his hands and feet. No visitors are allowed for a further 48 hours. Yesterday, on behalf of the members and staff of the Legislative Assembly, I sent some flowers to James, with a message of good wishes for him to get well very quickly.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 4 to 13 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:

Taxis: industry inquiry

To the Legislative Assembly of Victoria:

The petition of Victorian taxi owners/operators, drivers and users draws to the attention of the house the proposed unlimited release of the taxi licences recommended by the taxi industry inquiry. This proposal has the potential of destroying our industry, our revenue and the financial future of thousands of Victorian families.

Such an unlimited release would be in addition to the 1130 licences released into the market without consultation with the industry by the previous government.

The unlimited release of hire car licences has also affected our revenue, as there have been an additional 2000 hire cars issued in the state of Victoria over the last five years.

The taxi industry has not received a fare increase since 2008. The industry is desperate for an adjustment to bring us into line with CPI (13 per cent), which would still be well short of taxi rates in Queensland and New South Wales.

The petitioners therefore request that the Legislative Assembly of Victoria act decisively to reject any proposed unlimited release of taxi licences and call on the government to provide the industry with the fare increase it desperately needs.

By Mrs BAUER (Carrum) (687 signatures), Mr SHAW (Frankston) (1219 signatures), Ms WREFORD (Mordialloc) (1091 signatures) and Ms McLEISH (Seymour) (1053 signatures).

Healesville freeway reservation: future

To the Legislative Assembly of Victoria:

The petition of the undersigned concerned residents of Victoria draws to the attention of the house the decision by VicRoads that the reservation between Springvale Road, Vermont South, and Boronia Road, Vermont, will not be required for future road purposes and the consequent development of a structure plan to plan for the future use of the land within the reservation, with the possibility of the land being sold by VicRoads for housing and other purposes.

The sale and development of the land for housing and other purposes would negatively impact on the community in terms of loss of open space (which is already low per capita in Whitehorse) and lifestyle, as well as the ecology of the area, with several sections of endangered remnant vegetation along the reserve that will be adversely affected.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to:

1. maintain the reserve as open space for the use of the community

2. protect the endangered vegetation on the site.

By Mr ANGUS (Forest Hill) (4308 signatures).

Springvale Rise Primary School: maintenance

To the Legislative Assembly of Victoria:

The petition of parents of Springvale Rise Primary School draws to the attention of the house:

1. failure to fix hazards as listed on the state department register caused by construction works at the school; and

2. failure to re-establish the demolished basketball court at the Springvale Heights campus, and the impact of this on the physical education of students at the school.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. urgently fix hazards as listed on the state department register

2. urgently re-establish a basketball court at the Springvale Heights campus.

By Mr HOLDING (Lyndhurst) (71 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of the undersigned citizens of the state of Victoria, points out to that house that:

Whereas significant and serious health, privacy, cost and other concerns have been identified regarding the installation of wireless smart meters in the state of Victoria, and whereas SP AusNet, Powercor, Jemena, United Energy and CitiPower are proceeding with their program to install wireless smart meters although they recognise there is active discussion and ongoing research into the possible health and environmental effects related to radiofrequency signals and are aware that on 31 May 2011 the World Health Organisation classified radiofrequency electromagnetic fields as a class 2B, a possible human carcinogen, and called for further investigation.

Therefore, the petitioners request that the Legislative Assembly of Victoria enforce that a moratorium be placed on the wireless smart meter program until the major issues and problems identified regarding wireless smart meters are independently assessed with full public consultation and until acceptable alternatives can be made available to the consumer.

The citizens of Victoria and petitioners also request of the Legislative Assembly of Victoria:

1. the Victorian state government allow electricity customers the right to 'opt out' of the smart meter program

2. support the right of customers to refuse installation of smart meters and to have their decision respected by electrical distributors

3. calls on the five distributors to immediately cease bullying tactics as part of their state government directed 'best endeavours' to install meters by 2013

4. that people who are experiencing health problems that are considered to be caused by the installed smart meter should have the meter removed and replaced with an analogue or non-wireless meter

5. that customers who have had a smart meter installed against their wishes should have the meter removed and replaced with an analogue or non-wireless meter.

By Ms D'AMBROSIO (Mill Park) (247 signatures).

Hillsmeade Primary School: program funding

To the Legislative Assembly of Victoria:

The petition of Grace Bengough and Vindhya Vijayakumar from Hillsmeade Primary School, Narre Warren South, Victoria, representing students both present and future, points out to the house that the current state government have announced their intention to withdraw the funding of subsidised education programs like Metlink Adventures. This means that young children like us will not have the opportunity to learn about the safety and etiquette of using Victoria's public transport system.

We therefore request that the Legislative Assembly of Victoria discuss the content of our petition. We have chosen our local MP, Judith Graley, to represent us because of her strong relationship with the school and her active involvement with us on Urban Camp. We are hoping for a reversal of the state government's decision to cut funding. Keeping this program means that our annual Urban Camp for grade 6s will continue to be more affordable for parents, guardians and students that live further away from the city.

By Ms GRALEY (Narre Warren South) (137 signatures).

Planning: Greenvale central precinct structure plan

To the Legislative Assembly of Victoria:

The petition of undersigned residents draws to the attention of the house that the residents oppose the Growth Areas Authority's Greenvale central PSP proposal in its present form as it is considered biased, discriminatory and negatively impacting on the individual private property owners in the proposed parcel of land bordered by Providence, Section, Somerton and Mickleham roads. It further impacts on the natural environment, including native birds, plants and animals, as well as on residents east of this parcel of land by the unsustainable increase of traffic, noise pollution, medium-density living conditions where it is proposed that 8000 additional residents are to fit into an area significantly smaller than the Greenvale housing development on the east side of Mickleham Road, already with an established approximate 6000 residents and growing.

The petitioners therefore request that the Legislative Assembly of Victoria:

not proceed with the rezoning from rural to medium density living;

reconsider an optional, more appropriate proposal of low-density living; and

allow private property owners to appeal for exemption from the zoning of their private land and not be forced to accept the high density residential rezoning.

By Ms CAMPBELL (Pascoe Vale) (79 signatures).

Higher education: TAFE funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding.

In particular we note:

1. the TAFE Association has estimated up to 2000 jobs could be lost as a result of these cuts;

2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure;

3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

By Ms GREEN (Yan Yean) (14 signatures).

Greensborough College: funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for significant upgrades of facilities at Greensborough College.

In particular, we note:

1. the poor conditions of the current Greensborough College facilities, and in particular the state of disrepair of a number of buildings;

2. that these poor conditions and insufficient facilities are adversely affecting the education and learning experience of the students attending Greensborough College;

3. the previous Labor government pledged to rebuild Greensborough College during the 2010 election campaign.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to urgently fund the much-needed upgrade of Greensborough College.

By Ms GREEN (Yan Yean) (4 signatures).

Schools: Doreen and Mernda

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the rapid increase in families moving to Doreen and Mernda, suburbs of northern metropolitan Melbourne, and the acute shortage of schools.

In particular, we note:

1. there are now almost 2000 students enrolled at government primary schools in Mernda and Doreen, which will increase rapidly in future years;

2. there is no state secondary school in Doreen or Mernda and parents are travelling on increasingly congested roads as far as Whittlesea, Mill Park, Epping, Greensborough and Diamond Creek to access secondary schools;

3. the government has cut access to the student conveyance allowance which is used to offset travel costs for students;

4. land has been purchased by the previous Labor government for secondary colleges to be built in Cookes Road, Doreen, and Breadalbane Avenue, Mernda;

5. the recent closure of Acacia College means that a further 720 students need to find school places in 2013.

The petitioners therefore request that the Legislative Assembly urges the Baillieu state government to urgently build secondary schools for Doreen and Mernda.

By Ms GREEN (Yan Yean) (139 signatures).

Alpine National Park: cattle grazing

To the Legislative Assembly of Victoria:

The petition of the people of Victoria draws to the attention of the house the Baillieu government's refusal to answer questions about the return of cattle to the high country.

1. The Baillieu government ignored both scientific and departmental procedures when authorising this 'scientific study' and calls to answer questions on the scientific justification for the 'study'.

2. The Baillieu government is refusing to provide details regarding the arrangement with graziers taking part in the 'study'.

3. Anecdotal evidence suggests this study has damaged the environment and threatened endangered species.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to immediately provide answers and details on the issues listed above and rule out any further cattle grazing in our national parks.

By Ms GREEN (Yan Yean) (2 signatures).

Country Fire Authority: north-eastern suburbs

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for new CFA stations in Whittlesea and Nillumbik. In particular, we note:

1. the vital work of local firefighters in protecting our communities;

2. since 1999 Victorian Labor has built or upgraded 14 CFA stations in this area;

3. in 2010 Victorian Labor committed to build and upgrade 250 CFA stations across the state by 2014. The Baillieu-Ryan government has promised to build or upgrade just 60 CFA stations.

The petitioners therefore request that the Legislative Assembly urges the Baillieu-Ryan government to build new CFA stations for Eden Park, Eltham, Kangaroo Ground, Plenty and Wattle Glen.

By Ms GREEN (Yan Yean) (19 signatures).

Planning: green wedge development

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 Baillieu government's plan to turn land zoned rural conservation into commercial and housing developments.

In particular, we note:

1. green wedge open space plays an important environmental role as well as maintaining the livability of Melbourne;

2. it appears that this government only recognises this land as a development opportunity, this despite bipartisan support and protection for green wedges in Parliament for over 30 years;

3. no commitment has been made to provide the infrastructure that new commercial and housing developments would need, such as roads and schools.

The petitioners therefore request that the Baillieu government immediately stop the current planning review and agree to work with the community to enhance and improve Melbourne's green wedges.

By Ms GREEN (Yan Yean) (82 signatures).

Buses: northern suburbs

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria, calls on the Baillieu government to reverse its recent cuts to bus services.

In particular, we note:

1. the localities of Greensborough, Plenty, Mill Park, Bundoora, Yarrambat, Whittlesea and beyond have all been hit hard by cuts to services. Many bus stops at schools, aged-care and sporting facilities have been removed altogether;

2. the Baillieu government's 2011–12 bus review was done in secret and in the shadow of budget cuts and has resulted in many service losses, overcrowding and massively increased travel times including Greensborough losing 561 weekly services and Doreen commuters' journey times blowing out by over 26 per cent;

3. the Baillieu government's review is in stark contrast to the 2008–09 review of bus services by the former Labor government, where there was extensive community consultation and delivered over 1000 extra weekly services for the north;

4. these cancellations are causing great distress to locals in Melbourne's north, who use bus services to access employment, shopping, health and education.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reinstate these services and deliver better public transport for our growing community, including an increased number of bus services and commitments to upgrade our public transport infrastructure.

By Ms GREEN (Yan Yean) (8 signatures).

Epping Road, Epping: duplication

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's refusal to fund the Epping Road project in the 2011 state budget.

In particular, we note:

1. Epping Road services some of the most rapidly growing areas in Australia;

2. the intersection of Epping, O'Hern's and Findon roads is recognised by the RACV as one of the worst in Victoria;

3. the project continues to receive strong community support.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to fund and commence work on the Epping Road project as a matter of urgency.

By Ms GREEN (Yan Yean) (39 signatures).

Roads: Epping North infrastructure

To the Legislative Assembly of Victoria:

This petition of residents of the city of Whittlesea, in particular Epping North, draws to the attention of the house the significant social and economic disadvantage faced by residents due to the lack of services and infrastructure in Epping North.

The petitioners therefore request that the Legislative Assembly of Victoria urge the state government to resolve to immediately fund (in combination with the federal government where applicable):

1. the design and construction of the northern and southern ramps connecting O'Herns Road with the Hume Freeway (a full diamond interchange);

2. the duplication of the remaining section of single carriageway of O'Herns Road between the Hume Freeway and Redding Rise; and

3. the four-lane carriageway of Edgars Road between Cooper Street and O'Herns Road.

By Ms GREEN (Yan Yean) (491 signatures).

Tabled.

Ordered that petition presented by honourable member for Narre Warren South be considered next day on motion of Ms GRALEY (Narre Warren South).

Ordered that petitions presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

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

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

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

Ordered that petition presented by honourable member for Carrum be considered next day on motion of Mrs BAUER (Carrum).

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

SHIRE OF BULOKE

Current and future financial health

Mrs POWELL (Minister for Local Government), by leave, presented independent assessment report.

Tabled.

Ordered to be printed.

ROAD SAFETY IN VICTORIA

Report on progress 2012

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

Tabled.

COUNTY COURT OF VICTORIA

Report 2011–12

Mr CLARK (Attorney-General) presented report by command of the Governor.

Tabled.

DOCUMENTS

Tabled by Clerk:

Alpine Resorts (Management) Act 1997 — Alpine Resorts Strategic Plan 2012 under s 33E

Freedom of Information Act 1982 — Report 2011–12 of the Minister responsible for the establishment of an anti-corruption commission on the operation of the Act

Major Sporting Events Act 2009 — Major sporting event order under s 22

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 131.

BUSINESS OF THE HOUSE

Adjournment

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 5 February 2013.

Motion agreed to.

MEMBERS STATEMENTS

Country Fire Authority: Ocean Grove brigade

Ms NEVILLE (Bellarine) — The work of the Country Fire Authority (CFA) across the Bellarine Peninsula is relied upon and greatly appreciated by the community. The courage and dedication of our volunteer and career firefighters is beyond question. They have a proud record of saving lives and protecting property during fires and other accident and emergency situations. But there are serious concerns being raised about funding and staffing levels as we head into summer with the increased risk of fires. Unbelievably, and despite its rhetoric, the Baillieu government has cut $41 million from the CFA budget, which will impact upon its capacities in regional communities across Victoria.

In October I raised the issue of staffing at the Ocean Grove fire station with the Minister for Police and Emergency Services, but to date I have received no response. It is important that career firefighters, as always envisaged, are appointed to work alongside the great volunteers based at the Ocean Grove fire station. It is also important that the community has certainty about the numbers and seniority of those staff and when they will be appointed. The Bellarine Peninsula needs experienced career firefighters to work with our great team of volunteers, available 24 hours a day, seven days a week. The volunteer and career firefighters who risk their lives to protect the community must have appropriate numbers and support so they can continue to do their job as safely and securely as possible.

The minister needs to respond urgently and provide the firefighters needed to support and protect the Bellarine community, not only in summer but all year round.

Small business: government initiatives

Mr NORTHE (Morwell) — The coalition government has achieved much for the small business sector since being elected to government in November 2010. For example, the 2012 Small Business Festival

hosted approximately 300 events with 32 000 participants, whilst since November 2010 around 7630 small business operators attended more than 650 Small Business Victoria workshops and seminars. The coalition government has improved access for small business to government procurement by way of its Winning Government Business workshops and the Department of Business and Innovation's eQuotation program, which provides opportunity for businesses seeking to supply goods and services to government.

From November 2010 the mobile business centre has extended its service to metropolitan areas and has serviced more than 188 Victorian locations, whilst record funding has been made available to the Small Business Mentoring Service, which will assist more than 1900 businesses. The new $6 million Streetlife program will support Victorian retailers. The coalition government's election commitments have seen liquor licence fees halved for 10 000 small businesses; Labor's clearway laws, which damaged business for small retailers, have been reversed; Easter Sunday trading has been rectified to ensure Victorian businesses can trade on Easter Sunday; and we have restored flexible arrangements for regional councils to recognise events of local significance in lieu of Melbourne Cup Day. Small businesses can now access energy and water rebates and assistance through the Energy Saver Incentive scheme and the Living Victoria Water Rebate program. These are all practical demonstrations of the coalition government's support for the small business sector.

Michael Wardlaw

Mr DONNELLAN (Narre Warren North) — On Tuesday this week I attended a funeral at St Dominic's church in Camberwell, presided over by Father Joe Giaccobe. It was the funeral of Michael Wardlaw, who unfortunately died of colon cancer at 42 years of age. He was the father of three young children, Sid, Eva and Wilbur, and husband of Emily. Emily gave a beautiful eulogy.

The Wardlaw family is a marvellous family. The last time a death befell the family it was that of the second eldest son, Matthew Wardlaw. Although very sad at the death of their son, his parents got on with things and started a fundraising organisation called One in Five, a charity for mental illness. Michael's death is another tragedy that has befallen the family, because he was a young man of 42 years of age. His parents, Liz and Andy, are marvellous parents and people who have contributed greatly to the community. To lose two young sons so early in life is quite a tragedy.

One funny story about Mick Wardlaw is that he always told his youngest children that as a Collingwood supporter it was wonderful to be hated by others in the community. One time when Mick was out with his young son and someone swore at them for barracking for Collingwood Mick told his son, 'That is what you have to look forward to'. It was a very moving ceremony, and they are a marvellous family.

VicHealth: awards night

Mr ANGUS (Forest Hill) — As a board member of the Victorian Health Promotion Foundation, last week I had the pleasure of again attending VicHealth's annual general meeting and awards presentation night. This was a particularly special event as it also marked VicHealth's 25th anniversary. It was another excellent night which highlighted much of the good health promotion work being undertaken by various organisations throughout Victoria. I congratulate all the award finalists and winners, as well as the staff involved in organising this event.

Eastern Health: federal funding

Mr ANGUS — I note the recent additional cuts made by the federal Labor-Greens government to the Victorian health budget, totalling some $107 million. On a local level this equates to an estimated $8.5 million budget cut to Eastern Health, the service often used by Forest Hill residents. State Labor members should be standing up for Victorians and contacting their federal Labor colleagues to request that the Prime Minister reinstate this funding. They should call upon the federal Treasurer to abandon his hopeless attempt to artificially generate a budget surplus by slashing important funding for vital community services.

Former government: financial management

Mr ANGUS — I was dismayed yesterday to attend the Victorian Auditor-General's Office lunchtime performance audit briefing and to hear yet again of the incompetence of the previous government. In one report it was noted that there was no business case supporting the financial decisions that were made, and another report outlined a litany of mismanagement, scope reductions and budget blow-outs. In one case, Labor's ultranet project, the scope was reduced by 90 per cent, with the costs blowing out by almost 300 per cent.

Christmas felicitations

Mr ANGUS — I want to take this opportunity to wish all the residents in the electorate of Forest Hill, together with the parliamentary staff, protective services officers and my parliamentary colleagues, well for the forthcoming festive season and new year. I urge all Victorians to exercise care and patience as they drive around the state during this holiday time.

Jarrod Holt and Emma Brown

Mr MERLINO (Monbulk) — It was a pleasure to last week attend the atEAST awards for school-based apprenticeships and traineeships in the outer east. I particularly want to congratulate two Upwey High School students, Jarrod Holt and Emma Brown, for being awarded first-year apprentice of the year and second-year trainee of the year respectively.

Jarrod's award citation says that as this year's recipient he is one of those young people who loves to be actively involved in many fields. He is always actively involved in fundraising activities at school, he excels at TAFE beyond all his teachers' expectations and surpasses the achievements of the full-time apprentices. He trials his own recipes for inclusion on the menu at Taxi Dining Room at Federation Square, where he is employed as a school-based apprentice chef. On top of that, he is also a Country Fire Authority volunteer.

Emma Brown has been a mentor to other business administration trainees and a leader within her VCAL (Victorian certificate of applied learning) class, and she always plays a key role in fundraising activities at her school. She has completed certificate II and certificate III in business administration in the past 18 months and been employed at Heathmont College and Yarra Ranges Shire Council. Both employers realised within a few weeks of her commencing her employment that they wanted her as a permanent member of staff.

Unfortunately, whilst atEAST covers a huge geographic area across the outer east, not one government member was at this awards ceremony. Because of the government's funding cuts to TAFE and VCAL school-based traineeships are now out of the reach of so many families. Business administration now costs $4000 when it previously cost $400.

The SPEAKER — Order! The member's time has run out.

Multicultural affairs: Christmas celebrations

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — Christmas is a special time of year when many celebrate the birth of Christ, and I encourage all Victorians to join in and celebrate the Christmas period. Here in Victoria we are proud to be part of a culturally and religiously diverse society which accepts and celebrates more than 130 faith traditions. Each year Victorians celebrate a number of religious events, including Ramadan, Diwali, the Tet Festival, Buddha's birthday, Orthodox Easter and Chanukah, to name just a few.

It is important that we do not lose sight of the fact that religious freedom and understanding is an important part of belonging to a multicultural and multifaith society. Victorians and Victorian organisations should not miss out on Christmas traditions or feel reluctant to celebrate them out of concern about offending others. While Christmas is an important occasion for those of Christian faith, it can and should be respected, shared and enjoyed by all. Multiculturalism is all about sharing and celebrating our cultural and religious diversity. After all, celebrating Christmas and all other religious events means celebrating and embracing multiculturalism.

Enterprise Migrant Hostel

Mr KOTSIRAS — Last week I had the pleasure to open a new rose garden and sculpture that pays tribute to the residents of the former Enterprise Migrant Hostel. Over its 23 years more than 30 000 people from around the world lived in the Enterprise hostel, and many settled in the area, including the member for Derrimut. It was a place where migrants were welcomed and made to feel at home in a supportive — —

The SPEAKER — Order! The member's time has expired.

Child abuse: parliamentary inquiry

Ms BARKER (Oakleigh) — I would like to commend the work of the Family and Community Development Committee with regard to the inquiry into the handling of child abuse by religious and other organisations. Evidence heard at hearings to date has been revealing, informative and often extremely harrowing and very painful. The committee and the public have seen and heard from many very courageous people who have finally been able to tell their stories, despite the pain and trauma that it causes them. There are many more to hear from, and there is much more to

learn from these brave people. The committee has worked with care and sympathy, and that has been acknowledged by those appearing at the hearings and the many who have requested to be heard at future hearings.

It has been indicated that this state inquiry will be completed within the timeline first notified and that therefore the committee will provide a report prior to or just after the commencement of the federal royal commission. This is welcomed, as there are many things that must and can be done at a state level, even while the royal commission undertakes its work.

What is absolutely clear is so many victims, survivors and their families continue to live without support for their ongoing and lifelong needs. Their lives have been destroyed by the crime of clergy sexual assault perpetrated on innocent and vulnerable children. I wholeheartedly support the proposal put forward by survivors in the Ballarat area, who seek a specific fund to be administered by government but paid for by the church which caused this lifelong trauma. Appropriate and transparent compensation is vital, but so is ongoing financial support. The church must now face up to its responsibility and provide that lifelong financial support.

Marian Hamilton and Kurtis Richards

Mr WAKELING (Ferntree Gully) — As part of my ongoing commitment to rewarding outstanding students at schools in the Ferntree Gully electorate, I would like to acknowledge the efforts of Marian Hamilton at St Joseph's Primary School in Boronia and Kurtis Richards at St Joseph's College in Ferntree Gully, who are each recipients of Ferntree Gully Endeavour awards.

Planning: Ferntree Gully Village

Mr WAKELING — I am pleased to advise that further to the Minister for Planning's announcement that he would support the application for interim mandatory height controls in Ferntree Gully Village, the minister has now formally approved Knox council's planning control application. The Ferntree Gully community has been gravely concerned about the establishment of multi-unit developments within the village. The Labor government rejected Knox council's request for height controls in 2006, and I am pleased to advise that the Baillieu coalition government has listened to the needs of my community and acted.

Ferntree Gully electorate: community safety grants

Mr WAKELING — I am pleased to advise the house that two important community facilities will receive funding as part of the coalition government's Community Safety Fund Grants program. Lysterfield Primary School received a $6000 grant for a security upgrade to install a perimeter fence and gates around the school's kitchen garden to minimise potential property damage and theft. Plus, the Liberty Avenue Reserve pavilion, home of the St Simon's junior football club and Rowville Cricket Club, has received a $10 000 security grant to assist with the installation of security window screens, new exterior door locks, roller shutters to the scoreboard, and motion sensor lighting at the Liberty Avenue Reserve pavilion and surrounds to prevent potential break-ins and vandalism.

Boronia Bowls Club: Sir George Knox Shield

Mr WAKELING — I congratulate Boronia Bowls Club on another outstanding effort to win the Sir George Knox Shield at the Ferntree Gully electorate annual bowls day competition held at Parliament House. It was my pleasure to present the shield to the club at its Christmas dinner last week.

Drummond Street Services: 125th anniversary

Ms KANIS (Melbourne) — Last week I attended the 125th anniversary of Drummond Street Services, and I was invited to cut the cake at its celebration. Drummond Street has been providing very valuable services to the people in my electorate for many years, and I would like to congratulate all the staff, but in particular Karen Field, the CEO, and Professor Alun Jackson, the president of the board of directors, for their achievements.

Kensington neighbourhood house: children's services course

Ms KANIS — Last week I also attended Kensington neighbourhood house, where there was a graduation ceremony for students of the certificate III in children's services. I would like to congratulate all the students involved, many of whom come from non-English-speaking backgrounds. This is an opportunity for these students to gain a qualification that will enable them to enter or re-enter the workforce. I congratulate Sandra McCarthy, the further education coordinator, and Marion Tinnian, the teacher of the course. The course has been going for over 15 years, and we have seen many educators of our young children pass through it.

Parliament: staff

Ms KANIS — I would also like to take this opportunity to thank all the staff here at Parliament House for the warm welcome extended to me in my new role.

Hospitals: federal funding

Mr McCURDY (Murray Valley) — Residents of the Murray Valley electorate face elective surgery delays and hospital bed closures as a result of significant funding cuts imposed by the commonwealth government. The multimillion-dollar cuts are based on the false premise that Victoria's population fell in 2011. The Australian Bureau of Statistics has exposed this fraudulent claim by showing that Victoria's population grew by 75 000 in 2011. It is outrageous that our hospitals are being ripped off like this on such spurious claims and dodgy figures. Northeast Health has lost over $1 million in federal funding, Yarrawonga District Health faces a cut of $104 000, Numurkah District Health a cut of $90 000 and Cobram District Health a cut of $82 000. The illegitimate Greens-Gillard federal government should be ashamed of its retrospective reductions.

Hayden McMillan and Tait Bonito

Mr McCURDY — Congratulations to Wangaratta High School students Hayden McMillan and Tait Bonito, who will join 430 of Australia's top students at separate meetings of the National Youth Science Forum in January. Hayden and Tait were chosen from a pool of almost 2000 year 11 students, with Hayden travelling to Perth to participate in workshops at a 12-day forum, and Tait going to Canberra.

Folk, Rhythm and Life festival

Mr McCURDY — Last weekend more than 80 bands and performers entertained people at the Folk, Rhythm and Life festival at Bilyana, near Eldorado. Around 2000 people attended the festival, enjoying the picturesque bushland setting and the natural amphitheatre, with the funds raised going to aid local organisations.

Numurkah: Show Us Ya Wheels

Mr McCURDY — Over 5000 people attended the Dyson's Show Us Ya Wheels event in Numurkah, enjoying entertainment in the sky, on the ground and in the water — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Parliament: procurement policy

Mr SCOTT (Preston) — Previously in this house I have raised the business practices of Office Corporate. Office Corporate contacts the offices of members of Parliament, including my own, offering inducements in return for the purchase of its products. This issue was highlighted by the Ombudsman in a report about procurement. I think it is time advice was provided to members and their staff to ensure that such practices are not engaged in by parliamentary staff. It is completely inappropriate to receive an inducement in order to purchase goods and services.

This is a serious issue. There are a number of companies, not just Office Corporate, which engage in such business practices. Goods and services purchased on behalf of the offices of members of Parliament or other government bodies should be procured at the best value possible. They should not be cross-subsidising to the personal benefit of those making the purchases. It is not just those who make purchases who are behaving inappropriately; it is also the companies that engage in such practices.

I ask you, Deputy Speaker, to raise this issue with the Speaker so that advice is provided to staff about the serious nature of such behaviour and the fact that members and their staff should not engage in any way in receiving inducements for goods and services purchased through their work on behalf of the community. This is a serious matter that should be followed up.

Alan Duncan

Mr KATOS (South Barwon) — It is with much sadness that I rise to talk about the passing of Alan Duncan, a valued and respected member of the Torquay community. Alan passed away suddenly on 9 December 2012 at his home at the Lions Village, Torquay. Alan was born on 22 April 1933. His wife, June, passed away in August 2008. Alan is survived by his children Neil, Andrea, Marion and Haydn, and three grandchildren. Alan and June moved to Torquay from Doncaster in 1992. He was a justice of the peace from the mid-1980s until his passing. He was a national serviceman and a service member of RSL sub-branches for many years. The RSL is most grateful for his tireless work with the Torquay RSL sub-branch, particularly over the past seven years, when the committee needed dedicated members. Alan's work in coordinating the Anzac Day badges and Remembrance Day poppies was outstanding, and he prided himself on holding the record for sales of these in Torquay.

Alan joined the Lions Club of Torquay on 19 August 1993 and with his wife, June, spent many hours fundraising and on community working projects, including the Spring Creek walking tracks and bridges. Alan was a very active member of Lions, particularly in the establishment of the Lions Village retirement home. Alan was a strong member of the Liberal Party. He was a past president of the Torquay branch, and at the time of his passing he was treasurer.

Alan was electorate chair for the electorate of South Barwon when Alister Paterson was the member, and he has also been of great assistance to me. Alan was a member and volunteer of the Torquay Marine Rescue Service for over 20 years and was overjoyed to see the recent completion of its building. I extend my sympathy to Alan's family and friends. May he rest in peace.

Mary Bluett and Brian Henderson

Mr CARBINES (Ivanhoe) — I rise to acknowledge the decades of achievement in education and the significant contribution to the teaching profession from Mary Bluett and Brian Henderson. I was pleased last night to attend with the members for Bundoora, Eltham and Melbourne the Australian Education Union's official celebration of their decades of achievement at the Abbotsford Convent. It was a great gathering of educationalists, of community organisations, of public servants and of a range of people in the community who have great respect not only for the contributions and the sacrifices that they have made on behalf of the 51 000 members of the AEU but also the contributions they have made over the decades to ensure that we have the best state education system here in Victoria.

When it was mentioned that Mary would be finishing up this year a recent article in the *Age* said:

> The bruising encounter —

this is in relation to the enterprise bargaining negotiations —

> which has already seen teachers walk off the job, is about making Premier Ted Baillieu keep his election campaign promise to make Victorian teachers the best paid in the country.

I know that fight will continue.

I wish Mary and Brian all the very best in the future, and I know that teachers and Victorian parents will all benefit from the contribution they have made to education here in Victoria.

Gas: regional and rural Victoria

Mr WELLER (Rodney) — The shadow Minister for Regional and Rural Development is attempting to talk down important natural gas projects for country Victoria, and I ask her to get her facts right about what the coalition is doing on the matter. The coalition government is doing the hard work that the Labor government failed to do to get natural gas to our regional areas. Labor wasted 11 years promising natural gas but refused to do the work to actually deliver the projects.

Over the past 18 months Regional Development Victoria and its independent technical advisers have been engaged in a rigorous process of reviewing bids received by gas suppliers as part of the first direct negotiation phase. With a positive result for the people of Huntly and Mildura now achieved, the government will focus on the delivery of natural gas to other priority communities, including Avoca, Lakes Entrance, Invermay, Winchelsea, Heathcote, Orbost, Warburton, Marong, Bannockburn, Terang, Wandong-Heathcote Junction and Maldon.

The coalition has worked hard to attract gas distribution businesses by a fixed subsidy offer to connect remaining priority towns, and the money is available now for the works to begin. Expressions of interest (EOI) in developing alternative gas solutions in regional areas, including compressed natural gas and liquefied natural gas technologies, were due on 6 December. We will know the results of this EOI process within a couple of weeks, before there is a formal request for tender in February 2013 as part of the next phase in the government's $100 million Energy for the Regions program.

St John Bosco's School: fete

Mr CARROLL (Niddrie) — I rise to congratulate St John Bosco's School on its successful fete held on 24 November, which I had the privilege of attending. The objective of the fete was to raise funds to rubberise the school's playground to make it safer for students to play on. The fete was very enjoyable, with a variety of live entertainment, rides and stalls.

I take this opportunity to acknowledge the very hard work of the St John Bosco's Parents and Friends Association, in particular parents Angela Santopoli, Katerina Rintoule and Cathy Pannunzio. I also wish to acknowledge the volunteers who during their own time went out and letterboxed almost 10 000 households to raise awareness of the fete. I am proud to report to the house that the fete raised almost $57 000 for the

installation of a rubber playground surface and was successful in another way, bringing the whole community together to support this very community-focused school.

Keilor East: farmers market

Mr CARROLL — On Saturday, 24 November, I had the privilege of attending the very first farmers market held at the Centreway in Keilor East, famous for being the birthplace of JB Hi-Fi, where company founder, John Barbuto, opened his first JB Hi-Fi store in 1974. The farmers market was a wonderful initiative of the Centreway Traders Association, which lobbied hard for the weekend market to commence at the Centreway. The market was very successful in attracting hundreds of locals and a range of stalls that offered fresh, organic, local and regional produce.

I was pleased to hear that the market will be coming back to the Centreway on 22 December, when Santa will be making a special appearance. I urge all those near Keilor East to visit and see the very best of Victoria and what it has to offer. I wish the farmers market every success in the electorate of Niddrie and a long and successful presence at the Centreway in Keilor East.

Monash Children's: funding

Mr GIDLEY (Mount Waverley) — On Friday, 23 November, I joined the Premier, the Minister for Health and Southern Health board members and staff when it was announced that the coalition government will fund the building and delivery of the Monash Children's hospital. After years of successive Labor governments just talking about the concept, the Victorian coalition government is funding and delivering this project, with construction to commence in 2014.

