

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 29 November 2012

(Extract from book 18)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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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 Elasmarr 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.

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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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. L. WALSH

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The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:

The Hon. J. A. MERLINO

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Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
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Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
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Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
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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, 29 November 2012

The SPEAKER (Hon. Ken Smith) took the chair at 9.35 a.m. and read the prayer.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! Notices of motions 3 to 11 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:****Taylor's Lakes: closed-circuit television cameras**

To the Legislative Assembly of Victoria:

The petition of residents of Taylor's Lakes, Victoria, draws to the attention of the house our concerns about safety in our neighbourhood from the increased number of criminals, hoons and drug users that have been terrorising our homes in the last five years.

The petitioners therefore request of the Legislative Assembly of Victoria that action be taken to improve our neighbourhood safety by installing CCTV cameras at the intersection of Hanslow Way and Australia Drive and another CCTV camera at the intersection of Hanslow Way and Lady Nelson Way which will facilitate these undesirables to be caught and dealt with by the law rather than continuing terrorising the neighbourhood.

By Ms HUTCHINS (Keilor) (188 signatures).

Fire services: 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 \$66 million from the Metropolitan Fire Brigade and the Country Fire Authority. In particular, we note:

1. these cuts will reduce the capacity of the MFB and CFA to fight structure fires and wildfires, and to respond to road accident rescues;
2. firefighters both career and volunteers will be forced to rely on second-hand equipment and personal protective clothing, with less access to training, ration packs, fuel, and even electricity;
3. this is on top of delays to the CFA station upgrade program; leaving communities vulnerable.

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

By Ms DUNCAN (Macedon) (2101 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 damage done to TAFE colleges by Baillieu state government funding cuts.

In particular, we note:

1. the TAFE Association has estimated up to 1500 jobs will be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses will be closed;
3. the job prospects of many young people will be diminished as they are unable to access quality skills training and further education.

The petitioners therefore request that the Legislative Assembly urges the Baillieu state government to reinstate TAFE funding and guarantee no further cuts will be made.

By Mr NOONAN (Williamstown) (44 signatures).

Tabled.

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

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

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

MAGISTRATES COURT OF VICTORIA**Report 2011–12**

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

Tabled.

SUPREME COURT OF VICTORIA**Report 2011–12**

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

Tabled.

DOCUMENTS

Tabled by Clerk:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 115 (*Gazette G47*, 22 November 2012)

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2012–13 Budget Estimates — Part One

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 127.

PARLIAMENTARY COMMITTEES

References

Mr McINTOSH (Minister for Corrections) — By leave, I move:

That under section 33 of the Parliamentary Committees Act 2003 the following matters be referred to the joint investigatory committees specified:

- (1) To the Road Safety Committee — for inquiry, consideration and report no later than 12 December 2013 on the nature and extent of serious injury in motor vehicle accidents in Victoria and the committee should:
 - (a) determine the appropriate methodology to identify the cost of a serious injury to the Victorian community and economy;
 - (b) identify processes, including the exchange of data and information between agencies, that will facilitate accurate, consistent and timely reporting of road-related serious injuries;
 - (c) consider best practice definitions and measures of road-related serious injury and injury severity, and recommend how road-related serious injuries and their severity should be identified and reported in Victoria;
 - (d) determine the correlation between reductions in fatalities and serious injuries (including for different levels of severity) resulting from different road safety countermeasures;
 - (e) identify cost-effective countermeasures to reduce serious injury occurrence and severity; and
 - (f) identify best practice in managing long-term reductions in serious injury including raising the profile of the serious injury burden.
- (2) To the Rural and Regional Committee — for inquiry, consideration and report no later than 31 December 2013 on the opportunities for people to use telecommuting and e-business to work remotely in rural and regional Victoria, with particular reference to:

- (a) identifying the potential benefits for rural and regional Victoria if more people were able to work remotely;
- (b) examining best practice in e-business and remote working policy in other jurisdictions;
- (c) identifying any legislative impediments at a state, federal or local government level;
- (d) determining potential workplace relations, or occupational health and safety issues that would need to be addressed; and
- (e) establishing potential productivity, infrastructure or other savings associated with fewer employers and employees needing travel to and from work each day.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 11 December 2012.

Motion agreed to.

MEMBERS STATEMENTS

Victorian certificate of applied learning: funding

Ms GRALEY (Narre Warren South) — The headline on an article in today's *Age* is 'Cuts to VCAL will widen rich-poor gap, says report'. I have always said that this government's savage cuts to VCAL (Victorian certificate of applied learning) were a savage attack on the futures of children from good, hardworking families, especially those in my electorate of Narre Warren South. Now it is here in black and white, with yesterday's scathing Auditor-General's report entitled *Student Completion Rates* saying the decision to slash funding for VCAL was ill-advised and not based on evidence. Teachers, unions, parents, students and business councils have always said this. It is time the Minister for Education took notice.

The minister is still saying that schools were consulted. The report says they were not. Our schools were not consulted. The money was stolen from them with no explanation. The report says the department did not have sufficient evidence to assess the impact of funding changes on the ability to meet the growing demand — read 'need' — for VCAL.

Narre Warren South P-12 College, one of the largest providers of VCAL in the state, has had to make drastic changes to keep its VCAL program going, and I applaud its hardworking efforts. The students at the Narre Warren South school need the best VCAL program that can be provided. It is a pathway to a better education and a good job. The government members should hang their heads in shame for deserting these students. All Narre Warren South P-12 College wants for Christmas from the minister is no more mealy-mouthed words, but for the minister to act on this report and reinstate its VCAL funding now.

Port Fairy: LivCom award

Dr NAPTHINE (Minister for Ports) — Firstly, I congratulate the great township of Port Fairy, which at a ceremony in the United Arab Emirates this week was awarded the internationally prestigious LivCom award for the most livable town in the world with a population under 25 000.

Telstra: Warrnambool exchange

Dr NAPTHINE — However, the very bad news for those in Port Fairy and the entire south-west of Victoria is that one week — seven days — after a fire at the Telstra exchange in Warrnambool there are still thousands of businesses, families and services without essential telecommunications. But the Labor Party does not care. Businesses in particular have lost millions of dollars due to a lack of EFTPOS, email and internet services. Many families still do not have workable telephone services. This has been an economic disaster for south-west Victoria, putting jobs and businesses at risk and doing damage to the economy.

While Telstra technicians have been working flat out to fix the problems, south-west Victorians feel very much abandoned, neglected and ignored by the federal government which is responsible for telecommunications. It is time the Prime Minister and Senator Stephen Conroy, the federal Minister for Broadband, Communications and the Digital Economy, came to south-west Victoria to see and hear firsthand the enormous adverse impact of this Telstra failure.

If this happened in Sydney or Canberra, the federal government would take action, but it has been asleep at the wheel. While we welcome the inquiry on this matter, this is a real wake-up call for Telstra and the federal government.

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

Victorian certificate of applied learning: funding

Ms EDWARDS (Bendigo West) — I raise very serious concerns about the Liberal-Nationals government cutting \$48 million from the funding of coordinators of the Victorian certificate of applied learning (VCAL). This hands-on program has given students the skills employers are looking for. It has also provided students with practical, work-related experience, literacy and numeracy skills, and personal skills essential for life and work. The coordinators are crucial to VCAL as they develop links with employers and other educational institutions and tailor programs to individual student needs. The VCAL program involves labour and is time intensive, requiring organisation by coordinators during out-of-school time. VCAL has been proven to keep kids in school and other learning institutions.

The decision to cut \$12 million per year will impact heavily on the 20 000 students who undertake VCAL every year. No wonder the government decided to put extra money into jails — many of the students affected by these cuts may end up there. At the commencement of the 2013 school year the impact of these cuts on the availability of VCAL subjects will be significant. Many regional schools will be forced to make the hard decision to cut back or discontinue VCAL programs or cut other programs. There are just not enough teachers in schools to cover the loss of dedicated coordinators.

These cuts will impact most on students with disabilities at special schools who rely on VCAL as a pathway to future employment opportunities. It has also been proven that VCAL is a very successful program for students in rural and regional Victoria who are disengaged and disadvantaged. I urge the government to listen to the community's concerns and restore funding to this critical program, because the cut to VCAL funding means many students in regional and rural areas will be denied futures.

Victorian Interpreting and Translating Service LanguageLink: relocation

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — Last week I had the pleasure of officially opening the new premises of the Victorian Interpreting and Translating Service LanguageLink at level 7, 620 Bourke Street, Melbourne. The relocation has allowed VITS LanguageLink to upgrade its telephone interpreting infrastructure to a state-of-the-art system. The technology provides automatic connections to more than 100 languages in less than 3 minutes. Improving the provision of language

services will help make government services more accessible to Victorians with limited English language proficiency. I congratulate the chairperson, Phil Honeywood, his board members and all staff at VITS LanguageLink for their commitment to the provision of language services.

Schools: language assistants

Mr KOTSIRAS — I also put on record my gratitude and appreciation to the 72 overseas language assistants who have helped promote language education in more than 70 Victorian schools. I had the pleasure of farewelling these assistants, who will be returning to their home countries over the next few weeks.

Language assistants are usually recent university graduates with education or language degrees and come from countries including China, France, Germany, Japan, Indonesia, Italy and Spain. They want to gain experience before either going into work or starting postgraduate studies. These language assistants complement the government's commitment to reform the teaching of languages in Victorian schools, and I thank them for their services to all of the schools.

Greece-Australia assisted migration agreement: 60th anniversary

Mr KOTSIRAS — I thank the Hellenic Museum for organising a weekend of celebration for the 60th anniversary of migration from Greece. It was a wonderful exhibition.

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

Mental Illness Fellowship Victoria: *Brainwaves*

Mr NOONAN (Williamstown) — I rise to offer my heartfelt congratulations to the *Brainwaves* team on 3CR Community Radio. *Brainwaves* is a radio program that airs every Wednesday at 5.00 p.m. on 3CR. All producers and presenters on the program have experienced mental illness, and the program plays a key role in providing a public forum for people to discuss mental illness and share their stories.

This year marked a new phase for the program, with nine volunteers successfully completing community radio training and gaining the opportunity to be involved in the program's production. In recognition of this *Brainwaves* has recently been awarded a Community Broadcasting Association of Australia award for excellence in training, one of the highest honours in community radio, which is a wonderful achievement.