The delivery of the Monash Children's hospital will mean that there will be greater capacity to meet future demand for services, and there will be a purpose-designed environment to deliver patient-centred care to people living in Melbourne's south-east and beyond. The 230-bed hospital will be built on the northern side of the Monash Medical Centre site in Clayton and will include new operating theatres, special care and neonatal intensive-care unit facilities. There is an overall increase in the number of beds to 68-plus beds.

Children's health is central to the wellbeing of every family in the Waverley area and beyond. The new Monash Children's hospital will ensure that ongoing demographic change does not compromise the level of care being offered in our community by assisting Waverley families to access locally world-class children's health services. I continue to work with and for the community that I am a part of and represent to build the best specialised children's hospital for our kids right in the Monash area.

Hawthorn-Monash University Cricket Club: Twenty20 match

Mr GIDLEY — It was a pleasure to attend the Hawthorn-Monash University Cricket Club's inaugural Premier Harmony Day Twenty20 match, featuring Sri Lanka's Lasith Malinga. I congratulate the cricket club president, Mr Petar Ivetic, the club committee members and all those who worked so hard to organise the successful day. It is a pleasure to support the growth of this club.

Diamond Valley Foodshare: 20th anniversary

Mr BROOKS (Bundoora) — On Saturday, 24 November, I had the honour of attending the 20th anniversary celebration for Diamond Valley Foodshare at Greensborough Senior Citizens Club in Greensborough. One of the first coordinators of Eltham Foodshare, Joy Filshie, along with volunteers Judy Jones, Liz McCarthy, Maureen Painter and Karen Van Donkelaar all agreed to leave Eltham Foodshare to establish Diamond Valley Foodshare in Greensborough due to the tough economic times of the late 1980s and early 1990s.

Diamond Valley Foodshare was created at a public meeting on 24 November 1992. A number of the first committee members, including David Carrande, Agnes Carrande and Carol Virtue, were also present at the recent celebrations. From very humble beginnings, starting in the dungeon of the old SkillShare building opposite Greensborough station with a dirt floor and a shoestring budget of around $200 a month, Diamond Valley Foodshare has grown into a vibrant organisation that now operates on a budget of around $2000 a month. It provides food to over 4000 people each year.

I thank the 116 past and present volunteers who have been the backbone of this great organisation. In addition to those I have already mentioned, I thank the current president, Ian Hemming, and volunteers Anne Murray, Beryl Watson, Carol Tyas, Diane Cross, Gillian Rushen, Lyn McKinnon, Margaret Willimott, Keith Willimott, Margaret Boyce, Maureen Painter, Robert Painter and Mavis Miller. Diamond Valley Foodshare has provided invaluable service to the local community in my area. I congratulate those involved

for 20 years of fantastic service, and I look forward to many more years of the same.

Rob Allison

Mr McINTOSH (Minister for Corrections) — It is with deep regret and sadness that I mark the passing of Rob Allison, who was a long-time resident of the Kew electorate, a long-term friend of my mother and father and also a long-time supporter of me. Mr Allison, a former managing director of Allison Monkhouse, was the fifth generation of his family to work in the funeral industry. The family business was founded in London in the early 1800s by Thomas Allison.

Rob Allison was a leader in the funeral industry in Australia. His achievements in improving standards of professionalism in funeral care have been described as unparalleled. He set up schools for funeral directors and embalmers in the 1960s and opened the only crematorium in Canberra at the time. In 1978 he was chosen by the Prime Minister's department to arrange the funeral service for former Prime Minister, Sir Robert Menzies. This event led to the establishment of state funeral protocol.

Rob Allison was also instrumental as both instigator and an organiser of the repatriation of and the holding of a funeral service for Australia's unknown soldier, who was one of thousands of Australians who died on the Western Front during the First World War and who was interred at the Australian War Memorial on 11 November 1993. Mr Allison was a member and president of the 4th Australian Field Regiment Association and had a long association with Legacy.

Mr Allison, who died peacefully at the grand old age of 93 on 27 November, is described by those who knew him and worked with him as a man of integrity and a gentleman who touched the lives of many, many people.

Johnston Street Fiesta

Mr LANGUILLER (Derrimut) — I recently attended the 2012 Johnston Street Fiesta, a Spanish and Latin American fiesta. It was the most colourful, vibrant and best attended festival in town. I commend the president, Mari Carmen Sanchez, her team, and the Yarra City Council. I commend the Minister for Multicultural Affairs and Citizenship on attending the festival and on his generous support of the festival.

Cyprus Greek Community 'Apostolos Andreas'

Mr LANGUILLER — I was honoured to be invited to be the guest speaker at the Cyprus Greek Community 'Apostolos Andreas' in Sunshine in the company of the president, Chris Christoforou; the president of PSEKA, the Justice for Cyprus committee, Costas Procopiou; a former mayor of Brimbank, Sam David; and *Neos Kosmos* journalist Clery Gaziss. I pay particular tribute to an outstanding teacher and organiser, Mary Yemeta, and to Father Evangelos.

The Cyprus Greek Community 'Apostolos Andreas' was established in 1955 and has been a point of reference for all Hellenes in the western suburbs. The community was established during the post-World War II period when the influx of immigrants to Australia was at its peak. The industrial site of Sunshine was the obvious place to establish this community as it was accessible to employment — the Massey Ferguson factory stood out as the main provider of work opportunities in the area for the many young migrants who made Australia their home. Their efforts were rewarded, and as the vibrant community grew, the organisation went from strength to strength and became one of the major ethnic service providers in the region. The community provides a wide range of religious, social, cultural and educational activities. It is the pride of many Australian and Hellenes in the region.

Metro Trains Melbourne: *Dumb Ways to Die*

Mr NEWTON-BROWN (Prahran) — I quote:

> Set fire to your hair,
> Poke a stick at a grizzly bear,
> Eat medicine that's out of date,
> Use your private parts as piranha bait,
> Keep a rattlesnake as a pet,
> Sell both your kidneys on the internet.
> Dumb ways to die. So many dumb ways to die.

This song on YouTube called *Dumb Ways to Die* ends with messages about dumb ways to die around trains. Well done to Metro Trains Melbourne for getting important rail safety messages out in a YouTube movie that has gone viral with over 25 million hits.

St Joseph's Church, South Yarra: outreach service

Mr NEWTON-BROWN — I recently attended a high tea fundraiser at St Joseph's Church in South Yarra for its outreach service, which does some amazing work within our community. Crisis accommodation is provided to more than 46 adults and

40 children each year, and its food bank provides groceries free of charge to over 1000 families each year. The work of the 50 or so volunteers should be recognised by this Parliament as they do so much for our local community in Prahran.

World AIDS Day

Mr NEWTON-BROWN — I was pleased to attend the launch of World AIDS Day with the Minister for Health. Michael Kirby spoke eloquently of the health issues and discrimination facing men who have sex with men. Ji Wallace's speech was the highlight of the night with his funny, engaging story of how he reached the peak of his sport of trampolining by winning an Olympic silver medal while being HIV positive. He was truly inspirational. It was also very encouraging to hear the health minister's speech regarding his efforts to make Victoria the first Australian jurisdiction to introduce rapid testing for HIV, which will have dramatic public health benefits for the whole community.

Christmas felicitations

Mr NEWTON-BROWN — I wish everybody in Prahran a happy Christmas, time off with family and friends and a prosperous new year.

Christmas felicitations

Mr TREZISE (Geelong) — I would like to wish all the staff of the Parliament a very merry Christmas and a happy and healthy new year. I would also like to thank them for their assistance throughout 2012; it is greatly appreciated.

LIQUOR CONTROL REFORM AMENDMENT BILL 2012

Second reading

Debate resumed from 12 December; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Mr ANGUS (Forest Hill) — I am pleased to rise this morning to speak in support of the Liquor Control Reform Amendment Bill 2012. Clause 1 goes through the very clear purposes of the bill, and I will just touch on them. The purpose of this bill is to amend the Liquor Control Reform Act 1998 in four ways. The bill will provide that a member of the police force, a protective services officer (PSO) on duty at a designated place, or a gambling and liquor inspector who seizes liquor from a minor may tip out that liquor. The bill will allow the Victorian Commission for Gambling and Liquor Regulation to delegate its powers under part 8B of the principal act to a commissioner. It will extend the operation of part 8B and amend the principal act for other purposes.

This is a very important piece of legislation. It reflects the attitude the coalition government has taken to these sorts of matters — not only law and order matters in general terms but also the significant problem of alcohol in the broader community, and within that the even more specific issue of alcohol and young people. This bill delivers on a coalition election commitment to strengthen the powers of police to deal with minors in possession of alcohol.

The basic gist of the bill is to introduce a power that provides Victoria Police members, protective services officers and gambling and liquor inspectors with the authority to tip out alcohol seized from a person under the age of 18, whether it is opened or unopened. This is a very significant reform for a number of reasons. As we know, in the current situation there is a power to seize that liquor, but liquor seized pursuant to the current act must be retained and stored in an appropriate way until a court determines whether there has been a contravention of the act. In practical terms that poses significant problems for police out on the beat, for protective services officers and for gambling and liquor inspectors in terms of dealing with these matters as they come across them.

We heard some eloquent contributions yesterday, particularly the one from the member for Gembrook, who is a former police officer. He outlined the challenges that that provision poses in trying to carry confiscated containers, either opened or unopened, around the streets when you are on foot patrol or in the divvy van. This reform is practical and sensible, and it will limit the burden on police officers not only when they are out on the job but also when they are back in the office and have to store this sort of evidence. The reform allows this issue to be dealt with effectively and efficiently. The power will be discretionary, which is also an important aspect of the legislation. I note in passing that there has been extensive consultation with the community and others on the way through, and a range of safeguards is included in the bill.

In general terms the issues of alcohol, excessive use of alcohol and alcohol consumption by minors continue to be significant problems in the broader community. That fact is certainly highlighted at this time of year, particularly in the Melbourne CBD as people get out and celebrate Christmas, the warmer weather and the new year. Often the situation arises where not only is excessive alcohol consumed but minors participate in this activity when it is clearly inappropriate and illegal

for them to do so. This bill strengthens the arm of law enforcement officers to enable them to deal with these issues in a practical and sensible way.

Within the purposes of the bill are amendments to part 8B of the principal act regarding fire safety provisions and specifically the closure and evacuation of licensed premises for fire and emergency purposes. The importance of this should not be understated. This is a very important aspect of the bill. Part 8B was inserted into the act in mid-2010 to address some concerns about the failure of some licensees to ensure that fire safety standards in licensed premises were being met. It was thought that this provision might be incorporated in another regime, but that has not eventuated, so it will remain within the principal act.

The first of these amendments removes the sunset provision from part 8B to maintain the operation of that part indefinitely. This ensures the continued ability of the government and the fire services to address serious fire safety risk, and improve fire safety in licensed premises. Again that is an important issue for all members of the community, but especially for those of us whose children are of an age where they go to some of these venues. As we know they can get packed, and if there are not adequate fire and safety procedures in place, they can be very dangerous. The removal of the sunset clause will also help to strengthen the legislation.

The second amendment to part 8B enables the Victorian Commission for Gambling and Liquor Regulation to delegate powers under that part to a single commissioner. The current position is that this power can be delegated only to a senior employee. The amendment will ensure that delegation powers can relate to a single commissioner, which will simplify matters.

It is important to note at this juncture that, as I said at the beginning, this government has taken a stringent and responsible role in trying to address the dreadful scourge that the inappropriate or excessive use of alcohol has been for the community. I was reflecting on some of the other pieces of legislation that have been introduced since the last election that are significant reforms undertaken by the government. It is worth touching on them as I conclude my contribution. Probably a couple of the standout ones are the introduction of the 5-star rating system and the demerit point system for liquor licensees. This provides both the carrot and the stick in relation to licensees operating their businesses in accordance with the law. It provides penalties if they supply an intoxicated person with liquor, allow an under-age person to consume liquor or permit drunk and disorderly persons to remain on licensed premises.

That in itself sends a clear message to the industry as to the way the government views these sorts of matters. They are not matters we will gloss over, because we deem them to be very serious in the community and some of the consequences of this sort of behaviour can be disastrous. It has resulted in many tragedies of different descriptions throughout the community. This piece of legislation, coupled with the other reforms that have been made, goes some way towards addressing these serious issues.

In relation to the broader issue of antisocial, alcohol-related behaviour, we have more than doubled the penalties for drunk and disorderly behaviour and for failing to obey a direction to leave licensed premises, which sends a clear message to offenders, who used to think it was a bit of a joke. But now when they wake up with a significant fine in their pocket the next morning, the smile will be wiped off their faces.

We have also introduced a new offence for patrons who remain in the immediate vicinity of a licensed premises from which they have been refused entry — again trying to move people on so they are not just milling around outside these places. We have got the barring notice provisions as well, where licensees and police can bar troublesome patrons from entering or remaining in a venue for a specified period. That is a very important reform.

Probably one of the key reforms has been reforms in relation to the secondary supply of alcohol to minors. The legislation prohibits the supply of liquor to a minor in a private residence unless they have appropriate consent, which is a very significant reform. This important bill is another piece of the jigsaw in the coalition government's addressing of excessive and inappropriate alcohol use in the community, and I commend the bill to the house.

Ms MILLER (Bentleigh) — I rise to speak on the Liquor Control Reform Amendment Bill 2012. This is a very important bill and a great initiative on which the Baillieu government is taking a stand. We went to the 2010 election promising to take a strong stand on law and order, and we are doing exactly that. This is one step among many that will contribute to getting a handle on law and order, something the Labor government neglected for 11 years.

This bill will provide power to police officers who are either on or off duty and protective services officers (PSOs) and gambling and liquor inspectors who are on

duty to tip out liquor illegally held by a minor. There is concern about the current practice of seizing alcohol to be used as evidence when charging a minor, as the person confiscating the alcohol has to keep it with them until the evidence is required for the charge in question. Simply put, they have to hold it until such time as that minor is charged, and that is an issue in itself. This amendment provides the ability to remove alcohol from minors, therefore providing a better means of dealing with minors in possession of alcohol at a particular time. We made an election commitment to strengthen such powers for police, PSOs and gambling and liquor inspectors to enable them to remove alcohol from minors.

There has been a lot of documentation in the media over the last 5 to 10 years which would support the fact that alcohol and binge drinking, particularly among the younger generation, has escalated to a point where it is out of control. At the moment it is Australia's no. 1 drug abuse problem, which is a serious concern, because I do not think that is a very good message to be sending to our neighbours in the Asia Pacific and around the world. It definitely is an issue we need to address, and that is exactly what the Baillieu government is doing.

Another thing this bill does is remove the sunset provision from the fire safety regime. This temporary measure was initially meant to be moved into its own act, but the Metropolitan Fire Brigade (MFB) and Country Fire Authority (CFA) have stated that the current system is working well and they wish to keep it. The fire safety inspector can ask the Victorian Commission for Gambling and Liquor Regulation to shut down a venue if they identify that the venue is not storing alcohol safely. For example, if you are in a nightclub, there may be nooks and crannies in the venue in which alcohol may be stored, such as in a fireplace or near an exit door, and this might be identified as an environmental hazard situation. In such a case the inspector can apply to have the venue shutdown. Generally there are warnings given before that is done. The MFB and CFA have not shut down any venues thus far, but they have put various venues on notice to the commission.

The tip-out power will be discretionary and will allow an operational decision to be made to tip out the liquor at the point of seizure or simply take it away. Other reforms made by this government include the transferring of liquor licensing functions to an independent regulator and the introduction of a 5-star rating system and a demerit-point system for liquor licences. The government has also introduced a wine and beer producers licence and taken action to recognise the importance of the live music industry. That is very important because while Victoria is known as a multicultural society, we are also known for good food, good wine and music. Certainly now that we are coming into the summer months, and it is quite a warm day out there today, I know most people like to relax and have a drink after work — it does not have to be alcoholic — which is worth noting as it generally fits in with the ambience of music and conversation.

This government has taken action to tackle public drunkenness and secondary supply of alcohol to children without parental consent. This is also a very valid point, because we have recently had schoolies week and there has been a lot of publicity about events that took place both in this state and in neighbouring countries where young people were engaging in a group activity of under-age drinking. This is very detrimental to their health. From a physiological point of view, they are young and drinking excessive amounts of alcohol is a concern as their brains and mental capacity are still developing and will continue to do so until they reach their mid-20s. So we want to make sure that young people of today, who are our future, understand the implications of this type of behaviour.

In my seat of Bentleigh we have approximately 73 licensed venues and there are some sporting venues that have liquor licences, but alcohol is consumed in moderation. People appreciate and respect it, and as a result only consume such beverages in moderation. Another thing that is important to note is last month we had a dozen police officers walking down Centre Road, and I was delighted to see them. I actually stopped and had a conversation with them to see what they were doing, and they were going to all of the licensed restaurants in my seat to check that they were complying with the law. That was refreshing to see. I also spoke with some shoppers and local constituents who were delighted to see that presence. It was not only that they were enforcing the law but also their physical presence made people feel quite safe, and I think that is also worth noting.

The other thing to note is that this Liberal Baillieu government has a plan. We have a plan to address liquor control reform, and that comes under prevention and licensing policy, which to the extent practicable should be directed to minimise the misuse of alcohol rather than dealing with the consequences. We are representative — liquor licensing should reflect community attitudes and values while respecting that there will always be diversity of views on such matters. We have certainty — licensees and patrons need to know their respective obligations under the law. We

have a targeted area — the law should operate to restrain those who are most likely to cause harm rather than unreasonably restricting the majority of licensees and patrons who act responsibly. Then we have enforcement — vigorous enforcement will act as a specific deterrent to those who might break the law, but it also will provide confidence to the rest of the community.

Over the last 11 years we have seen Labor's failings. Those opposite failed to plan the resourcing of the administration and enforcement of liquor licensing, and that has contributed to the shocking levels of alcohol-related violence in Victoria that have resulted in the loss of community safety, amenity and confidence. As I said, the Baillieu government is getting tough on law and order. The former government tried the use of Hummers and 2.00 a.m. lockouts, thinking those would address the issue. It also tried reduced policing, changes to liquor licensing laws and taking away natural justice rights. All of these things had merely a bandaid effect; they simply did not work.

As I said, this government is looking at addressing this very important issue, but we are going to be introducing a new offence of remaining in the immediate vicinity of a licensed premises from which you have been refused entry. We will also introduce a new offence of re-entering a licensed premises within 24 hours of being refused entry or ejected from the same premises. We will increase penalties by 150 per cent for a failure to obey a direction to leave a licensed premises when drunk, violent or quarrelsome and provide power for licensees to issue orders barring individuals from licensed premises. We will ban those found guilty of any criminal assault committed under the influence of alcohol from being in any licensed premises where alcohol can be consumed for a minimum of two years, strengthen the powers of police to deal with minors in possession of alcohol and support the work of Step Back. Think. It is really important for young people to engage in and understand Step Back. Think, because we need to step back and think about our actions. It is important that as leaders in this house and of our communities we encourage young people to participate in healthy activities, adopt healthy eating habits and lead a healthy lifestyle. It is also important that we let them know it is okay to say no if their friends engage in unacceptable behaviour. I commend the bill to the house

Mr MADDEN (Essendon) — I wish to make a concise contribution to the debate on the Liquor Control Reform Amendment Bill 2012. This bill introduces a number of reforms, particularly around the administration and regulation of the liquor industry. It also deals with issues relating to young people and gives police greater powers of discretion, recognising their pragmatic needs when it comes to the administration of some of those regulations and controls. All the reforms make relatively good sense.

When we talk about liquor control reform and reducing harm we can see that one of the great challenges for this country and this state is that we have, over time, come to accept alcohol as a significant part of our culture. There is not necessarily anything wrong with that, but the great challenge is to make sure that that does not escalate. All you have to do is travel overseas to different parts of the world and then return to see the significant contrast between our culture and those of other countries.

When in an Asian country recently a couple of aspects of life there were quite noticeable. Alcohol was not prevalent or noticed. It was part of the eating culture of the community, but it was not explicit. The other thing I noticed — and it is hard not to notice this when you are travelling through Asia — is that weight did not seem to be a major problem, particularly for middle-aged men like me. When you come back to Australia you see a lot of overweight middle-aged men, and you cannot help but suspect that a lot of their weight is due to an abundance of consumption, some of which might be related to alcohol. Discussions about heart disease and health are taking place in the community at the moment, and many are based around the fact that if a person's waist measurement is over a certain limit, they need to have a good health check and take care of themselves because the risk of their suffering heart attack, stroke, diabetes and all those sorts of diseases is significantly increased.

Arriving back at Melbourne Airport the contrast is obvious. Many workers in all sorts of industries carry a significant amount of excess body weight, often around their waist. You cannot help but suspect that a lot of that has come from their enjoying themselves with a drink — not necessarily to the detriment of their personal development, although that might have been the case in their adolescence — but to the detriment of their waistlines. What they are doing is increasing their health risk.

While we are very concerned about liquor control as it relates to issues of public drunkenness and the causing of external explicit harm within the community, a great concern that is sometimes overlooked is the significant impact of alcohol on the health of individuals over their lifetime. At the end of the day it will also have an impact on the health of members of their families and communities. There will be a future cost burden that the

state will have to overcome because of these significant health impacts, particularly for men. The impacts become more prevalent and explicit in middle-aged men. Maybe I can see that because as one of those middle-aged men I fit into that cohort. I am very conscious of that, probably because I am regularly reminded of it by my family members, including my children. They remind me about it, and I cannot help but see it in others around me and therefore be very concerned, particularly about my colleagues and friends.

Mr O'Brien — Name them!

Mr MADDEN — There are even some people in the government I might be concerned about, but whom I will not name. They need to think about their own personal health. While the Liquor Control Reform Amendment Bill does not go to trying to deal with people's individual health concerns, in the future we will need to think about how we regulate the liquor industry, the way the industry relates to the community, how the industry advertises its products, the impact it has on the greater community and how it has become a significant part of our culture. Our culture has, in a sense, accepted the need for change. We have come a long way from the 6 o'clock swill, and thank goodness for that.

An honourable member interjected.

Mr MADDEN — I am not old enough to remember it, but I am old enough to have had anecdotes recounted to me about how the 6 o'clock swill operated and the culture of a round or a shout. If you do a bit of reading about some of the great mythologies around this, you learn that terms like 'on the tiles' related to people leaving work at 5.30 p.m. to head straight to the pub and buy a round or a shout for each person in the group, line them up along the shelf around the pub and let them sit there, or they would buy them at 5.55 p.m. and get half an hour to consume those drinks. Each person would go up and buy a round or a shout for the rest of the group. I understand that if there were six of you, you would have 36 beers lined up on the shelf. Each person would have paid for a drink for each other person, but in a sense they would have lined up six beers for themselves and they would have to drink them quite rapidly before 6.30 p.m. The story is that people would go home and fall asleep in front of their dinner, go to bed and then go to work and do the same thing again the next day.

We have come a long way from that. In a sense we have become more sophisticated in the way in which we deal with alcohol, but at the same time those who sell alcohol have also become more sophisticated in their marketing techniques and the way alcohol has become part of our culture. I look forward to wide-ranging debates about the health issues — both social and individual — that relate to all of us and the broader community and how we can best serve one another without alcohol to make sure that it does not become such a cornerstone of our society that it does irreconcilable damage to individuals and the community in the long term.

Mr WATT (Burwood) — I rise to speak on the Liquor Control Reform Amendment Bill 2012. Many speakers before me have described this bill as a quite simple and short bill, but I point out that although it has only six clauses it is a significant bill because it makes it much easier for protective services officers (PSOs), police officers and other law enforcement officers to go about their duties.

Looking at the current law and thinking about the requirement to keep alcohol that has been confiscated, you realise that no person — or no logical person, I suppose — would expect that to be a requirement. A significant purpose of the bill is to amend legislation to provide for tip-out powers. Tip-out powers are quite simple: if a law officer or a police officer confiscates or seizes somebody's alcohol, they are able to tip it out. It is not reasonable to require a police officer, a PSO or the like to hold on to that alcohol until the person is charged further down the track. This is a logical step in the progression of the way we deal with alcohol.

Many other speakers, including the member for Essendon, talked about the change in philosophy and the way things have changed over time. Yesterday the member for Melton said:

> It is imperative that instead of dealing with these things in silos, bit by bit, the government actually does some work —

and this is the part I agree with wholeheartedly —

> I think it probably has done a bit of work …

It is nice to get the endorsement of the member for Melton for all the good work the government has been doing. I presume he was talking about alcohol and in particular liquor policy reforms, but who knows — he could have been talking about the government in general having done a bit of work. It is great to see that we have his endorsement.

As the member for Melton said, you cannot do these things in silos. That leads me to talk about not only the tip-out powers, which as I said are logical, but also about the question some of us are now asking: why has

it taken so long for such a simple and logical step to be taken? I mean no disrespect or criticism, but it is amazing that it has taken the Baillieu government to think of doing this.

Talking about doing things not just in silos but across the board, there are a number of Baillieu government achievements to point to in regard to liquor policy reform. Others have pointed to the 5-star rating system. As others have said, the 5-star rating system rewards licensees that have a good compliance history with a discount on their annual fees. Licensees that attain a 4-star rating will receive a 5 per cent discount, while those that attain a 5-star rating will receive a 10 per cent discount. When you put this in context with the demerit point system we have also introduced, you see that it constitutes a carrot-and-stick approach.

The demerit point system targets licensees that repeatedly flout the law. Demerit points are issued if there is non-compliance in areas involving the six most serious offences under the Liquor Control Reform Act 1988. These offences relate to supplying liquor to an intoxicated person, supplying liquor or permitting liquor to be supplied to an under-age person and permitting a drunk and disorderly person or an under-age person on a licensed premises. This is all about not acting in silos but taking a broadbrush approach to liquor and its effects.

We have also introduced a new licence category for wine and beer producers. The licence replaces the vignerons licence, which had become outdated and inflexible. It provides a significant cost saving to businesses by removing the need to hold several licences. The new licence authorises: the supply of the licensee's own product for consumption on and off the premises, the supply of any liquor for consumption on the premises, orders for the licensee's products to be made over the phone or the internet, sales to be made to other licensees and the supply of their product at markets, fetes and festivals off the premises for a small additional fee. Once again this is part of the plan this government has for dealing with these issues.

We are also making other reforms with the bill, such as actions to deal with antisocial alcohol-related behaviour. The penalties for drunk and disorderly behaviour and for failing to obey a direction to leave licensed premises have been more than doubled. New offences have been established for patrons who remain in the immediate vicinity of licensed premises from which they have been refused entry. New powers have been created to enable licensees and police to bar troublesome patrons from entering or remaining in a venue for a specified period if they are drunk, violent or quarrelsome or present a safety risk to themselves or others.

The other point I would like to make has to do with the tip-out powers. Many of the issues that will involve the tip-out powers relate to minors consuming alcohol. One of the things I am proud of is that this government early last year introduced legislative reforms regarding secondary supply to minors. These reforms prohibit the supply of liquor to a minor in a private residence unless a parent, guardian or spouse over the age of 18 provides the alcohol or the supplier has obtained the consent of the child's parent, guardian or spouse over the age of 18. That is important. I do not think either of my kids has had alcohol, as they are quite young, but I very much feel that the point at which they do start to consume alcohol should be decided by my wife and me.

While speaking of liquor reform I will also take the opportunity to talk about the fact that, as I said earlier, attitudes have changed quite significantly over a number of years. Large portions of my electorate of Burwood are in a dry zone, so getting a liquor licence is not all that easy, and there are extra hoops that people have to jump through. In years gone by it was quite difficult to get a licence to sell alcohol in a cafe or restaurant in parts of the Burwood electorate.

Over recent years businesses applying for liquor licences have been required to go to people within a radius of 500 metres from the establishment to get their opinions. We have found over a period of time that more and more liquor licences are being accepted, and therefore there are more licensees. That in itself shows me that liquor consumption has become more accepted in society, especially in the electorate of Burwood. It also means that as a government and as members of this house we need to make sure that we protect those who are vulnerable and that things do not get out of control with liquor. That is what this package of bills and reforms has been set up to do.

I will come back to the particular clauses of the bill and how they relate to the advent of another policy we have introduced, which is PSOs on train stations. There has been concern for some time about consumption of alcohol on train stations. PSOs at a train station with a continuing incidence of consumption of alcohol would have a fairly large stash of alcohol sitting in the cupboard at the station, waiting for particular court cases to come up. It is not logical to make the PSOs hold onto that alcohol. With the reforms made by this bill, the PSOs can tip the alcohol into the sink. They can throw the bottle out; they do not have to keep it. That is a logical step, a progression and a move

forward. It is part of a package of reforms that I am proud to support. I am proud to be part of a government that is doing something on liquor control reform and making the place safer.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Liquor Control Reform Amendment Bill 2012. The bill forms part of the government's package of reforms in the area of liquor control to ensure that Victorians are made safer. We have already implemented a number of reforms so far, which other speakers have commented on. These have included the commencement of the demerit point system, which provides a 5-star rating to encourage venues to do the right thing and promotes good practice. This was a good change to the system. There have been changes to give parents real control over their children's alcohol consumption at parties. The transfer of power to these parents means that when teenagers are having parties, consent needs to be given for the kids to be served alcohol. There are also the tip-out powers that we are talking about today.

This is a common-sense bill. It allows members of Victoria Police, protective services officers on duty at designated places and gambling and liquor inspectors who are on site and on duty to tip out alcohol that is being consumed by people under the age of 18. Given that alcohol is a growing issue that affects the health of many of our young people, this is a good preventive measure. It is immediate, tackles the problem firsthand and does not clog up the system through authorised officers having to confiscate evidence, take it into the courts or keep it sitting around waiting for a trial that may occur down the track when the alcohol will need to be presented. Very simply, this reform means the problem is tackled straight away. Probably the best deterrent one could have is for a young person to see the alcohol they are consuming and have just spent money to purchase being tipped out in front of them. It says that behaviour is just not on.

Research undertaken by the Victorian Drug and Alcohol Prevention Council has found that 90 per cent of young people have tried alcohol by the age of 15. We are not suggesting that this sort of legislation is going to stamp this out. Young people are possibly going to try a whole lot of different things, but we need to ensure that there is moderation in anything young people do and, more importantly, that there is education.

I would like to draw the attention of the house to some activities in my electorate of Caulfield, where there are a number of programs. The Youth Alcohol Project is run by the Jewish Community Council of Victoria, which I have referred to on other occasions. YAP, which started in 2010, is a program aimed at educating young people about the consumption of alcohol. It conducts forums and visits schools to talk to kids as young as those in year 7 and young teenagers who are 12 or 13 years old about the issues of binge drinking in order to give them some constructive information about the effects of drinking. Recently I attended a forum where representatives from Victoria Police, the ambulance service and sporting personalities were on a panel. A number of young people also participated in the forum, along with their parents. It is a very important project, and I commend the work it does.

Another group is the Rabbinical Council of Victoria, which has just appointed a new president, Rabbi Kluwgant. I know Rabbi Glasman worked strongly with the rabbinical council to look at ways to ensure that alcohol was not used as it had been during festive occasions. These are important steps to make sure that leadership comes right from the top in the prevention of these sorts of problems.

I will also make mention of how this legislative reform, especially as it relates to tip-out powers, will assist in my electorate of Caulfield, particularly at some of the public events held there. I have referred previously to Caulfield Racecourse, which has a very strong policy on how it runs its events. Back in 2010, just before the last election, there were a number of breaches involving liquor licensing regulations and minors. At the time a number of minors were served alcohol, and police arrested some 37 patrons for being drunk in a public place and for other offences, issued 32 infringement notices and evicted 27 patrons. This was a real wake-up call for Caulfield Racecourse and Melbourne Racing Club.

Since then they have implemented a number of strong policies to make sure that that does not happen again. The cup carnival in 2011 went off without much of a hitch, and the 2012 carnival was also very successful because Melbourne Racing Club has been proactive. The bill's provisions will further assist them, because when minors consume alcohol at the races, rather than police having to confiscate all that alcohol and store it, they can tip it out straightaway, thus ensuring that patrons are safe.

I commend the Minister for Gaming, who is in the chamber today, on the great work he has done in continuing his reforms in this very important area of liquor control to ensure that people feel safe in public venues, that there are consistent powers and, most importantly, that we send the message through education and prepare young people in terms of what they should and should not be doing so far as alcohol

abuse, binge drinking and looking after themselves are concerned.

The other element of the bill is about fire safety provisions. A sunset clause was implemented by the previous government; this bill will remove that and put permanency around the reform. It will enable the fire services to address serious fire safety risks and improve fire safety in licensed premises. When Metropolitan Fire Brigade or Country Fire Authority officers visited a venue and found that there was a breach and the venue was unsafe because of a potential fire hazard, up until now they have had to apply to a commissioner, the commissioners needed to meet and there needed to be a decision of the majority of the commissioners before they could proceed to close down the venue. Imagine the officers visiting a venue at 1 o'clock in the morning, discovering a breach, finding that the venue was unsafe for patrons and then having to call a meeting and get all the commissioners together to get authority to close the venue. That could not have been done in time. The bill empowers a single commissioner, rather than a number of commissioners, to make a decision straightaway so that a venue can be closed down immediately.

I am not talking about these sorts of things happening all the time. The Metropolitan Fire Brigade has advised that on over two dozen occasions it has used discretionary powers to correct issues that have been identified during inspections without undertaking that sort of action. The MFB has advised that there have been a number of times when it has come close to taking action, but the issues at the premises were rectified, which meant that the venues did not have to be closed down. On those occasions if emergency exits were blocked or there were other problems that could be rectified, the MFB asked the venue operators to rectify them so that the venues could continue to do business. This very important provision needs to be in the legislation to cover cases where venues are not able to rectify the issues and immediate action is needed.

Back to the core of the legislation. Liquor reform is very important. What we are doing in this area is not just ensuring that we are protecting our young people, patrons at public venues and people on the streets; this is a comprehensive suite of measures that the government and the minister have introduced. They are important; they are all part of an election commitment we gave before we came to government back in 2010. We are getting on with the job of implementing these policies to make sure that patrons feel safe and that owners of licensed premises know where they stand and can get on with running their businesses in a safe and proper manner. On that note, I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to follow the member for Caulfield in speaking on the Liquor Control Reform Amendment Bill 2012. I am delighted that the coalition continues to roll out measures that will assist us in both health and safety. This is another part of the suite of common-sense changes we are making to legislation for our communities. It is another important reform for us.

The main purpose of this bill is to amend the Liquor Control Reform Act 1998 to provide that a member of the police force, a protective services officer (PSO) or a gambling and liquor inspector who seizes liquor from a minor may tip out the liquor. This is a common-sense amendment. It means the inspector, policeman or PSO does not have to carry that liquor around because it has to go to a court of law. This amendment will achieve the same result via a far more common-sense approach.

The government has introduced major reforms to liquor laws to deliver a system of responsible liquor licensing that contributes to a vibrant and safe Victoria. This bill further demonstrates the government's commitment to minimising alcohol-related harm by trying to address under-age drinking, which is a concern in many of our communities.

Let us look at some of these reforms. They include the commencement of the demerit point and 5-star rating systems, new streamlined arrangements for small beer and wine producers, recognition of the important role of the live music industry in the objects of the Liquor Control Reform Act 1998, and addressing an inequality in the way packaged liquor outlets are regulated by ensuring that licensees who exclusively sell packaged liquor have packaged liquor licences.

The government has also introduced powers that allow police members, licensees and responsible persons to issue barring orders to bar individuals from entering or remaining on licensed premises for a specified period when the person is drunk, violent or argumentative, or presents a safety risk to themselves or others around them. On top of this the government has doubled the penalties for drunk and disorderly behaviour and failure to obey a direction to leave licensed premises and introduced new offences for patrons who remain in the immediate vicinity of licensed premises to which they have been refused entry.

This is all part of the suite of actions we are pursuing to promote law and order and safety as we go forward. It is very important that we continue to show our communities that a vital part of our work is about ensuring their safety. The bill further builds on the government's work by amending the Liquor Control

Reform Act 1998 to fulfil the coalition's commitment to strengthen the power of police to deal with minors in possession of liquor.

The bill introduces a new power that authorises Victoria Police members, PSOs and gambling and liquor inspectors to tip out alcohol, whether in an opened or unopened container — whether they choose to tip it out is up to them — that has been seized from a person they reasonably believe is under the age of 18 and is in possession of liquor in contravention of the Liquor Control Reform Act 1998.

The bill will lessen current operational concerns related to the seizure of liquor and will assist in reducing alcohol-related harm and risky drinking behaviour by under-age young people. It can be very difficult to tell the age of people these days — some people are 15 and look 19 and vice versa — so it is important that the rules and regulations which we want our police and PSOs to employ enable us to achieve an outcome with as little red tape as possible.

Currently police members have the power to seize liquor if they reasonably believe that a person is under the age of 18, but they do not have the power to tip it out. As other speakers have mentioned, police members then need to carry that liquor around with them. Sometimes they have to carry that liquor on foot patrol for the rest of the evening or in the police car before taking it back to the station so it can be stored and used in evidence further down the track. This bill will allow them to tip out the alcohol, a common-sense approach, and move forward.

Retaining alcohol containers or samples of alcohol is not always practical from an operational perspective. For example, there have been times where police members have been required to store opened alcohol containers for 4, 6 or even 8 hours on a shift before they get back to the station, which is quite impractical in terms of carrying out their duties for the rest of the day or night.

The tip-out power will be discretionary, allowing an operational decision to be made to tip out the liquor at the point of seizure or take it away. There is still a bit of flexibility in the system for the officer or PSO. They will make a decision on this based on the circumstances that they face. I think it is important that we continue to have a bit of flexibility in the system so officers can make decisions as they see fit, because every circumstance is different.

The tip-out power may be used in circumstances where police members encounter minors in possession of alcohol in public places such as recreational parks and train stations, and in licensed premises or in the vicinity of licensed premises. While police members will be able to exercise the power at any time, PSOs and gambling and liquor inspectors can only do so when on duty. This is consistent with the powers already held by these three groups of officers.

Under-age drinking is a concern shared by the Murray Valley community. We have many wonderful events that are sometimes attended by under-age drinkers. At the recently held Wangaratta Festival of Jazz and Blues police said they would be patrolling Wangaratta's streets for under-age drinking and that they were well aware of the hot spots for under-age drinkers. These powers will make life a lot easier for these officers in conducting their day-to-day business.

In the lead-up to the Wangaratta jazz festival Acting Sergeant Amanda Meagher of Wangaratta police said that officers would be focusing on under-age drinking and any other issues associated with alcohol, and that they would be enforcing liquor licensing rules. This bill offers another set of tools for the police to combat under-age drinking. It is a practical approach. At the Melbourne Cup Day event held in Wangaratta there was more than just a sprinkling of under-age drinkers at the racecourse.

As these laws are implemented over the next year or two people will realise they will need to be far more careful with under-age drinking, and police will have powers to address it. The Wangaratta police put out a warning that they were cracking down on under-age drinking at the races and other events. Sergeant Peter McGuffie of Wangaratta police said that by pulling into line those who did the wrong thing police would ensure that those who wanted to take part in festivities socially would have an enjoyable time.

We are very proud of offering this suite of tools for the police to make their job easier, and we are supporting the police wherever we can. This bill is just another example of that. Hefty fines are attached to various offences, including $563 for being drunk in a public place. As I said earlier, Wangaratta police were on patrol at the races and got on top of any troubles early, and these powers will enhance those they already have. The North Eastern Hotel is a great drawcard for all sorts of drinkers after the Wangaratta jazz festival and the Wangaratta Melbourne Cup Day races, so again these laws will assist those police to do their duty.

In conclusion, this bill provides those involved in law enforcement with the power to tip out liquor found on minors, another valuable tool to minimise

alcohol-related harm in our community. Certainly from the perspective of people in the Murray Valley electorate and, I suggest, regional Victoria as a whole, providing any tools we can to assist families and people in general to address the growing problem in our community of under-age drinking is a terrific step forward. I wish this bill a speedy passage through the house.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION and VICTORIAN INSPECTORATE

Appointments

The SPEAKER — Order! I wish to advise the house that today I administered to Stephen O'Bryan, the Commissioner, Independent Broad-based Anti-corruption Commission, the oath required by section 25 of the Independent Broad-based Anti-corruption Commission Act 2011, and to Robin Brett, the Inspector, Victorian Inspectorate, the affirmation required by section 22 of the Victorian Inspectorate Act 2011.

CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012

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 (charter act), I make this statement of compatibility with respect to the Crimes Amendment (Gross Violence Offences) Bill 2012.

In my opinion, the Crimes Amendment (Gross Violence Offences) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purposes of the bill are to amend the Crimes Act 1958 (Crimes Act) and Sentencing Act 1991 (Sentencing Act) to introduce statutory minimum sentences of imprisonment for gross violence offences, and to revise the definitions of injury and serious injury under the Crimes Act.

Human rights issues

Statutory minimum sentences

Clause 4 of the bill amends the Crimes Act to create two new indictable offences: causing serious injury intentionally in a circumstance of gross violence; and causing serious injury recklessly in a circumstance of gross violence. The bill provides that a circumstance of gross violence exists if the offender:

> plans in advance to engage in an attack either intending to cause serious injury, or otherwise in the circumstances set out in proposed section 15A(2)(a);
>
> causes serious injury in company with two or more other persons;
>
> causes serious injury through participating in a joint criminal enterprise with two or more other persons;
>
> plans to, and uses, an offensive weapon, imitation firearm or firearm to inflict serious injury; or
>
> continues to injure, or causes serious injury to, an incapacitated person.

Clause 9 of the bill amends the Sentencing Act to impose a statutory minimum sentence of imprisonment for the offences of intentionally or recklessly causing serious injury when committed in a circumstance of gross violence. The provision compels a sentencing court to impose a minimum four-year non-parole period. Section 11(3) of the Sentencing Act, which requires a non-parole period fixed by a court to be at least six months less than the term of a sentence, will apply to both offences created by the bill.

Clause 9 also inserts a new section 10A into the Sentencing Act, which outlines an exhaustive list of special reasons for which a judge may depart from the statutory minimum sentence. The special reasons are:

> the offender has, or has undertaken to, provide assistance to the police or the Crown;
>
> the offender was aged between 18 and 20 at the time of the offence and, due to a psychosocial immaturity, has a substantially diminished ability to regulate their behaviour;
>
> the court imposes a hospital security order, or residential treatment order; or
>
> the offender has impaired mental functioning.

In addition, proposed section 10A also permits a court to depart from the statutory minimum sentence if it finds there are 'substantial and compelling circumstances to justify doing so'. In considering such substantial and compelling circumstances, the court must have regard to the intention of Parliament that the statutory minimum sentence is the sentence that should ordinarily apply to the offence, and whether the cumulative impact of the circumstances of the case justify departure from the statutory minimum.

In my view, these amendments are an appropriate response to the community's concerns about the level and impact of violent crime in Victoria. The bill does not limit human rights protected under the charter act because the provisions are

strictly limited and directed at high-level offending, and they retain the court's discretion to depart from the statutory minimum where appropriate.

I have considered the following human rights issues raised by the bill:

Protection from cruel, inhuman or degrading punishment (section 10) and right to liberty (section 21)

Section 10 of the charter act relevantly provides that a person must not be punished in a cruel, inhuman or degrading way. Section 21 of the charter act relevantly provides that a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.

In my opinion, the statutory minimum sentences introduced by the bill do not limit the protection from cruel, inhuman or degrading punishment, as they do not compel the imposition of a grossly disproportionate sentence.

Statutory minimum sentences are directed at seriously violent assaults involving a high level of harm and culpability. The factors which constitute a 'circumstance of gross violence' are exhaustively listed and focus on the mindset of the offender and their level of premeditation or malicious intent prior to or during the offending. This bill's revision of the definitions of 'injury' and 'serious injury' also limit the application of the statutory minimum sentences to offences which result in severe injuries that are life-threatening or substantial and protracted. Their application is therefore strictly limited and directed to offences at the higher end of the range of wrongdoing.

Moreover, the bill acknowledges the possibility that, in certain cases, there may be factors present which lessen the culpability of an offender, such that they should not be subject to the statutory minimum sentence. In this regard, the bill safeguards against the imposition of a disproportionate sentence by allowing a court to depart from the statutory minimum if it finds that the personal characteristics of the offender and/or the circumstances of the case justify doing so. Once a court finds a special reason, it has full discretion and may impose any sentence it considers appropriate.

For these same reasons, I consider that the bill does not limit section 21 of the charter act, because it does not compel — and indeed, contains safeguards that protect against — the imposition of a sentence of imprisonment that is inappropriate, unjust or disproportionate.

Right to a fair trial (section 24)

Section 24 of the charter act relevantly provides that a person charged with an offence has the right to have the charge decided by an independent and impartial court after a fair hearing.

While the bill prescribes the minimum sentence for the offences of intentionally or recklessly causing serious injury in a circumstance of gross violence, the court has discretion to impose any sentence within the parameters of the minimum and maximum sentences.

Furthermore, as outlined above, the bill's special reasons provisions allow the courts to take account of factors that reduce an offender's culpability to such a degree that the offender should not be subject to the statutory minimum sentence. I also note that the High Court has consistently held that provisions imposing mandatory minimum sentences, which this bill does not do given the special reasons provisions, do not constitute a usurpation of judicial power and, as such, are not constitutionally objectionable.

For these reasons, I consider that the bill does not limit section 24 of the charter act.

Burden of proof for special reasons

Proposed section 10A of the Sentencing Act, which outlines an exhaustive list of special reasons for which a judge may depart from the statutory minimum sentence, imposes a legal burden of proof in respect of the special reasons which apply to offenders with impaired mental functioning, and offenders who are aged between 18 and 20 years of age and who possess a diminished ability to regulate their conduct in comparison with the norm for persons their age.

In my opinion, these provisions do not limit the right to a fair trial under section 24 of the charter act. The matters to be proved by an offender who seeks to rely on either special reasons provision are matters which the offender is in the best position to prove. Conversely, it would be difficult and onerous for the Crown to investigate and disprove these matters beyond reasonable doubt. Furthermore, the legal burden imposed by each provision is comparable to the burden of proof which offenders must meet when seeking to prove mitigating circumstances and, from a practical perspective, they relate to matters which would be raised during the normal course of sentencing submissions for offences under the Crimes Act.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The government committed prior to the election to introduce statutory minimum sentences for offenders who intentionally or recklessly cause serious injury in circumstances of gross violence, and this bill delivers that commitment.

For too long, the law has not done enough to protect innocent Victorians from being victims of horrific, unprovoked attacks that leave terrible lifelong injuries. A young man leaving a football game is king-hit from behind without warning and then kicked in the head repeatedly, suffering permanent brain damage. A student innocently walking home through a railway underpass is bashed by a gang until unconscious, and then left for dead. A promising footballer is choked unconscious in a fast food restaurant before being flung face first to the ground.

Vicious kicking or stomping on the heads of victims has become commonplace, as has the deliberate carrying and use of knives to inflict terrible wounds. These attacks go way beyond spontaneous street brawls. They are part of a culture of extreme violence that threatens to shatter the generally law-abiding and peaceful way of life we have been fortunate to enjoy in Victoria.

This bill sends a clear message that violent attacks such as these will not be tolerated. It will ensure that adult offenders who inflict gross violence will go to jail and will stay in jail for at least four years, unless the court decides that a genuinely special reason applies.

In undertaking this reform, the government sought advice from the Sentencing Advisory Council as to how the reform should best be implemented. The council provided this advice in its report *Statutory Minimum Sentences for Gross Violence Offences*. The government has carefully considered the council's advice and has adopted many of the council's recommendations. On behalf of the government, I thank the council for its thorough and carefully considered work.

The bill creates two new indictable offences in the Crimes Act 1958, of intentionally or recklessly causing serious injury in circumstances of gross violence. In doing so, the bill also gives effect to reforms to the definitions of injury and serious injury, not only for the new gross violence offences, but also for all other relevant offences in the Crimes Act.

New gross violence offences

The new gross violence offences are intended to capture a subset of the serious injury offences cases, namely those that involve a particularly high level of harm and culpability. In addition to the usual elements of causing serious injury offences, the prosecution must prove that the offence occurred in one of the listed circumstances of gross violence. At trial, if the jury is not satisfied that the offence is one of gross violence, it may instead find the accused person guilty of an existing offence of intentionally or recklessly causing serious injury, which does not carry a statutory minimum sentence.

The maximum penalty for each of the new offences mirrors the existing maximum penalties for intentionally or recklessly causing serious injury. Intentionally inflicting gross violence will attract a maximum penalty of 20 years imprisonment, and recklessly inflicting gross violence will attract a maximum penalty of 15 years imprisonment. This ensures the new offences fit within the penalty hierarchy in the Crimes Act, and recognises that there will be some instances of causing serious injury outside of the specified gross violence offences that warrant a similar level of sentence. It is intended that the usual sentencing principles relating to inchoate offences, such as attempt or conspiracy, will continue to apply.

Adult offenders found guilty of either the intentional or reckless gross violence offence will be liable to a term of imprisonment with a non-parole period of at least four years. The difference in gravity between the intentional and reckless offences is reflected in the fact that the court can impose a sentence for the intentional offence with reference to a higher maximum penalty.

New definitions of injury and serious injury

The bill introduces new definitions of 'injury' and 'serious injury' into the Crimes Act to replace the existing definitions in section 15. These definitions will apply to the new gross violence offences and to all other non-fatal offences against the person in the Crimes Act. The definitions derive from work on possible reforms to fatal and non-fatal offences that the Department of Justice has been undertaking for some time.

The Crimes Act currently defines serious injury as including a combination of injuries. This lack of detail has resulted in a very low threshold for offences involving serious injury. The new definition of serious injury will be an injury that endangers life or that is substantial and protracted. The injury need not be permanent to be considered 'serious'. However, it must be more serious than the combination of two relatively minor injuries, such as limited abrasions or bruising, as may currently constitute a serious injury. A broken jaw or a broken leg would constitute a 'serious injury' under the new definition, but two black eyes would not.

Due to the low threshold for the existing serious injury definition, the Sentencing Advisory Council recommended that the new gross violence offences be based on a new definition of 'severe injury', which should be defined as long-term serious impairment or loss of a body function, long-term serious disfigurement or loss of a foetus. The bill does not adopt this approach. In the interests of clarity and simplicity, the bill introduces a single new definition of 'serious injury' which will apply to all non-fatal offences in the Crimes Act. This will avoid multiple overlapping definitions of 'severe injury', 'serious injury' and 'injury'.

Overlapping definitions would make it more difficult for judges to sentence for serious injury offences. Causing serious injury intentionally is punishable by a maximum penalty that is 10 years higher than for causing an injury intentionally. Significant differences in penalty should reflect significant differences in offences. The definitional changes in this bill will mean that serious injury offences will focus on the more serious end of the spectrum of injuries, reflecting the gravity of the offences and the penalties which apply to those offences.

The current low threshold for serious injury has meant that cases which should be charged as causing injury and heard and determined in the Magistrates Court are instead charged as causing serious injury and heard in the County Court. This creates delay for victims and accused and places unnecessary pressure on the County Court. Providing a new definition of serious injury will clarify the law and enable judges to give much clearer guidance to juries about what constitutes a serious injury. The higher threshold for serious injury will also make it easier for prosecutors to determine the appropriate offence to charge.

The bill will also introduce a new definition of 'injury' to clarify the current definition in section 15 of the Crimes Act. 'Injury' currently includes unconsciousness, hysteria, pain and any substantial impairment of bodily function. The substance of this definition will be retained. However, the definition will be clarified and updated.

'Injury' will be defined as physical injury or harm to mental health. Physical injury will include all physical injuries that are currently included in the definition. However, the definition will make it clear that disfigurement, infection with a disease, substantial pain and any impairment of bodily function may constitute a physical injury. The expression 'harm to mental health' will replace the outdated and limiting reference to 'hysteria' in the definition of 'injury'. The bill defines harm to mental health as psychological harm. This would include psychological disorders such as post-traumatic stress disorder or depression. Reactions such as distress, grief, fear and anger will only constitute harm to mental health if they amount to a psychological disorder. This will reflect the current position under the Crimes Act.

Circumstances of gross violence

The bill lists the circumstances that will be considered circumstances of gross violence for the purposes of the new offences. The prosecution only needs to prove one of these circumstances.

The first circumstance is where the offender has planned in advance to engage in conduct and at the time of planning had, or can be considered to have had, a particular state of mind. This circumstance is intended to capture situations where an offender has planned to beat or threaten someone with violence, and at the time he or she formulated that plan, he or she intended or was reckless about causing serious injury. The circumstance is also intended to capture scenarios where, at the time of planning, a reasonable person would have foreseen the conduct would be likely to result in a serious injury.

The idea of planning in advance is intended to capture premeditation or preplanning, rather than intent formulated only moments in advance of the offending behaviour. It is not intended to capture someone who is pushed in a pub and then turns around and decides to king-hit the other person. That person can be charged with intentionally or recklessly causing serious injury. However, it is intended that planning in advance will capture, for example, someone who is pushed in a nightclub, goes home and decides to retaliate by attacking the other person, and then returns to the nightclub and causes serious injury.

The second and third circumstances of gross violence target group behaviour. Where an offender causes serious injury to a victim in company with two other persons, this will be considered gross violence.

It will also be considered a circumstance of gross violence where an offender causes serious injury pursuant to a joint criminal enterprise with at least two additional persons. This is a different approach from that recommended by the council in its report. The council suggested that this gross violence circumstance should be limited to scenarios where offenders have acted in concert to cause serious injury. At that time, the generally accepted legal principles were that for acting in concert to be established the accused had to have been present when the offence was committed, while for joint criminal enterprise proof of participation was sufficient.

However, the High Court has recently held that acting in concert and joint criminal enterprise are the same form of liability. The implication of this decision is that the prosecution must focus on proving participation in the enterprise rather than presence at the time of the offence. The bill adopts the language of joint criminal enterprise to allow the interpretation of the gross violence offences to mirror any further developments in the common law.

An offence committed pursuant to a joint criminal enterprise is different from scenarios where an offender is liable as an accessory. However, it can sometimes be difficult to determine on the facts of the case whether a person is liable through his or her participation in a joint criminal enterprise or liable because he or she has counselled or procured the offence. In such cases, it will be a matter for the Director of Public Prosecutions to determine on which basis the alleged offender is indicted having regard to the available evidence.

The bill also specifies that a person may be found guilty of a gross violence offence whether or not any other person is prosecuted for or found guilty of the offence. Common-law principles regarding inconsistent verdicts will apply to ensure that injustice does not occur.

The fourth circumstance targets offenders who have planned in advance to have with him or her and use a weapon, and then in fact used that weapon to cause serious injury to a victim. As I have mentioned, the idea of planning in advance is intended to capture premeditation or preplanning, not near-spontaneous action.

The offender's plan to have and use a weapon does not need to involve planning to cause a serious injury. For example, it may be that an offender has planned to have and use a weapon for self-defence purposes. What is important is that the offender planned to have and use a weapon, and then used a weapon to cause a serious injury.

For clarity and consistency, the bill applies the existing definitions in the Crimes Act of firearm, imitation firearm and offensive weapon to this gross violence circumstance.

The fifth and sixth circumstances address situations where serious injuries are caused to incapacitated victims. The bill does not define the term 'incapacitation', but leaves it open to the courts to interpret the term by reference to its ordinary and natural meaning, and on a case-by-case basis. On its ordinary meaning, incapacitation may be interpreted to mean anything from a person being unconscious to a person being conscious but unable to defend himself or herself.

The bill has been framed in such a way as to avoid debates in court over the precise timing of the serious injury. The bill specifies that a situation where the offender caused serious injury to a person while the person is incapacitated will be considered a circumstance of gross violence. This is intended to cover, for example, cases where the victim is in a wheelchair and has been attacked. The bill also specifies that a situation where the offender has continued to cause injury to the victim after the victim is incapacitated will be considered a circumstance of gross violence. In this latter scenario, the offender must still have caused a serious injury to the victim at some stage during the attack.

This circumstance does not depend on proof that the offender knew the victim was incapacitated. Many attacks occur where an offender causes a serious injury causing the victim to become incapacitated, and then with no regard to the victim's state, continues to cause injury to the victim. However, the offender may argue the defence of honest and reasonable mistake of fact.

Statutory minimum sentence for gross violence offences

Offenders found guilty of the new gross violence offences will be sentenced in accordance with new provisions in the Sentencing Act 1991 that require a term of imprisonment with a non-parole period of four years to be imposed, unless a special reason exists.

This requirement does not apply to persons who do no more than aid, abet, counsel or procure a gross violence offence. In addition, as the government has previously indicated, juvenile offenders who are found guilty of committing one of the new gross violence offences will not be subject to a statutory minimum sentence under this bill. These offenders will be sentenced under the options available to the Children's Court, or the general sentencing options available in the Sentencing Act.

It is intended that the statutory sentence will operate together with the usual principles of sentencing as set out in the Sentencing Act and at common law. For example, courts will comply with the requirement in section 11(3) and impose a head sentence of at least six months more than the non-parole period.

When sentencing an offender who has committed multiple offences, including a gross violence offence, the court must ensure the total effective sentence includes a non-parole period of at least four years.

Special reasons provisions

The court must impose a term of imprisonment with a non-parole period of at least four years, unless it finds that a special reason exists. The special reasons provisions provide the courts with scope in limited circumstances to consider factors that either substantially reduce the offender's moral culpability or provide a strong public policy reason for imposing a lesser sentence than the statutory minimum.

The special reasons provisions should not be confused with the test of 'exceptional circumstances' that existed previously for courts to consider when imposing suspended sentences for serious offences. Nor should it be confused with the test for courts considering whether to restore a term of imprisonment held in suspense due to a contravention of the suspended sentence. The special reasons provisions in this bill are limited and specific, and are not intended to be interpreted broadly as occurred with the exceptional circumstances test.

If a special reason exists, the court will have full sentencing discretion and may impose any sentencing order available under the Sentencing Act. However, the gross violence offences will be 'serious offences' for the purposes of the Sentencing Act, and so a suspended sentence will not be an option.

The first special reason is that the offender assisted or made an undertaking to assist the Crown or police, as may already occur pursuant to section 5(2AB) of the Sentencing Act 1991. This addresses situations where there is assistance or an undertaking to assist of such significance as to warrant a substantial discount on the sentence that would otherwise apply and justify a non-parole period below the statutory minimum. In its advice, the council recommended the inclusion of this special reason for public policy reasons. At paragraph 4.64 of its advice, the council stated that:

> the reduction in sentence provided to an offender for assisting can be justified on the grounds that it goes towards the proper administration of justice, and secures the conviction of offenders who might otherwise avoid prosecution.

Where an offender fails to fulfil an undertaking to assist, section 291 of the Criminal Procedure Act 2009 will apply. Section 291 allows the Director of Public Prosecutions to appeal against a person's sentence if that person has failed to fulfil an undertaking. On appeal, the offender will be subject to the statutory minimum sentence.

The second special reason relates to young adult offenders aged 18 to 20 at the time of the offence. If the offender can establish, on the balance of probabilities which will usually require expert evidence that he or she has a particular psychosocial immaturity that has resulted in him or her having a substantially diminished ability, in comparison with the norm for persons of that age, to regulate his or her behaviour, the court is not bound by the statutory minimum sentence.

This special reason is different from, and should not be confused with, the dual-track criteria whereby the court can sentence an offender aged 18 to 20 to serve time in youth detention. However, if the second special reason applies, the court will then be able to apply the dual-track criteria to the offender concerned.

Both the third and fourth special reasons relate to the mental health of the offender. Under the special reasons provision in the bill, the courts will retain the ability to impose sentencing orders directed to serious offenders who are so mentally ill or suffer from such a significant intellectual disability that they need to be detained in a residential facility. The court does not have to impose the statutory sentence, if it proposes to make, seeks the relevant assessment or report, and then imposes a hospital security order or residential treatment order.

The bill also recognises that some offenders suffer from impaired mental functioning such that they should not be subject to the statutory sentence. However, impaired mental functioning in itself is not enough to exempt the offender from being liable to the statutory sentence. Special reasons relating to impaired mental functioning are not intended to allow offenders to avoid a statutory minimum sentence through excuses such as claiming that they were depressed at the time of the offence.

Rather, the bill requires the offender to prove on the balance of probabilities that at the time of the offence he or she had impaired mental functioning that was causally linked to the offending and substantially reduced his or her culpability.

Alternatively, offenders must prove that they have a mental impairment at the time of sentencing that would result in them being subject to substantially more than the ordinary burden or risks of imprisonment. These principles are drawn from the common law and mirror the existing considerations that courts take into account when dealing with offenders who have a mental illness.

Impaired mention functioning is defined to include mental illness, intellectual disability, acquired brain injury, autism spectrum disorder or a neurological impairment such as dementia.

More broadly, the bill does not affect the existing provisions with respect to fitness to stand trial and the defence of mental impairment in the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

The bill also recognises that there may be rare unforeseen circumstances where it would be clearly outside the intention of the Parliament for the offender to be sentenced to a non-parole period of four years or more. Therefore the bill provides that a court may depart from the statutory minimum sentence if there are 'substantial and compelling circumstances' to justify doing so.

Before it can conclude that such a departure is justified, the court must have regard to Parliament's intention that the sentence that should ordinarily be imposed for the gross violence offences is a jail sentence with a minimum non-parole period of four years; and must be satisfied that the cumulative impact of the relevant circumstances of the case justify a departure from that intention.

The conclusion

This bill delivers one of the government's key sentencing reforms. In future, offenders who inflict gross violence on their victims can expect to go to jail for at least four years unless there is a genuinely special reason why they should not.

This will better protect the community by putting violent offenders behind bars for longer and sending a clear and strong deterrent message to would-be offenders. The reforms in this bill will help achieve a safer and more law-abiding Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Debate adjourned until Thursday, 27 December.

COURTS LEGISLATION AMENDMENT (RESERVE JUDICIAL OFFICERS) BILL 2012

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 (Reserve Judicial Officers) Bill 2012 (bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

The bill will amend the Constitution Act 1975, Supreme Court Act 1986, the County Court Act 1958 and the Magistrates' Court Act 1989 to replace the existing acting judicial officer scheme with a new reserve judicial officer scheme. The bill will also make consequential amendments to other legislation, such as the Judicial Remuneration Tribunal Act 1995 and the Judicial Salaries Act 2004. These amendments are relevant to the right to a fair hearing under section 24 of the charter act.

The amendments abolish 'acting' judicial office and establish a system of reserve judicial office. Reserve judges and magistrates will be former judges and magistrates who are under the age of 75 years, and serving interstate and federal judges and interstate magistrates. Reserve magistrates will be able to serve as coroners and Children's Court magistrates.

Reserve judicial officers will be engaged by the Attorney-General to serve in the courts on a short-term as-needs basis. A reserve judicial officer may only exercise powers when engaged. An engagement cannot be revoked.

Reserve judicial officers may be removed from office only by Parliament on the same grounds as judges and magistrates, and may not undertake business and professional activities during an engagement without the approval of the Attorney-General. Reserve judicial officers receive a salary based on those of judges and magistrates and set by legislation.

The right to a fair hearing under section 24(1) of the charter act requires a person charged with a criminal offence or a party to a civil proceeding to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The bill does not limit the right to a fair hearing. By limiting the candidates to reserve judicial office to retired judges and magistrates or serving interstate and federal judges and interstate magistrates, the bill ensures that persons appointed to reserve judicial office are competent.

By providing reserve judicial officers with remuneration that is set by legislation and the same protections from removal from office as other judicial officers, the bill helps ensure their independence in office.

Similarly, restricting the business and professional activities which can be undertaken by an engaged judicial officer helps ensure the impartiality of reserve judicial officers.

The system of acting judges and magistrates established by the Courts Legislation (Judicial Appointments and Other Amendments) Act 2005 replaced the previous system of reserve judges. The 2005 system has been criticised for diminishing judicial independence, particularly because it allowed practising lawyers to be appointed as acting judges and magistrates. This is because of the risk that they will be perceived to be less impartial than other judicial officers and will be dependent on the favour of the Attorney-General of the day if they hope to be appointed as a tenured judicial officer.

This bill addresses the shortcomings in the 2005 scheme and, in the process, enhances the right to a fair hearing enshrined in section 24(1) of the charter act.

Robert Clark, MLA
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill replaces the offices of acting judge and acting magistrate established by the Courts Legislation

(Judicial Appointments and Other Amendments) Act 2005 (2005 act) with the new offices of reserve judge and reserve magistrate.

The offices established under the 2005 act were intended to provide greater flexibility in the appointment of acting judges and magistrates to deal with periods of high demand in Victoria's court system. In particular, the 2005 act was intended to make it easier for short-term judicial appointments to be drawn from the ranks of barristers, solicitors, legal academics and interstate judicial officers, as well as from retired judges and magistrates.

However, the 2005 act had the potential to corrode one of the most important safeguards in the Westminster system, namely the independence and impartiality of the judiciary. In particular, the eligibility of those other than previously tenured judges for appointment as acting judges gave rise to the perception that they could be influenced to bring down decisions favourable to the government of the day in order to secure reappointment.

Consequently the 2005 act was widely criticised. The Supreme Court in particular took a strong and principled stand on the issue, so that no acting judges were ever appointed to the Supreme Court.

The bill before the house has been developed in consultation with the judiciary. It deals with the shortcomings of the 2005 act by ensuring that, in future, only persons who have already held a judicial commission can be appointed to a temporary judicial office in this state.

The bill allows the Governor in Council to appoint a retired judge or magistrate as a reserve judicial officer, but only to the court of which the retired judge or magistrate was a member prior to retirement. The Governor in Council can also appoint serving or retired interstate judges and magistrates as reserve judicial officers to courts of equivalent jurisdiction.

Appointments are for five years or until the reserve judicial officer reaches 75 years of age. Reserve judicial officers can only be removed from office by Parliament, in the same way and on the same grounds as tenured judges and magistrates.

The Attorney-General will engage a reserve judicial officer by giving notice in writing. Depending on the operational needs of the court, reserve judicial officers will undertake their duties on either a full-time or on a sessional basis for the period of time specified in the notice. These notices cannot be revoked or amended.

This bill is an important step in restoring an independent and impartial judiciary as one of the most important safeguards in the Westminster system.

I commend the bill to the house.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Debate adjourned until Thursday, 27 December.

JURY DIRECTIONS BILL 2012

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 (charter act), I make this statement of compatibility with respect to the Jury Directions Bill 2012.