Established just two years ago *Brainwaves* has grown from a fledgling radio show to a program that enjoys a high profile within the broader community. The program offers an important channel for people suffering from mental illness to connect with others, as well as offering volunteers the opportunity to receive training and build confidence and self-esteem.

I would like to recognise the Mental Illness Fellowship of Victoria, led by Elizabeth Crowther, for providing funding for *Brainwaves*, together with the presenters, who were represented at the awards ceremony by Ben Rinaudo, Katelin Morris and Paul Fearnle, along with 3CR training coordinator Leanne McLean.

This is a wonderful initiative that has helped remove some of the barriers of isolation that people suffering from mental illness often experience.

Morwell electorate: government initiatives

Mr NORTHE (Morwell) — It is timely that two years into this term of Parliament I reflect upon the extraordinary achievements of the coalition government since November 2010 and in particular the achievements in the Morwell electorate. This is despite the appalling legacy left by our predecessors, particularly when you consider the financial impacts of mismanaged projects that have cost Victorian taxpayers so much under Labor. Myki, smart meters, the Wonthaggi desalination plant, the north-south pipeline and the Melbourne Markets relocation project, along with a number of ICT projects, have cost Victorians billions of dollars. Despite this, the coalition government is delivering for the Morwell electorate.

In contrast to Labor the coalition is creating jobs and boosting the local economy by supporting businesses. For example, we have supported Australian Paper's \$90 million wastepaper recycling plant at Maryvale and invested \$2.74 million into Latrobe Regional Airport and GippsAero. We have provided Lion Australia, Hydro Australia, Stirloch Construction and Fisher's Timber Preservation, Morwell, with funding to increase their capital and capabilities, whilst retaining and creating jobs in the Latrobe Valley region.

The coalition has also invested in the upgrading and building of community facilities. Some of the recipients include Traralgon Tyers United Football Netball Club, Tyers soccer club, Yallourn North town reserve, Glengarry tennis and netball club, Traralgon Tennis Association, Glengarry Mechanics Institute hall, Churchill scout club, Cowwarr hall, Boolarra men's shed, Yinnar skate park, the Gippsland Plains rail trail and many others.

Whilst Labor supports job-reducing policies such as the carbon tax and partially closing Hazelwood, the coalition is investing in jobs.

Hospitals: medical internships

Mr NARDELLA (Melton) — Today I call on the Victorian Minister for Health, the Honourable David Davis, to urgently negotiate and sort out places and funding for medical graduates for the 2012 year. I have had representation from two medical graduates, Ms Ashleigh Witt and Mr Harris Noor and his partner, from Monash University.

This year 46 final-year medical students did not receive hospital internships, almost half of them from Victoria. There is a massive shortage of doctors, especially in outer suburbs like Melton and Bacchus Marsh and in the rural and provincial areas of Victoria. We import 2500 doctors every year, yet we have Victorian and interstate-trained doctors left unemployed.

Three weeks ago I went to Canberra and advocated for this issue directly with the commonwealth Minister for Health, the Honourable Tanya Plibersek. She has put \$10 million on the table to partner with the states in order to help these students. Unfortunately Victoria has not signed up to this as yet, and this is adversely affecting these highly educated and professional student doctors who want to practise in Victoria. Other states and territories, being Queensland, the Australian Capital Territory, Western Australia and the Northern Territory, have signed up, and private hospitals are willing to assist.

I place on the public record that my stepson and his girlfriend, Marina, are also in this terrible situation, as they trained in New South Wales. Many Victorian graduates have already left Victoria, with possibly only 10 left here. Due to this delay we have lost many Victorian-trained and committed doctors to other states and countries, and that is a real tragedy.

Planning: Ferntree Gully Village

Mr WAKELING (Ferntree Gully) — I am pleased to advise that the Baillieu government will approve interim height controls in Ferntree Gully Village. This is a great outcome for the Ferntree Gully community and is a demonstration of the government delivering planning outcomes that meet the needs of local communities. In 2006 the then state Labor government rejected Knox City Council's bid for a height control, due to its misguided support for the much-derided Melbourne 2030 planning scheme.

In August this year Knox City Council sought an application for an interim height control to be applied to the village. I made representations directly to the Minister for Planning requesting that the council's application be determined expeditiously, and as a consequence the minister confirmed that the interim height control will be approved by early December.

Glengollan Village: fair

Mr WAKELING — I was pleased to again attend the annual fair at Glengollan Village in Ferntree Gully. This event is extremely popular with the Glengollan community. Congratulations to chairman, Jason Ronald, the committee, staff and the many volunteers involved for making this event such a success.

Waterford Park retirement village: musical event

Mr WAKELING — I recently had the pleasure of attending a wonderful musical event at Waterford Park retirement village. The event was a great success and attracted guests from both Waterford Park and Waterford Valley villages. Congratulations to the staff and residents for hosting such a successful event.

Ferntree Gully Village: Discovery Day

Mr WAKELING — I recently had the pleasure of attending the highly successful Ferntree Gully Village Discovery Day. The event was well attended by members of the Ferntree Gully community and showcased many important local groups.

Police: Bellarine electorate

Ms NEVILLE (Bellarine) — As we approach summer the communities of Bellarine are extremely concerned about the proposed police coverage over that peak population period. The normal practice over the summer period, at least over the last decade, has been a doubling of police to cater for what is almost a doubling of population. I raised these issues in this house with the Minister for Police and Emergency Services earlier this year, and I appreciated his response in recognising the concerns and undertaking to convey them to the Chief Commissioner of Police for further investigation. However, nothing further has been heard. The lack of police over summer has many residents, businesses and tourism operators concerned about community safety.

In addition to this concern a further decision was made to roster Bellarine police in Geelong and Corio throughout the year. Material provided by Victoria Police through an FOI request indicated from that 1 January 2011 to 1 July 2012, 467 Bellarine

Peninsula-rostered shifts have been worked in other areas, leaving local communities unprotected or with severely reduced numbers of police. There are also serious concerns about the future of local police stations, and a request from Drysdale police for increased resources highlights the concern of police members in the region. Unfortunately there has been no outcome from the request. The Bellarine Peninsula has a great reputation as a place to live and as a wonderful holiday destination. We must, however, have an appropriate police presence year round, particularly in this important summer period, when there is a doubling of the population.

Devilbend Reserve: upgrade

Mr BURGESS (Hastings) — I would like to thank the Minister for Water for officially opening the recently upgraded Devilbend Reserve on 17 November. The upgrade to visitor facilities at the reserve was made possible due to a \$1.6 million Victorian coalition government grant. This is the first time the public has had access to this site since it was formally transferred to the Crown in 2006 after the reserve was decommissioned as a water supply facility. The area of the reserve available for park visitors to explore has increased six-fold, with an additional 30 hectares being opened up. Works completed include two new fishing and viewing platforms, which were funded with an additional \$200 000 grant from the Victorian government, a new park entrance gateway, an asphalt entrance road, a car park, picnic and barbecue facilities and new signage.

Somers: arts project

Mr BURGESS — I would like to thank the Somers Foreshore Committee of Management for the opportunity to officially open the 2012 arts project, a beautiful tiled triptych showcasing the skills of local children, at the picnic area of the Somers foreshore on 22 November. The project is an ongoing partnership between the Somers Primary School, well lead by David Ingham, and Somers Foreshore Committee of Management, led by Pam Bannister, and is funded through a community partnership grant from the Mornington Peninsula Shire Council.

Somerville Secondary College: valedictory dinner

Mr BURGESS — On 23 November I was very proud to attend the inaugural valedictory dinner to celebrate the graduation of the first ever year 12 class of Somerville Secondary College. The Somerville community fought hard to establish this wonderful

school and has had to fight every step of the way to see it become the complete year 7 to 12 place of learning that it is. The principal, Chris Lloyd, the teachers, the students, the families and the community can all be rightly proud of their achievement. I wish all graduating students well with their future studies and professional careers.

BlueScope Steel: 40th anniversary

Mr BURGESS — Last Saturday I was pleased to attend BlueScope Steel's 40th birthday celebrations.

Luna Park: centenary

Mr FOLEY (Albert Park) — On 13 December Luna Park celebrates a century of existing 'just for fun' in the heart of St Kilda's foreshore. Every year through wars, depressions, floods, heat waves, storms and in hail or shine, Luna Park has delighted the young and the young at heart. Luna Park has had its highs and lows and has been the subject of plenty of controversy along the way. Through it all Luna Park has become part of the heart and soul of Melburnian's lives, especially those who call St Kilda home. The iconic face of Mr Moon is a defining image of Melbourne. One 100 years ago J. D. Williams Amusements set out to create a world-leading amusement park and built the world's best rides, side shows and attractions. It was and still is a fairy tale of amazement — a place designed just for fun.

Under the park's current owners this tradition is being faithfully honoured and overlaid with modern thrills, spills and rides. There are also plans to secure its future for the next generation of thrill seekers. Over the years its Great Scenic Railway, which is the longest continuously operating wooden rollercoaster ride in the world, along with the Palace of Illusions, which morphed into the Giggle Palace, the river caves, the Ferris wheel, the beautiful carousel, the ghost train and the dodgem cars have all taken their place in the imagination of successive generations. Add to those the modern rides of today, and you can see that Luna Park really still is just for fun, even at the grand old age of 100.

To mark this achievement Luna Park has an array of events culminating in a free community day on 13 December. I urge all Melburnians, and especially those in the local community, to become part of the festivities. I look forward to continuing to see Luna Park evolve during its second 100 years and remaining part of Melbourne's cultural landscape and young lives.

Greek community: Chios liberation centenary

Mr THOMPSON (Sandringham) — I congratulate the Chios Brotherhood Korais Club of Melbourne on a recent dinner marking the 100th anniversary of the liberation of the Greek Island of Chios — zito eleftheria!

Mentone Bowling Club: Pink Ribbon breakfast

Mr THOMPSON — I pay tribute to Mentone Bowling Club, which recently hosted a Pink Ribbon breakfast, the object of which was to raise funds for further research into breast cancer.

Family Life: achievements

Mr THOMPSON — I pay tribute to the organisation Family Life, which works across 46 local government areas in Victoria. It works with the community to provide prevention, early intervention and treatment services for vulnerable and at-risk families. I congratulate CEO Jo Cavanagh, president Grant Douglas and committee members on their good work.