In my opinion, the Jury Directions Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter Act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill creates a new Jury Directions Act 2012 to simplify the law in relation to jury directions. In particular, the bill:

includes guiding principles to support a new approach to jury directions;

requires parties to request jury directions;

provides a clear framework for summing up the trial, including clarifying that trial judges may use integrated jury directions and jury guides, and the requirement to identify evidence;

allows trial judges to answer questions about the meaning of 'proof beyond reasonable doubt'; and

clarifies the law on post-offence conduct.

Charter act rights that are relevant to the bill

The right to a fair trial is relevant to any reform of jury directions because the general purpose of the directions is to ensure that the accused is tried in accordance with the relevant law, which is an important aspect of ensuring a fair trial. Therefore, sections 24 and 25 of the charter act are broadly relevant to this bill.

In my opinion, the bill does not limit the fair trial rights under the charter act. The general aim of the bill is to assist judges in providing simple and clear directions on the law and the evidence in the case that jurors are likely to listen to, understand and apply. This should assist in ensuring a fair trial.

The jury direction request provisions, in clauses 8–16 of the bill, are particularly relevant to the right to a fair trial. These clauses abolish the common-law rules which require the trial judge to direct the jury on defences, alternative verdicts, and any alternative basis of complicity that have not been raised by the accused during the trial but that are reasonably open on the evidence. This rule is attributed to *Pemble v. The Queen* (1971) 124 CLR 107 (the Pemble obligation). Although this rule was designed to protect the accused's right to a fair trial, problems with its application undermine this effect. In particular:

> it encourages judges to 'appeal-proof' the charge by including unnecessary directions, making directions longer and more complex for the jury to understand, which impacts on the integrity of the trial;
>
> it can operate contrary to the adversarial system because it can require directions that are contrary to the wishes of counsel; and
>
> it can operate unfairly to the accused if the judge is required to give directions even where they operate to the detriment of the accused.

The proposed provisions address these concerns and ensure that the trial is about the issues in the case as determined by the parties. Counsel for the accused is best placed to determine what directions are in the interest of the accused. For example, research shows that directions that are designed to warn against certain reasoning may sometimes have a 'backfire' effect and cause the jury to reason in the opposite way. This can harm the interests of the accused. In this situation, it is in the accused's interest for counsel to determine whether they want such directions to be given. Requiring counsel to request the directions that should be given is also consistent with the existing duty of counsel for the accused and the prosecution to object to matters which are prejudicial to the fair trial of the accused (*R v. Wright* [1999] 3 VR 355, 356). Further, because the parties are required to request directions after the close of all evidence, it does not limit the rights of the accused in relation to any requirement to disclose how they will run the defence case.

The bill includes protections for unrepresented accused, accused who are poorly represented, or when failure to give a direction would result in a substantial miscarriage of justice. Where an accused is unrepresented, the trial judge must act as if the unrepresented accused has requested any relevant directions and give the directions unless there are good reasons for not giving the direction or it is otherwise not in the interests of justice to give the direction. This avoids placing a burden on the unrepresented accused by requiring them to request relevant directions, and helps to ensure that unrepresented accused receive a fair trial.

The bill also retains a residual obligation for the trial judge to direct the jury to avoid a substantial miscarriage of justice. It is anticipated that this obligation will only be used in limited circumstances, for example, where counsel is incompetent or employing a high-risk strategy. Nevertheless, the residual obligation is an important way to protect the accused's right to a fair trial.

The bill clarifies a trial judge's obligations in summing up (clauses 17–19). These provisions will assist judges to give directions in a manner that is easier for jurors to understand, and will require judges to identify only so much of the evidence as is necessary to assist the jury in determining the issues in the trial.

The beyond reasonable doubt provisions (clauses 20–21) will allow judges to explain the meaning of 'proof beyond reasonable doubt' if asked by the jury. The concept of proof beyond reasonable doubt is essential to a criminal trial. Improving juror comprehension of the concept will increase the likelihood of a fair trial.

The post-offence conduct provisions (clauses 22–28) are designed to simplify the existing law and make directions in this area easier for the jury to understand. Again, this will increase the likelihood of a fair trial.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Introduction

Trial by jury is one of the hallmarks of the Victorian criminal justice system. Juries form an essential link between the community and the legal system. Jury directions — the directions a trial judge gives to a jury to help them to decide whether the accused is guilty or not guilty — are a vital element of a trial by jury.

In recent years there has been a substantial increase in the number and complexity of the directions given to juries. Directions have been described as inordinately long, in a sorry state, over-intellectualised, complex, voluminous, uncertain and excessive. The government made an election commitment to reduce the complexity of jury directions, and this bill is a major part of delivering on that commitment.

The bill focuses primarily upon issues considered by the VLRC in its final report on *Jury Directions*. Following that report, the Department of Justice established a jury directions advisory group, which has considered the recommendations made by the VLRC in its final report on *Jury Directions* together with other reforms proposed by the department. The advice of the advisory group has been invaluable and I would like to thank the members of the advisory group for their contributions.

Drawing on the advisory group's discussions and advice, the department prepared a detailed report *Jury Directions — A New Approach* making recommendations for changes to the law and setting out the reasons for those changes. I thank the department for this report, which is being published on the department's website. The bill is closely based on the recommendations and reasoning of that report.

Other proposals for reform, in particular those contained in Justice Weinberg's report, *Simplification of Jury Directions*, are currently being considered by the government as part of a further stage of reforms of jury directions.

Problems with the law on jury directions

At present, Victoria has no coherent body of law on jury directions. The directions that trial judges are expected to give are strewn across the common law and legislation. Frequent amendments to criminal offences have also resulted in increasingly complex directions. The result is that trial judges give juries an array of highly detailed and often complicated directions, which take longer in Victoria than any other state in Australia.

Jurors are less likely to listen to, understand or apply directions that are long, complex or of questionable usefulness. Research shows that jurors do not always understand the directions given to them, whether because the law or the direction itself is too difficult or complex, the manner of presentation is confusing, or the sheer length of the directions has led to their disengagement.

The same complexity in the law that renders directions difficult for jurors makes directions difficult for trial judges as well. In some cases it is difficult for the trial judge to know whether to give a particular direction, and if so, precisely what form it should take. It is not surprising that this can lead to judicial error. In 2010 alone, jury direction-related retrials made up 14 of the 18 retrials in Victoria.

Successful appeals and subsequent retrials add to court delays and cause significant stress to victims of crime, witnesses and their families. Retrials also cause cost to the community, and understandable community concern, particularly if seemingly due to technical rather than substantive issues.

A critical assumption underlying any trial by jury is that jurors understand and follow the directions given to them in reaching their verdict. In recent years this assumption has been called into question as the law on jury directions has become out of touch with what jurors need.

Overview of the bill

The bill makes reforms in six main areas. The bill:

provides guiding principles to aid in the interpretation of the bill;

provides new processes for identifying the directions a trial judge must give to a jury;

clarifies the obligation of the trial judge to identify evidence and encourages a targeted and succinct summing up;

improves the way directions are given to the jury, by supporting the use of integrated jury directions;

allows trial judges to answer questions from juries about the meaning of 'proof beyond reasonable doubt' and provides guidance to the trial judge on the content of such a direction; and

provides for simple and clear directions on post-offence conduct evidence.

Guiding principles

The legislative reforms in the bill signify a fundamental change of approach to jury directions. The bill aims to bring about a significant and lasting cultural change for both judges and counsel. The guiding principles in the bill will assist in its interpretation and support this new approach.

Requests for directions

In *Pemble v. R* (1971) 124 CLR 107, the High Court held that when summing up, trial judges must direct the jury about defences and alternative verdicts that have not been raised by the accused during the trial but that are reasonably open on the evidence. This is referred to as the 'Pemble obligation'. The obligation requires the trial judge to advance alternative hypotheses consistent with the innocence of the accused, or the guilt of a lesser offence.

Over the years, as the application of the Pemble obligation has been extended to new situations, the task of the trial judge in complying with the obligation has become extremely onerous. The obligation causes a number of problems, including overly complex and detailed directions that do not help juries determine the issues in the trial, and may form the basis of technical appeals.

The jury direction request provisions are the centrepiece of this bill. The provisions substitute a common-law obligation to give directions with a statutory obligation. They abolish the Pemble obligation, and they address all jury directions a trial judge should give to a jury, with the exception of certain general directions and directions which legislation provides must, or must not, be given in certain circumstances.

These reforms have four main components.

First, the bill facilitates a process that will require counsel and trial judge to discuss the issues in dispute in the case, the directions that need to be given and the content of those directions. The starting point in determining what directions should be given to the jury is understanding that the jury's role is to determine the issues that are in dispute between the parties. The trial judge's role is to direct the jury to help it fulfil this function. As the Victorian Court of Appeal said in *R v. AJS* [2005] VSCA 288, it is the responsibility of the trial judge to 'direct the jury on only so much of the law as is necessary to resolve those issues [being the issues in the case]'.

The best way to identify the issues that are in dispute is for the trial judge to discuss them with the parties. The parties know their own case better than anyone else. The reforms emphasise the duty of counsel to assist the trial judge. This process will be facilitated, checked and improved by the questions asked by the trial judge about what directions are or are not required. This will assist the trial judge in determining which directions to give or not to give. This discussion will also be of considerable benefit to appellate courts in knowing the accused's views about whether a direction should or should not have been given.

Secondly, the reforms will provide that if a direction is requested by a party, the trial judge must give the direction unless there are good reasons for not doing so. This is the same test as the test used under the Evidence Act 2008 and in other Australian jurisdictions that have adopted the Uniform Evidence Act in relation to certain specific jury directions. Cases considering this phrase under section 165 of the Evidence Act will be helpful in the interpretation of this phrase.

The bill sets out matters that are relevant to, but not determinative of, whether there are good reasons for not giving a requested direction. These factors provide further guidance to the trial judge. These reforms limit 'defences' which are open on the evidence that would require a direction based on the Pemble criteria. The two factors listed in clause 14(2) of the bill emphasise that directions should be given where they are consistent with the case the prosecution and defence counsel have put before the jury and the forensic decisions of counsel.

Thirdly, if a direction is not requested, the trial judge will not normally need to give a direction. In very limited circumstances, in order to avoid a substantial miscarriage of justice, the trial judge has a residual obligation under clause 15 to give a direction regardless of what counsel indicated under clauses 13 and 14. This provision is intended to apply rarely and in very limited circumstances, for example, where the trial judge is concerned that counsel's decision raises issues about counsel's competency or that counsel is taking a major and inappropriate risk.

If the trial judge is proposing to give a direction under clause 15, the trial judge must inform counsel of the trial judge's intentions. This will ensure transparency and provide counsel with a further opportunity to explain their position, if appropriate. This process will also resolve issues and allay any concerns that either the trial judge or counsel might have in relation to the direction. It is not intended that this residual obligation be interpreted in a way that will impede the cultural change that is aimed for, or usurp or complicate the jury direction request process. The 'substantial miscarriage of justice' test is deliberately different from the existing 'fair trial' test. In almost all cases, whether a direction is requested or not will be the key factor in determining whether a direction is given or not given.

The general request provisions assume that the accused is legally represented. However, the fourth component of the reforms provides that, where the accused is not legally represented, the trial judge must proceed on the basis that the accused has requested any direction which would be open to the accused to request if the accused were represented. The trial judge will give that direction unless there are good reasons not to do so, or it is otherwise not in the interests of justice to give the direction.

I should point out that the proposed reforms differ from some of the recommendations made by the VLRC. The main points of difference include:

the procedure to identify which directions should or should not be given to the jury

the test to be applied in determining whether a direction should be given

the scope of the obligation to give a direction and the factors to be taken into account when determining whether a direction should be given, and

the application of the proposed reforms to the unrepresented accused.

Trial judge's summing up and integrated directions

The common law requires trial judges to sum up a case before the jury deliberates. This involves relating the evidence in the trial to the legal and factual issues that the jury must decide. Most jury directions are given as

part of this summing up. However, summings up appear to be failing to achieve their aim of assisting the jury in its task by being succinct statements of the law and the facts in issue.

The provisions in the bill encourage brief and well-focused summings up by clarifying the obligations of trial judges to sum up, and removing unnecessary or unhelpful common law requirements. The bill focuses attention on the essential elements of a summing up. The bill requires the trial judge to refer the jury to the way in which the prosecution and the accused have put their respective cases in relation to the issues in the trial, which is more targeted than what is required under the common law. Once this is done, there will be no need for the trial judge to summarise the closing addresses or the evidence separately.

A summary of evidence will not be necessary under the reforms. Where juries have heard the evidence, the addresses from counsel themselves, and how the prosecution and the accused have put their cases, there is no need or benefit in additionally providing a detailed summary of the evidence. The bill requires that the trial judge identify only so much of the evidence as is necessary to assist the jury in determining the issues in the trial. Further, the reforms reflect that the clearer the issues in the trial, the less need there is to identify the evidence. The bill sets out the matters the trial judge should have regard to in determining whether, and if so, to what extent evidence should be identified.

Sometimes it is not just that the law is too complex, but the manner in which it is presented is inaccessible. Current practices require jurors to perform difficult intellectual exercises, for example, in applying abstract legal concepts to the facts of the case. Accordingly, the bill will encourage and support judges to present information to juries in various ways, including using written materials.

For example, the bill will encourage the use of 'integrated directions'. Under the traditional approach to giving jury directions, the trial judge will identify and explain the relevant law. Following this 'mini lecture' on the law, jurors are expected to understand and apply the law to the facts of the case, and then assess whether they are satisfied that the facts and offences have been proved.

With an integrated direction, the judge works through the first two steps, and presents the jury with a series of questions which encapsulates the relevant issues for determination in the third step. Judges may do this by embedding the law in factual questions for the jury to consider, and combining these questions with references to the way in which the prosecution and the accused have put their cases in relation to this issue. This can be further enhanced by adding relevant evidentiary directions at this point. Integrating these different components to address the issues, rather than leaving it to the jury to synthesise separate blocks of information, can be significantly more useful to jurors.

Such directions are often given in New Zealand, and are an effective way of presenting information to jurors. There is nothing preventing their use and there is some recent appellate authority which suggests they can be used in Victoria. However, specifically providing for integrated directions in the bill will remove any doubt over their appropriateness and give trial judges confidence to give such directions.

The bill also accommodates the use of transcripts and documents as components of the summing up in place of a purely oral summing up. This provision reflects the increasing use of written documents in trials, and aims to further encourage that use. The giving of directions may also be supported or facilitated by a 'jury guide'.

Clarifying what needs to be included in a summing up, and improving how that content is communicated, will assist jurors by making summings up more relevant, helpful and understandable.

Proof beyond reasonable doubt

One of the fundamental protections for an accused in a criminal case is the requirement for the prosecution to prove its case 'beyond reasonable doubt'. While 'proof beyond reasonable doubt' is a commonly used term, its meaning is not always clear or well understood. Research from New Zealand, Queensland and New South Wales indicates that a significant number of jurors either have difficulty with the concept or apply either too low or too high a test. It is also not uncommon for Victorian juries to ask questions about the meaning of the term.

However, if jurors ask what 'proof beyond reasonable doubt' means, judges in Victoria are confined by case law to advising that it is a common English expression that means what it conveys, save for limited and exceptional circumstances. This circular definition is unlikely to provide much guidance to jurors.

Given its importance, judges should be able to assist jurors to understand the concept of 'proof beyond reasonable doubt'. Accordingly, the bill will provide that if a jury asks the trial judge a question about the meaning of the concept, the judge may answer the question. This will apply whether the question is asked directly or indirectly. Queries about the meaning of

beyond reasonable doubt may arise in any number of ways, including in the context of questions on other legal issues. The intention is to allow judges to explain the concept of proof beyond reasonable doubt if the issue arises, and to minimise any threshold arguments about whether a question has been asked.

The bill will also provide guidance on how the concept may be explained, drawing from the Canadian approach in *R v. Lifchus* [1997] 3 SCR 320 and the New Zealand approach in *R v. Wanhalla* [2007] 2 NZLR 573. For example, the trial judge may:

refer to the presumption of innocence and the prosecution's obligation to prove that the accused is guilty;

indicate that it is not enough for the prosecution to persuade the jury that the accused is probably guilty or very likely to be guilty; and

indicate that a reasonable doubt is not an unrealistic possibility.

Judges will not be required to use any particular form of words when explaining the concept of 'proof beyond reasonable doubt'. Trial judges may tailor or adapt the explanations provided for in the bill as appropriate.

Post-offence conduct

'Post-offence conduct', also known as 'consciousness of guilt', refers to conduct by an accused after an alleged offence, such as lying or fleeing the scene of the crime, that may be relied on by the prosecution to show that the accused committed the crime in question. Currently, the jury directions on post-offence conduct are complex, lengthy, difficult to understand and lead to many retrials.

The VLRC reported that from the mid-1990s to 2009, the Court of Appeal heard at least 84 appeals that raised post-offence conduct directions as an issue. The appellant succeeded in 28 of those cases, resulting in the court ordering a retrial. Since the VLRC report, this problem has continued. In 2009 the Court of Appeal ordered retrials in relation to convictions for murder in two highly publicised cases. Both offenders were convicted at their retrial.

The existing warnings in relation to post-offence conduct involve a complex set of jury directions that must be given whenever this kind of evidence is led. This is designed to stop juries from jumping to the conclusion that because a person engaged in this conduct, they must be guilty of the offence charged. There are various difficulties with these directions. For example, it can be difficult for the court to correctly identify whether evidence amounts to post-offence conduct. Appellate judges often disagree on the proper characterisation of whether a lie told by the accused constitutes an implicit admission of guilt or simply goes to the accused's credit — that is, that the accused is someone who tends to tell lies. Even if directions are given correctly, research indicates that such long and complex directions do not assist juries in reaching a verdict and may even be counterproductive by highlighting the conduct of the accused. Further, to avoid the risks of a retrial, sometimes the prosecution does not call this kind of evidence where it is able to.

The VLRC made a number of recommendations to reform directions on post-offence conduct. The reforms in the bill refine and enhance the VLRC's recommendations and further simplify the law. Key parts of the proposed reforms are based on the approach taken in New Zealand, where appeals on this ground are rare. However, additional components have been added to the proposal so that it works effectively in conjunction with the reforms on the jury direction request provisions.

The reforms remove complex common law requirements brought about by cases like *Edwards v. R* (1993) 178 CLR 193 and *Zoneff v. R* (2000) 200 CLR 234 and focus on the key issues of identifying this evidence, informing the jury as to how the evidence may or may not be used and providing appropriate warnings to the jury.

To avoid current problems with the identification or characterisation of this kind of evidence, the bill requires the prosecution to give notice to the trial judge if it intends to use the evidence to demonstrate an implied admission of guilt by the accused. Clause 23 will avoid the current problem of the prosecution relying on the evidence generally at the trial stage and the evidence only being identified as post-offence conduct evidence at the appellate stage. If the prosecution does not comply with the process in the bill, it will be clear that the evidence is not, and cannot, be relied on as post-offence conduct evidence. In such a case, the issue becomes whether the accused requests a cautionary direction under clause 27.

If the trial judge permits the prosecution to use the evidence in this way, the judge must direct the jury about how to use the evidence in determining the accused's guilt. The proposed direction will abrogate the common law requirements in relation to post-offence conduct and simplify some of the

complexities that currently apply to directions on post-offence conduct.

If the trial judge gives the prescribed direction, the accused may request an additional direction which provides cautionary information about this type of evidence. For example, that the accused may have engaged in the conduct for reasons other than that the accused is guilty. This second direction is only given if the accused requests it.

The accused may not want this second direction to be given, particularly if it would serve to disproportionately highlight the evidence. If the purpose of a cautionary direction is to ensure the accused has a fair trial, it should not be given where the accused considers that the direction will make it harder to receive a fair trial. By following the jury direction request process, the parties will have more control over the directions given and the trial judge can tailor directions to be more helpful to the jury in determining the issues in dispute in the case.

Another problem currently arises where evidence may mistakenly be considered by a jury to amount to an implied admission of guilt. Some lies told by the accused may only be relevant to the accused's credibility. The trial judge must decide which directions to give in such circumstances and the content of those directions. This can be difficult to do and too often results in appeals. The bill therefore provides that in circumstances where the accused is concerned about such potential misuse of evidence by the jury, the accused may request a direction. The trial judge must give the direction unless there are good reasons for not doing so. Again, this follows the approach taken in the jury direction request provisions.

Courts have observed that there is an inevitable difficulty for jurors in understanding and applying subtle distinctions allowing the use of evidence for one purpose and not another. Further, research shows a risk that a warning not to use evidence for a particular purpose may be counterproductive by exciting the very reasoning which is forbidden, but which might otherwise not have occurred to them. The reforms avoid these artificial distinctions and mental gymnastics, and also prevent the danger of highlighting the evidence.

Conclusion

The law on jury directions, as it stands, burdens the trial judge with onerous obligations that are difficult to execute and the jury with lengthy and complex legal and factual content. Significant legal and cultural change is required to address these problems. The reforms in this bill introduce a new way of approaching jury directions and fundamentally change how directions will be identified, how their content will be determined and how directions are presented. It is a most significant and far reaching reform of jury directions in Victoria, and indeed Australia, and represents a milestone in the reform of our criminal justice system.

I commend the bill to the house.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North)

Debate adjourned until Thursday, 27 December.

CORRECTIONS AMENDMENT BILL 2012

Statement of compatibility

Mr McINTOSH (Minister for Corrections) 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 (charter act), I make this statement of compatibility with respect to the Corrections Amendment Bill 2012.

In my opinion, the Corrections Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes miscellaneous amendments to the Corrections Act 1986 (the act). The specific purposes of the bill include to:

allow the appointment of a non-employee to act as principal medical officer in relation to prisons;

provide for officers to provide oral information to the Secretary to the Department of Justice (the secretary) in relation to the security and good order of a prison or the safe custody and welfare of prisoners, as well as the security and good order of a location or the safe custody and welfare of offenders at a location;

provide for the provision to a victim of a copy of an order made under the Serious Sex Offenders (Detention and Supervision) Act 2009 in relation to the perpetrator;

rename official visitors as independent prison visitors and associated consequential amendments to provisions;

provide that the secretary must notify the Victorian registrar of births, deaths and marriages (the registrar) of certain details in relation to prisoners;

provide for new powers under the act to direct offenders to submit to alcohol or drug testing for the management, good order or security, the safety and welfare of

offenders, or in order for an offender to perform unpaid community work;

provide regional managers with the power to order a community corrections officer to search and examine an offender at a place the offender is required to attend for educational, recreational or for any other purpose;

to provide new provisions authorising the use of disclosure of personal or confidential information;

to permit associate judges to be appointed to the Adult Parole Board;

to require the Adult Parole Board to include additional information in its annual report;

to provide that the Adult Parole Board has the power to revoke parole even though the parole period has expired, if the offender is subsequently sentenced to any term of imprisonment for an offence that occurred during, or partly during, the parole period;

to introduce a new police custody transfer order scheme where permission is sought from the Supreme Court for a prisoner to be absent from prison to voluntarily provide information to Victoria Police;

to allow interest earnt on prisoner trust funds to be used for the purposes of assisting victims of crime or their families; and

to make other miscellaneous amendments to the act.

The bill also makes amendments to the Parole Orders (Transfer) Act 1983 regarding the registration of parole orders.

Human rights issues

Information sharing and the right to privacy

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. An interference with privacy will not be unlawful if it is permitted by a law that is accessible and precise. An interference with privacy will not be arbitrary if the restrictions it imposes are reasonable, just and proportionate to the end sought.

Registered victims and sex offenders

Section 30A(2AA) of the act presently enables a registered victim to be given certain information about an offender who is the subject of an extended supervision order, supervision order and detention order or information relating to applications for such orders under the Serious Sex Offenders (Detention and Supervision) Act 2009.

Clause 12 of the bill amends section 30A(2AA) to extend the information that may be given to a registered victim to include copies of orders making or renewing or varying extended supervision orders, supervision orders and detention orders.

A copy of an order making or renewing or varying an extended supervision order, supervision order and detention order is likely to contain personal information about an offender, such as their identity, place of residence, curfew times, and treatment or rehabilitation programs or activities. Accordingly, amended sections 30A(2AA) and 30A(2AC) engage the offender's right to privacy in section 13 of the charter act.

Clause 12 also amends section 30A(2AC) to make clear that a victim can be given this information despite, for example, suppression orders restricting the identification or whereabouts of the offender under section 184 of the Serious Sex Offenders (Detention and Supervision) Act 2009.

While these amendments allow for the provision of the personal information of offenders to victims, the provision of this information will not be unreasonable, unjust or disproportionate.

Section 30A(3) of the act provides that the secretary must not disclose the information if he or she reasonably believes the disclosure of the information might endanger the safety or welfare of the offender. In addition, the extent of distribution of the offender's personal information is limited. Section 30A(2AA) of the act requires that there be a nexus between the registered victim and the offender in question. The secretary may only give a copy of a court order to a registered victim in respect of a relevant offence for which the offender is or was subject to an extended supervision order, supervision order or detention order, or an application for such an order. Furthermore, existing section 30H of the act provides that a registered victim to whom information is disclosed must treat that information in an appropriate manner that respects its confidential nature. Therefore, the circumstances in which court orders, and thus the personal information contained in the orders, may be disclosed are clearly circumscribed, and the information will not be disclosed if its disclosure would endanger the relevant offender.

Additionally, the provision of orders to victims fulfils the important purpose of ensuring that victims can be confident that offenders are receiving the supervision and treatment which they require so that they no longer pose an unacceptable risk to their victims and the community.

For these reasons, I consider that these clauses do not unlawfully or arbitrarily limit the right to privacy under section 13 of the charter act.

Prisoners' details and the register of births, deaths and marriages

Clause 19 of the bill inserts a new section 47M in division 5 of part 6 of the act. Division 5 of part 6 regulates applications by prisoners for registration of a change of their name or the name of their child. New section 47M provides for information-sharing arrangements between the secretary and the registrar. Subsection (1) states that the secretary must notify the registrar of the prisoner's name (including former names), their date of birth, and former address. If the secretary has given notification under section 47M(1), the secretary is required under subsection (2) to notify the registrar as soon as practicable of the prisoner's release from prison.

New section 47M engages the right to privacy of prisoners, as it clearly relates to the sharing of a prisoner's personal information. However, the information-sharing arrangements are neither unlawful nor arbitrary. The purpose of the provision is to ensure that the registrar is provided with relevant information to facilitate the effective operation of the

name change approval process. The amendment will bring the provision into step with other similar provisions. If the information was not provided the registrar would not be aware of who is prohibited from changing their name without permission and would be unaware if an offence would be committed. Consequently, any infringement of the privacy of prisoners occasioned by this provision will be reasonable and proportionate. Therefore, the provision does not limit the right to privacy.

The provision of information to the secretary by officers

Clause 10 of the bill inserts a new section 20(5A) into the act, which provides that an officer, when required by the secretary, must provide oral or written information to the secretary in relation to the security and good order of a prison or the safe custody and welfare of prisoners. Similarly, clause 30 inserts a new section 90(2A) into the act, which provides that an officer, when required by the secretary, must provide oral or written information to the secretary in relation to the management, security or good order of a location or the safety and welfare of offenders at a location.

The information that the secretary may require officers to provide may include personal information regarding prisoners and offenders, such as details regarding the personal relationships of prisoners and offenders. These clauses consequently engage the right to privacy by authorising the provision of personal information. However, in my view, the clauses do not limit the right to privacy as the provision of information will not be unlawful or arbitrary. The provision of personal information will only occur in the limited circumstances provided for in the clauses — that is, where the secretary requires the information to be provided for the purposes of managing prisons and locations, and ensuring the good order and security of prisons and locations, as well as ensuring the safety and welfare of offenders and prisoners.

It is necessary for the secretary to be able to require this information in order to properly oversee prisons and locations, so that any interference with the right to privacy occasioned by this power is proportionate and reasonable in the circumstances. For these reasons, I consider that clauses 10 and 30 do not limit the right to privacy.

Authorised use or disclosure of personal or confidential information

Clause 35 of the bill inserts a new part 9E into the act, which authorises the use or disclosure of 'personal or confidential information' in a range of specified circumstances. These new provisions replace the confidentiality requirements currently in sections 30 and 91 of the act, which are repealed by clauses 11 and 31 of the bill.

'Personal or confidential information is defined in new section 104ZX in part 9E, and includes, for example, information relating to the personal affairs of a person who is or has been an offender or a prisoner; information that identifies any person or discloses his or her address or location (or from which his or her address or location can reasonably be determined); and information concerning procedures or plans to be adopted or followed in a prison in the event of an emergency. 'Information' covers photographs, fingerprints, samples and results of tests.

Under new section 104ZY, relevant persons may use or disclose personal or confidential information in certain specified circumstances. These circumstances include use or disclosure of the information: where it is reasonably necessary for the performance of the person's official duties; where it is reasonably necessary to lessen or prevent a serious and imminent threat to a person's life, health, safety or welfare or to public health; where the person to whom the information relates has authorised the use or disclosure; with the authority of the minister; to the Ombudsman or the Ombudsman's officers; to a person on the victims register for the purposes of making a victim submission; if the information concerns the current location of the prisoner, to the prisoner's lawyer; in accordance with the Health Records Act 2001; if the information is in the public domain; if the use or disclosure is to an Australian lawyer for the purpose of obtaining legal advice or representation in relation to the administration or operation of the corrections legislation; if the use or disclosure is specifically authorised or required under a Victorian act; and to various Victorian and commonwealth departments and agencies where the disclosure is reasonably necessary for the performance of a specific function.

New section 104ZZ makes specific provision for information given to the Adult Parole Board that is not disclosed in a decision of the board or in any reasons given by the board for a decision of the board. Under that section, use or disclosure of such information will only be authorised if reasonably necessary for the administration of legislation administered by Corrections Victoria, or in preparation for, conduct of, or participation in criminal matters in court or tribunal proceedings, or to lessen or prevent a serious and imminent threat to a person's life or safety.

Under section 104ZZA, it is an offence for a relevant person to disclose personal or confidential information other than in accordance with sections 104ZY and 104ZZ. The penalty is 120 penalty units.

As the new sections 104ZY and 104ZZ provide for the disclosure of personal or confidential information in certain circumstances, they engage the right to privacy. However, as the circumstances in which this disclosure will occur are clearly specified, in my view the disclosure of such information authorised by the new sections will not be unlawful. Further, the authorised disclosures will not be arbitrary as they are directed at specified purposes, relate only to relevant persons, and are reasonable and proportionate. The disclosure of certain information is necessary at times to perform duties, such as for the administration of the corrections legislation or enforcement of court or tribunal orders. Additionally, the disclosure of information may also be necessary in other specified circumstances such as where it will prevent a serious and imminent threat to life or where information is provided to the Ombudsman for the purpose of allowing him to properly carry out his investigative functions. For these reasons, I do not consider that the new sections 104ZY and 104ZZ limit the right to privacy.

Clause 49 inserts a new section 11A into the Parole Orders (Transfer) Act 1983, which provides that, for the purpose of making a determination or exercising a discretion under the act, the minister may provide any such documents or information (including personal information) to any government agencies or other persons that may be directly affected by that person's presence in the state or territory in which the parole order is, or is proposed to be, registered. The new section 11A(2) provides that the section does not authorise the disclosure of information about a person to

whom a parole order relates unless the person has given consent to, or has requested the registration of, the parole order under the act and has not withdrawn that consent. Given that the disclosure of personal information under this section will only occur in clearly specified and limited circumstances where the relevant person has consented to his or her parole order being registered, the disclosure will not be unlawful or arbitrary. Consequently, the new section 11A does not limit the right to privacy.

Alcohol and drug testing and the right to privacy and protection against medical treatment without consent

Section 10 of the charter act provides that a person must not be subjected to medical treatment without his or her full, free and informed consent.

Clause 32 inserts a new section 99A of the act, which provides for new powers to direct offenders subject to correctional orders to submit to alcohol and drug testing. The secretary may direct an offender to submit to tests if the secretary considers it necessary to do so for the management, good order or security of a location or for the safety and welfare of offenders at a location, or in order for an offender to perform unpaid community work at a location. The secretary can only exercise this power if she believes on reasonable grounds that the offender is under the influence of alcohol, a drug of dependence or a poison.

Section 104 of the act provides that an offender is subject to the secretary's directions while the offender is at a location, taking part in a community corrections program or is being transferred from one location to another, from a location to a place where a community corrections program is conducted, or from that place to a location, and that an offender who disobeys a direction given by the secretary under this section is guilty of an offence. The offence has a penalty attached of 5 penalty units.

Compelling an offender to submit to alcohol or drug tests engages an offender's right to privacy in section 13(a) of the charter act. Privacy covers the physical and moral integrity of a person, and includes the freedom from compulsory blood, breath or urine tests. As the tests will not be unlawful or arbitrary, I do not consider that the right to privacy is limited by the new section 99A. This is because the power to direct an offender to undergo testing can only be exercised if the secretary has reasonable grounds to believe an offender is under the influence of alcohol, a drug of dependence or a poison.

If the testing is capable of constituting medical treatment, which may be the case if an offender was subjected to a blood test, the new section 99A may limit an offender's right not to be subject to medical treatment without consent under section 10 of the charter act.

The power to direct offenders to submit to drug and alcohol testing at a location will be for the legitimate purpose of either ensuring that an offender has the ability to perform unpaid community work or to ensure the good order of a location and to protect the safety and welfare of other offenders, staff and the community. Offenders may only be directed to submit to testing when the secretary believes on reasonable grounds that the relevant offender is under the influence of alcohol, drugs or poisons. Therefore, any potential limitation to an offender's right not to be subject to medical treatment is proportionate and reasonable, given the risk that the relevant offender being directed to be subject to such testing is under the influence. In my view, there are no less restrictive means available to meet the objectives of ensuring the good order of a location and protecting the safety and welfare of other offenders, staff and the community.

Search and seizures and the right to privacy and right to property

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

Clause 33 of the bill inserts new subsection 100(1A), which provides for new search powers of offenders subject to correctional orders. This subsection provides that a regional manager may order a community corrections officer to search and examine an offender subject to a correctional order at a place that the offender is required to attend for educational, recreation or for any other purpose by a correctional order or part 9 of the act.

Clause 34 of the bill amends subsection 101(1) of the act to extend the existing powers of a community corrections officer under the act to seize items in the course of searches, so that a community corrections officer may seize anything found in a place that the offender is required to attend for educational, recreation or for any other purpose.

These clauses enable the search of offenders and the potential seizure of items, and therefore engage the right to privacy and right to property. However, in my view, given that the circumstances in which searches are conducted and property may be seized are carefully set out in the bill and a range of safeguards and protections are provided for, neither right is limited.

The new subsection 100(1A) provides that the regional manager may only order a search of an offender if they believe that the search is necessary for the security or good order of the place or the offenders at the place. New section 100(1B) provides for certain procedural safeguards before the regional manager may order the search to be conducted. For example, the regional manager or community corrections officer must inform the offender of the authority to order the search and the reason for the search in the particular case, provide the person with an opportunity to respond to queries as to possession of any article or substance which may jeopardise the good order or security of the place and requests to produce any such article. The regional manager must also record the offender's responses.

New section 100(1C) also provides that a regional manager must ensure, to the extent practicable, that a search is conducted in the presence of a witness. That provision also ensures that the search is conducted in the least restrictive means possible, by requiring that the regional manager ensure, to the extent practicable, that a search is conducted in a private place or area that provides reasonable privacy, as expeditiously as possible to minimise the impact on the person's dignity and self-respect, and by a person of the same sex. New section 100(1D) requires the regional manager to establish and maintain a register of searches. This register provides an important means of accountability by providing a record of the searches conducted.

Clause 33 also inserts new subsection 100(7), which clarifies that searches conducted under new subsection 100(1A), as

well as existing search powers under section 100(1), are limited to garment searches, pat-down searches and scanning searches.

In respect of the seizure powers, amended subsection 101(1) limits seizure in the carrying out of searches under new subsection 100(1A), and existing section 100(1), to items found which the community corrections officer believes on reasonable grounds jeopardizes or is likely to jeopardize the security or good order of the community corrections centre or a place that the offender is required to attend for educational, recreation or for any other purpose, or the safety of persons in the centre or that place. Sections 101(2) and (3) already require that a community corrections officer who seizes items found must immediately inform the regional manager, and the regional manager must deal with the seized item in accordance with the regulations.

Due to these safeguards, I consider that any interference with an offender's rights to privacy or property authorised by these clauses is lawful and not arbitrary, and therefore that neither the right to privacy nor the right to property is limited.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. Andrew McIntosh, MP
Minister for Corrections

Second reading

Mr McINTOSH (Minister for Corrections) — I move:

That this bill be now read a second time.

Introduction

This bill will amend the Corrections Act 1986 to implement a range of reforms to the delivery of correctional services by strengthening the governance framework underpinning the prison and community corrections systems. This bill implements recommendations from the Ombudsman Victoria 2012 report into the death of Carl Williams and the Sentencing Advisory Council's report on the Victorian adult parole system.

The bill also implements nationally agreed amendments to the model Parole Orders (Transfer) Act 1983 and makes a number of minor or technical amendments to the Corrections Act.

Ombudsman's report recommendations

The Ombudsman's report contained a recommendation for the attention of government relating to administration of justice permits, currently issued under sections 57 and 57A of the act.

The bill implements recommendation 36 by replacing the current administration of justice permits for these purposes with a new scheme — thce police custody transfer order scheme.

The new police custody transfer order scheme will apply in circumstances where permission is sought for a prisoner to be absent from prison to voluntarily provide information to Victoria Police, implementing recommendation 36 of the Ombudsman's report. Under the police custody transfer order scheme established by the bill, Victoria Police will apply to the Supreme Court for a police custody transfer order. Any such order issued by the Supreme Court will have the effect of transferring legal custody of the prisoner to the Chief Commissioner of Police.

A police custody transfer order is not available in circumstances where other legislative provisions that require the delivery of the prisoner to police are available, for example section 464B of the Crimes Act 1958, or a 'gaol order' under regulation 20 of the corrections regulations.

An application for a police custody transfer order must include a copy of assessments conducted by Victoria Police and by the Secretary to the Department of Justice, of the risks to security and good order of the prison, and the safety and welfare of the prisoner and members of the public, before, during and after the making of the order.

The application is to be determined on the papers, and will not be heard in an open court and will not appear on court lists. In the interests of maintaining security, no person (including the prisoner) is able to search the court files that relate to the application.

The Supreme Court is able to make an order authorising absence from prison for the period or periods specified, but not longer than three days, if satisfied that it is reasonable in all the circumstances. In exceptional circumstances such orders can provide for a prisoner's overnight absence from prison.

The effect of the police custody transfer order will be to transfer the legal custody of the prisoner from the secretary to the Chief Commissioner of Police for the period when, in accordance with the order, a member of the police force or a person acting under lawful authority on behalf of the chief commissioner takes physical custody of the prisoner.

The chief commissioner will retain legal custody until the prisoner is returned to prison or to the physical custody of a person acting under lawful authority on behalf of the secretary.

Sentencing Advisory Council report and other matters related to parole

The bill also makes a number of changes designed to improve the operation of the adult parole system.

The Sentencing Advisory Council's report recommended a review of the secrecy and information disclosure provisions of the Corrections Act to determine if legislative change is necessary to allow for the adequate flow of information between the adult parole board, Corrections Victoria and Victoria Police.

In line with that recommendation the bill includes new provisions designed to facilitate appropriate information flow between these authorities.

The bill repeals existing sections 30 and 91 and replaces them with new provisions in what will be new part 9E of the act, authorising the use or disclosure of personal or confidential information by relevant persons to the extent necessary to perform official duties, or as otherwise permitted by the new provisions.

For the purposes of clarity the bill includes a non-exhaustive list of activities that fall within the scope of 'performing official duties', which include the administration of corrections legislation and law enforcement.

The bill also includes provisions clarifying when personal or confidential information can be used or disclosed.

The new provisions are subject to specific prohibitions in other legislation dealing with the use or disclosure of personal or confidential information of offenders or prisoners, and includes additional restrictions on the use or disclosure of highly sensitive information given to the adult parole board.

Given the expanded information-sharing provisions, it is appropriate that the penalty for unauthorised disclosure of personal or confidential information other than in accordance with the new provisions is increased to 120 penalty units. The change to the penalty is commensurate with similar penalties for unauthorised information disclosure in the Police Regulation Act 1958. It is not the intent that this penalty provision should apply in circumstances of honest mistakes that may occur in the execution of official duties. Rather, this practice sends the message that unauthorised disclosure of personal or confidential information to third parties who are not authorised to receive such information is a serious matter carrying an appropriate penalty.

The bill also amends the Corrections Act to strengthen the circumstances in which the adult parole board can revoke parole in circumstances where an offender has committed further offences while on parole.

First, the bill amends section 77(5) of the Corrections Act to remove the current requirement that the prisoner must be sentenced to more than three months imprisonment for the further offence or offences committed during the parole period before triggering the board's power to cancel parole under this section. The result will be that any sentence of imprisonment imposed for offending that occurred during the period of parole will trigger the board's power to cancel parole even after the parole period has expired. A consequential amendment is made to section 76.

Second, the bill amends section 77(5) of the Corrections Act to give the adult parole board the power to cancel parole if the prisoner is sentenced to another prison sentence for an offence or offences committed during, or partly during, the parole period, even though the parole period may have expired.

Section 77(5) is currently interpreted in such a way that the board will only be able to cancel parole after the parole period has expired, where the offending behaviour that led to the further prison sentence occurred entirely during the parole period. Offending behaviour leading to the further prison sentence that may have commenced or continued in part of the parole period, and is therefore not identified as having occurred entirely during the parole period, is not considered to give the board the power to cancel parole under section 77(5).

This situation will arise in circumstances where the prosecution relies on evidence of a number of incidents of criminal activity over a period of time (for example, drug trafficking), or where it is not possible to identify with certainty the actual dates of the offending behaviour (for example, sex offences against children).

The current wording of section 77(5) creates the odd result of excluding relevant criminal conduct from the board's consideration. The bill rectifies this anomaly by providing that section 77(5) applies whether the offending occurred entirely during the parole period, or the offending commenced, continued or occurred in part during the parole period.

The Sentencing Advisory Council report also recommended inclusion of additional information in the adult parole board's annual report to provide more information about the adult parole system. Specifically

the report recommended that the following information be included in the annual report:

the purposes of parole;

the general principles used when making parole decisions;

factors taken into account when making parole decisions; and

the number and results of parole review proceedings.

The bill amends section 72 of the act to implement this recommendation.

Parole Orders (Transfer) Act 1983

The Parole Orders (Transfer) Act 1983 (transfer act) is part of a national scheme for the interstate transfer of parole orders, underpinned by model legislation.

The corrective services ministers conference has agreed that participating states would make agreed amendments to this model legislation. This bill implements the majority of these amendments.

Other improvements

The bill includes a number of other amendments to the Corrections Act, designed to facilitate the operation of the act, enhance the effectiveness of community correction orders, and improve access to justice for victims.

These include:

allowing for the drug and alcohol testing of community-based offenders to support the existing prohibition on the consumption of alcohol or drugs of dependence during attendance at community corrections centres or community work sites;

providing for the search of offenders at community work sites, to manage situations in which offenders are suspected of possessing alcohol, drugs or weapons;

providing for the use of interest earnt on prisoner trust funds for the benefit of victims of crime or their families (where previously the act was silent on how these funds may be used);

requiring the secretary to the Department of Justice to provide details of name change applications by prisoners to the registrar of births, deaths and marriages (as is currently the requirement for parolees and serious sex offenders);

allowing a victim to be given a copy of an order made under the Serious Sex Offenders (Detention and Supervision) Act 2009 in relation to the perpetrator;

allowing associate judges of the Supreme Court to be appointed as members of the adult parole board; and

updating references to the provisions of the Building Act 1993 to provide that exemptions from public inspection of information relating to the construction and layout of prisons apply to building work at private as well as public prisons.

A number of other minor or technical amendments to the Corrections Act are also included.

I commend the bill to the house.

Debate adjourned on motion of Mr HERBERT (Eltham).

Debate adjourned until Thursday, 27 December.

RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012

Second reading

Debate resumed from 12 December; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms WREFORD (Mordialloc) — I rise to speak in support of the Retirement Villages Amendment (Information Disclosure) Bill 2012. Retirement villages are a significant part of life in Victoria and increasingly so as our population ages. They are generally great places to live, offering a diverse lifestyle and different activities. However, once in a while we find the communication process goes wrong, especially around signing contracts. I have visited a number of retirement villages in my electorate. Most are doing really well, but there is one where a whole group of residents is terribly upset with the contracts they have signed. The contracts are very complicated, and I do not think anyone can understand them. Most MPs at some stage have probably had retirees visit their offices in such circumstances.

There are about 400 retirement villages in Victoria, and this number is growing rapidly. They are home to about 30 000 people across Victoria. Around 30 per cent of the spaces are in not-for-profit villages; the rest are in commercial villages. About half the villages are not-for-profit, but they generally have fewer units.

At the 2010 state election, back when Labor fell into its policy vacuum, we promised to make changes to improve processes. Released in 2010, our plan for consumer affairs committed to assisting senior Victorians and their families to understand what is involved in retirement village life, to better compare retirement villages when choosing one and to better understand rights and obligations; reducing disputes; and working with peak bodies to ensure a more consistent approach to contentious issues across the state.

To actively promote better understanding of retirement village residents' rights and obligations both before and during entry, new regulations will be made using existing powers. The disclosure statement will include information about things like entry costs, ongoing costs and departure costs. Contracts will be standardised, which will make it easier for people to compare apples with apples, as it were, and will make rights and responsibilities easier to ascertain. Basic compulsory rights and responsibilities will be prescribed so that simple things are not forgotten.

In the effort to reduce disputes, internal dispute resolution guidelines published by Consumer Affairs Victoria have been revised, improved and republished. Working with peak bodies to ensure a consistent approach to issues, protocols will be developed on common issues such as acceptable marketing procedures when a resident vacates and fees charged after a resident has vacated. This process has commenced with a series of round tables, which also identified issues like changes to services provided to residents, changes in service costs, maintenance procedures, what is covered by capital and service charges, presentation of annual financial statements and the refurbishment of units. This information was collated and launched in May in a publication entitled *Retirement Villages — Good Practice to Address Key Issues*.

I know from personal experience that those issues are the ones that are contentious. They are issues that people have brought to my electorate office. The decision to move into a village is not a simple one for anybody. It is a major decision. There are a lot of things to think about, such as, for a start, comparing offers and contracts, how life in a village is different from the life the person is used to and the financial commitment. It is a permanent commitment, so that person needs to make sure that all the facts are clear. None of us wants conflicts and misunderstanding which make things difficult after the fact.

This bill is designed to make things simpler, fairer and more consistent. Problems can have severe impacts on those who qualify to live in retirement villages. Presently Consumer Affairs Victoria holds seminars and publishes a guide to choosing and living in a retirement village, which is being updated. There is very little information or support provided to anyone beyond that, except when signing a contract, so it is hard to understand why Labor did nothing about it in its 11 wasted years. Maybe the media opportunity was not good enough. However, resident and consumer groups have wanted action for a long time, and rightly so. They want more information and clarity, but they do not want prospective residents to be overwhelmed. The way the system is now means it can be overwhelming to be faced with some of these contracts. We are fixing up the system so there is a better flow of information and there are clearer choices early in the process, without making it daunting for those who are moving into villages.

The bill will require a fact sheet to be provided between the first inspection and contract signing to allow for full and proper consideration. The fact sheet will include information about the village's current size, the size of units, the facilities available, costs, future plans and the village's financial position, all of which are important to know when making the decision to move into a retirement village. The fact sheet must be included in any village marketing material. This is exactly what the consumer groups have wanted, and it is a practical way for village operators to manage the information. The bill makes it an offence to provide false information on a fact sheet. It also clarifies the situation where a non-owner resident's departure entitlement is refunded.

As I have said, moving into a retirement village is significant for people. There are lots of retirement villages, which provide housing for thousands across our state, and there are some very good ones in my electorate. In the 2010 election campaign we promised to improve the process around choosing retirement villages. This is another one of our commitments that we are delivering on.

In summary, the bill will ensure the clear disclosure of costs, provides for standardised contracts to allow easier comparison, make rights and responsibilities clear, improves dispute resolution guidelines and provides for protocols to be developed with stakeholders. It provides for updated guides and seminars and requires potential residents to be given fact sheets, and it clarifies some departure entitlements. It will help people choose retirement villages and will reduce conflicts. It is an important piece of legislation given the growing number of people who are going into

retirement villages. Looking at our ageing population, this will be an ever-increasing option for people as they age. This is good news not just for communities such as mine in the Mordialloc district but also for the wider community of Victoria. I commend the bill to the house.

Ms HALFPENNY (Thomastown) — I rise to talk on the Retirement Villages Amendment (Information Disclosure) Bill 2012 which amends the Retirement Villages Act 1986. In essence, the bill is an enabling measure which provides for some changes to the act, but I understand it is the first step on the path to reform of the retirement village sector. During the briefings with opposition members the government confirmed that there will be further legislation in line with its election promises to promote and support the rights and obligations of those living in retirement villages as well as the owners of retirement villages.

A number of concerns have been raised by residents of retirement villages, and this amendment bill does not go towards fixing all those problems. Comparatively few people in the electorate of Thomastown live in retirement villages. In fact there are relatively few accommodation options for people who are getting on in life. Many people age in place, which is the jargon used for when people remain living at home. A very high proportion of older people in the Thomastown electorate do live at home alone and require services to help them with their daily living. This is a challenge for many of the residents, particularly in light of the cuts to services that provide in-home care for older people.

I am a member of the parliamentary Family and Community Development Committee, The committee conducted an inquiry into opportunities for participation of Victorian seniors. One issue that arose a number of times was: how do we allow people, as they get older, to continue to live active and healthy lives, and how do we encourage their participation in society? That is very important for wellbeing, for the fulfilment of life and for continuing to lead a meaningful life. One of the important ingredients, which was raised on many occasions in different submissions and by people who presented, was a knowledge of your rights and the ability to exercise those rights.

The bill begins that process in the sense that it provides legislative requirements for retirement villages to provide information. From that information we hope that residents of retirement villages — older people — will be able to exercise their rights, as they should always be able to do. As I said, this is just one step in a process of legislative reform. I hope the government bites the bullet and continues on this path of reform of retirement villages to ensure that older people are able to live fulfilling lives without anxiety and worries over issues that have arisen at retirement villages.

Last night the member for Keilor gave a number of horrifying examples of people living in retirement villages who have been subjected to some terrible situations, where maintenance has not been done, fences have fallen down and general everyday work on houses — which in a lot of cases people have paid high fees for — has not been done. Once you get into a retirement village you really should not have to worry about these sorts of things, because they should be covered by the contract. People not being given proper information about their contract and what is required of them and of the retirement village they are in could lead — as it has — to disputes, confusion and disagreements about entitlements.

The bill puts into law the requirement that an owner, manager and agent of a village must provide a fact sheets summarising information relating to the operation of the retirement village and give them to the retired person or potential buyer. It also requires a retirement village to make available certain relevant documents to a prospective resident of that retirement village and for them to be prepared in such a way that information about different types of retirement villages can be compared.

It is not just disagreements about fees and maintenance and things like that that arise in retirement villages. There is one other aspect — that is, the treatment of residents — which must also be addressed. I am talking about a knowledge of your rights and the ability to exercise your rights. For example, Residents of Retirement Villages Victoria, which is an organisation that supports and advocates for and highlights issues arising on behalf of residents of retirement villages, put out what is basically a charter of rights. I will go through a couple of the things it talks about. They are really not big money issues; they are just basic human rights that you would think any person deserved to have. They are things like the right to be treated with dignity and respect; the right to live without discrimination and victimisation; the right to personal privacy; the right to live in a safe and secure environment; and the right to be active and participate in the social, physical and sporting activities that are offered to residents.

I made the point of referring to rights to dignity and privacy because among the presentations to the inquiry into opportunities for participation of Victorian seniors was one by the president of Residents of Retirement Villages Victoria, Mr Terry MacDonald. In his

presentation he raised the point that a number of people, when they have raised problems within their retirement villages, have been ostracised and excluded from various activities in those retirement villages.

When you go into a retirement village you are in your later years and hoping for a nice, happy life going forward rather than having arguments and confrontations with management or other people within the retirement village over what the village is or is not providing. I think everyone in this chamber would agree that the rights of retirement village residents include dignity, respect and involvement. I hope any forthcoming legislation from the government will ensure that the wellbeing of residents of retirement villages is taken into consideration and supported. This bill is the first step; there is a long way to go. It is part of an election promise made by this government. We hope the government implements fully its election promises in this area for those who are living in retirement villages and the retirement village sector in Victoria.

In conclusion I would like to quote from a document entitled *A Vision for the Retirement Village Sector in Victoria*. These are not difficult things for the government to implement in terms of subsequent legislation. It says:

> A common goal shall be the wellbeing of all residents so as to ensure that in the future their village life will be satisfying, and with cooperative rather than confrontational relationships being the norm.
>
> Through full and understandable disclosure of conditions and expectations prior to entry, all residents will appreciate the roles and responsibilities of village owners/managers.
>
> The retirement village sector will be an essential, transparent and viable part of the Australian community and economy, one which is able to provide owners with a fair profit whilst allowing them to plan to expand to meet the future requirements for independent living for the retired aged at affordable entry prices …

I am sure that everyone in Australia would share this vision for retirement villages and the future of older people who choose to live in this type of accommodation. This bill is a step towards further legislation to ensure that this vision can be realised.

Mr WATT (Burwood) — I rise to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. This bill, like the previous bill we were debating, is a fairly simple bill and one that most people would say is logical. People might even look at this bill and ask why it has taken so long to come about and why the previous government in its 11 years did not do anything about bringing forward something like it.

I would also like to point to something the member for Melton said when debating a previous bill: that instead of dealing with these things in silos, or bit by bit, it is imperative that the government actually do some work. I think the government probably has done a bit of work. That sentiment could also be applied to this bill and the things around it, such as the support the government is providing to people in their senior years, people who are getting on in life.

In my electorate we have around 9000 people over the age of 65, so this is quite a pertinent bill for me. We have a number of good retirement villages. I found it interesting over the course of this debate to listen to members from the other side denigrate a lot of the retirement villages in their electorates without actually naming them. I would like to put on record that some retirement villages in my electorate do a great job. The complaints I get are generally not around the actual village; they are to do with the previous Labor government's decisions, the federal Labor government's decisions or even local council decisions.

I would like to put on record that Aveo Fountain Court is one of those retirement villages. I have had regular chats with one of its residents, Trish. Her issue is with a large-scale development on the old St Andrews school site at 333 Burwood Highway. That development is encroaching on the amenity of the retirement village. I have toured Aveo Fountain Court and watched some of the residents play carpet bowls; it is a great facility.

Cameron Close Village is another large retirement village in the electorate of Burwood nestled neatly between Wattle Park Primary School and Wattle Park itself. I have chatted there with Dorothy, Tom and Carol, who are all great supporters of mine, and I intend to support their enjoyment of their retirement at Cameron Close. One of the issues they are concerned about is the previous government's decision to build at the school site, which overlooks people's private spaces at Cameron Close. This is particularly distressing for them. I have also spoken to Jill, a resident of Hayville Retirement Community, who has some issues with the council.

In May this year I visited Renaissance Living in Surrey Hills with the Minister for Consumer Affairs to launch the retirement village campaign, which was very well supported by its residents. The minister launched two important publications for retirement village residents while at Renaissance Living and said at the time that the coalition government is committed to promoting

better understanding of the rights of retirement village residents as well as improving their effectiveness through internal dispute resolution. That is another good thing being done by the government to try to make it easier for senior Victorians once they enter retirement villages. It is all part of not working on things in silos.

Another thing the government has introduced is year-round electricity concessions; that is a very positive step for our seniors. The Victorian government is also helping seniors to live active and healthy lives by providing more than $217.9 million over four years in the 2011–12 budget. This is another great government policy that will help senior Victorians.

The government has also put in place an additional $72 million for home and community care services. During the week senior Victorians can also travel on trams, trains and buses in zones 1 and 2 for only $3.80. These policies are practical; they are there to support those people who have supported Victoria and Australia over a long period of time. We are giving back to them and saying, 'We want to make your lives easier'.

Let us look at the free myki card. We all know about the problems myki has had, but the free myki cards automatically provide free weekend travel on Saturdays and Sundays. There are also two off-peak vouchers to be used anywhere in Victoria.

In my electorate there are nearly 9000 people over the age of 65, but if we look at how many people live in retirement villages, we see it is only 645. That means the vast majority of people in my electorate over the age of 65 are not living in retirement villages. One of the other great policies that we as a government have put in place — something that we took to the election and are proud to support — is improving housing affordability for pensioners and self-funded retirees. Pensioners will be entitled to a full exemption on stamp duty up to $330 000, and a concession will be available on properties valued between $330 000 and $750 000.

Previously that threshold was about $440 000. Many people in the Burwood electorate would like to downsize, but the ability to do so can sometimes be hindered by the large transactional costs associated with that. This is one of the other things that we as a government have been able to do for people who are getting into their later years.

I will clear up the misinformation that has been provided by some members on the other side. I will concentrate on the claim by the member for Pascoe Vale regarding the exemption for mail-outs and the bill's requirement that a fact sheet be included in marketing material given to retirees. The interesting thing is that the member said that retirement villages can letterbox people and make whatever claims they like and mislead people — people can be misled. Interestingly enough, the Australian Consumer Law prohibits misleading, deceptive or unconscionable conduct and false misrepresentations that would deter the conduct being complained about.

Labor's ignorance of consumer law is quite astounding considering the fact that the member for Pascoe Vale is a former Minister for Consumer Affairs. You would think she would know better. It is quite embarrassing that the member does not know better. The member's claims were potentially harmful, as they misled not only her constituents but also people from right around the state about the protections they have under the Australian Consumer Law. I find it quite astounding that the former Minister for Consumer Affairs has a complete disregard or lack of knowledge of consumer law in Australia.

Mr Herbert — On a point of order, Acting Speaker, I think I heard the member say that the member had misled the house or had misled, and I think that is a little unparliamentary. I would ask him to withdraw that, if that is what was said.

Mr WATT — I withdraw. A lot of consultation has occurred in relation to this bill, and I am particularly interested in residents of retirement villages in Victoria and their views on it. The residential retirement villages of Victoria strongly supported staged disclosure at the inquiry investigative stage, the immediate stage and the precontract stage. It supported early disclosure because initial legal advice is cost prohibitive. We had some support through stakeholders.

Mr PERERA (Cranbourne) — I wish to speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. The electorate of Cranbourne was ranked seventh in Victoria in the number of persons living in retirement villages in 2011. The sector is still growing in my electorate. With the construction of a new village currently under way which will house 300-plus residents and possible future expansions of existing villages, I anticipate this ranking will rapidly move up the ladder.

There are three key elements to the bill. The first key element is the enhancement of the current disclosure statement. The bill makes it a requirement to provide prospective residents with critical information about entry costs, ongoing costs and departure costs that the

prospective resident will incur if they move into that retirement village. It is essential that persons considering entering a retirement village obtain exact details of the cost structure of that village. Many retirees have a very limited capacity to raise extra funds and are dependent on their savings and fixed income streams to keep them going during the sunset years of their lives.

I am not sure that the provisions in the bill adequately address the issue of the separation of the various charges of a retirement village and the owners corporation charges for product evaluation. The rolling together of charges can hide the fact that different statutory provisions apply to different increases in charges. There could be different bases for a resident's liability for each charge. This issue needs to be addressed. Ongoing and departure costs are costs that residents and their families seriously consider and make measured decisions about making provision for. Ongoing charges could bite into the wallets of retirees at a most unwanted time, such as when disposal of a unit drags on. Residents are required to refurbish before they sell their lease.

According to the *Age* of 17 April a resident paid as much as $63 000 for refurbishment, which was not recouped by a higher selling price. According to the *Age* writer, the management of the village can take up to six months to do the refurbishment. It could be in its interests to take longer, since its priority is to sell new units, not the refurbished units. When sale proceeds are expected to fund the relocation to an aged-care facility or forms part of an inheritance, it is heartbreaking to see ongoing costs eating into the uncertain fixed amount that will be realised from a sale at a future date. Maintenance charges and personal services fees can accrue over time, particularly for hard-to-sell units. These charges are incurred on top of owners corporation fees and retirement village charges, council rates, utility charges and the interest charges on any aged-care accommodation bond.

If a resident had signed a contract before the previous government changed the law in 2006, they may have been subject to a clause many village owners used that allowed them to withhold the money from any sale for up to eight years, including the interest earnt on it. These combined costs may significantly reduce a resident's exit entitlements and may sometimes leave them in a position of negative equity. Up-front knowledge of cost structures is essential, but a simple fact sheet is not the sort of document residents can use to hold managers or owners accountable.

The current act does not require the owner or manager to present a complete financial statement regarding the village, only a statement of income and expenditure relating to village charges. This statement does not cover whether all refundable ingoing contributions have been refunded or the village's liability in relation to refundable contributions. If the owner or manager is aware of anything that would prevent the village from paying its debt on time, it is not compulsory for them to state that clearly.

This legislation fails to address these issues. Section 38(3) of the Retirement Villages Act 1986 protects the owner from civil liability for a reduction in services where the residents have not approved that reduction or an above-CPI increase in the maintenance charge provided the owner is deemed to have acted reasonably. This reasonability is a matter of judgement. The amendments in this bill do not attempt to introduce a legal framework to protect residents from any unreasonable service reduction or surge in maintenance charges.

The second key point is the standardisation of the structure of retirement village contracts. It will be better when prospective residents are able to compare contracts and actual residents are able to identify their rights and responsibilities. To make the best possible informed decision at this time of crucial lifestyle change what retirees and potential retirement village residents require is a section in the legislation that will specify exactly what is required to be detailed on a form. This form will become an integral part of any future contract entered into and can be upheld or contested in court as part of any contractual action.

The best example of this form is the vendor's statement detailed under section 32 of the Sale of Land Act 1962, with which all members would be familiar. This bill fails to specify a legal document that retirees can legally rely on for decision making and which would form part of any future contract. Nothing more than a fact sheet, approved by the director of Consumer Affairs Victoria, is required to accompany any targeted promotional material sent to retirees. I believe this will be nothing more than further promotional literature and be unenforceable in a court of law. These amendments have not gone far enough for would-be residents to make confident financial decisions without the fear of possible future financial repercussions resulting from a lack or withholding of crucial information.

The third element of the bill is the prescription of a basic set of measurements and of mandatory rights and responsibilities of residents and owners. It is important to prescribe the basic set of mandatory rights and

responsibilities of residents and owners. When either parties take their responsibility lightly or abuse prescribed rights, matters can become disputes. If disputes between the owner or manager and residents are not resolved through the in-house dispute resolution process, residents can seek assistance from Consumer Affairs Victoria. If the residents are still not satisfied, they will have to go to court or to VCAT (Victorian Civil and Administrative Tribunal). Contractual disputes within the jurisdiction of VCAT between village operators and residents may result in binding decisions being made by VCAT. However, there will be an enormous cost to both parties.

Residents are reluctant to take matters to VCAT due to the potential costs. The village operator is often a businessman who can hire the best lawyers in town, but the residents, at their stage in life, cannot and will not spend that sort of money. This is not natural justice. There should be a less expensive process to deal with matters and receive binding decisions.

I believe where residents allege owner or management corporations have committed corrupt or illegal practices the initial action should involve the Ombudsman assessing whether police action is required or deciding that the only recourse is litigation. The bill will maintain almost the status quo, which is not good enough. Corrupt or illegal practices are criminal offences. It is no good for the office of the Ombudsman and the police to take their hands off matters and handball them to Consumer Affairs Victoria, which will do very little. Fiddling with fact sheets will not fix the growing problem of unfair contracts which squeeze every cent out of seniors. Many more issues than just the amendments in this bill need to be addressed before equality between parties becomes a legal reality in relation to retirement village legislation.

Mr ANGUS (Forest Hill) — I am pleased this afternoon to rise and speak on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I note clause 1, the purposes clause of this bill, which says:

> The main purpose of this Act is to amend the Retirement Villages Act 1986 to require the owner or manager of a retirement village to provide a summary of information relating to the retirement village and to make certain documents available for inspection to prospective residents of retirement villages.

The purpose of this bill is very straightforward, simple and clear. The context of this bill involves progressing the implementation of the government's commitment in its 2010 plan for Consumer Affairs Victoria to provide a better understanding of retirement villages and residents' rights and obligations, both prior to entering a village and also whilst they are residents. That is an all-encompassing aspect.

The objective of the bill is to better enable retirees to choose a retirement village that suits their needs, lifestyle and budget. That is done by requiring village operators to provide retirees with fact sheets containing relevant information and allowing the relevant documents held by operators to be inspected. We can succinctly summarise that the objective of the bill is to increase communication between potential residents and the operator of villages and, very importantly, to improve the transparency of the arrangements which potential residents are likely to have to work within. It is going to make things a lot clearer for anybody involved at that level.

In terms of the details, this bill amends the Retirement Villages Act 1986 by inserting new sections 18A and 18B, which will, as I said, require these particular fact sheets to be provided to retired persons. New section 18A(1), to be inserted by clause 4 of the bill, refers to the provision of a fact sheet. It reads:

> A retired person, or a person acting on behalf of a retired person, may make a request to the owner or manager of a retirement village, or to an agent of the owner or manager, for the factsheet relating to the retirement village.

New section 18A(2) says that if the person or his agent receives a request under subsection (1):

> … the owner or manager, as the case may be, must provide to the person who made the request a copy of the factsheet, free of charge —

so there is no cost involved —

> not later than 7 days after the request is made.

That keeps the request current to the time of the inquiry. New section 18A(3) says subsection (2) applies whether such a request is made orally or in writing.

New section 18A(4) talks about targeted promotional material and the like. The operator, owner or manager must ensure that a copy of the fact sheet relating to the retirement village is included with that material. Again the whole objective relates to increasing communication and transparency so that there will be fewer arguments and potential problems and disappointments at the other end of the transaction. Rather than there being fights downstream we can hopefully head them off at the pass, so to speak. The material being made available up-front will enable potential residents to go in with their eyes wide open and hopefully avoid some of the pitfalls, challenges and confusion that can arise.

During the last two years numerous residents from my electorate of Forest Hill have come to me to express their concern about significant matters relating to retirement villages, particularly some operating not necessarily within my electorate but more broadly. The fact that we are now implementing a commitment of this nature will go some way towards improving that situation. The fact sheets are required to be provided in a prescribed form and within time lines. As I said before, the provision of such documents will hopefully alleviate some of the problems that tend to arise from time to time.