Mentone Public Subscription Library

Mr THOMPSON — I congratulate the Mentone Public Subscription Library on its continuing great work in the Mentone area. Established in 1925, the organisation continues to serve the community very well. I commend the work of the acting president, Tony Brooker, and committee members.

One School at a Time: launch

Mr THOMPSON — On 17 November the organisation One School at a Time was officially launched in the bayside area. The launch involved a number of students who are working towards decreasing social stigma surrounding the youth of today, and I congratulate the eight students involved.

Friends of Mentone Station and Gardens

Mr THOMPSON — I pay tribute to the Friends of Mentone Station and Gardens and the great work undertaken by Gary Spencer, the inaugural chair, and the current chair, Dorothy Booth, on their great work. In particular I note the recent publication of the organisation's history, *Winning Friends — The Mentone Station Story*, written by local historian Leo Gamble.

RMIT University: engineering apprenticeship course

Mr HERBERT (Eltham) — I rise to draw the attention of the house to the plight of young apprentice fitters and turners studying at RMIT University. The government's \$300 million funding cut to TAFE — \$20 million to RMIT — has claimed another victim: RMIT's fitting and turning training course in Melbourne has been cut. Young apprentices are devastated. They have been told the course will close from next year and that they need to make other arrangements. One hundred years of successful apprenticeship training in this vital manufacturing area at RMIT has now been jettisoned. The closure confirms once again the failure of this government's policy to secure much-needed apprenticeship training in Victoria.

What does the Minister for Higher Education and Skills say? He says it is nothing to do with him and that it is a matter for the institution. I say to the minister that we spend \$1.2 billion on training, so he should get out of bed, pick up the phone to the vice-chancellor and sort out the problem. He should get his public servants working on a solution. He should go and help these apprentices by getting their course reinstated. It is not someone else's responsibility; it is the responsibility of Minister Hall. This is not a complex problem; it is a simple one. The minister professes to support apprentices in Victoria, so he should put his words into action and get this course reinstated. If this is all too hard for the minister — if earning a wage is too hard — he should step aside and let someone else who can do the job do it.

Bridges: Echuca–Moama

Mr WELLER (Rodney) — I am pleased to say that the planning study in relation to the new Echuca–Moama bridge is drawing to a close and that VicRoads is currently seeking advice from the Department of Planning and Community Development on the formal planning approval process that will need to be followed. It is my belief that with the preferred location of the new bridge becoming firmer it is now time to move forward with the planning phase to ensure that funding opportunities with Infrastructure Australia are optimised.

The Victorian coalition government has taken the first step by submitting the second crossing project to Infrastructure Australia as its priority bridge for consideration for federal government funding as part of its upcoming national building program from 2014–19, and there is still work to be done to ensure that the submission process remains on track. This process

could take up to 18 months, and during this time all the project information, including indicative cost figures, needs to be prepared for funding opportunities. I will be working with the relevant ministers and departments to ensure that all the boxes are ticked.

In addition VicRoads has stated that this planning process will identify a recommended alignment of the bridge for inclusion in the Shire of Campaspe's planning scheme and the local environment plan of the New South Wales Shire of Murray. I will be keeping in constant contact with VicRoads and the Minister for Planning about the progress of the planning process for the second Echuca–Moama bridge crossing, which I know will be followed closely by the entire Echuca-Moama community.

Rail: Sunbury services

Ms DUNCAN (Macedon) — I rise to acknowledge the Minister for Public Transport's delivery of the electrification of the rail line to Sunbury. I was pleased to join the minister at the official opening of this Labor-initiated project that saw the first electric train leave the Sunbury station on 18 November. Part of this project was to ensure that commuters from Sunbury continue to have access to V/Line trains both to and from Melbourne.

I raised this issue with the minister during an adjournment debate some weeks ago, and the minister responded by reiterating that this would be a dual service in Sunbury and access to V/Line trains would continue. I have also received confirmation from the minister's office that this will be the case. V/Line conductors have been informed of this, as it is often conductors who advise Sunbury commuters that they cannot board V/Line trains. This is a real worry for Sunbury residents, as it is humiliating to be told to get off a train. It is extremely worrying that I continue to receive emails from commuters who have been told by conductors that they cannot board a train.

The idea that this would be a dual service was part of the electrification project, and while Metro trains will have greater capacity and many more services, some Sunbury commuters will continue to prefer V/Line trains for a range of reasons. It is critical to the success of this project and to delivering the commitments that were made to the people of Sunbury that this dual service by V/Line and Metro Trains Melbourne continues at Sunbury.

Bentleigh electorate: government initiatives

Ms MILLER (Bentleigh) — This week the coalition celebrates two years in office. I am proud to be a part of this government which has been able to improve the lives of Victorians with its commitment to delivering on promises. In just two years we have been able to deliver significant change for local families in Bentleigh. Funding of \$250 000 has been allocated to McKinnon Secondary College to finalise plans for its proposed developments, with an additional \$200 000 going to McKinnon Primary School for its plans to upgrade, which had been neglected by the previous government. Local clubs will benefit from a fantastic new facility at Centenary Park in Bentleigh East. Funding of \$500 000 will see the addition of a brand-new pavilion, including changing rooms and clubhouse facilities.

I was pleased to join the Premier last week to announce that final funding has been allocated to deliver a new, state-of-the-art Monash Children's hospital. Local families will benefit from the world-class care this hospital will provide. Consultation has begun to ensure that the grade separation at Ormond railway station proceeds in accordance with the needs of local residents. Planning and development for the delivery of Southland railway station is well under way, with the coalition government working with the City of Kingston, the City of Bayside, Westfield, Metro Trains Melbourne and other key stakeholders on how best to deliver this much-anticipated new railway station.

Both McKinnon and Moorabbin kindergartens have attracted significant funding for renovations and upgrades that will see a major increase in the number of places the kindergartens can provide to young children in Bentleigh. We have delivered a number of significant road safety initiatives, including a pedestrian crossing on Jasper Road, Bentleigh. The speed limit in the Bentleigh shopping centre has been reduced to 40 kilometres an hour for the safety of pedestrians and motorists in the busy shopping strip.

Chassis Brakes International: expansion

Ms MILLER — It was a pleasure to have the Minister for Manufacturing, Exports and Trade visit Chassis Brakes International in Bentleigh to announce funding to expand the automotive industry. I commend the management team on creating jobs, having a strategic vision and growing a Victorian business.

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

Planning: water catchment development

Mr HOWARD (Ballarat East) — Last week the Minister for Water released new planning guidelines for housing development within water catchments, which purported to be good news for landowners in regional communities. This was in response to the hundreds of distressed landowners across regional Victoria who had purchased land in the expectation that they would be able to build but have found, especially since a Victorian Civil and Administrative Tribunal decision earlier this year, that they have been denied that right.

I have spoken with several such distressed landowners, especially in the Hepburn, Macedon Ranges and Mount Alexander shires, and I have joined them in writing to both the Minister for Planning and the Minister for Water to request that they find a practical solution to this challenge. While I and my constituents are still awaiting written responses to our correspondence, the Minister for Water last week pretended that he had put forward a solution. However, this solution is nothing but smoke and mirrors, a cruel hoax for these many distressed landowners — and I note that the *Weekly Times* has echoed this view.

When speaking on this issue in the house this week the minister said:

... some members of Parliament around Victoria are disengaged from their communities. They do not know what is going on in their communities ...

Clearly the minister himself is at the top of that list.

I call on the minister to come out to meet with my constituents, to listen to their concerns and then to go back to his drawing board and come up with a real solution which will see these landowners learning that there is a path open to them that will enable them to build their homes on their land within the next year — —

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

Thomas Shiels

Mr McCURDY (Murray Valley) — Congratulations to Wangaratta venturer scout Thomas Shiels on being presented with the Queen's Scout Award. Thomas's achievements included hiking in Tasmania, organising a Relay for Life team, assisting with junior scouts and achieving sporting and vocational goals. His badge was presented by his venturer leader, Melissa Duguid, who assisted him on his scouting journey.

Strathmerton Lioness Club

Mr McCURDY — Thank you to the Strathmerton Lioness Club, which recently celebrated 30 years of service with a meal at the Cobram Hotel. Clubs such as this do magnificent work in our communities, often unheralded.

Jennifer Bennie

Mr McCURDY — I was saddened to attend the funeral of Jennifer Bennie last week. A large crowd attended the service at St Aidan's Anglican Church in Strathmerton to commemorate Jennifer's life. A nurse educator and former Numurkah district nurse, Jennifer cared strongly for others. She took a keen interest in the community and was a dedicated guide leader for 55 years, was active in the Red Cross, supported the Murray Marathon and was the backbone of the Mywee and Strathmerton communities.

Oxley Memorial Park: redevelopment

Mr McCURDY — Recently I had the privilege of opening the redeveloped Oxley Memorial Park on behalf of the Deputy Premier. The redevelopment received \$72 000 worth of funding from the coalition government's Putting Locals First program, the Rural City of Wangaratta and the Oxley Residents' Association. The park is a fantastic facility much used by the local community, tourists and people using the bike path between Wangaratta and Milawa.

Yarrowonga College P-12: Kokoda Track leadership program

Mr McCURDY (Murray Valley) — Operating for six years, the Yarrowonga College P-12 Kokoda Track leadership program provides a life-changing experience for year 10 and 11 students and staff. Students who have completed the program have gone on to serve the school as captains and vice-captains, to speak at Remembrance Day and Anzac Day commemoration ceremonies, and to address local organisations and community groups. I thank Club Mulwala for its significant investment in our youth. It recently announced a further \$75 000 contribution following its initial \$75 000 contribution.

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

Pan Macedonian Association: Dimitria festival

Ms BARKER (Oakleigh) — I thank Dimitrios Manis, president of the Pan Macedonian Association, and his committee which continue to organise the

annual Dimitria festival in Oakleigh. This year the event was held on Sunday, 18 November, in Atherton Road, Oakleigh, and at Eaton Mall. It was a great success, showcasing Hellenic culture, dancing, music and food all afternoon. As the member for Oakleigh, I am honoured to represent a large Greek community whose members have contributed, and continue to contribute, a great deal to the economic and cultural growth and harmony of our local area. It is very appropriate that such an important event as the Dimitria festival is held in our local community.

We were honoured again to have the Consul General for Greece, Ms Eleni Lianidou, present. Eleni is a very hard working Consul General, and it is always a great delight to be at any event with her. We were also honoured to have the Honourable Theodoros Karaoglou, Minister for Macedonia and Thrace, Hellenic Republic, attend the Glendi and speak to those present. Mr Karaoglou led a delegation to Victoria and met with many members of Parliament and local businesses to discuss ways we can strengthen and further develop sustainable trade between Victoria and Greece. The delegation also included the mayor of Thessaloniki and other Greek officials.

The Hellenic Australian Chamber of Commerce and Industry was also actively involved in organising meetings and working with this important delegation, which I understand was very successful. I know members of the large Hellenic community I represent feel the pain being experienced in their homeland. At a time when Greece is undergoing severe economic difficulties, it is vital that we consider and develop ways in which we can support them during these difficult times.

Sheila Purcell

Mr BATTIN (Gembrook) — I rise today to talk about the loss of a wonderful person in every sense of the word: Sheila Lilian Purcell, 1939–2012, a member of the Liberal Party for over 31 years. She was an active member in my electorate and passionate member of the Berwick branch, the Berwick women's section and a member of the Liberal Women's Council.

Sheila was a lady who served her family, community and country in many ways. As a nursing sister and midwife, Sheila was commissioned into the Princess Mary's Royal Air Force Nursing Service as a flying officer in 1964, a position she was very proud to hold. Sheila went on to serve her community as an active member of Red Cross from the age of 15, in her commitment to the VIEW club and the Smith Family, and her involvement with the RSL. During the time I

knew Sheila, she was a proud woman, believing in and pushing women's rights and encouraging women to speak up for their beliefs. Sheila was also a supporter of the Royal Flying Doctor Service and encouraged people to support this great organisation.

During her time with the Liberal Party Sheila held many roles, including treasurer of the Berwick women's section, attending the state council and organising many raffles for Liberal Party events. More importantly, Sheila had many friends, including Carol Porter, Margery Nowak, Pauline Heatherton, and many more.

My thoughts and those of Edward O'Donohue, a member for Eastern Victoria Region in the Legislative Council, go to Sheila's husband of 47 years, Tony, and her two sons, Sean and Julian, and her daughter-in-law, Barbara, as well to her four grandchildren.

CARDINIA PLANNING SCHEME: AMENDMENT

Mr CLARK (Attorney-General) — I move:

That under section 46AH of the Planning and Environment Act 1987, Cardinia planning scheme amendment C165 be ratified.

Amendment C165 introduces an incorporated document using clause 52.03, 'Specific sites and exclusions', of the Cardinia planning scheme to allow a single parcel of land at 22-30 Downey Road, Dewhurst, to be subdivided into two lots of 1.7 hectares and 6.4 hectares respectively. Dewhurst is located outside the urban growth boundary and is identified as a rural locality in the Cardinia planning scheme. The land concerned contains two separate dwellings, one occupied by a husband and wife couple and one occupied by a close family member who suffers from a serious medical condition. The second dwelling was purpose-built to address that family member's medical condition.

The amendment was exhibited between 19 July and 20 August 2012. No submissions objecting to the amendment were received. Cardinia Shire Council requested the amendment and adopted the amendment on 17 September 2012, I understand with the unanimous support of all councillors.

The amendment requires ratification by Parliament under section 46AG(1) of the Planning and Environment Act 1987, as it:

... has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be

subdivided into more lots or into smaller lots than allowed for in the planning scheme.

The amendment allows for the subdivision outside the urban growth boundary. I commend this amendment to the house.

Mr WYNNE (Richmond) — I rise to make a contribution on behalf of the opposition in relation to Cardinia planning scheme amendment C165. As the Attorney-General indicated, representing the Minister for Planning, this is an amendment to the green wedge. Deputy Speaker, as you would be aware, I have had occasion to speak in the house in relation to encroachments on the green wedge and the view of the opposition that these matters need to be carefully scrutinised. There have been occasions when we have vigorously opposed some of the propositions the government has put, particularly in relation to the commercialisation of green wedges.

However, in the circumstances that are before us today, the government has sought the cooperation of the opposition to facilitate the passage of this amendment through the house. There are manifest and exceptional social circumstances that attach to this application that require a level of reaching across the Parliament in a bipartisan way to address a unique set of circumstances that have befallen the owners of this property. I will be quite constrained in what I say in relation to the particular circumstances of the applicants in this matter, but I want to indicate clearly that there are exceptional and unique circumstances pertaining to this matter that require, in my view and in the view of the opposition, the facilitation of this amendment.

I know the member for Gembrook will be making a contribution to the debate after me, and I thank him for providing me with further detailed insights into the social circumstances of the applicants in this matter. It is on the basis of the approach from the government in a spirit of goodwill seeking our cooperation and the further advice that has been provided to me by the member for Gembrook that the opposition feels comfortable in facilitating the passage of this amendment through both houses of the Parliament in as expeditious a way as possible.

The context of this amendment is, firstly, that it has been prepared by the Cardinia Shire Council, which is the responsible planning authority. The amendment has been made at the request of the Keating family and it pertains to both the elderly parents and a daughter of the family who has a particular set of health issues that are relatively unique in this state and of such a magnitude that she requires specialist interventions. We, as a government and an opposition, feel a sense of

the burden that is carried by this elderly family and the woman herself, who has to get through her daily life, which must be extremely onerous. Anything that we can do as a Parliament to help lift that burden from them in this context is a good and honourable thing for us to do.

The first point to make about the parcel of land concerned is that the amendment has been prepared by the council on the application of Mr L. and Mrs K. Reading at 22–30 Downey Road, Dewhurst. The amendment is required to allow for the subdivision of the land into two lots. I understand the land currently has an area of 8.1 hectares, and the proposal is to subdivide the land into two lots with an area of 1.7 hectares and 6.4 hectares respectively, with each lot containing an existing dwelling. The parents live on one of the lots and the daughter on the second lot. The land is in a rural conservation zone, schedule 2, under the relevant planning scheme of the local authority, Cardinia Shire Council. The Cardinia planning scheme has a minimum lot size of 15 hectares for that zone, and therefore the land currently cannot be subdivided.

As I indicated, the advice we have been provided with by planning is that the amendment will not have any significant effects on the environment, as both of the dwellings already exist and there is no proposition for any further development of the sites. We have two existing properties, a particular set of acute social circumstances and a subdivision that falls under the 15-hectare minimum size for allotments under the green wedge zoning in the Cardinia planning scheme.

On balance and, as you would expect, with the measure of caution that we should always bring to debates on any incursions into the green wedge, the opposition is satisfied that there will be no further development of these two sites. That is absolutely clear from the advice provided to us. I reiterate that the exceptional social and health circumstances of this particular family are such that an obligation is put on the Parliament. When applications like this come forward, which are clearly supported by the local authority and have been put to the community without any objection whatsoever being made, one must judge these applications on not only their planning merits but also what underpins the application, which is really the humanity of the particular situation.

It is in that context that the opposition will support the motion to ratify this planning scheme amendment, recognising that we will deal with such matters on a case-by-case basis when they come forward. Our broad public policy position and our broad in-principle decisions will always be that where there are incursions

into green wedges we will contest those matters vigorously. We will interrogate those matters, we will investigate them in depth and where we believe the great legacy of the green wedge that we enjoy in this state is being eroded, we will debate it vigorously. Where we see that a proposition has gone too far in relation to undermining green wedges, not surprisingly, we will oppose it.

However, in this particular case there is profound and overwhelming evidence in relation to the health and social circumstances of this family that means this subdivision should go ahead and be expedited. In this circumstance I wish the ratifying of this amendment a speedy passage. I again thank the member for Gembrook for the insights that he provided to me in relation to the particular circumstances of this family.

Mr BATTIN (Gembrook) — I rise to support the motion moved by the Attorney-General today in relation to the ratifying of Cardinia planning scheme amendment C165. I first put on record my thanks to the member for Richmond; we had a discussion in relation to this yesterday. More importantly, I would like to put on record my thanks to the Minister for Planning and the staff in his office. The work they have done on this over a period of time has been absolutely fantastic. It was not easy to get to this stage.

I know I also speak on behalf of the family, because I communicate with them quite regularly. I will go back about 18 months. As we know, it has been just over two years since we came to office. Members would know that on coming to office you have all these plans of things you would like to do and things you would like to change. There are all these opportunities out there to make changes and get things moving forward.

About 18 months ago Les Reading walked into my office. He is an elderly gentleman, and he came with a simple request, 'Brad, I need some help'. I said to come through, and he shook my hand. Even at his age, I have to be honest, he nearly broke my hand. His handshake is everything to him; he is a man of pride, a man who has fought in wars and a man who loves this country. I could not think of anything better than helping someone of his stature.

When Les came into my office he spoke about his concern in relation to his property. He has been thinking and speaking about this matter for a fair while, and given his age he is concerned that he will eventually leave this world, and he does not want to leave his daughter, who currently resides in a house on the same block of land, with no financial stability and facing the possible circumstance of having to leave the

house that has been designed specifically around her condition. It has taken his family many years to build that house and get to the stage it is at now. I know for a fact that he has pushed hard for this request over the last two or three years and had been asking about it for a while before I was elected. When we came on board and said we could help I remember sitting there and thinking to myself, 'I'm not sure if we're going to be able to help you, but I'm going to at least start to try to get some things in motion'.

I sat down with the Minister for Planning, and we went through the pros and cons of what we could and could not do. We took into consideration that the lots are in a green wedge zone. That is not something we took lightly, because it is very important. I agree with the member for Richmond that if you are putting forward something like this motion, there have to be exceptional circumstances. You do not want to set a precedent in any area and especially in Dewhurst. The minister took that into consideration.

I have probably had 10 to 12 meetings and a lot more phone calls with Les in relation to this. I have met his family, gone out to have a look at the property and spoken to the neighbours, and we have looked at all the other issues involved. I want to thank Cardinia Shire Council, which had to take the step of putting the matter out for public display and getting feedback from members of the community on their thoughts. To be honest, it was much to our surprise to find there were no objections — not one. People understood the circumstances surrounding the matter and why this consideration had to be given. I congratulate the council on putting through the approval, which was unopposed through the council process. Then the matter came to Parliament.