The bill amends section 19 of the Retirement Villages Act to require retirement village operators to provide a fact sheet and document inspection to prospective residents considering signing a retirement village contract, unless it was previously provided and there has been no change to that material. The operators do not have to duplicate the process if there has been no change. The bill amends the definition of 'disclosure statement' in section 3 of the principal act to provide for the form of the statement to be as approved by the director of Consumer Affairs Victoria. That is a prescriptive matter.

Clause 6 amends section 20 of the act to make it an offence to knowingly include a false or misleading statement in a fact sheet or prescribed document. That ensures that operators, managers, and so on, of retirement villages are truthful, clear and precise in what they include in these particular documents. Section 43(1) of the act is amended to permit the making of regulations to prescribe the information to be contained in the fact sheet and the documents to be made available for inspection, and that is an important component. Clause 7 amends section 26(2)(b)(i) of the act to make a technical correction to the provision regulating refunds of ingoing contributions. A number of sections of the act are targeted and amended by the bill.

New section 18A(5) is very prescriptive in relation to the fact sheet. It says:

> The factsheet relating to a retirement village must —
>
> (a) be in the form approved by the Director; and
>
> (b) contain the prescribed information; and —
>
> importantly —
>
> (c) present in a clear, concise and effective manner that information, including any information included as an attachment.

The prescriptive aspect of the bill is very important. New section 18A(7) defines targeted promotional material. New section 18B, 'Inspection of documents relating to retirement village', sets out under subsection (1) that a retired person, or a person acting on behalf of a retired person, is able to inspect such documents and material. New section 18B(2) states that these documents must be made available free of charge and not later than seven days after the request is made. In new section 5(1), 'Resident to be given certain documents', the bill amends section 19(2) of the Retirement Villages Act, and the new section goes into those various aspects.

A number of speakers have talked about our ageing population not only here in Victoria but Australia wide. It was interesting to read the comprehensive research brief on this bill prepared by the parliamentary library staff — they do a great job with these documents. I was interested to note that on page 14 of the research brief, under table 1, headed 'Persons living in retirement villages by electorate, 2011 census', the electorate of Forest Hill is sixth in a list of the 88 Victorian electoral districts and has 887 persons satisfying the criteria. It is no secret that the electorate of Forest Hill has a number of older residents, and I am very grateful that we have some outstanding facilities in our electorate. This bill will assist people in the future who want to move into these facilities. As I said, with our ageing population that is what will happen. Indeed additional facilities are being or are about to be constructed within the electorate.

Extensive consultation has been undertaken in relation to this bill. A number of submissions were received, and they helped form the bill. The government's aim is to assist senior Victorians and their families to better understand what is involved in retirement village living, to be better able to compare retirement villages before choosing one, to better understand their rights and obligations when they become residents and to reduce disputes in retirement villages.

It is a clear-cut and very important piece of legislation which, as I said, will not only assist the operators in relation to various queries down the track but also inform residents and prospective residents. With those comments, I strongly support the bill and commend it to the house.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Geelong: migrant employment

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Today's regional unemployment figures show that unemployment has jumped from 5.5 per cent to 6.1 per cent and in Geelong from 4.2 per cent to 6.2 per cent, and I ask: can the Premier confirm that his government is seeking approval from the commonwealth to designate Geelong as an area for a regional migration agreement to allow 457 visa workers — that is, semi-skilled foreign workers — to apply for work in Geelong?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. The subject of regional employment is a significant one, particularly in the south-western region of Victoria. There has been significant growth in employment in the south-western region, and when it comes to section 457 visas there are conditions around such visas, as I am sure the Leader of the Opposition knows. However, if it is that the Leader of the Opposition wants to scare the community about 457 visas, then that would be a matter for him. If he wants to take that fight up to the commonwealth — —

Mr Andrews — On a point of order, Speaker, can I put it to you that instead of the Premier reflecting upon the — —

Honourable members interjecting.

Mr Andrews — Do I have the call?

The SPEAKER — Order! The Leader of the Opposition has the call. I have given him the call.

Mr Andrews — I can barely hear myself; I thought you might want to be able to hear me, Speaker. Shall I proceed?

The SPEAKER — Order! If the Leader of the Opposition could get on with it, we will be able to hear.

Mr Andrews — Instead of the Premier offering reflections on me or anyone else on this side of the house, he ought to be directed to the question and its subject — that is, whether his government is making such an application. That is the point of order, and that is what the Premier ought to be drawn to.

The SPEAKER — Order! I do not uphold the point of order because I believe the answer was relevant to the question that was asked.

Mr BAILLIEU — I make the point again that section 457 visas are available under the commonwealth government, and the commonwealth government is still a Labor government. If the Leader of the Opposition suggests there is something wrong with section 457 visas, I would imagine he would say so publicly and not blow — —

Mr Andrews — On a point of order, Speaker, with the greatest of respect, question time is not an opportunity for the Premier to offer suggestions to me. It is an opportunity for him to answer the questions he is asked, and he is obligated to do so. I would seek your intervention, Speaker, to uphold the standing orders.

The SPEAKER — Order! I do not uphold the point of order.

Mr BAILLIEU — When it comes to the city of Geelong, this government has made significant investments in the city of greater Geelong and in the south-western region. I could take the house through them at length, but when it comes to section 457 visas there are arrangements in place under the current Labor commonwealth government. Where it is appropriate, companies apply for section 457 visas, and some companies in the Geelong region have been doing it tough. They have faced significant industrial disruption. And I think of Lion, which was through its subsidiary Little Creatures subjected to one of the most outrageous industrial campaigns Victoria has ever seen — and some people have been silent about that.

Ms Allan — On a point of order, Speaker, the Premier is offending standing order 58 by debating the question and doing everything possible to avoid answering the question that was asked. People in Geelong are doing it tough, and they would like to hear an answer from the Premier.

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

Mr BAILLIEU — I am more than happy to answer this question. Some people have a problem with section 457 visas — —

Mr Andrews interjected.

The SPEAKER — Order! If you interrupt again, you will be out.

Mr Andrews — Who is 'you'?

The SPEAKER — Order! 'You' is the Leader of the Opposition. If he wants to keep arguing, he can leave now.

Ms Allan — On a point of order, Speaker, we understand it is the last sitting day of the year and that there are a lot of tired heads around the place. However, the Premier is clearly disobeying your previous ruling, which is why I want to renew the point of order and ask him to come back to answering the question he was asked and indeed comply with your direction from the Chair.

The SPEAKER — Order! I believe the answer was relevant to the question that was asked.

Mr BAILLIEU — Section 457 visas are available for those with specialist skills who are seeking to enter this country on a migration basis to pursue employment in a particular skills area. Section 457 visas are of international significance; they apply to arrangements for those who will come to this country. There are some people who are uncomfortable with section 457s, but I make the point that they apply internationally where there is a skills shortage. Some people are not only uncomfortable with 457s which apply internationally — —

Mr Merlino — On a point of order, Speaker, the Premier continues to debate the question. If he does not have the courage to answer this question, he should say so. Is he seeking this or not? That is the question. Is he seeking this migration area under 457 or not? If he does not have the courage to answer it, he should — —

The SPEAKER — Order! I do not uphold the point of order.

Mr BAILLIEU — Section 457 visas are about generating jobs where there are skills shortages that can be supplied internationally. There is also potential to supply jobs to cover supply skills where they are not available from other states — and some people even oppose that, they even oppose those coming from interstate to get jobs here that cannot otherwise be filled. Who might that be? I think we all know. When it comes to the Geelong region just in the last week the Deputy Premier has had discussions with Minister Crean about the that region in the same way as they have had discussions and settled on a plan for the Latrobe Valley. Some people want to oppose that because some people are only interested in their mates, the Construction, Forestry, Mining and Energy Union, and the job killers who they represent.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Ms Allan interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Bendigo East

The SPEAKER — Order! The member for Bendigo East can leave the chamber for half an hour. I had just called the house to order.

Honourable member for Bendigo East withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Government: achievements

Mr MORRIS (Mornington) — My question is to the Premier. Can the Premier report to the house on recent announcements by the government which deliver on our commitments to improve facilities and services for Victorians?

Mr Andrews interjected.

Mr BAILLIEU (Premier) — I thank the member for his question and for his interest in Victoria and the Victorian community. I note the interjection from the Leader of the Opposition that it will not take long. If he would like to move an extension, I will go on. I ask him to bring it on and to move an extension.

Mr Merlino — On a point of order, Speaker, does that offer of an extension include a discussion about the performance of the member — —

The SPEAKER — Order! I ask the member for Monbulk to sit down. If he gets up to make a point of order like that again, he will be out.

Mr Foley interjected.

The SPEAKER — Order! The same goes for the member for Albert Park.

Mr BAILLIEU — There are sensitive petals on the other side today. I am pleased to report to the house that the Victorian coalition government is getting on with the job. This morning I was delighted to attend the Peter MacCallum clinic with the Minister for Health to announce the new skin cancer prevention framework and that solaria will be banned in Victoria from December 2014. In line with the decision that has been taken in South Australia and New South Wales, the commercial solaria ban is part of the Victorian government's skin cancer prevention framework

2013–17. Research shows that the risk of melanoma increases by 87 per cent when the use of tanning devices starts before the age of 35. This framework focuses in particular on young people, and that is appropriate.

In addition to that we have seen over the last two years the introduction of protective services officers on railway stations, and recently we were able to announce the 200th graduate, who is now out there on the railway stations. We have additional front-line police officers and expanded closed-circuit television for communities in public housing estates, and that is having a positive impact already. We have seen new legislation relating to police pursuits, new legislation to outlaw criminal gangs and the release of a new emergency management plan — the single largest upheaval to emergency management in 30 years in Victoria. We have made announcements about the upgrade of the Royal Victorian Eye and Ear Hospital and the commitment to a new Monash Children's hospital. We are increasing the funding for our hospitals while the commonwealth is slashing its funding.

I know the Leader of the Opposition does not like to be reminded of it, but last Friday the commonwealth cheque that went to the Reserve Bank for Victorian hospitals was more than $15 million less than the cheque they received in November. We are delivering the commitments we made to the people of Victoria. We have also announced 40 new regional train carriages, a major new employment precinct at Werribee and the final implementation — and I am pleased to say that the legislation has now gone through both houses — of an independent, broadbased anticorruption commission, something that that side of politics did not do in 11 years. That is in stark contrast to the 11 years of waste, mismanagement and lost opportunities under the previous government.

I conclude with a quote:

> We in many respects failed to keep pace with demand.

Who said that 16 October this year? Who admitted they had failed Victorians and failed to keep pace with demand despite 11 years of opportunities? It was none other than the Leader of the Opposition.

Minister for Health: conduct

Ms HENNESSY (Altona) — My question is to the Premier. I refer to the additional resources provided to ministers, including staff, an office, a driver and allowances, and also to clauses 2.8 and 2.9 of the ministerial code of conduct relating to the appropriate use of those resources, and I ask: can the Premier assure the house that the Minister for Health has at all times utilised those resources in accordance with the ministerial code of conduct?

Mr BAILLIEU (Premier) — I am delighted to answer the question. When it comes to the code of conduct for ministers and parliamentary secretaries, it is the responsibility of ministers and parliamentary secretaries to abide by that code, and that code sets out the provisions for that conduct. The code is there so that ministers have a guideline to work against, and where any issues arise they need to correct that conduct.

I have no reason to think other than that ministers are complying with that code. That would be the code of conduct for ministers and parliamentary secretaries which this government introduced. It would be the code of conduct for ministers and parliamentary secretaries which the previous government never, ever had. It would be the code of conduct for ministers and parliamentary secretaries which the current opposition also does not have.

As I said, I have no reason to think that ministers are doing other than complying, and where they do not comply they will need to adjust and ensure that they do.

Regional and rural Victoria: government initiatives

Dr SYKES (Benalla) — My question is to the Minister for Regional and Rural Development. Can the minister update the house on the economic and jobs growth being delivered through the coalition government's outcome-focused regional funding programs?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Benalla for his question. As the house knows, our coalition government has a strong focus on driving economic growth and developing more jobs and prosperity in regional and rural Victoria. The centrepiece of the government's program is the $1 billion Regional Growth Fund. The fund is focused on outcomes. It is available for projects which provide better infrastructure, facilities and services, which strengthen the economic base of our regional communities and/or which create jobs and improve career opportunities for regional Victorians.

Already well in excess of 600 grants have been made under the terms of the fund. That has injected more than $180 million into our regional communities. That in turn has leveraged total investment of over half a billion dollars since this fund has been running — since July

2011. Through the fund's economic infrastructure program the government has supported over 30 projects that are anticipated to create more than 3200 direct jobs and 3600 indirect jobs. As a result of these initiatives more than 4800 jobs will be retained where they might otherwise have been at risk. Approximately an additional 1700 further jobs will be created in the course of construction.

Some examples — and we are replete with them, there are so many — are $2.9 million towards the $6.3 million project to grow the University of Ballarat Technology Park, which is producing 1600 new direct jobs, 785 indirect jobs, over 2000 retained jobs and 500 construction jobs. On top of that is $1.14 million towards the $1.74 million infrastructure upgrade to support development at Longerenong College at Horsham. I know that is welcomed by the local member — a great local member. That development will see the creation of 18 new direct jobs, 13 new indirect jobs, 5 retained jobs and another 18 construction jobs. There is also $700 000 towards a $2.37 million project for the implementation of infrastructure works in the first stage of the three-stage major urban renewal initiative in Vaughan Street, Shepparton, an area also represented by a great local member. It will produce 190 new direct jobs, 170 new indirect jobs, 209 retained jobs and 191 construction jobs.

They are but three of more than 30 such major projects. I can also tell the house that on this very day Esso Australia has announced that it is contributing $500 million towards a $1 billion investment in Bass Strait which will see the further development of the gas fields around the Kipper, Tuna and Turrum fields. It will mean a new gas conditioning plant will be built at Longford. It will see 250 construction jobs created. This will be matched by another $500 million from BHP Billiton. Why are they doing this? Because they know they have the confidence of a government which supports regional development so that we can make sure we get the very best out of the regions of Victoria.

This great consortium has been working in the regions for something like 40 years in Bass Strait and will ultimately make a multibillion-dollar investment. This is another instance of companies being comfortable to make these magnificent investments knowing they are supported by a government which knows its way as to the future of the regions, and we will make certain we enhance them as best we possibly can.

Police: support staff

Mr MERLINO (Monbulk) — My question is to the Minister for Police and Emergency Services. How can the minister claim that no front-line services will be impacted upon by the sacking of 350 public servants from Victoria Police when Victoria Police itself has confirmed in a letter that two Victorian public service analysts from the water police and search and rescue have been sacked and that their jobs are now being done by two senior constables?

Mr RYAN (Minister for Police and Emergency Services) — I am pleased and proud to say we are midway through a program of adding another 1700 front-line operational police to the streets of Victoria. We know that at 30 June this year — not even halfway through our first term — we had added 850 of them. We are very proud of that. It is a great achievement, and the rest will come sooner rather than later.

Insofar as protective service officers are concerned, we are adding 940 of them. We have more than 200 of them out there now patrolling our railway stations in a manner which we contemplated — —

Mr Nardella — On a point of order, Speaker, the question that was asked was quite specific — I am talking about relevance here — and it did not refer to the matters that the minister is now talking about. I ask you to bring him back to specifically answering the question that was asked.

The SPEAKER — Order! I do not uphold the point of order.

Mr RYAN — It is going to mean that Victorians are afforded a higher level of protection through the availability of more police and the addition of these protective services officers. It is what people were crying out for. We have been able to provide these additional resources. We are very confident that we are going to see this play out in favour of all Victorians over the course of our term of government and beyond.

In terms of the matter that has been raised with me by the member, there is of course a sustainable government initiative. That initiative does not involve any sackings. There are those who are taking the opportunity to take up voluntary departure packages. As that occurs it is a matter for police and the department.

I can also say that this week we had the Premier and the Minister for Ports out on yet another initiative to make sure that police, in this case the water police, are able to

have even better facilities available to them for the purpose of discharging their important responsibilities.

Mr Merlino — On a point of order, Speaker, the minister is not being relevant to the question. The question was not about facilities. This letter is headed 'Sworn staff in VPS roles' — Victoria Police sworn officers in public service roles. That is impacting on front-line services. I am happy to table this letter for the benefit of the minister. I seek leave to table this letter.

Honourable members interjecting.

Leave refused.

Mr Andrews — On a point of order, Speaker — —

The SPEAKER — Order! I have not had a chance to rule. I do not uphold the point of order.

Mr Andrews — My point of order, Speaker, is not related to the previous point of order at all; it is a fresh point of order. It is in relation to the request for leave and a clear response from the government side of the house that leave was granted. A clear response of 'Leave is granted' was heard on this side of the house. I ask you to seek clarification.

The SPEAKER — Order! That is not the way I heard it. When I asked whether leave was granted, leave was not granted.

Mr RYAN — We as a government are proud of the fact that we have lifted Victoria from the point where under the former government it had the lowest resourcing per capita for a police force out of all the Australian states. We have been able to deliver a position, and we will deliver even more to make sure that this is addressed. One cannot but ask rhetorically: who was the police minister when the last failed Labor government was ejected? It was the member for Monbulk.

Mr Nardella — On a point of order, Speaker, it is not relevant to government administration for ministers to attack the opposition or members of the opposition. I ask you to bring the minister back to answering the question.

The SPEAKER — Order! The member for Melton is right. I uphold the point of order. The minister should not attack the opposition. I ask the Minister for Police and Emergency Services to continue his answer without attacking the opposition.

Mr RYAN — I have finished, Speaker.

Transport: government initiatives

Mrs FYFFE (Evelyn) — My question is to the Minister for Public Transport. Can the minister update the house on progress the coalition has made to improve transport infrastructure in this state and whether he is aware of any alternative approaches?

Mr MULDER (Minister for Public Transport) — I thank the member for Evelyn for her question and for her strong interest in public transport, particularly in improving the road network throughout the state of Victoria. We have been very busy since we came to office. The coalition has delivered on its policies, and it will continue to deliver on its election commitments to the people of Victoria.

The first step involved the clearways laws being reversed by the coalition government. They were imposed in a moment of haste by the Labor government and crippled small business. We moved in straightaway, reversed those cruel clearway rules and in doing so supported small business.

We took on one of the toughest jobs in the state when we established the taxi industry inquiry. Satisfaction levels with the taxi industry in Victoria were a shocking indictment of the former government. The inquiry report from Professor Allan Fels was tabled in the Parliament yesterday. We established Public Transport Victoria. Tony Morton of the Public Transport Users Association acknowledged on radio today that we have delivered on that commitment for the people of Victoria. We have put $350 million into removing level crossings at Springvale Road, Rooks Road and Mitcham Road and two in Labor Party heartland at Anderson Road that were ignored by the Labor government. There is Grovedale station in South Barwon.

Hardworking members deserve the support that they get. There is the Koo Wee Rup bypass. For a very hardworking local member we found additional money for that project: $66 million is going into that project. We have committed to 40 new trains, with 7 of those trains on the way and the business case being developed for a further 33 of those trains. There will be 40 regional carriages for V/Line. It is another election commitment; we found the money when we came to government to deliver on that very important project. That particular project is going to be carried out by manufacturing workers in Victoria. We thought that money had been allocated under the regional rail link (RRL) project, but as the Auditor-General's report points out:

> In early 2011 the budget for the RRL was under review. Additional costs were expected for the purchase of rolling stock …

We had to find the money, and we did. There is the Narre Warren-Cranbourne Road duplication, and of course the east–west link.

Some of the opposing views that are out there at the moment in relation the east–west link project are interesting, aren't they? On 3AW's *Afternoons with Denis Walter* — he probably should have been on *Love Song Dedications*, but nevertheless — the leader of the Victorian opposition said, 'I do not support a tunnel'. The Melbourne *Herald Sun* of 10 December reports the member for Tarneit as having said, 'a second river crossing must be a tunnel'.

Mr Nardella — On a point of order, Speaker, the question is about government administration, and I ask you to bring the minister back to government administration.

The SPEAKER — Order! I uphold the point of order, and I ask the minister to come back to government administration.

Mr MULDER — In referring to government administration, as I said, there are some alternative views in relation to the east–west link. Those who do not support the east–west link support a west–east link tunnel. We will continue to provide funding for important projects throughout our term in government. We have got the Ballarat Western Link Road, the Ballarat-Buninyong Road upgrade, the Cardinia Road duplication, $160 million — —

Mr Nardella — On a point of order, Speaker, the question is about public transport. The minister is now talking about roads, which are not public transport. I ask you to bring him back to answering the question.

Dr Napthine — On the point of order, Speaker, in regional and rural Victoria and in metropolitan Melbourne roads are an important part of the public transport network — for buses, for taxis; a whole range of public transport uses roads just as much as they use trams and rail. I believe the minister is being very relevant to the question.

The SPEAKER — Order! I do not uphold the point of order.

Mr MULDER — The High Street Road and Stud Road duplications, the Kilmore-Wallan bypass, Omeo Highway sealing, passing lanes on the Strzelecki Highway, the Princes Highway duplication, the motorcycle safety inquiry which was launched and reported in this house — the list goes on. We have delivered for Victoria, and we will continue to deliver for Victoria. Our election commitments will be delivered.

The SPEAKER — Order! The minister's time has run out.

Member for Frankston: conduct

Mr MERLINO (Monbulk) — My question is to the Premier. Has the Premier received legal advice about the eligibility of the member for Frankston to remain in this place following the placement of commonwealth-funded staff in his hardware business? If not, why is he still defending him?

Dr Napthine — On a point of order, Speaker, I seek your advice as to whether this is a matter of government administration. The government, as I understand, under the constitution consists of the sworn members of the government — that is, the cabinet ministers and parliamentary secretaries. I ask your advice as to whether this matter with regard to an individual member of Parliament is a matter for government administration under the standing orders of this Parliament.

Mr Andrews — On the point of order, Speaker, I make two points in response to the minister's point of order. Firstly, the Premier has been on the record for quite some time now making comments about the conduct of and his views on the member for Frankston. The Premier is the Leader of the Government, and therefore I think the reflections that the Premier makes about his colleagues are it very much a matter of government business. The second point I make is — and the question related to whether the government has sought legal advice — if the government has sought legal advice, then of course it is a matter of government administration. The question ought to be allowed to stand, and we all await an answer.

The SPEAKER — Order! I ask the member to just look at rejigging that question because I do not think it quite complies.

Mr Andrews — On a point of order, Speaker, I am certain the Deputy Leader of the Opposition would be happy to rephrase the question, but might you, for the benefit of all of us, perhaps indicate where you think the problem might be?

Honourable members interjecting.

Mr Andrews — Notwithstanding the groans of government members, Speaker, if you have asked

someone to rephrase a question, it is not unreasonable to ask that you might give some guidance to that member and all members as to why. You have afforded the member the opportunity to reword it; it is only fair, I think, to give the member and all of us some sense as to why so that he can perhaps comply with that.

The SPEAKER — Order! My concern is that I am not certain it is actually government administration that the member has asked about. There is the answer.

Mr MERLINO — My question is to the Premier. Is the Premier satisfied that the member for Frankston holds his seat in accordance with the Victorian constitution?

Mr O'Brien — On a point of order, Speaker, I draw your attention to page 160 of my most recent copy of *Rulings from the Chair*. It says, 'A member may not ask for a legal opinion'. Quite clearly the question was about the legal eligibility of a member of this house to sit in this house. That is not other than a legal opinion, because it is a question of interpretation of the act. It is clearly an invitation contrary to the standing orders. I ask you to consider whether it should be ruled out or the member should be given a chance to ask an in-order question.

The SPEAKER — Order! I do have some concerns with this question. I have problems with whether it asks a question about government administration. I have given some consideration to this matter over the last two sitting weeks because there have been questions asked on it. I have had some consultation with the Clerk in regard to this matter as well, and I do not think that what the member is asking is about government administration.

Mr MERLINO — Speaker, perhaps if I rephrase the question in this way — —

An honourable member — A third go!

Mr MERLINO — You're desperate not to answer questions about the member for Frankston. You're desperate not to answer questions.

Honourable members interjecting.

Mr MERLINO — The Premier is responsible for the Victorian constitution. Has the Premier sought legal advice as to whether the member for Frankston holds his seat in accordance with the Victorian constitution?

Mr BAILLIEU (Premier) — Speaker, I thank the member for his questions, and — —

Honourable members interjecting.

The SPEAKER — Order! The member has asked a question, and members have to give an opportunity for the Premier to answer that question. If he is going to keep being howled down by the barrage coming from the frontbench at the table, we are not going to get an answer. I suggest that members listen.

Mr BAILLIEU — I thank the member for his question. I have no particular information on these matters other than having read an article in a newspaper. As far as advice goes, to the extent that the member has asked, I have no advice before me on this subject about any single member of this chamber.

Harness racing: regional and rural Victoria

Mr WELLER (Rodney) — My question is to the Minister for Racing. Can the minister advise the house of the benefits to rural and regional Victoria of reopening harness racing tracks?

Dr NAPTHINE (Minister for Racing) — I thank the honourable member for Rodney for his question and for his interest in country racing. Racing is a very exciting and significant sport. It is also a vital part of the Victorian economy, worth over $2 billion and 70 000 jobs, mainly in rural and regional Victoria. The racing and breeding industries are significant industries for jobs and the economy, particularly in country Victoria.

This government has a very clear policy to grow jobs and economic opportunities from the racing industry in Victoria. The harness racing industry is an important part of the fabric of Victorian racing. The coalition went to the 2010 election with a strong policy to grow grassroots harness racing, particularly in country Victoria.

On Sunday I will join my colleague the Minister for Water and member for Swan Hill in attending a harness racing meeting in Wedderburn. The Wedderburn Harness Racing Club was formed in 1885. I expect it will be a great day and that there will be a huge crowd at Wedderburn. Nick Youngson and his committee deserve an enormous amount of credit for the work they have done to promote this harness racing meeting.

The interesting thing about the Wedderburn harness racing meeting on Sunday is that it will be the first harness racing meeting at Wedderburn since 2005. People might ask why this harness racing track has not been used since 2005. That is because in 2005 the Labor government closed down the Wedderburn harness racing track and a number of other harness

racing tracks across the length and breadth of country Victoria, denying those communities the opportunity of having local harness racing meetings and the jobs and economic benefits that come from those meetings. That is because the previous government and previous Minister for Racing simply did not understand or care about country Victoria.

In 2010 the coalition promised to return country harness cup meetings to those local communities. I am pleased to advise the house that on Sunday, when the Wedderburn harness racing cup is run, it will mark the completion of the six tracks that have been reopened this year. Earlier this year over 2000 people attended Ouyen for the return of harness racing. At Wangaratta over 5000 people attended. At Boort over 2000 people attended. At St Arnaud 1500 people plus attended, and at Gunbower, with a population of only 259 people, there were over 1500 people at the harness racing meeting. These country communities care about harness racing in the country.

There is a real difference between this side of the house and that side of the house. The Labor Party closed harness racing tracks, cut country racing — —

Mr Nardella — On a point of order, Speaker, the minister is now debating the question, and I ask you to bring him back to answering the question on government administration.

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

Dr NAPTHINE — Under the Labor government country harness racing tracks and country race meetings were closed — —

Mr Nardella — On a point of order, Speaker, page 154 of *Rulings from the Chair* says, and there has been quite a bit of leeway given to the minister, the previous government should only be referred to in passing. I ask you to now, after 3½ minutes, bring the minister back to answering the question.

The SPEAKER — Order! I believe the references to the previous government were part of the answer the minister was giving to explain the current situation with regard to the reopening of tracks. I do not uphold the point of order.

Dr NAPTHINE — The coalition is proud of the fact that there has been an over 50 per cent increase in attendance at country harness racing cup meetings this year. This is a huge increase in attendances, and there is huge enthusiasm for the opening of harness racing tracks under this government. We reopen tracks; the previous government closed tracks. We are about opening tracks and creating job opportunities. The Labor Party should be retiring some of their broken down hacks — —

The SPEAKER — Order! The minister should resume his seat.

Mr Andrews — On a point of order, Speaker, if I may — —

An honourable member interjected.

Mr Andrews — Well, there is nothing funny. During the asking of a question by the Deputy Leader of the Opposition just a few moments ago I believe the member for Frankston made what many would regard as an offensive remark — —

Honourable members interjecting.

Mr Andrews — He has some form doing this, so I would ask — and you may not have heard it, Speaker — that he ought at least consider withdrawing it. If he decides not to do that, Speaker, I would ask that you counsel him as to his conduct in this chamber.

The SPEAKER — Order! I did not hear any remarks made. In fact it is extremely difficult to hear anything when this house is in uproar the way it has been today. I do not uphold the point of order.

Member for Frankston: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Given that the member for Frankston has likened homosexuality to child molestation, been charged with assault, faces a tax office probe for underpaying debts to mum-and-dad investors, failed to disclose interests in a private company to Parliament, used an obscene gesture and word in this place and then feebly denied it, rorted his taxpayer-funded car and is yet to repay the money, and is now under investigation by Victoria Police, I ask: why has the Premier stood by the member for Frankston for two years when he sacked the member for Benambra in 2 hours?

The SPEAKER — Order! I do not believe the issues that were raised have anything to do with government administration.

Mr Andrews — On a point of order, Speaker, the Premier is the leader of the government in our state. The Premier has been drawn on in this chamber, in the media and in other public forums on countless

occasions to provide a character reference for the member for Frankston — —

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

Mr Andrews — If, Speaker, you are to rule that the commentary, views and statements of the Premier are not a matter of government business, then I do not think that is consistent with the forms of this house. It would render question time nothing but a farce.

Mr Clark — On the point of order, Speaker, as I heard the question it did not relate to government administration; the question related solely to a backbench member of this house. Some honourable members might not appreciate it, but there is a difference between members of the executive government and the conduct of government business, and members of this Parliament who are simply members of the Parliament who may sit on one side of the house or on the other side of the house.

Ms Allan — On the point of order, Speaker, in *Rulings from the Chair*, page 156, previous speakers have ruled that members' interests are within the Premier's responsibility, so in addition to the reasons furnished to the house by the Leader of the Opposition — —

Ms Asher interjected.

Ms Allan — The member's interests? He has misused his interests. The Leader of the Opposition has already furnished a number of reasons. I would add that to the list of reasons this question is totally within the confines of the Premier's responsibility.

The SPEAKER — Order! I have already ruled on the point of order. I do not believe the question related to government administration.

Honourable members interjecting.

The SPEAKER — Order! I have ruled on the point of order.

Honourable members interjecting.

Desalination plant: progress

Mr NEWTON-BROWN (Prahran) — My question is to the minister — —

Ms Thomson — On a point of order, Speaker, in relation to the point of order on the question of government business, as I understand it, the member for Benambra was in fact a parliamentary secretary. The question as it was asked is therefore clearly government business, and it should be allowed to be answered by the Premier, and you should rethink your response to the question being asked.

The SPEAKER — Order! I have already ruled the question out of order. I have called the member for Prahran.

Mr Andrews — Speaker, I have a further point of order.

The SPEAKER — Order! I have called the member for Prahran.

Honourable members interjecting.

Mr NEWTON-BROWN — My question is to the Minister for Water. Could the minister update the house as to recent developments — —

Mr Andrews — On a point of order, Speaker, I am seeking to raise a point of order. Do I have the call?

The SPEAKER — If it is a new point of order, because I have ruled that the question is out of order. What is the new point of order?

Mr Andrews — I am raising a further point of order, as I thought I was entitled to do, and you will rule on it, as is your right.

The SPEAKER — What is the point of order?

Mr Andrews — I want to put it to you, Speaker, that the question related to a number of different issues. I am happy if the Premier confines his answer just to the sacking of the member for Benambra, because that surely is a matter of government administration. No-one could argue that that was not.

The SPEAKER — Order! I have ruled your question out of order.

Mr NEWTON-BROWN — My question is to the Minister for Water. Could the minister update the house as to recent developments in relation to the Wonthaggi desalination plant?

Mr Andrews interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Mulgrave

The SPEAKER — Order! The Leader of the Opposition can leave the chamber for an hour under standing order 124.

Honourable members interjecting.

Honourable member for Mulgrave withdrew from chamber.

Honourable members interjecting.

The SPEAKER — Order! The member for Yan Yean will come back into the chamber.

Ms Green interjected.

NAMING AND SUSPENSION OF MEMBER

Member for Yan Yean

The SPEAKER — Order! I name the member for Yan Yean.

Mr McINTOSH (Minister for Corrections) — I move:

> That the member for Yan Yean be suspended from the service of the house for the remainder of the day's sitting.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Napthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 43

Allan, Ms	Howard, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Kanis, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Richardson, Ms
Halfpenny, Ms	Scott, Mr
Helper, Mr	Thomson, Ms
Hennessy, Ms	Trezise, Mr
Herbert, Mr	Wynne, Mr
Holding, Mr	

Motion agreed to.

Honourable member for Yan Yean withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Desalination plant: progress

Questions resumed.

Mr NEWTON-BROWN (Prahran) — I will repeat my question to the Minister for Water. Can the minister update the house as to recent developments in relation to the Wonthaggi desalination plant?

Mr WALSH (Minister for Water) — I thank the member for Prahran for his question and particularly for his interest in the costs that are being forced on his constituents by the previous Labor government and our having to pay for the desalination plant.