I then sat down again with the minister to discuss the process and where we would go from there. Last week, once I found out the motion was coming into Parliament this week, I spoke to Les. I think every member of the house, whether they have been here for 12 months or 10 years — or in the Speaker's case, 20-plus years — would recall a moment they will remember for the rest of their life. I am 100 per cent positive I will remember that phone call for the rest of my life.

Les Reading is one of the proudest men I have ever spoken to, but I could hear the quivering in his voice. He knows he has made a change that will ensure the financial viability of his family when he departs and that he has done everything he can. I also stand here proudly knowing that I have done everything I can to support him and his family. Sometimes in political life

you have got to do things for your entire electorate, but the times you can do something to change one person's life are the times you genuinely know you came to this role so you could make changes. I stand here very proud of what I have done in this case, and I look forward to speaking to Les and passing on messages from the Attorney-General, the Minister for Planning and the member for Richmond as well.

I thank the members of the opposition for the opportunity to discuss this matter with them. We thank them for their support in this, and I am 100 per cent sure that Les Reading and his family will be very thankful as well. With that short contribution, I wish this motion a speedy passage.

Motion agreed to.

CRIMINAL ORGANISATIONS CONTROL BILL 2012

Second reading

**Debate resumed from 15 November; motion of
Mr CLARK (Attorney-General).**

Ms ALLAN (Bendigo East) — I rise to speak on behalf of the Victorian parliamentary Labor Party, the opposition, on the Criminal Organisations Control Bill 2012 and indicate at the outset that the Victorian parliamentary Labor Party will not be opposing this bill. We will support this bill, but there are a few points that I will come to further on in my contribution that we would like to further explore with the government, either through the passage of the legislation in this house or as it moves through the upper house. This bill comes to the house with some public prominence, and in a moment I will also talk about how it reflects some of the activities in other states.

The bill establishes the legal framework for criminal organisations and individuals to be subject to control orders, and it establishes a two-step process to enable this to happen. Firstly, the Chief Commissioner of Police can apply to the court for an organisation or individual to become declared. After that declaration has been made, a second step can be followed in the application for a control order. Once this control order is granted, it can include conditions which the organisation must follow such as a prohibition on continued operation, a prohibition on members associating with one another and a prohibition on the wearing of the organisation's patches or insignia — that is, the brand of the organisation, if you like, cannot be worn.

We note that the government made an earlier commitment to the Victorian community that these laws would be in effect by 2011; however, we also note that there have been constitutional issues with similar legislation in other states which has led to the government having an opportunity to wait and see the outcome of those constitutional issues to ensure that the Victorian legislation will not face the same constitutional hurdles as those pieces of legislation in other states should it pass through the house. This issue can be addressed through the course of this debate, but as I have indicated the opposition is not opposing this bill.

Legislation was first introduced in South Australia in 2008 that was originally modelled on commonwealth antiterror laws in a two-step process of declaring an organisation unlawful and a control order subsequently being issued by a court. Following this, similar legislation was also introduced in New South Wales. There have been a couple of cases — and I hope I pronounce these names correctly — the Totani and the Wainohu cases, where the High Court, following the passage of these pieces of legislation, held important parts of these laws to be constitutionally invalid. These findings were made following a challenge of the laws by members of the Finks and Hells Angels bikie groups. They were found to be invalid based on the so-called Kable doctrine, which holds that state laws violate the commonwealth constitution if they impair the institutional integrity of a state court.

Subsequent to this finding by the High Court, South Australia and New South Wales introduced modifications to their legislation to ensure the constitutional validity of the laws they wished to enact in their states. Similar legislation has been introduced in Western Australia, Queensland and the Northern Territory, although a constitutional challenge to the Queensland legislation is pending in the High Court.

That brings me to the Victorian bill, which has had the benefit of the experience of what has gone on in other states. It is hoped that the Victorian bill will not face the same constitutional challenges. I am sure it is very much the government's wish that it does not face the same challenges. The bill allows the Chief Commissioner of Police to apply to the Supreme Court for an organisation to be named a 'declared organisation' and for an individual to become a 'declared individual'. It sets out the elements about which the court must be satisfied in order to make a declaration.

For an organisation, the elements that the court must consider and must be satisfied beyond reasonable doubt

about include that the organisation has engaged in, organised or otherwise facilitated serious criminal activity, or two or more people in the organisation have used the organisation or their relationship with the organisation for criminal activity. In either case the court must be satisfied that the activities of the organisation pose a serious threat to public safety and order.

For an individual there are some similarities but also some differences. The court must be satisfied beyond reasonable doubt that the individual is a current, prospective or former member of an organisation that is of concern, and that the individual, with at least one other current, prospective or former member, is using the organisation or their relationship with the organisation for serious criminal activity. In either case the court must be satisfied that the members' activities pose a threat to public safety and order.

The bill defines 'serious criminal activity' as an offence involving two or more offenders which involves substantial planning and systemic criminal activity. The relevant offences include indictable offences punishable by 10 years imprisonment and a range of other offences relating to drugs, weapons, prostitution and pornography. The bill also provides that, once a declaration is made, the Chief Commissioner of Police can apply for the court to make a control order. To make the order the court needs to take certain matters into consideration. It must be satisfied that the order is likely to contribute to the prevention or disruption of serious criminal activity. It can only reach this conclusion when presented with 'acceptable, cogent evidence that is of sufficient weight'.

A range of conditions can be imposed under a control order. They include the organisation ceasing to operate, run a business or take on new members, prohibiting members from associating with one another, or prohibiting members from wearing the organisation's patch or insignia. I will come back in a moment to some comments the opposition wants to make on this.

A control order that is issued will last for three years but can be withdrawn earlier than the three-year period. The chief commissioner can apply for an order to be renewed once it has expired. The bill clearly sets out a range of penalties. I do not need to go into detail; they are there for the house to see. I understand the Attorney-General has stated that the offences will link to the asset confiscation scheme.

I move on to the question of criminal intelligence. The bill provides a mechanism for evidence gathered as part of an intelligence operation to be presented to the court

but protected from public disclosure. The chief commissioner can apply for criminal intelligence material to be protected so that it will not be revealed in open court or to the defendant. This application will be heard in a closed court without the defendant, but a special counsel can be appointed to represent the defendant's interests. The special counsel can consult with the defendant before the application is heard but cannot reveal the details of the hearing to the defendant. The court may make an order for the information to be protected if it is satisfied that the reasons for confidentiality outweigh any unfairness to the defendant. If the confidentiality order is refused, the chief commissioner can choose to withdraw the control order application or continue with the information unprotected.

This is one area where I wish to flag some issues on behalf of the opposition. The prospect of orders being made against persons or organisations who are not able to be present in the court to defend themselves poses some concerns about the right to a fair hearing. We want to hear more from the government during the course of this debate — or in the upper house, where there is more opportunity than there is here to go into detailed consideration of bills — to explain why groups who find themselves subject to this regime of control orders and hearings are not able to be in court to defend themselves. There are significant restrictions on what the special counsel can pass back to the defendant. We look forward to hearing more from the government on that front.

The other area worth some discussion is the issue of constitutional validity. I am sure the need to ensure that this legislation, as I said earlier, benefits from the experiences in other states has vexed the Attorney-General's mind considerably. No-one wants to see the legislation challenged, but we note that there may be some concerns that, even with the attempts to benefit from the experiences in other states, this legislation may be unconstitutional.

I believe the Law Institute of Victoria has raised some objections to the bill on the basis that, if its concerns are founded, they could mean long legal battles ensuing, and of course the people who foot the bill for these long legal battles are the Victorian taxpayers. As I said before, the High Court invalidated some similar what is known as bikie legislation in South Australia and New South Wales; both laws were struck down because, as I said earlier, they violated the institutional integrity of courts. Obviously to date we have been relying on the assurances from the government that this bill will not, if you like, fall over in a constitutional sense in the same way that the similar legislation in other states has done.

The opposition seeks some further assurances and commentary from the government about how it has ensured that the constitutional validity of the legislation can and will be maintained into the future.

Some concerns have also been raised about whether the provisions allowing the court to prohibit the display of patches and insignia could conceivably breach the implied freedom of political communication under the constitution. This freedom means that laws cannot justifiably prohibit communication of a political nature. This probably could include the flying of flags and the wearing of symbols that could have some political content. I note this is an issue that has not been tested in the High Court in relation to such legislation. Again this is an area on which we would be seeking to hear from the government and wanting the government to give some guarantees and further assurances that its legislation is watertight, if you like, and — this is important to note — that it will not be used to reach into other organisations that are law-abiding and do the right thing. There is the potential for that to become an unintended consequence of the passage of this legislation.

This bill and others like it in other states have been characterised as bikie legislation, and that is a great shame. All of us in our electorates work with a range of different organisations and we know there are many enthusiastic motorcycle riders who are members of motorcycle clubs. They enjoy it, it is a great recreational activity, and they also spend a bit of their time making contributions to charity. I know a toy run is organised in my own area by a motorcycle club.

It is important to note that not everyone who rides a motorcycle is a baddie that engages in criminal activity and is part of a criminal organisation. It is a shame that obviously from time to time there can be that blurring of the line in a public sense. We hope the breadth of this legislation does not reach into organisations that are doing the right thing and just giving people an opportunity to go out there, ride their bikes and have some fun with other people who like to get around on motorcycles in regional Victoria on the weekends.

I conclude by making the comment that this sort of legislation has, I understand, been used very rarely in other states. That may suggest that the bill will have a limited effect on criminal organisations, and I guess that goes to an interesting point about where the crime rate in Victoria is at the moment. We know the crime rate in Victoria has gone up, according to the last lot of statistics, for the first time in a decade. Drug possession and use offences increased across the state by 27 per cent in the last financial year; car theft offences

increased by 9 per cent; and aggravated burglary offences increased by 16 per cent. As I said, this is the first time crime has gone up in a decade. When you line that up against the \$60 million cut to the Victoria Police budget, I guess it is a pretty easy link to make. This will eventually be another call on police resources at a time when police are being stretched, and it is a great shame that the government has gone down the path of cutting into the Victoria Police budget.

With those comments, and seeking some further advice and information from the government on the issues that have been raised and the areas I have highlighted during the course of my contribution, I commend the bill to the house and reaffirm that the opposition will be supporting this legislation.