As most people know, unit 1 of the desalination plant passed preliminary commercial acceptance on 29 September. Progressively units 2 and 3 were then tested. All three units were run together for the 72-hour test, and commercial acceptance was achieved on 17 November. AquaSure is now running the plant for the final 30-day test period. That is expected to be finished early next week. If that goes as planned and as expected, the independent reviewer and environmental auditor will then check off on the documentation by AquaSure, and the plant will pass full reliability testing. At that point in time the $1.8 million per day will start to be paid across from Melbourne water customers to AquaSure.

It is interesting to note that there is a zero water order for the plant at the moment. Once that 30-day test period is finished, the plant will be placed in stand-by

mode. As everyone knows Melbourne's water storages are at 81 per cent capacity at the moment. There is no need for a desalination plant. For the next 27 years Melbourne water customers will be paying $1.8 million per day whether water is required from the plant or not.

As members on this side of the house know, if a young couple in Melbourne were buying their first time at the moment, they would pay off their mortgage before they finish paying the holding charge on the desal plant. Most people have a mortgage over 20 to 25 years. Such a couple would have their mortgage paid off while still paying for the decisions of the previous Labor government to force these charges on them for the next 27 years.

What has been interesting through this commissioning phase is the recent visit from the CEO of Suez Environment, Jean-Louis Chaussade, who viewed the plant at that time and looked at the commissioning phase. It is interesting to note that on the front page of the *Herald Sun* of 3 December he is reported to have said, 'The design was done to provide water to the full city of Melbourne in case of no rain during one year' falling, which is absolutely unrealistic, as he said at that time. The design was done by the previous government in the belief it was not going to rain at all for one whole year, which is something we all know could not be true.

Mr Chaussade did not know why a 150 -gigalitre plant was needed. His answer was:

> I am answering what my customer is asking me to build.

If you look at the size of the plant, you will see it is three times bigger than the plant on the Gold Coast and 65 per cent bigger than the plant at Kurnell in Sydney.

After those comments were quoted in the *Herald Sun* there was an interview by Neil Mitchell on 3AW. Someone in that interview took exception to the fact that that was reported in the *Herald Sun* that day because he believed there was a secrecy agreement between the desal operator and the previous government that they were not allowed to talk about these sorts of things. This person said there was a secrecy agreement and AquaSure could not talk about these things — and that particular person was then Treasurer of Victoria. He believed there was a secrecy agreement and that these things should not have been talked about. It was a typical Labor Party project. It does not want the truth known about these sorts of projects.

The desal plant is too big and too expensive. It will cost Melbourne water customers $300 each per year from next year onwards for the next 27 years to pay for it.

The SPEAKER — Order! The time for questions has concluded.

Mrs Fyffe — On a point of order, Speaker, the guidelines, as I understand them, say photographs in this chamber may only be taken by members of the media. An adviser to the opposition, it is believed, has been taking photographs during the last half hour or so. I ask you to investigate if that is the case so we can be assured that those photographs are destroyed.

The SPEAKER — Order! I will make inquiries.

Honourable members interjecting.

Ms Allan — On a point of order, Speaker, that is harassment — members cannot do that.

The SPEAKER — Order! I ask the attendants to get that person down to my office.

Ms Allan — Which person?

The SPEAKER — Order! The person who has been pointed out and has been taking photographs.

Ms Allan — On the point of order, Speaker, we did not object to the member for Evelyn's request, because it is an appropriate one. If she feels there has been some breach, of course it should be examined, but it should be done appropriately and courteously, not with summary orders being given out. It should not involve harassment from the floor of the chamber, because it is disorderly to acknowledge people in the gallery. It is a basic principle of this chamber that we ask be upheld in the conduct of debate.

The SPEAKER — Order! I have asked that that person be brought to my office.

RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012

Second reading

Debate resumed.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution to the debate on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I do this in the context of it being another major reform being delivered by the Liberal-Nationals coalition government 50 per cent of the way through our term. This bill is an important reform. In the electorate I represent the decision of residents to enter retirement villages is significant because it not only has a financial impact on an individual as well as an individual's

family but also has an impact on the lifestyle, health and other aspects of residents' lives.

The bill recognises the significance of the decision of a family to enter a retirement village by ensuring that they are informed as well as they possibly can be. Consumers who are informed about their rights, responsibilities and obligations always get a better outcome than those who enter into contracts or purchase services without being informed. That is why I am pleased about this bill.

The bill amends the Retirement Villages Act 1986 by inserting new sections 18A and 18B to require retirement village operators to provide a prescribed fact sheet and allow inspection of prescribed documents held by them by retirees who request this when inquiring about a village. Operators must include the fact sheet in any village marketing material sent or given to a retiree. What that means in practice is that if somebody makes an inquiry about a retirement village or receives information from marketing companies or others in relation to that significant decision to enter a retirement village for themself, a family member or a loved one, they are going to have better information as a result of the consumer protections this amending bill will provide and which this government is delivering.

As I said, the provision not only ensures that consumers will be able to make better and more informed decisions in the purchase of services, which will help them financially and with their health and other aspects, but it will also help the industry. It will give the industry confidence and improve on that confidence because it is likely to result in less disputes. That is simply because people will be better informed as to their obligations and opportunities as to what sorts of products or services they are purchasing, which should result in a reduction in disputes compared to what otherwise may have been the case.

As outlined in the explanatory memorandum, clause 5(1) of the bill amends section 19(2) of the principal act. It requires retirement village operators to provide a fact sheet and document inspection to prospective residents considering signing a village contract unless they have been previously provided with a fact sheet or document inspection and the information has not materially changed. That is a sensible reform of the principal act, because it is important to ensure that consumers are better informed. This also recognises that consumers need to be able to get access to the best retirement village industry in the state, and ideally as a government we are aiming to facilitate the provision of the best retirement villages in the world. That should always be our aim: to be the best for our citizens and for our state.

That provision ensures that the industry will not be bogged down by overregulation. The industry has an obligation to provide consumers with information to help them make an informed decision when purchasing services, but it should not have to provide information which is unnecessary. That is a good thing, and, as I said, this bill strikes the right balance between imposing obligations on the industry and not weighing the industry down with unnecessary provisions and unnecessary costs, which could affect its sustainability and growth.

The explanatory memorandum also notes that the bill amends the definition of 'disclosure statement' in section 3 of the principal act to provide for the form of a statement to be approved by the director of Consumer Affairs Victoria. Clause 6 amends section 20 of the act and will make it an offence to knowingly include a false or misleading statement in a fact sheet or prescribed document. That is important because, in addition to ensuring that the industry meets its obligations to provide information, the government wants to ensure that the industry is clear that there is also an obligation not to include false or misleading statements in a fact sheet or prescribed document for consumers. If that were the case, it might be of detriment to the purchase decision of a consumer and would ultimately be detrimental to the industry.

The explanatory memorandum outlines that the amendment to section 43(1) of the principal act will permit regulations to be made prescribing the information to be contained in the fact sheet and the documents that must be made available for inspection. The amendment of section 26(2)(b)(i) of the act makes a technical correction to the provisions regulating refunds of ingoing contributions, and that is another sensible mechanism.

I note that there has been extensive consultation with the industry, and I commend the Minister for Consumer Affairs and his department on that, because when there is genuine consultation and when governments are interested in the feedback of industry we always get better outcomes. I know in this particular case that the consultation commenced in October 2007 through the publication of an options paper which put forward a range of proposals for the implementation of the government's commitment, and many of those proposals are included in this bill. Consultation was carried out through the options paper process and through Consumer Affairs Victoria undertaking

targeted industry and resident stakeholder consultation forums in February of this year.

The government took into account the feedback from those forums, and when consensus was not met it followed that up. Issues were resolved by basing industry obligation on many of these key aspects, such as an actual request for a fact sheet or document inspection from a retiree, supplemented by an obligation on operators to include it in any marketing material provided to a retiree. This bill before the house encompasses that solution. It is another demonstration of why it was a very positive step for the minister to engage in such thorough, deep and wide consultation with all of the participants in the industry.

Speaking on behalf of my electorate, the consultation process not only gives me great confidence but it also gives residents in my electorate great confidence that the bill before the chamber has very much crossed the t's and dotted the i's in terms of consultation and feedback, and ultimately it will lead to a better, improved industry. As I said, that is certainly an important part of any legislation.

This bill before the chamber is part of our government's commitment to reforms to ensure that there are improvements in consumer affairs. I note that the other two retirement village commitments in our 2010 plan for consumer affairs were to improve the effectiveness of retirement villages' internal dispute resolution guidelines, now published by Consumer Affairs Victoria, and which residents can gain access to; and also to work with peak bodies representing retirement village owners and residents to develop protocols to ensure a more consistent approach to dealing with contentious issues across Victoria's retirement villages. That is a sensible and worthy mechanism as part of the 2010 retirement village commitments in the consumer affairs plan.

Again it highlights how important this government believes the retirement village industry is for residents. It is important particularly because of the significant financial implications for residents entering retirement villages. The decision to enter a retirement village is also a significant one for prospective residents and their families emotionally, health wise and in other ways.

The provisions of this bill reflect the wide and deep consultation that has taken place through the retirement village commitment in the 2010 plan for consumer affairs. All these measures taken together give me great confidence that the government is not only delivering major infrastructure projects but is also ensuring that we improve the retirement village industry for our state and its citizens. For those reasons I commend the bill to the house.

Mr MADDEN (Essendon) — I rise to make a contribution to debate on the Retirement Villages Amendment (Information Disclosure) Bill 2012. I have a great interest in the bill basically because my former role as Minister for Planning made me very conscious of the changing dynamic of Victoria's population. We have seen the baby boomer generation move through as a demographic group and by sheer weight of numbers do very well for themselves over the course of time. Baby boomers have enjoyed many benefits and are now moving into retirement.

In a sense that is a significant wave in the chart when it comes to demography, and the challenge is to allow for the changing lifestyles of the baby boomers moving into retirement while at the same time catering for the needs of the general population particularly in infrastructure and social programs, once that population wave has moved through. What we do not want to find ourselves stuck with, and neither does the retirement village industry, is what is often known commercially as stranded assets, whereby for a period of time retirement villages are full of people but once the baby boomer generation has moved on to the next life we have a whole lot of empty assets as a result of investment in such assets.

The challenge not only in the next 15 or 20 years but beyond that is how as a community we ensure that the baby boomer generation and those who follow it can retire in a degree of comfort and be stress free but also ensure that whatever is done for them is also done for subsequent generations in a way that does not overburden them. It is important that members of subsequent generations should not have to overcome the significant investment that has been made by the members of an earlier generation by having to pay down their debts.

In a sense the baby boomer generation has also enjoyed the benefits of the great investment that was made in the 1970s in education. A significant proportion of the baby boomer population is tertiary qualified thanks to the free education provided through the Whitlam era reforms and other good things. However, there have been some adjustments and a bit of a lag behind, which has in a sense left the next generation with some burdens relating to, for example, the cost of home ownership and having to pay their own education fees. Adjustments and recalibrations have had to be made as the baby boomers move through the population cycle.

Now the retirement village industry and governments are having to work conscientiously to ensure that baby boomers are attended to when it comes to meeting their expectations of retirement villages in a way that does them justice. I suspect that while this government has made some initial reforms, we should watch this space because there will be high demand from that generation. They will have high expectations, and not unreasonably so, but delivering their expectations we do not want at the same time to burden the generation behind them.

Governments of all persuasions will have some significant issues to contend with in future years. In terms of creative approaches, how can we put together assets in a way that will work effectively, whether we are a commercial organisation, a government organisation or a charitable organisation doing work on behalf of government? There are some good case studies and examples in this area. I have seen the work of Places Victoria, formerly VicUrban, on a significant project at Swan Hill. It has put together a new residential development. Part of it is the traditional model of home development, with the equivalent of quarter-acre blocks across a number of sites, but aligned to that are some unit developments which are unusual for the likes of Swan Hill.

At the time people were saying that one did not necessarily need a unit in Swan Hill, but with an ageing population and people living longer, the development allowed for the transition of certain groups from the atypical home on a quarter-acre block to a smaller unit as they aged. The next transition was to a retirement village and the next to an aged-care facility — and there were combinations of different sorts of elements at the aged-care facility. You could have significant care or high-quality care if needed. That meant that if you lived in Swan Hill you could make your transition through those housing types and remain living in the same community.

Importantly this development was seen as new, innovative, and very successful. I understand that what it also did was attract a number of families to the area who could help their ageing parents retire to those different forms of accommodation in a country setting in Swan Hill. That worked very well because what I heard from many people was that families were able to move into the more traditional style of housing, the grandparents could be put into a unit or a retirement village and the grandkids who were old enough could wander around the corner and visit their grandparents, so there was still that family contact. People were not isolated; they did not feel they were a long way away from the community they knew.

In a sense what you had was a model that would continue to work well, keep families together and assist in the development of a strong sense of community, not only within the retirement village but within those families alongside that community. I think it is important that governments keep an open mind in terms of what VicUrban, Places Victoria or the Department of Human Services do by supporting flexible models when it comes to the arrangements for retirement villages and housing developments and trying to bring those together.

I would also like to acknowledge that we have a fairly significant group of residents in the Essendon electorate who are now beginning to age, and there is a great demand for retirement accommodation of various sorts. Lionsville, which is probably well-known to those in the retirement village sector, has recently put together a successful development, which is being undertaken as we speak, because the demand was so great. Lionsville involves varying forms of accommodation, with people being able to enter into ownership or leases on their retirement accommodation, and it involves different types of accommodation in a way that aligns with people's needs.

I want to place on record my high regard for Lionsville and the work it has done over many years. The organisation has been established for close on 50 years, but more recently it has decided to use more of the land it has and to acquire additional land alongside its facility in Pascoe Vale Road. This significant investment will enable Lionsville to initiate different forms of accommodation. It will allow some investment in ownership of the units by those who are downsizing, but it will also enable Lionsville enter into service arrangements on that development.

I wish them well. It will be interesting to see how that comes together, because I anticipate it will be highly successful. I know they had to enter into arrangements with the government to acquire that land. I will not compliment the government very often, but on this occasion I would like to compliment the Minister for Environment and Climate Change, who having been lobbied by me was able to make that happen. Although it took a bit of time, I know that Lionsville is very appreciative that it was able to be brought together in the way that it was.

I congratulate all those involved and look forward to seeing the government come to this place with more reforms and more initiatives in relation to the challenges we face as a state in relation to retirement, particularly with the significantly higher number of those who will retire probably in the next 5 to 10 years.

The DEPUTY SPEAKER — Order! The member's time has expired.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution on the Retirement Villages Amendment (Information Disclosure) Bill 2012. One of the greatest things we can do in our own communities is look after each other, which we do, and when it comes to our family it is important to support our children and parents. This bill is another classic example of us being able to assist family members when they make one of the most important decisions in their lives. As we know, there are usually only about three or four major decisions that people make in their lives. They may include getting married or choosing a life partner, purchasing a house or two along the way and doing various other things, and looking at retirement villages is another one of those major steps or milestones. When people make that decision they want to be clear that they have made the right choice, because it is not a decision made lightly and it may be a very difficult decision to reverse.

The main purpose of this bill is to require the owner or manager of the retirement village to provide a summary of information relating to the village and to make sure that certain documents are available for inspection so that prospective residents of a retirement village will have all of those facts in front of them before they make that decision. It will require retirement village operators to provide a prescribed fact sheet. It is not a section 32; it is not a vendor's statement. It is a fact sheet that spells out a whole lot more of the facts that people need to understand right from the outset, before they fall in love with the retirement village. The facts are there, and they can go through those with family members, maybe with a lawyer further down the track. But this is an initial step where they will get those facts. Delivering this is a great start.

This government has honoured the plan it set out in 2010 for consumer affairs, which will assist senior Victorians and their families to better understand what is involved in retirement villages, to better compare retirement villages and to understand their rights and obligations before choosing the one in which they want to reside. It will also help them to reduce the chance of any disputes after they have got into a retirement village or made a commitment to one. A lot has been said on this bill, certainly from the perspective of the Murray Valley electorate.

We are blessed to have a number of high-quality retirement villages in our electorate. In fact we had 542 places at last count. Yarrawonga is seen as a mecca of retirement villages, in that for years people from Melbourne have been travelling to Yarrawonga for their retirement because it is a great location and is not that far from Melbourne. Access certainly is a lot easier these days. Wangaratta is another example, and an exceptional job is done by the staff at St John's Village in Wangaratta, which is run by Joe Caruso. I spend a bit of time down there visiting people and assisting them with some of their issues. I have regular contact with those establishments, and I am well aware of the issues and concerns that face their operators, the people who reside in them and those who are considering them as an affordable housing option.

The move to a retirement village is a significant step for individuals and is a decision made with their families. For some older people it is a huge change, and opting to move — which may be from living on a farm or outside of town — into a retirement facility is a big decision, because some of them have never lived in town before. They have had that comfort zone of living out on their farm or their property, and because of transport arrangements they now may need to make that difficult decision. Others may look forward to the opportunities that are presented and may be excited about the opportunity to move into town and enjoy the things that are close and handy.

This bill makes important changes to the obligations of retirement villages to provide appropriate information to those considering that change in life. For those who become residents of retirement villages in the Murray Valley the changes the bill makes mean they can do so in the knowledge that they have been provided with good information on which they can base decisions. Prospective residents and their families can be confident of the possible circumstances and conflicts, and those things will be less likely to result once a person has made their choice. After all, we are talking about the rights of people who have often contributed a lot to our communities over the years, and we want this next stage of their life to be as enjoyable as possible. Some of those people have lived in the Murray Valley their entire lives. They have run businesses, managed a property or raised their family. I think we owe it to these people to assist them in this very important decision in their lives. I wish this bill a speedy passage.

Debate adjourned on motion of Ms KAIROUZ (Kororoit).

Debate adjourned until later this day.

DISSENT FROM SPEAKER'S RULING

Ms ALLAN (Bendigo East) — I would like to move, by leave:

> That this house dissents from the Speaker's ruling during question time today that the Premier did not have to answer a question regarding the conduct of the member for Frankston, who the Premier has protected in this house and publicly. The protection of the member for Frankston from scrutiny now extends to the Speaker's chair.

Leave refused.

APOLOGY FOR PAST FORCED ADOPTIONS

Debate resumed from 25 October; motion of Ms WOOLDRIDGE (Minister for Community Services):

> That this house takes note of the parliamentary apology for past adoption practices.

Mr THOMPSON (Sandringham) — My recollection is that I only had a short time left rather than the 10 minutes that is on the clock at the moment, so I will conclude my remarks in relation to the debate. If one reviews the early Australian legislation, whether in relation to Western Australia in the 1890s, the Victorian legislation of the 1920s or the Victorian legislation of the 1960s, and this debate today, it would make for a very interesting comparative analysis. Fundamentally it is my view that a person has a right to knowledge of their genetic inheritance and that past practices which precluded access were wrong. I am pleased to join the apology being conveyed by this Parliament to people who have been adversely affected by adoption practices in this state.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution with regard to the apology for past forced adoption practices. I will keep my comments relatively brief because I know a number of members would like to make contributions in the time remaining today. In particular, and just picking up on what other members have said, I want to convey my concerns as someone who has become a parent this year. Listening to the speeches that were made at the time the apology was made in this Parliament I found it very difficult to comprehend the trauma and distress suffered by so many people — mothers, children and families — in relation to past adoption practices. I certainly feel great empathy for them when I hear their stories and of their pain, and I want to convey my thoughts to them.

I want to place on record my thanks and acknowledge the contribution and the determined advocacy over a very long period of time of the member for Pascoe Vale in relation to these matters. I know she has sustained the expectations and the hope of so many mothers and children who have been damaged and affected by these adoption practices. I would also like to commend the Minister for Community Services for bringing this matter before the house to be dealt with. It is certainly long overdue. While the work of this place is ongoing, I think it was a highlight in righting some wrongs and acknowledging some past practices in Parliament this year.

I turn briefly to the work that has been done by the Law Reform Committee and its inquiry into donor-conceived people's access to information about donors. I relate this back to matters in relation to adoption by going to the recommendation that we made in our committee report. That recommendation is on page 78 of the report and reads:

> Contact vetoes have been employed in an adoption context in Australia, as a means of safeguarding the opening up of previously closed adoption records … In New South Wales, the Adoption Information Act 1990 (NSW) provided adopted adults with the right to receive copies of their original birth certificates, and information that would allow them to identify their birth parents.

The report goes into some further detail on that. The point I particularly wanted to make was that there are unanimous recommendations by the Law Reform Committee in relation to contact vetoes that pick up on adoption law reform which has provided opportunities not only here in Victoria but also in New South Wales for people to find out who they are, where they came from and more about their family history. This is the scene; they are very similar issues to those we have dealt with in the Law Reform Committee.

The government has responded by seeking more time to consider the recommendations of the Law Reform Committee. We are now moving from March 2012, when this report was done, through to at least March or April next year before the government will provide further advice as to whether it is going to pick up on these matters. I think it is very important to relate these two issues. We can do similar work to shine a light and provide opportunities for people who are donor conceived.

I pick up quickly on an article that was published in the *Age* of 9 December entitled 'Sperm donor steps up for offspring who want to know'. Peter Liston, a sperm donor, made this comment:

> Openness and honesty may be awkward at first, but ultimately I believe it would benefit all parties …

We have seen how that can take place in relation to adoption practices, the apology that was noted in this Parliament and the action that will be forthcoming, as the minister outlined. We can also see the work of the Law Reform Committee and how this applies to donor-conceived offspring and righting the wrongs of the past. These are very similar issues. There is a pathway to do this, and I would urge the government to take forward the recommendations of the Law Reform Committee and to no longer delay on these matters. Time is running out for donor-conceived people who are not treated with equality under the law and under different laws in this state. We have put forward unanimous recommendations to deal with these matters, and I call on the government to act swiftly and in a just way as soon as possible. I commend the apology and the further work that I hope will be related to these matters to the house.

Ms WREFORD (Mordialloc) — I am honoured to speak on the parliamentary apology in relation to forced adoptions. Some weeks ago I listened to other speeches on this issue, and I cannot help but feel a great deal of sadness for those many young women who suffered through forced adoption. I am fortunate to have four wonderful sons, and I cannot imagine the pain associated with having to give up a baby at birth, especially when you have not requested or wanted to do so. It is a practice which seems barbaric and unbelievable. In today's age it seems like something out of the dark ages, yet it was something that happened from the 1950s through to the 1970s in particular, which is when most of the people in this place were born and is not that long ago.

Across Australia it is estimated that 250 000 babies were relinquished. That is a quarter of a million. It is just amazing. Among that number are 19 000 Victorians. Most of them were born to young unwed mothers. The practice of forced adoption is a clear breach of human rights. To make judgements and to take children off a quarter of a million mothers today seems extraordinary. A quarter of a million people were left wondering what happened to the child they brought into the world, and 250 000 Australians were left wondering why they were adopted. Seventy per cent of adopted survey respondents identified a high level of mental health issues — higher than the general population. Of course there are also extended families. There are fathers, grandparents and others who are affected. A huge amount of grief and loss was caused. There is a great deal for us in this Parliament to be apologetic about.

An article on the Law Institute of Victoria's website gives some insight. Elizabeth Brew was a mother directly affected by the adoption practices of the time. She was 15 and placed in a home for unmarried mothers shortly after her parents discovered she was pregnant. A few hours after the birth she woke to find her breasts bound. In 2008 she discovered that her file has been marked 'baby to be removed'. After the birth she was allowed to see her son for 1 hour a day until he was adopted a week later. Understandably it caused her immense trauma.

Fortunately we have come a long way for mothers since then, but we need to recognise and try to address the mistakes of the past. This apology is a recommendation of a Senate committee inquiry. I am pleased this government and this Parliament are supporting it. The government will also respond to the other recommendations from the inquiry in due course.

I am proud to be part of a government that has announced a number of measures to better respond to the needs of those affected by past adoption practices. These include an amendment to the Adoption Act 1984 which will allow birth parents to receive identifying information about their adopted adult sons and daughters. In line with other Australian jurisdictions, this will be accompanied by the introduction of a contact statement which will allow adopted persons to regulate contact if desired. There will also be enhanced support for access to specialised counselling and support services in both rural and metropolitan areas of Victoria. This will include a new professional development program for qualified counsellors to build specialist competencies in post-adoption psychotherapy.

The government has also announced the removal of fees, effective immediately, to enable free access to personal and family information through the Family Information Networks and Discovery service for people affected by past adoption practices. It has supported the development of an integrated birth certificate in conjunction with national reforms relating to documentation and provision of birth and adoption records.

Clearly this apology is about not just the mothers but also the fathers, sons and daughters who were separated. The situation for fathers and grandparents is complicated because some lost a child but some supported the process. Adoption was used as a way of satisfying a demand for children rather than being in the best interest of the mother, father or child. Often outdated government practices facilitated the separation. These separations caused much pain. They policies were flawed and did not endeavour to keep families together irrespective of the marital or social

status of the parents. Legal and human rights were definitely denied, and these processes have left many people with emotional scars.

It is important that we record and understand the mistakes of the past so they are never repeated. The idea of forced adoption seems like something from the Dark Ages. We acknowledge the mistakes of the past. I feel immense sadness for all those people who have suffered as a result of this practice. We need to support those people who were affected by the bad policies of the past. I am pleased to support the apology and the other steps that have been taken.

Ms GARRETT (Brunswick) — It is with a profound sense of sorrow and the importance of the occasion that I rise to make a contribution to the debate on the apology for past forced adoptions. The day of the apology was one of the most moving and important days I have spent in this place. When I heard the extraordinary stories of trauma that thousands of mothers in particular, but also fathers, endured as a result of this heinous practice — the impact at the time of the removal and the ongoing devastation that has haunted them throughout their lives — I found it, as previous speakers have noted, almost impossible to fathom the mindset of the community at the time, not so very long ago, when this was a widely accepted practice.

When the member for Pascoe Vale made her extremely moving contribution — and as we know, she has worked tirelessly on this issue — she spoke profoundly about the concept of the mother and the child in the delivery room and asked whether there is anything more vulnerable or precious than that. For someone who was in a delivery room with her third child this year, the horrific stories of those who have suffered under the practice were all the more acute. Those of us who have been in a delivery suite with a baby know that overwhelming sense of love through every fibre of their being — that fierce need to protect the child and know they are safe and for that child to know with every fibre of its being that it is loved. It is certainly the strongest emotion I have ever experienced.

The wrench to the hearts and lives of young, vulnerable women — women who held their children or never got to hold them, women who were drugged while their children were forcibly removed from them and women who never saw their children or never knew what became of them — and the black hole that has haunted them is difficult for me to contemplate, and when I do it is with a heavy heart, as I said.

I commend the Minister for Community Services for the apology that was made that day. Hearing the cries from the gallery when some of those announcements were made about giving such women access to identifying information about the children who had been ripped from them will stay with as all. Hearing those stories, we are aware that on that day in this house an important part was played in recognising past wrongs and hopefully — and we pray that this is so — in healing for those women who were so profoundly affected.

I endorse the comments made by the member for Ivanhoe regarding the other matter this house has before it this year — that is, the important issue of allowing donor-conceived children access to identifying information about their genetic heritage. I have spoken to many of those who gave evidence and many affected children who sat in this house or listened to the adoption apology and also made those cries. This is similar to my journey.

I again ask the government during its contemplation of this matter to hear the cries of these children as it has heard the cries of those affected by forced adoption practices and to respond to them with the respect they deserve by giving those children part of the healing and recognition they so desperately crave.

Ms McLEISH (Seymour) — I rise to make a contribution to the debate on the apology for past adoption practices that was presented to the house by the Minister for Community Services and supported by the Premier. I am pleased by the number of members who have taken the opportunity to speak on this matter. Having two parents I have always known are my parents is something I have taken for granted. It is very easy to take it for granted. However, as I grew up I heard stories about other people who had a baby but the baby had gone somewhere, been moved on or perhaps been adopted out. As a child I did not always know or understand what was happening, although I had an inkling.

Some of the practices that were happening with forced adoptions are really quite scary. Whilst it seems a long time ago, I would have been a teenager at the time of the events other members of the house have related about their younger years. It is an emotive issue because in the main, although not always, the people involved were young women who were unmarried and who had a strong family reaction to their pregnancy. The societal norm was that becoming a single mother was wrong. They were told they could not manage it and that they needed to put the baby up for adoption. A friend's mother was forced as an older person to give

up her fourth child for adoption. I heard about how the hospital said, 'Forget it ever happened'. She said, 'You do not ever forget it happened. Ten years later you still think, "I wonder if that child who was killed in that accident was my child. I wonder if my child is still at school. I wonder if she still lives in the country"' Fortunately they were able to be reunited as a family.

At the time huge pressure was put on many of these young women to give up their babies. They were not allowed to hold, cherish or love their babies, which once you have had a child you know is the most wonderful thing in the world. It is so easy to take that for granted. I do not even like thinking about what it would be like to not be in a position to do exactly that. For the mothers who gave up their children and have for so many years wondered about them, wanted to close loops and got nowhere, the apology that was put before the house will go a long way towards making things easier. The government has removed some of the fees involved in searching adoption records through Family Information Networks and Discovery. The next step of introducing integrated birth certificates that name the adopted parents and the natural parents is a terrific move.

While I am referring to adopted parents, I want to make sure I do not take anything away from those families that were the recipients of adopted children. I know people who were adopted, and their families loved them unconditionally. One of my friends is one of eight children; her mother adopted four children and had four naturally. My friend is one of the adopted children, and I have never seen greater love between family members than in that family. You would never know that my friend was not naturally born to her parents. I do not want to take anything away from the adoptive parents, who are sometimes forgotten about. At the same time we must acknowledge the horrors that the young women had to experience through never knowing their children. Many of them still do not know who their child is and what has happened to them, and they wonder about the characteristics and likeness of their child. I am pleased this apology has been put before the house, and I am happy to have spoken in support of it today.

Mr HOWARD (Ballarat East) — I am pleased to be able to add my comments about this important apology for past forced adoption practices, which took place in this house on 25 October. It is now many years since Lyn Kinghorn wrote to me and then met with me to tell me about her experience of having her daughter, in her words, abducted. In listening to Lyn I gained an understanding of her experience and of the profound pain and distress caused by this system of unlawful adoptions, a system about which I had heard through the media but now appreciated through Lyn's sharing of her personal account with me. Although the event had taken place nearly 50 years ago, in 1966, it was still very clear that Lyn's pain was enduring. I talked with Lyn on the phone today and on the day of the apology, and I understand the pain she continues to go through. Although she is appreciative of the apology and is fortunate to have reunited with her daughter, Lyn's emotions continue to run deep and tears continue to be shed. Like so many other mothers, children, fathers and family members, she continues to suffer and will continue to be traumatised.

Through Lyn I have learnt of the many past practices and policies which denied the human rights of so many. These practices were abusive and unlawful, and they contravened codes of professional conduct. Lyn tells me that when giving birth to her daughter she felt so alone. She was told by the people who were supposed to be caring for her that she had done a bad thing, that she was in no condition to be able to raise her baby and that the only responsible thing she could do was sign over her baby for adoption. Lyn was made to feel guilty and in her guilt give up her child. In relating this experience Lyn is very clear that this was a cruel process of coercion and deception and that it was a case of abduction of her baby. There was no advocacy and no truly independent third party to assist mothers at that time.

In talking about this Lyn talked about the Biblical story of the wise king Solomon, who as a means of solving a dispute between two mothers claiming to be the mother of the same baby declared that the baby should be cut in half, with half going to each mother. The Solomon story was resolved happily, as Solomon immediately returned the baby to the mother prepared to give up the baby rather than have it cut in half. However, in the case of these adoptions, the mothers gave up their babies, were cut off from their babies and sometimes never saw them again.

Lyn acknowledges that she has been very fortunate since that time, meeting a wonderful supportive husband and having, I think, three more children. Lyn advises that her husband became her very first advocate and helped her to look for her daughter, but they were advised that all records had been burnt. It was not until her daughter had turned 18 that some records were eventually released and Lyn was given some assistance to find that daughter. I was pleased in October on the day of the apology to meet with Christine, now in her 40s, and with her mother and sisters, along with other family members. Lyn told me today that her grandchildren, both Christine's children and the

children of one of the other daughters, had become special friends and were excited about plans to share time together over the coming school holidays. It is a happy ending in some ways, but the reality is that it does not give back the lost years and does not take away the pain.

The relationship with her long lost daughter could not be the same as it is for a mother and daughter who had shared the bond of direct affection and love in their first days and developed that relationship through childhood. As Lyn said, 'It's like having an arm reattached', and it takes time and much effort to try to make it work. It has been a tough story for Lyn. She is certainly appreciative that the story has ended better for her than for others, but it reminds me that it is still a tough situation and that no-one can replace those years of loss and no-one can overcome that hurt. While the apology is something that she is very pleased about, she knows that there is more to be done. I trust that this government and the Parliament will continue to recognise the needs of the mothers, the needs of the children and the needs of the fathers and others involved. I trust that they will talk to them and attempt to address those needs so that this apology really means something for those many people who were so poorly affected.

Mr ANGUS (Forest Hill) — I rise today to join this debate on the parliamentary apology for past adoption practices. I note from the outset that this is an incredibly complex and emotional debate. I well remember the day not that long ago when we debated it at length in this place. There have been some very eloquent and all-encompassing contributions from a range of members, including in particular the Premier, the minister and a number of other speakers who were — —

The SPEAKER — Order! The time set down for consideration of specified items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

LIQUOR CONTROL REFORM AMENDMENT BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

RETIREMENT VILLAGES AMENDMENT (INFORMATION DISCLOSURE) BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012

Second reading

Debate resumed from 12 December; motion of Mr R. SMITH (Minister for Environment and Climate Change).

Motion agreed to.

Read second time.

Circulated amendment

Circulated government amendment as follows agreed to:

Clause 4, lines 15 to 16, omit "enter into" and insert "authorise (within the meaning in section 251A of the Native Title Act) the making of".

Third reading

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Trams: route 86

Ms RICHARDSON (Northcote) — My matter is for the Minister for Public Transport. It concerns a failure to complete yet another public transport project, this time in my electorate along route 86 at stops 31 and 32. The upgrade of route 86 was a Labor project, and it has been brought to a halt; there will be no more stop upgrades. My concern is that at two stops in particular there has been a partial upgrade and we are not seeing any action with respect to the completion of these stops.

A constituent has brought to my attention that he has raised this matter with the public transport ombudsman. I am seeking the upgrade of the stops and the completion of stops 31 and 32. I am seeking that the various excuses and explanations my constituent has been given with respect to this project be put at an end. First he was told in April this year that he had to wait only a couple of months and the passenger information display screens would be up and running. Then in July he was told that the poles for the units were delayed and so he would have to wait just another eight weeks and the project would be completed. Then by September, with nothing actually happening on the stops, he contacted the public transport ombudsman and was given a very different explanation as to why the project was not completed. That was that it needed new engineering solutions and therefore no date could be provided for the installation of the display units.

My constituent makes a very fair point with respect to the completion of these projects — that is, that the minister promised that these sorts of delays would end on his watch and that any sorts of delays of this kind would simply be considered as unacceptable. In fact the head of Public Transport Victoria, Ian Dobbs, has echoed these statements by the minister and is reported as saying that projects would be subject to 'increased accountability and tighter controls, not just in PTV but with the operators and contractors' and that 'late projects are just not acceptable'.

The rules of the house do not permit me to call for action on all the other projects that have been delayed, but for this one in my electorate I call on the minister to end the excuses and get on with completing the project, given that he promised before the last election that he would end the delays and stop the excuses. It is a little hard to understand why there is such a delay, because there are so few projects under way in the public transport system. There are various studies being done, but they are delayed too. Surely it is not too much to ask for this minister to get on with the job and deliver the display units at these stops.

Crime prevention: Forest Hill electorate

Mr ANGUS (Forest Hill) — I raise a matter of importance for the attention of the Minister for Crime Prevention, who I note is at the table at this time. He is a very hardworking minister. The action I seek is for the minister to come to the electorate of Forest Hill to meet with residents and provide some information on initiatives being undertaken by the state government in relation to crime prevention in the community.

Being involved in crime prevention is the responsibility of all Victorians, and it is an issue that most Victorians consider to be very important. Residents of the electorate of Forest Hill are fortunate to live in a wonderful part of Melbourne; nevertheless, there are still many crime prevention measures that can be implemented there. I am aware that the minister has been working hard with the community and has introduced a range of initiatives aimed at assisting communities and driving down crime rates.

I also note that in recent weeks several organisations in the electorate of Forest Hill have been successful in obtaining grants from the Community Safety Fund for a range of crime prevention projects. These organisations include the Vermont Tennis Club, where two lockable storage sheds have been funded; Barriburn Preschool and the Scouts Association, where there will be a security upgrade of the premises; and Vermont Primary School, where a secure bike storage facility will be installed.

The residents of Forest Hill would welcome the opportunity to be further informed about the important work being done on crime prevention. Crime prevention is the responsibility of all members of the community, and for local residents and community leaders to hear directly from the minister regarding these matters would be very informative and most beneficial. I would welcome the opportunity to meet with the minister. I look forward to the minister's visit and the opportunity for him to meet with some of the residents of the electorate to hear their matters of concern and to provide an update on the work being undertaken by the state government to improve community safety for all Victorians.

Trade missions: participant employment practices

Mr HERBERT (Eltham) — My request is to the Premier. The urgent action I seek is that the Premier revise the process of selecting businesses for oversees trade missions to ensure that only businesses which engage in ethical employment practices are represented on official Victorian government trade missions. Labor fully supports trade missions — missions which are good value, which bring business to Victoria, which improve international business arrangements and which ultimately, and importantly, create jobs for Victorian workers.

I had that in mind recently when I read an article in the *Age* newspaper dated 17 October headed 'Victoria's "super mission" beefs up trade with China'. The article, written by Darren Gray, rural affairs reporter, outlines the potential for $10 million in meat exports to China from the Seymour-based Ralph's Meat Company. The article quotes Mr Ralph as saying that as a result of the mission the company had already sent 10 shipping containers worth over $1 million to China. In fact Mr Ralph predicted that if the extra sales to China are maintained, the Seymour plant workforce might increase by 10 to 20 people.

You might think that is a good-news story. Unfortunately, amidst this trade mission export bonanza, Ralph's is sacking five workers, one of whom has worked for the company for over six years, and replacing them with temporary visa-holders — Korean workers in this case. It seems that Ralph's is employing a revolving chain of temporary visa-holders — backpackers they are called — in place of permanent workers.

I have received reports that these foreign workers are cheaper as they do not receive full entitlements such as payments for producing over quota, overtime or payment for waiting time when machines break down. The article states that business at Ralph's is up and there is no genuine reason for laying off staff, other than because of the most ruthless anti-Australian and unethical employment practices. This is simply not good enough. I doubt it would be acceptable to ordinary Victorians.

Ralph's employment practices raise a substantial issue about how businesses that participate in formal, Victorian-funded trade missions are vetted and selected. Ralph's decision to lay off these workers for cheap backpacker workers, who undercut award provisions, just before Christmas is a disgrace, compounded by the fact that the company is clearly making super profits as a result of the Victorian government's trade mission. Consequently I call on the Premier to look into this issue and to develop strong processes to ensure that only ethical and quality employers are included in future Victorian government trade missions.

Gippsland East electorate: sporting club funding

Mr BULL (Gippsland East) — I raise a matter for the attention of the Minister for Sport and Recreation, and the action I seek is for the minister to provide support for the development of those involved in sporting clubs in my electorate and the accessibility and operational capacity of such clubs. As the minister would know, sporting clubs play a major role in all communities across this great state of Victoria, but I would argue that they play an even more critical role in rural and regional areas, where they are often the very backbone of such communities. It is therefore imperative that support is provided so that clubs are not only welcoming to all community members but are able to offer the levels of expertise required to assist and improve both current and new members. I acknowledge that the Minister for Sport and Recreation has just entered the house.

In my previous employment at the Australian Sports Commission, prior to being elected to Parliament, I worked with a number of local schools and sporting clubs on a specific program that focused on transitioning primary school aged children into local sporting clubs. The benefits for children of adopting a healthy and active lifestyle focus are extremely important. When children and their families arrive at a local sporting club they need to be met with the right culture and environment. Coaches, officials and managers need to possess skill sets in many and varied areas, including injury prevention and treatment, and providing safe environments and a welcoming culture. They also need to possess a certain level of expertise to be able to assist and develop athletes and players. The accessibility and operational capacity of community sport and recreation organisations is also important.

I understand the country action grant scheme has been developed to specifically assist local sporting organisations in this area. I call on the minister to provide appropriate support to local clubs and sporting organisations in my electorate.

Buses: outer suburbs

Ms HUTCHINS (Keilor) — The matter I raise is for the attention of the Minister for Public Transport and is in light of today's confirmation by the

government of another massive public transport fare slug, taking the total increases faced by commuters to 15.4 per cent over the last two years. This increase is way beyond the CPI and does not in any way assist commuters with the cost of living. The action that I seek from the minister is for him to outline how bus services in Melbourne's growing outer suburbs will be expanded in 2013 to meet current and future population demands.

Since the government came to office not one additional dollar has been invested in new bus services or in the extension of current services in the outer suburbs of Melbourne. New services have not been delivered in conjunction with the expansion of our new suburbs. In fact the Minister for Planning has allowed the establishment of 60 000 new residences across the outer suburbs in the last two years without a single additional bus service to go with them.

Just this week a report was tabled in the Parliament by the Outer Suburban/Interface Services and Development Committee into livability options in the outer suburbs. Whilst there were many points in the terms of reference for that inquiry, most of the 80 submitters to the inquiry expressed concerns about the lack of public transport and public transport infrastructure in the outer suburbs. In fact finding 2.7 of the report states that:

> The delayed provision of infrastructure in Melbourne's growth areas has significantly increased the demands placed upon the available infrastructure in Melbourne's established outer, middle and inner ring suburbs and has a negative impact on livability throughout metropolitan Melbourne.

The minister needs to be aware of this finding and plan for the population growth.

Melbourne has gained recognition as the world's most livable city, but this report points to two different Melbournes — one in the inner city and one in the outer suburbs. The report makes it clear that the outer suburbs of Melbourne significantly lag behind the rest of Melbourne on key measures of livability, and the divide is growing in these suburbs due to the staggering population growth and lack of infrastructure investment by this government.

Commuters are usually accepting of a reasonable fee hike, but they faced one last year and they now go into 2013 facing another one. This is nothing but a slap in the face for commuters because there are no additional services being announced. The minister needs to get off his backside, get out there and make an investment in the outer suburbs and in bus services.

Monash Medical Centre Moorabbin: Joy of Life project

Ms MILLER (Bentleigh) — I direct my request to the hardworking Minister for Health. The action I seek is that the minister visit Monash Medical Centre Moorabbin in the Bentleigh electorate to see the new artwork being displayed for the benefit of patients, staff and visitors to the hospital.

Monash Medical Centre Moorabbin is a 147-bed hospital in the Bentleigh electorate and the minister's upper house Southern Metropolitan Region. Since its establishment in 1975 the hospital has become known for the high quality of care it provides and as a leading research facility and world-class cancer treatment centre. It is an integrated cancer treatment centre with radiotherapy among the services provided, as well as a BreastScreen facility that is known to have saved many lives through early detection of breast cancer. Local families in Bentleigh benefit from being able to access treatment, advice and support at one location that is easily accessible from their homes.

I am delighted to be officially unveiling the Monash Medical Centre Moorabbin art project tomorrow. The artwork to be launched tomorrow is intended to promote better health for the patients at Monash Medial Centre Moorabbin. When the minister visits the centre in the new year he will have an opportunity to speak to staff and patients about how the artwork has positively affected them following the unveiling tomorrow.

The Joy of Life project is led by artist Dr Julie Gross McAdam of Mac.Art. Dr McAdam cites Florence Nightingale when explaining the positive effects colour, light and form can have on the health of patients. Dr McAdam draws on her own experiences of waiting in hospital to inspire her art. Her colours and images are bright, lively and a celebration of life. This artwork will improve the aesthetics of the hospital and be an uplifting addition to the hospital environment. It is also hoped that the artwork will engage patients, who are all facing their own challenges. It may draw the eye of family members in waiting rooms, staff who are busy caring for the needs of their patients or patients themselves, who may enjoy the opportunity to reflect on the joys of life as depicted in Dr McAdam's work.

Earlier this year I was delighted to donate a photograph entitled *Lights Out*, taken by one of the hospital nurses, to Monash Medical Centre Moorabbin. I have been pleased to hear how much the artwork has enhanced ward 1 at the centre. The photograph is of a body of water and provides a calming, reflective scene for patients and staff to enjoy. I invite the Minister for

Health to visit the Bentleigh electorate and specifically Monash Medical Centre Moorabbin to view the new artwork and discuss the benefits it provides to the patients, staff and visitors to the hospital.

Roads: funding

Mr DONNELLAN (Narre Warren North) — My request today is for the Minister for Roads, and the action I seek is for him to return funding for road resurfacing. This is very much a story called 'The dog ate my lunch'. The minister has not been open and honest with the community. He is pretending that somehow or other funding for road resurfacing has just disappeared. It is very much a Sergeant Schultz excuse: 'I see nothing; I know nothing; I hear nothing'.

But on page 301 of budget paper 3, 2012–13 service delivery, if we look at road resurfacing targets and what it is intended to do this year, we find that we have had a reduction from 1.5 million square metres to 810 000 square metres for road resurfacing in the metropolitan area. In the regional area we have had a reduction from 11.1 million square metres to 4.3 million square metres. What we have is many ministers out on the streets telling everybody that it is 'all due to the weather'. They say, 'It is nothing to do with the targets that we have reduced, but it is all due to the weather' — and that includes the Minister for Sport and Recreation, who is at the table. His media release says:

> Many roads in western Victoria have suffered from flood events and severe wet weather over the past two years …

It is important to look at the budget papers. The government has actually reduced road resurfacing by 60 per cent in the regions. This is what we should be telling the community. We should not be telling lies. We should not be telling fibs. We should be telling the truth. It is there in the budget papers. It is not due to the weather. It is not the fault of the federal government. It is this government that has decided to reduce road resurfacing.

We know what members of the government are doing at the moment. They are squirreling money away. As identified by the Auditor-General, they are underspending in all the departments and blaming it on everybody else, including the poor weather. The poor weather is being blamed for things that it really has very little to do with. When you reduce your funding for road resurfacing by that much, you do not end up doing as much as you should. At the end of the day the Minister for Roads is great at putting on performances in this house. We know the minister is a great performer in the house and loves to perform well, but unfortunately he is not doing that in the cabinet to get the money he needs for road resurfacing. We have had 450 staff sacked. We have reduced speeds — to protect the public, supposedly. However, an article in the Warrnambool *Standard* is headed 'Class action call over pothole damage to tyres, rims'. In the Ballarat *Courier* there is a statement from the union representing VicRoads engineers saying that Ballarat drivers should expect more potholes. We have VicRoads engineers in the *Age* saying that drivers should prepare for more road potholes. What we have is a government that will not be honest with the public. It is blaming the weather for all the potholes and all the bad road surfaces in Victoria.

Rail: protective services officers

Mr WAKELING (Ferntree Gully) — I rise to raise a matter with the Minister for Police and Emergency Services. The action that I seek is for the minister to provide an update on the future deployment of protective services officers (PSOs) at the Ferntree Gully railway station. Leading up to the previous election the coalition whilst in opposition committed to the Victorian community to employ 940 PSOs to be engaged on the metropolitan and major regional railway stations from 6.00 p.m. until the last train service. PSOs have undertaken great service to the Victorian community for 25 years. The tragic assault on PSO James Vongvixay has only demonstrated to the Victorian community the great sacrifices of these men and women who put their lives on the line to protect Victorians.

My community has recently witnessed the success of PSOs who commenced at the Boronia railway station. Their deployment to this station last month has already made a significant difference to the antisocial behaviour which has often been witnessed at this station during the evenings. The deployment of PSOs at the Boronia railway station has been well supported by local police and local traders as well as local residents. Residents have told me they now feel safer for their families to disembark at this station in the evening. Across the network PSOs are having a significant impact. Feedback from Metro Trains Melbourne staff across the network has indicated that staff feel less stressed when working the evening shift as they no longer have to deal with the antisocial behaviour and abuse directed towards them and the ongoing damage to Metro property.

Police officers have also identified that the deployment of PSOs has enabled police members to divert their time to dealing with other crime issues within their community rather than spending valuable time at a

railway station dealing with antisocial behaviour. In addition to obvious policing benefits, PSOs also offer public transport users a high level of customer service. With the great success of the PSO program to date, there clearly has been a call from many for this program to be rolled out at other stations across the network. The community can now see the enormous and positive benefits that having PSOs brings to their local communities.

Community safety has been an ongoing issue at Ferntree Gully station. I was pleased to work with the community in lobbying the previous state government to upgrade the station with the provision of staff, the installation of an enclosed waiting area and improved closed-circuit television. The addition of PSOs will only further improve issues regarding community safety at the station. Accordingly I ask the Minister for Police and Emergency Services to take action and provide an update about the deployment of PSOs at Ferntree Gully railway station.

Trucks: curfew infringement

Mr NOONAN (Williamstown) — I wish to raise a matter for the Minister for Roads. The action I seek from the minister is that he take urgent steps to significantly boost resources within VicRoads to ensure that truck curfews are enforced in Melbourne's inner west. For the past 10 years truck curfews have been in place on Francis Street and Somerville Road in Yarraville. The purpose of the curfews is to protect a level of amenity for residents by limiting truck movements between the hours of 8.00 p.m. and 6.00 a.m. from Monday to Saturday and between 1.00 p.m. and 6.00 a.m. from Saturday to Monday. The most recent truck count shows that there are increasing numbers of trucks travelling during curfew hours. Francis Street had 649 truck movements per day on average during the weekday curfew period, up from 534 in 2011.

I recently received a letter from a constituent, Ritchie Hinton, concerning the increased number of trucks operating during curfew. He posed the following questions: are VicRoads punishing those offenders with heavy fines, or simply taking notes, and surely there have to be repercussions for those breaking the law, otherwise what is the deterrent? They are reasonable questions. What is totally unreasonable is the response that was published in the *Age* of 19 September. The journalist, Adam Carey reported that for the 2011–12 year VicRoads issued just 23 curfew infringement notices, down from 278, which is a tenfold drop on Labor's last year in government.

So bad were these figures that I had to re-read them a number of times. By my reckoning they mean that just that 1 in every 7000 trucks using Francis Street during curfew hours is receiving an infringement notice for breaching the curfew. That compares to 1 in every 500 trucks receiving infringement notices during Labor's last year of office. What this tells renegade drivers and operators is that the chance of getting caught has never been lower. That is not the message the government should be sending.

Local residents living in the inner west should be justifiably outraged by the situation. There has been no clearer demonstration of the government's disregard for the people of Melbourne's west than its inaction regarding trucks. Labor left the current government with a $40 million down payment on the truck action plan involving a road link between the port of Melbourne and the West Gate Bridge that would redirect 1 million trucks per year away from residential streets, but the government shelved that particular project. Instead it talks up the east–west link as its solution — a project with no funding and no plan to even touch the western region of Melbourne. The government's priority is to build the cemetery link joining the Eastern Freeway to CityLink and not to build a long-term alternative to the West Gate Bridge, as Labor had planned.

The time for action is now. VicRoads clearly does not have the resources needed to police the truck curfews. I call on the minister to act quickly on this situation and ensure that the enforcement of the curfews in the inner west is upheld.

Benambra electorate: sporting club funding

Mr TILLEY (Benambra) — I raise a matter for the attention of the Minister for Sport and Recreation. The action I seek is for the minister to provide support to developing athletes, coaches, officials and teams who are required to travel extensively in order to engage in training and competition. Earlier we heard the contribution of my colleague and good friend from the coastal side of the hill the member for Gippsland East. No doubt we look to challenge ourselves in our sporting pursuits from time to time, but we have to cross that big hill between us. He is certainly a champion for his community. I stand in the chamber this evening hoping the Minister for Sport and Recreation is feeling a bit of Christmas spirit and cheer and will support the endeavours of our local sporting groups.

Likewise right around the state of Victoria we have many talented sportspeople. They and their parents

make enormous commitments to regional, state and even national teams and expend enormous amounts of money on fuel, transport, accommodation and equipment — you name it; the list goes on. The tyranny of distance for country and rural folk means that we have to cover costs to get to bigger population centres where some of the better sporting facilities are. We need to conquer the tyranny of distance by providing funding. Country folk run their vehicles into the ground, but I am confident this government supports country and rural Victoria — —

Mr Ryan interjected.

Mr TILLEY — Absolutely. We know the Deputy Premier supports country and rural Victoria. It has been demonstrated over the last two years how well the state of Victoria is going.

Assistance is required not only for committed and talented sportspeople but for local sporting organisations to improve their administration and program delivery so they can provide even better participation opportunities for communities at a local level.

I know there is a country action grant scheme, and no doubt it is the pot of gold we are looking for this afternoon. Not long ago sport was the primary entertainment available to youth in their leisure hours. In today's technological age that is not the case, and sport needs to compete effectively, whether it be traditional sport, like football, netball and soccer, or not.

Lake Hume in the electorate of Benambra is used for yachting. The wind there is not as strong as it is on the coast, but skills can certainly be developed there. There is an enormous amount of yachting there.

An honourable member — Swimming.

Mr TILLEY — Absolutely, swimming. We saw a tenpin bowling competition. It is a pursuit which is a favourite local pastime in rural Victoria. We love our shooting, including handgun or pistol and longarm shooting. They are legitimate sports we actively participate in, and they all need support. We have some great sporting events around the state of Victoria. I urge the minister to provide support to developing athletes, coaches, officials and teams.

Responses

Mr RYAN (Minister for Police and Emergency Services) — The member for Ferntree Gully raised an issue with me regarding the prospective availability of protective services officers (PSOs) within his electorate. I begin by saying I recognise the support which all members of the chamber have offered to the member of the protective services unit who suffered so tragically from the appalling attack earlier this week. I echo the sentiment expressed by everybody in this chamber for the welfare of the officer concerned. We wish to see him back on duty as soon as possible at Parliament House.

I acknowledge the very strong support that the member for Ferntree Gully has for our government's policy of deploying 940 protective services officers within the transit unit. It is intended that these officers will work at metropolitan train stations and major regional centres. This is an extraordinarily important community initiative in which we are engaged. It has been warmly embraced by the public at large. It is among the proposals we brought to government in undertaking to recruit, train and deploy 1700 front-line operational police. We are halfway there already.

In addition to that, we have undertaken to recruit, train and deploy 940 protective services officers. As I speak we have 230-plus of those officers working across 24 stations in the metropolitan area. I know the member for Ferntree Gully has been very pleased with the deployment of PSOs to Boronia station. It is another example of how the addition of these officers to that station has been a great boon for the people who use the transport system at Boronia station.

Interestingly the surveys that have been done show that 83 per cent of night-time train users strongly agree that having patrolling PSOs is a good idea; 79 per cent of these folk strongly agree that they would readily seek help from the PSOs if they felt unsafe. I emphasise that all PSOs undertake a 12-week training course and receive exactly the same operational tactics and safety training (OTST) as police. I was in conversation with one of the personnel from the protective services unit on the front steps only a week or so ago. As it happens, he is one of those officers who provides instructions in OTST at the academy to police and PSOs.

The member for Ferntree Gully has sought further advice about the additional deployment of PSOs to train stations in his area following the successful deployment of PSOs to Boronia. This is a matter for police, because police command ultimately has the control of the deployment of PSOs. I can assure the member that as the numbers continue to flow from the academy, as the training for those officers is completed and they are able to do their initial period with the transit police, which they do for the first 12 weeks after they graduate, there will be more protective services officers coming through the system, and I am sure some will go to the

electorate so ably represented by the member for Ferntree Gully

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to the member for Gippsland East, a member who understands the issues that concern Gippsland East and who is always ready to fight for a fair share for his community, as evidenced by the work he has done in the Parliament over the last week. He spoke in his contribution today about his work with the Australian Sports Commission, and he highlighted the fact that children need to have healthy and active lifestyles. He spoke about the importance of upskilling the administrators so they can support active and healthy communities.

The member asked me tonight to help improve the accessibility and operational capacity of community sport and recreation organisations in his electorate. This can be done by increasing the skills of coaches, officials and managers, and the many volunteers. There are about 580 000 volunteers who help with sport. I say two words to them: thank you. If we did not have volunteers running sport and doing the work they do, we would not have sport at all.

The coalition government's country action grant scheme (CAGS) provides grants of up to $5000 to help local sports organisations improve their administration and program delivery to provide even better participation opportunities for their communities. It focuses on increasing the skills of coaches, officials and managers and improving the accessibility and operational capacity of community sport and recreation organisations right across rural and regional Victoria. The local member has been heavily involved in sport in his community over the years, and I know he has a big batting average with a century already this season.

An honourable member — He is going to make another one this week.

Mr DELAHUNTY — He is going to make another one this week. I am sure he will be pleased to hear that six clubs in the East Gippsland region will receive CAGS grants. They include the Bairnsdale Fly Fishers Club, the Budjeri Napan Sports Committee, which will get the maximum $5000, the East Gippsland YMCA Gymnastics Club, the Gippsland Gladiators Gridiron Football Club and the Lake Wellington Yacht Club. I know the member is a very active yachtsman, so he will be pleased to hear that that club is getting $3500. The Lucknow Cricket Club will receive $4000, and we know the member is a very good cricketer himself. I am also pleased to inform the member that two Victalent grants will go to the surf lifesaving club at Lakes Entrance.

The member for Benambra is a hardworking member of this Parliament and is keen to maximise opportunities for participation in his electorate. His contribution tonight highlighted the fact that he strongly supports sporting clubs in his electorate. He asked me to help provide support for developing athletes, coaches, officials and teams in his electorate who are required to travel extensively in order to engage in training and competition. The Speaker lives in a country area, like the member for Benambra, but the member for Benambra lives a long way from Melbourne.

A lot of these young people, coaches and officials have to come to Melbourne for the peak events they participate in. As the member highlighted tonight, that means there is a great cost to the parents, coaches and friends who enable these young people to avail themselves of these opportunities. Many of Victoria's rural and regional teams, coaches, and athletes cover large distances just to compete in their local competitions. As did the former government, the coalition government has a Victalent program that provides up to $500 travel assistance to sport and recreation organisations to support developing athletes, coaches and officials.

I am happy to announce that there are five clubs in the electorate of Benambra which will receive funding through the Victalent program, which will help these Victorians with travel costs, removing potential barriers to training, competition and realising their sporting dreams. Each nominee will receive the maximum amount of $500. Those organisations are: the Albury Wodonga Yacht Club; the Tallangatta Cricket Club, the Wodonga Handgun Club, the Wodonga Amateur Swimming Club, and the Wodonga tenpin bowling association. But I have more good news for the member. It must be nearly Father Christmas time. The member for Gippsland East spoke about the country action grant scheme, and I can inform the member that four clubs in his area will also receive grants, being the Albury Wodonga Yacht Club, the Murray Valley Bushwalkers, the Tallangatta Cricket Club and Wodonga Amateur Swimming Club. Well done to the member for his advocacy on behalf of his electorate of Benambra.

In concluding I also say a big thankyou to the parliamentary staff. Everyone here does a fantastic job. I wish them all the best for the festive season and the new year, and I look forward to working with all of them in 2013, but I also wish the best of luck to

protective services officer James. Our thoughts and prayers are with him.

Mr McINTOSH (Minister for Corrections) — The member for Forest Hill raised with me an opportunity to attend his electorate, and I thank the hardworking member for Forest Hill for his interest in his community. The issue of crime prevention is not just about providing additional police, and I congratulate the Minister for Police and Emergency Services who was in the house just before, on rolling out the ambitious plan to provide 1700 additional police right around the state, along with an additional 940 protective services officers (PSOs). It is not just about courts or tougher sentencing and meeting the demand in our prisons; it is also about local communities having input into dealing with the issue of preventing crime in their areas.

One of the first things we did when we got into government was to set up regional reference groups around the state which include members of Victoria Police, local government and a large range of community groups so communities could become more involved in actively preventing crime rather than just having government respond to crime. Responding to crime is a very important aspect that the government supports, and for the first time, as Minister for Crime Prevention, I am looking at having communities develop their own action plans to try to prevent crime. As part of my portfolio we were able to roll out a number of grants programs including public safety infrastructure grants of up to $250 000 for local councils working with their communities to install infrastructure such as closed-circuit television cameras and environmental design in an effort to prevent crime.

On top of that there have been community safety grants, and the member who spoke before outlined a number of grants that have been applied in his electorate to allow community groups to adopt security devices, lighting and locks on doors. Things as simple as that can provide a solution in crime prevention. One of the most important issues to be dealt with is violence against women. We were able to rejig our grants program to roll out $7.2 million to address the issue of prevention of violence against women by having communities get together and come up with novel solutions.

I look forward to going to Forest Hill to meet with the member for Forest Hill and his community group and engaging with his community. No doubt I will be continuing something he has already started in his community, which is talking about preventing crime and not just responding, because as important as that is, talking to communities about how they can go about preventing crime is also important.

Apart from that, the member for Bentleigh raised a matter for the Minister for Health concerning a visit by him to the Bentleigh electorate and specifically Monash Medical Centre.

The member for Northcote raised a matter for the Minister for Public Transport in relation to upgrading the stops on bus route 86 in her electorate.

The member for Eltham raised a matter for the Premier in relation to people attending trade missions.

The member for Keilor raised a matter for the Minister for Public Transport in relation to expanding bus services in her electorate during the next 12 months.

The member for Narre Warren North raised a matter for the Minister for Roads in relation to funding for road resurfacing.

Finally, the member for Williamstown also raised a matter for the Minister for Roads in relation to the truck curfew and how it touches and concerns his electorate. I will make sure all those matters are referred to the respective ministers.

I conclude by echoing the remarks of the Minister for Sport and Recreation in relation to wishing everybody in the Parliament — all members and staff — a very happy Christmas. I particularly acknowledge all the hard work the staff do; not just the clerks but also Hansard, the attendants and the dining room staff. They have all looked after us over the last 12 months, and I acknowledge all their hard work and wish them a very merry Christmas. I certainly look forward to seeing them in the new year.

I also pass on my personal acknowledgment of the PSO who is currently in hospital having protected us, as they all do in this place so very well. We wish him a very speedy recovery and hope he gets home to his family for Christmas.

The SPEAKER — Order! I would like to take a few moments to pass on all my best wishes to the members of this house — the members of the government and the opposition. We are all in this strange environment called the Parliament, and we all react in different ways to different things. I can only say that when we are out of the environment of the chamber there are good friendships between members on both sides of the Parliament, and we should never lose the opportunity of having those friendships and keeping them.

I also thank Ray Purdey, Liz Choat and Anne Sargent very much for the help and advice they give us. Ray and I often sit down and have a talk about issues that come up, and it is of great assistance to me.

Our Serjeant-at-Arms, Bridget Noonan, has been missing for a couple of weeks now, as she has not been very well. We believed it was better she stay at home until her health picked up, and now when she is reading *Hansard* to check up on what we are doing, this speech will let her know that we are thinking — —

Mr Nardella — I thought you wanted her to get better!

The SPEAKER — Order! She will get better, and we are sorry that she was unable to be here with us for this Christmas send-off.

To Paul and his attendants, who look after us, make sure that the paperwork is in place all the time and keep the water jugs filled because they are too heavy for us to carry out to the water coolers, we enjoy the opportunity to share our time in the chamber with you all.

We thank the Hansard staff very much. They make our speeches seem better than a lot of them really are. The work they do is great, and not only do we pick up copies of *Hansard* on a daily or weekly basis but we also have live webstreaming occurring now. We thank the broadcast team for keeping the microphones turned on when they need to be and for making sure that we appear in our best light.

Our library staff keep the information up to us. When we go into the library and ask them for something, we either need it in a hurry or we do not, but either way the time it takes to get the information to us depends only on how much we need. It is therefore up to us to use the service in the best way possible.

To our catering staff, I think the result of the review that was undertaken in the dining room has been extremely good. Members of Parliament would have to be very pleased with the catering of functions and in the parliamentary dining room, and if any of us have had an opportunity to have functions catered for, the staff have done a brilliant job in delivering that service to us.

Important to all of us who are sitting here in the house are our electorate staff — the people back there manning the fort and looking after our constituents in our absence. We can only say thank you very much to them for the work they do and the commitment they make to each and every one of us as members of Parliament.

I would like to thank our security team — the guys in the white shirts who look after us at the front and back doors and recognise us as we come in. Their work has probably been highlighted this week with the protective services officer (PSO) tragedy. The PSOs are out there on duty 24 hours a day looking after us and the members of public who come here. To James, who was seriously injured on Tuesday night, our thoughts and prayers are with you, and we hope you will be able to return to your family, spend time with your kids and your wife at Christmas and be able to enjoy their company during that time.

To our buildings and grounds department: it is amazing how many people we have working at this place who deliver to us something that is really good. If we are feeling a little stressed from time to time, the opportunity to wander around in the gardens is always relaxing, and the staff do a really great job.

The staff of the Department of Parliamentary Services try to keep us on the straight and narrow. Led by Peter Lochert, they do an excellent job as well.

Apart from the Leader of the House and the Government Whip I would like to thank in particular Jeremy Walsh. He has served the Parliament for a long period of time and does an excellent job. Everything tends to go very smoothly, and we thank him for his services to the members during 2012. It has been a job well done.

To Shanthi, my parliamentary officer: I am not certain what her full title is, but I know she is my right-hand lady who looks after me and gives me guidance when I need it. I have been getting quite a bit of guidance in recent times, so I thank her for that.

Our media friends are up at the top end of the gallery from time to time, and I thank them for the service they provide and for being very even handed in the way they deliver some of the stuff they put in the papers.

I will wind up by saying to each and every one of you: we are now off on a break and we have Christmas coming. I hope that each and every one of you is going to have a rest, because I know this has been a pretty hectic year for each of us in this Parliament. Rest up now because we are going to have another year in 2013 and you have to spend some time with your families and your friends. You also have to look after your health. Health is a very important issue for all of us, because one little thing can go wrong and you can be gone, so look after yourselves.

Drive carefully — do not drink and drive! I do not want to hear about anyone getting booked over the Christmas

break. Our media friends would be kind to us — they would not report that sort of thing! There are none up there; they are all out having a drink. Merry Christmas and a happy new year to each and every one of you, and have a great time.

House adjourned 4.50 p.m. until Tuesday, 5 February 2013.