Mr THOMPSON (Sandringham) — In contributing to the debate on the Criminal Organisations Control Bill 2012, I initially pose the question: why does Victoria need laws of this nature? The response to that question is that criminal organisations and their members have posed and continue to pose a serious and ongoing threat to public safety and order in Victoria. That can be outworked in a variety of contexts. In my own electorate I have seen the outcome of the end of a supply chain of drugs, where numbers of people have damaged their own lives while under the influence of drugs or who have committed assaults and offences against other people while under the influence of drugs because they did not have the balanced and logical restraint. I am aware of a person in my electorate who was seriously assaulted and has suffered major and ongoing harm as a result of an assault in a situation where there was a context of drug use and involvement.

Victoria Police and other law enforcement agencies have indicated that serious and organised crime costs Victoria and Australia some \$15 billion annually. The crime groups behind this cost are involved in a variety of criminal activities, including the production and distribution of drugs, vehicle rebirthing, serious assaults, illegal firearm trafficking, prostitution, serious fraud and extortion.

I would make the point that the intent of the legislation is not directed towards people who are committed to law-abiding activities, who enjoy the company of one another and socialising or travelling together in this instance on motorcycles. I might make the further comment in that context that the Victorian parliamentary Road Safety Committee is about to submit a report to this place on minimising the incidence of motorcyclist death and injury on Victoria's roads, and it recommends a number of important

reforms. Through that inquiry process committee members have met many motorcyclists in the state of Victoria, ranging from moped and scooter riders to people who ride 1500CC motorbikes.

At the weekend I was at the Melbourne Convention and Exhibition Centre, where there was a display of motorcycles. The overwhelming majority of Victorian motorcyclists are law-abiding citizens. There are wonderful motorcycling clubs such as the Ulysses Club, which provides valuable riding experience for people across Victoria. I am aware that at least one member of this chamber is a member of the Ulysses motorcycling club. There are a wide range of clubs.

The focus of the bill is on measures against organised crime groups where there is a cost to the community as a result of their involvement in a number of illegal activities, which I earlier alluded to. I reiterate those activities: the production and distribution of drugs, vehicle rebirthing, serious assaults, the possession of illegal firearms, prostitution, serious fraud and extortion. People from these organisations often regard themselves as above the law and beyond its reach. Violence and intimidation are reported as being central to their achieving their criminal aims. In the past and in a different context, reports have been made to my office about people in workplaces being intimidated. Standover tactics were exercised against them, but there was a reticence to take up the issue and follow it through because of the fear of reprisal.

Criminal organisations are resistant to traditional policing methods. The Australian Crime Commission has reported that these criminal organisations typically intermingle their illegal activities with lawful businesses or social activity. This makes such groups harder to detect and prosecute using criminal law. Further, traditional criminal laws are reactionary and can only be used after crimes have already been committed. The powers in this bill will provide a strong new measure to prevent and disrupt serious criminal activity before more crimes are committed. They will also deter criminal organisations from moving to Victoria in order to avoid the exercise of similar powers in other jurisdictions.

The overall objective of the bill is to establish a criminal organisation control scheme in Victoria similar to the schemes operating in most other states and territories. The bill implements a government election commitment. The scheme will provide police with important new tools to disrupt and prevent the activities of bkie gangs and serious criminal organisations. The detail of the bill includes the establishment of a scheme to allow the Supreme Court to make orders to disrupt

the activities of criminal organisations and their members. The scheme will recognise and complement the corresponding schemes operating in other states and territories. The key elements of the scheme include the Chief Commissioner of Police having the power to apply for declarations against organisations and individuals involved in serious criminal activity. When a declaration is made, the chief commissioner will be able to apply for a control order against a declared organisation and its members or a declared individual. A control order may impose conditions and prohibitions on the activities of the organisation, its members or the individual. For example, the order could require the organisation to cease its operations or prohibit an individual from associating with other members of an organisation.

Police will be able to use criminal intelligence to support an application. The Supreme Court will be able to make orders to protect the confidentiality of criminal intelligence. The court will have discretion as to whether it makes a declaration order or a control order and as to what conditions it imposes as part of a control order. Hence, the Supreme Court will have very wide-ranging powers in relation to the operation of the scheme. It will be an offence for an organisation or individual to breach a control order. The bill provides for the mutual recognition and enforcement of declaration orders made under corresponding legislation in other states.

A question arises as to whether the bill will suffer the same constitutional problems that are arising with interstate schemes. The Law Institute of Victoria and some other spokespersons have indicated concerns in relation to the ambit of the legislation, but I think it is important to drive home the point that the focus of the legislation is to hit at the nerve centre of organisations that have the principal intent of conducting illegal activities. The High Court of Australia has found aspects of similar schemes in South Australia and New South Wales to be invalid on constitutional grounds. The bill before the house was developed having careful regard to the High Court decisions in those cases. The Queensland scheme, it has been noted, is also subject to a current constitutional challenge in the High Court. The government has had the opportunity to consider submissions made in that case.

The powers in the bill have been framed in such a way as to avoid the specific features of the interstate schemes which have given rise to constitutional problems. The powers in the bill are invested in the Supreme Court, which will act in its usual judicial manner and will have full discretion in exercising the key powers under the scheme. Organisations subject to

the new laws may nonetheless seek to exercise their usual legal rights to challenge the scheme, if they wish to do so.

I raise the question: how do the criminal intelligence provisions differ from those in the Queensland scheme? The current constitutional challenge in relation to the Queensland scheme is directed at the criminal intelligence provisions in that scheme. There are three key differences between the criminal intelligence provisions in this bill and those in the Queensland scheme. Firstly, the Victorian bill affords the Supreme Court greater discretion in relation to procedures involving hearing criminal intelligence. There is a statutory presumption that criminal intelligence will be heard in a closed court and may not be published in the document stating the court's reasons. However, the court has a discretion to order otherwise — for example, the court may decide that criminal intelligence should be considered in a partly open court. In contrast, the Queensland scheme does not give the court such discretion and requires that a criminal intelligence hearing must always be heard in a closed court.

Secondly, the bill allows the Supreme Court to appoint special counsel to represent the interests of the respondent when the court is considering criminal intelligence. The special counsel can communicate with the respondent for that purpose, so long as they do not compromise the confidentiality of the criminal intelligence. In the Queensland scheme the criminal organisation public interest monitor has a similar role to the Public Interest Monitor in Victoria. However, the Queensland monitor's role is to monitor criminal intelligence applications and test their appropriateness and validity. The monitor does not represent the respondent and is not expressly authorised to communicate with the respondent. The Queensland scheme also includes special provisions regarding situations where criminal intelligence is provided by an informant. In those circumstances the informant cannot be required to give evidence. This supplants the usual process for witnesses to be present in court to allow their evidence to be tested. The Victorian bill does not include such provisions. The object of the bill is to tackle crime at its core where the outworkings of criminal intent have wreaked harm on the wider community in the past.

Mr CARROLL (Niddrie) — I rise to make a contribution to the debate on the Criminal Organisations Control Bill 2012. This legislation creates an act to provide for the making of declarations and control orders for the purpose of preventing and disrupting the activities of organisations involved in

serious criminal activity, and of their members, former members, prospective members and associates.

The bill also provides for the recognition and application of declarations and control orders made under corresponding laws, such as laws in other jurisdictions. In the second-reading speech for the bill the Attorney-General stated that:

Criminal organisations pose a serious and ongoing threat to public safety and order in Victoria.

He also said:

More needs to be done to tackle the criminal activities of these organisations than simply waiting until the crimes are committed ...

We on this side of the house agree and are therefore not opposing this legislation.

The *Saturday Age* of 24 November published an article by well-known journalist John Silvester headed 'Police hit the road to turn wild ones into mild ones'. In the article Mr Silvester highlighted that approximately two years ago police command got very serious on the issue of bikie gangs and set up Taskforce Echo. Taskforce Echo's instructions were simple and very clear: to investigate and disrupt organised criminal activities conducted by members of some of the groups such as bikie gangs.

It should be pointed out that not all bikies are outlaws. In fact many bikies are committed workforce and society members, oblivious to the criminal activities that occur around them. According to journalist John Silvester:

Echo found the intelligence file on bikies consisted of a VHS tape of *Easy Rider* and a black-and-white poster of a leather-clad Marlon Brando astride his Triumph Thunderbird in *The Wild One*.

Silvester says that after developing contacts and having police file intelligence reports after any bikie contact or incident, police command now believes it has an accurate picture, and it is not pretty.

What does this legislation do? It provides a legal framework. Contained in the legislation is a two-step process for criminal organisations and individuals to be subject to control orders. Firstly, the Chief Commissioner of Police can apply to the court for an organisation or individual to become 'declared'. The Attorney-General stated in his second-reading speech that in making a declaration against an organisation:

... the court must be satisfied beyond reasonable doubt that the organisation has engaged in, organised or otherwise facilitated serious criminal activity, or else that two or more

members of the organisation have used or are using the organisations, or their relationship with that organisation or its members, for such a purpose. In either case, the court must also be satisfied that the activities of the organisation pose a serious threat to public safety and order.

The Attorney-General went on to state that in making a declaration against an individual:

... the court must be satisfied beyond reasonable doubt that the individual is a member, former member or prospective member of an organisation; and that the individual, with at least one other member, former member or prospective member, is using the organisation or their relationship with it for the purpose of serious criminal activity. The court must also be satisfied that the activities of those members pose a serious threat to public safety and order.

The bill allows the chief commissioner to apply to the Supreme Court for an organisation to be named a 'declared organisation' and for an individual to become a 'declared individual'. It sets out the elements about which the court must be satisfied in order to make a declaration.

For an organisation the court must be satisfied beyond reasonable doubt that the organisation has engaged in, organised or otherwise facilitated serious criminal activity, or that two or more people in the organisation have used the organisation or their relationship with the organisation for serious criminal activity. In either case the court must be satisfied that the activities of the organisation pose a serious threat to public safety and order.

For an individual the court must be satisfied beyond reasonable doubt that the individual is a current, prospective or former member of an organisation and that that individual, with at least one other current, prospective or former member, is using the organisation or their relationship with the organisation for serious criminal activity. In either case the court must be satisfied that the members' activities pose a threat to public safety and order.

Importantly the bill defines 'serious criminal activity' as an offence involving two or more offenders which involves substantial planning and systemic criminal activity. The relevant offences include indictable offences punishable by 10 years imprisonment and a range of other offences relating to drugs, weapons, prostitution and pornography.

Once that declaration is made, the second step is an application for a control order. Regarding control orders, the Attorney-General has noted that the chief commissioner will be able to apply for a control order against a declared organisation and its members or

against a declared individual. As stated by the Attorney-General:

It is the control order that will limit the activities of the organisation and its members, or the declared individual.

If a court decides to make a control order against an organisation, the court will be able to impose a wide range of prohibitions and conditions, including prohibiting the organisation from continuing to operate, prohibiting members from participating in the activities of the organisation and restricting the organisation from carrying out an activity or activities specified in the order. If the court makes a control order against specific members of a declared organisation, the order may prohibit them from associating with other members of that organisation or prohibit an individual from continuing to be a member of the declared organisation.

The bill provides that once a declaration is made the chief commissioner can apply for the court to make a control order. To make this order the court must be satisfied that the order is likely to contribute to the prevention or disruption of serious criminal activity. The court can only reach this conclusion when presented with 'acceptable, cogent evidence that is of sufficient weight'.

A range of conditions can be imposed under a control order. These include the organisation ceasing to operate, run a business or take on new members, prohibiting members from associating with one another, or prohibiting members from wearing the organisation's patch or insignia. A control order lasts three years, but can be withdrawn earlier. The chief commissioner can also apply for it to be renewed.

Given the sensitive nature of the evidence that needs to be gathered for criminal organisations and individuals to become subject to control orders, the bill protects sensitive criminal intelligence material while still ensuring that it can be tested before the courts. Importantly this will prevent any harm to any ongoing police investigations, as well as providing comfort and safety to any covert police members as well as members of the public who have cooperated with police.

The chief commissioner can apply for criminal intelligence material to be protected so that it is not revealed in open court or to the defendant. Such an application is heard in closed court without the defendant, but a special counsel is appointed to represent the defendant's interests. The special counsel can consult with the defendant before the application but cannot reveal details of the hearing to the defendant. The court may make an order for the information to be

protected if it is satisfied that the reasons for confidentiality outweigh any unfairness to the defendant. If the confidentiality order is refused, the chief commissioner can choose to withdraw the control order application or continue with the information unprotected.

Furthermore, the bill provides for the mutual recognition and enforcement of declarations and control orders made under corresponding interstate legislation, thus ensuring that the Victorian and interstate schemes complement each other.

The bill makes it an offence to knowingly or intentionally breach a control order. The maximum penalty is five years imprisonment, or for an organisation 3000 penalty units, which is currently around \$420 000. The Attorney-General has stated that the offence will be linked to the asset confiscation scheme.

I must declare that I am a member of the Law Institute of Victoria (LIV), from which there have come some criticisms. In particular Michael Holcroft, the institute's president, issued a media release on 14 November questioning whether the government's legislation to outlaw bikie gangs will be legally enforceable, especially given the High Court of Australia challenges in other states.

Mr Michael Holcroft said the government should have waited for the result of the Queensland High Court challenge before what he described as rushing into legislation, noting that Victoria's Supreme Court does not have jurisdiction over another state's decisions. Further to this Mr Holcroft stated:

The new laws will not stamp out illegal activities and will make lawful activities, such as meeting, a criminal offence ...

He also said that the LIV opposes 'laws that make criminals out of a whole class of people' and noted that:

Not all members of motorcycle clubs are criminals. Turning otherwise law-abiding citizens into criminals simply because they associate with a group is wrong ...

He went on to say the LIV believes existing criminal laws could effectively deal with criminal offending.

I note that the Attorney-General has stated that he believes the Law Institute of Victoria's response was disappointing, and he has gone on the record to support this legislation, stating that Victoria is different from South Australia and New South Wales in the sense that our legislation going through Parliament is still to be tested. The opposition notes the concerns that this legislation may be unconstitutional. The LIV has

obviously raised its objections to the legislation. We hope, however, that those objections are not founded, otherwise we could be in for a long legal battle for which Victorian taxpayers would foot the bill.

The requirement of institutional integrity means that laws cannot take away the fundamental things that constitute a court. This includes a court's independence and impartiality, a court's separation from the executive, the principle that court hearings be open, procedural fairness, and the usual rules of evidence and procedure.

Before I got up to speak I was thinking about the Christopher Hudson incident in 2007. Members will remember the incident where Brendan Keilar, a young lawyer and family man, was killed. Only six days earlier Mr Hudson had been on a spree with some well-known Melbourne identities. If this legislation passes, has the support of the opposition, is effective and targets unlawful activities in bikie gangs, it will be a good thing that all Victorians will support. We on this side of the house welcome it and wish it a speedy passage and every success.

Mr CRISP (Mildura) — I rise to support the debate on the Criminal Organisations Control Bill 2012, and I note the opposition's support of the bill. We often agree in this house, and that agreement will make the passage of this bill somewhat easier. The purpose of the bill is:

- (a) to provide for the making of declarations and control orders for the purpose of preventing and disrupting the activities of organisations involved in serious criminal activity, and of their members, former members, prospective members and associates; and
- (b) to provide for the recognition and application of declarations and control orders made under corresponding laws; and
- (c) to make related amendments to other Acts.

This government has made it clear that criminal organisations pose a serious threat to public safety. Involvement in drugs and violence is of great concern to the citizens of Victoria, particularly in Mildura. The Attorney-General made it clear in his second-reading speech that we are not going to tolerate these activities and there is going to be some change.

Much work needs to be done in relation to these criminal organisations. Simply waiting until crimes are committed and then seeking to prosecute and punish those involved after the event is not satisfactory. Where there exists clear evidence that such organisations are being used as a vehicle for serious crime, law enforcement agencies need the power to act against

those organisations and their members. The bill will deliver on the government's election commitment to legislate to allow criminal bikie and other organisations to be outlawed where they are used for serious criminal activity and the organisation represents a serious threat to public safety. Law enforcement agencies have made it clear that the criminal organisations are involved in a whole lot of crimes. I will not list them here, but will talk about them later.

That brings us to the focus of what my and Mildura's interest in this is, which is bikie gangs. Firstly, we need to establish some definitions. There is a difference between bikers and bikies. Bikers are people who ride bikes recreationally or as a mode of transport but are not associated with or involved in any criminal activity. There are a number of examples of this. The Ulysses motorcycle club recently held a major annual conference in Mildura. It was a huge success, and people in this club fall into the biker category. The bikies are the criminal gangs that this legislation is aimed at. Under the leathers and helmets it is hard to know which is which, but they are defined by what they do, and that also gives us a good idea of who they are.

Riding a motorcycle is a popular activity in Mildura; we have the climate for it. I have a motorcycle licence. While bikers are enjoying a Sunday ride, bikies are up to something quite different. What we need to do is set up a system that does not impinge on the rights of bikers but deals with the bikies. The proposal will establish a scheme to allow the Supreme Court to make orders to disrupt the activities of criminal organisations and their members. The scheme will recognise and complement the corresponding schemes operating in other states and territories. The key elements of the scheme are that the chief commissioner will apply for a declaration against organisations and individuals involved in serious crime, and where a declaration is made the chief commissioner will be able to apply for a control order against a declared organisation, its members or declared individuals. A control order may impose conditions and prohibitions on an organisation, its members or an individual. Police will be able to use criminal intelligence to support the applications, and the Supreme Court will have discretion as to whether it makes a declaration a control order and what conditions are imposed as part of that order. It will be an offence for an organisation or individual to breach the control. The bill provides for the mutual recognition and enforcement of declarations that are made in other states and territories.

These are extremely comprehensive laws and very necessary ones. We have to remember that this is about serious criminal activity, and that has to be defined —

these definitions will come about — within the act and within the powers of the Supreme Court. Applicable offences include offences that are punishable by at least 10 years imprisonment as well as other specified offences which have been typical of the activities of these gangs. These will be classified as offences only if there are two or more offenders, there was substantial planning and organisation and the offences form part of systemic criminal activity and have a purpose of obtaining profit or gaining power or influence, or of sexual gratification, where the victim is a child.

We also need to talk about constitutional issues, because the High Court has invalidated some of the parts of the laws in New South Wales and South Australia. We have similar intent but the government has carefully prepared this legislation for these issues. I have put my faith in the Attorney-General, and one hopes that we will not end up in the High Court.

Turning to Mildura, since its arrival in the last couple of years the Rebels Motorcycle Club has set up a clubhouse and a tattoo shop at separate addresses. Its members have been involved in some incidents which have attracted some press coverage; they include assaults and the drug trade. As I understand it, the club has some patched members in Mildura, and this is probably a good time to talk about patches. I know some concerns have been raised about the right of association and so on. However, that is why we have the Supreme Court of Victoria. You can make your case in court about whether wearing a patch forms part of being a criminal organisation or not, but I know that the patches seem to have a great deal of significance for a lot of these bikies.

Recently the media looked closely at the ice trade in Mildura. Well done to the ABC and content creator Deb Banks for their courage in going out and reporting on some of these aspects. The ABC's coverage brought a number of people forward to talk about the illegal drug trade, particularly the methamphetamine trade that was beginning to take hold in Mildura. I note that yesterday the *Herald Sun* published a significant article headed 'Youth on ice a crime horror'. That probably sums up what most parents and people in Mildura are worried about. The run of media activity certainly had us all learning a lot more about ice than perhaps any of us really wanted to know; however, it was very much a tragedy unfolding in Mildura.

What part the outlaw bikie gang played in this is a matter for the police, who are keeping a very close eye on the activities of this group. The community is also concerned about and keeping a very close eye on these activities. The Rebels and other bikie gangs are not

welcome in my community. Mildura does not want them there; they serve no purpose. The people of Mildura expect these kinds of laws, so on behalf of the people of Mildura I commend this bill to the house so that we can get on and clean up these guys.

Mr SCOTT (Preston) — I rise to speak on the Criminal Organisations Control Bill 2012, and as has been previously noted, the opposition is not opposing this bill. As has been stated, this bill essentially creates a two-step process relating to what is deemed to be a criminal organisation. First the Chief Commissioner of Police applies to the court for an organisation or an individual to become declared, and once that declaration is made the second step is an application for a control order. Through the mechanism of the control order the activities of the organisation are controlled. It is worth stating, as other speakers have done, that this relates to serious crime.

I note the schedule of offences in the bill. The bill relates to offences under the following acts: the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995, related to pornography; the Control of Weapons Act 1990, which obviously relates to weapons; the Crimes Act 1958, which has sections relating to crimes of violence, being armed and forgery; the Dangerous Goods Act 1985, relating to explosives; and the Drugs, Poisons and Controlled Substances Act 1981, relating to the production of illicit drugs. There are a large number of offences under the Firearms Act 1996; those provisions cover a number of pages in the bill. There are also offences relating to the Sex Work Act 1994 which appear to be related to prostitution. These are serious matters, and I hope all members believe that such criminal offences are matters to be treated seriously.

In my speech I will not make reference to any specific organisation, and I am not sure the second-reading debate on a bill, which in my understanding can form part of the interpretation of a bill in a court, is the appropriate time to make allegations or commentary on specific organisations. However, I will make some general comments as others have made. Those who engage in recreational activities on motorbikes should not be regarded by that simple step as being criminals. What the Parliament, and the government in this case, is seeking to regulate is the activity of criminal organisations. We should not cast aspersions on those who use motorcycles to enjoy their weekends or who use them on a weekday —

Mr Delahunty — It is a legitimate form of transport.

Mr SCOTT — for recreational activities, or who use motorcycles to commute to their place of work or study. Motorcycles are not illegal, as was noted by the Minister for Sport and Recreation across the table — I should not respond to interjections. Motorcycle riding is a legitimate form of transport and social activity. It is important to make a very clear distinction between those engaging in serious criminal behaviour and those who use motorcycles as a means of transport, whether for recreational purposes, study or for commuting to work. There must be a clear distinction in the minds of members of this place, and we should be careful not to cast aspersions on the motives or actions of those who enjoy riding motorcycles or who use them to access their work or studies in a normal manner.

A number of steps must be taken before an organisation becomes declared. The organisation has to be engaged in organised, or otherwise facilitate, serious criminal activity, and I touched upon the schedule of offences and the sort of activities that relate to this bill, and two or more people in the organisation have to have used the organisation or their relationship with the organisation for serious criminal activity. The court also has to be satisfied that the activities of the organisation pose a serious threat to public safety and order. It should be noted that not many declarations have been made in other jurisdictions. This is not something that happens every day, and I believe this Parliament would hope such declarations would not be made every day. It is not as if every second motorcyclist is engaged in this activity; we are talking about very specific actions of criminal organisations.

Further, to make a declaration against an individual as opposed to making a declaration against an organisation, the court must be satisfied beyond reasonable doubt — and it should be noted that the test for an organisation is also beyond reasonable doubt — that the individual is a current, prospective or former member of an organisation and that the individual, with at least one other member, former member or prospective member, is using the organisation or their relationship with it for serious criminal activity. Again, as with organisations, to make a declaration relating to an individual the court must be satisfied that the members' activities pose a threat to public safety and order. The offence of serious criminal activity is defined as an offence involving two or more offenders, substantial planning and systemic criminal activity.

Once a declaration is made, the next step in the process is the making of a control order. Again the Chief Commissioner of Police can apply for a control order. To make a control order the court must be satisfied that the order is likely to contribute to the prevention or

disruption of serious criminal activity. It can only reach this conclusion if it is presented with acceptable, cogent evidence that is of sufficient weight. There are a range of conditions a control order can place on an individual or organisation. An organisation can be made to cease to operate, run a business or take on new members; members can be prohibited from associating with one another; and members can be prohibited from wearing an organisation's patch or insignia.

Earlier in this debate the opposition raised the matter of insignia. Some are concerned that there may be a constitutional issue if the insignia has a political meaning. The prohibition on flying flags or wearing symbols that have a political content raises the possibility, which has not yet been tested, of infringing on the implied constitutional right to political freedom of expression that has been found to exist in Australia. It would be appropriate for the government to provide an assurance to the house that this is not an issue that would arise regarding the bill and the basis for such a belief.

The other constitutional issue that has been raised relates to the fact that in other states such as South Australia and New South Wales legislation seeking to achieve similar aims — and I note that the Attorney-General has stated that the legislation is not similar to other legislation — has been successfully challenged because it violated the institutional integrity of state courts. It would be appropriate for the minister to provide further information to the house on the legal basis for thinking these laws are not at risk of constitutional challenge. That would be useful for members and would advance the interests of this debate moving forward.

This is all in the context of criminal activity in Victoria, and the opposition is concerned that there has been a recent increase in Victoria's crime rate for the first time in a decade. In 2011–12 there was an increase of 27.3 per cent in drug possession and use offences across the state. Car theft has increased by 9 per cent and aggravated burglary offences have increased by 16.3 per cent. As a member of the Public Accounts and Estimates Committee, I became aware that this was at a time when there was a cut of \$65 million from Victoria Police in the recent budget — it was across a number of budgets, but I believe that was the impact of those cuts in this financial year. Our concern is that at the very time this legislation is being brought in, significant cuts are being made to police resources. Law such as this has to be seen in the context of the broader judicial and law enforcement processes, and we are concerned about the impact of those cuts on the effectiveness of laws like this, which are designed to protect the public

from violent criminal activity and other serious crime including drug crime and illegal prostitution.

As I said, it would be useful if the minister gave some assurance, perhaps in summing up, regarding his belief in the constitutional validity of the bill and the basis of his belief in the light of the successful legal challenges in both South Australia and New South Wales and the issues around political freedom of expression that may arise out of this legislation. I conclude my comments there.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012

Second reading

Debate resumed from 15 November; motion of Mr CLARK (Attorney-General).

Ms GREEN (Yan Yean) — I join the debate on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. Normally when I begin my contributions to the debate on a bill I say I take great pleasure in joining the debate, but I do not think any of us in this place takes pleasure in having to talk about the difficult issue of family violence, which affects so many families across the state. There is no-one here who would not know someone who has been affected directly or indirectly by this terrible problem. That is one part of this omnibus bill that is before the house.

The bill makes amendments in five distinct areas, the first being, as I said at the outset, to the Family Violence Protection Act 2008. It creates new indictable offences for serious and persistent breaches of intervention orders, it expands the ability of the courts to order family violence offenders to attend counselling and it clarifies the operation of family violence orders where the victim or respondent is outside Victoria. Secondly, it amends the Crimes Act 1958 to create a new police pursuit offence for driving dangerously or negligently after a police order to stop driving. The amendments to the Family Violence Protection Act 2008 and the new pursuit offence constitute the substantive changes in the bill. It also makes technical amendments to the Crimes (Assumed Identities) Act 2004, the Human Tissue Act 1982 and the Victorian Civil and Administrative Tribunal Act 1998.

I indicate to the house at the outset that Labor is supporting this bill. I am pleased to see that the government is continuing reform in this area that we were pleased to begin during our time in office. In 2005 Labor initiated major reform to the family violence service system when it allocated \$35.1 million over four years across the police, the courts and support services. In 2007 a further \$14.5 million was allocated to develop a new family violence protection act, statewide implementation of a new risk assessment and risk management framework, continuation of the family violence court division, continuation of the court-directed family violence counselling program for a further two years and new specialist family violence lawyers.

In 2008, following a review by the Victorian Law Reform Commission initiated by the Bracks government, the Family Violence Protection Act 2008 was a major revamp of the legal framework for family violence protection that had originally been introduced by the Cain government. The essential element of the family violence framework is intervention orders. Other jurisdictions call them restraining orders, but the Victorian system allows for both family violence intervention orders and family violence safety notices. The family violence safety notices are an immediate short-term intervention order to protect victims of family violence. Rather than having to go to court, the family violence support notices can be issued at any time by police officers of the rank of sergeant or above. The notices can be made quickly, outside court hours and create an automatic application for a family violence intervention order in court, which is a longer term order.

The main effect of the Family Violence Protection Act is in relation to counselling orders, and currently the family violence division of the Magistrates Court can order respondents to attend a behavioural change counselling program. A sunset clause will remove that power in December 2013. The bill makes two changes to the regime: it repeals the sunset clause, making permanent the power to order respondents to attend counselling, and it enables courts other than the family violence division of the Magistrates Court to order counselling. There is an extension of the period of the family violence safety notices because currently the notices protect victims until the first court mention date, which must be within 72 hours of issue. The bill extends this period to 120 hours, which is most welcome. It avoids the problem of notices issued over the weekend leading to a large number of matters being listed in the Magistrates Court on a Monday.

The bill contains provisions for the extra-territorial operation of family violence notices and family violence intervention orders. It is an offence to breach a notice or an order. Currently the act is silent on whether a notice or an order can be breached where either the protected person or the respondent is outside Victoria. The bill clarifies that it is immaterial whether an offence has occurred outside Victoria or a protected person is outside Victoria, provided some of the conduct constituting the offence was in Victoria. It introduces new indictable offences for breaches of notices and orders. The bill creates two new indictable offences for breaching a notice or an order in a particularly serious or persistent manner. The bill makes it an offence to breach a family violence notice or family violence intervention order where the accused intends or knows that his or her conduct will probably cause either physical or mental harm to the protected person, including psychological harm or suicidal thoughts, or fear in the protected person for his or her safety. The bill makes it an offence to persistently breach a family violence notice or a family violence intervention order. Persistent breach requires three breaches.

The bill introduces reverse onus in bail applications. It amends the Bail Act 1977 in relation to people charged with these new offences, and it will be for the accused to show cause why he or she should be granted bail where the accused is alleged to have used or threatened violence and the accused has been convicted of an offence involving violence or threatened violence in the past 10 years or the court is satisfied that on a separate occasion the accused has used or threatened violence against the protected person. Those particular provisions for reverse onus and changes to breaches of notices and orders are very welcome. With White Ribbon Day taking place only last week, an incredibly moving speech was made by Chief Commissioner of Police Ken Lay during the week, and there were many other speakers in the public domain, particularly men, standing up for the campaign and saying that they will not support or condone violence and are taking the White Ribbon pledge. I am also pleased to say that I am wearing a Not Violent, Not Silent bracelet today. These bracelets are an important signal of support for the White Ribbon campaign.

Commissioner Lay and Deputy Commissioner Graham Ashton — whose speech I heard at a fantastic White Ribbon luncheon hosted by the Lord Mayor, Robert Doyle, last Friday — have told us that every week in this state a woman is killed by an intimate partner. Immediately after she has left a violent relationship can be the most dangerous time in a woman's life. The

measures in this bill will take steps to better protect those women at that most dangerous time.

I was also privileged last Friday to join many people from the community and the trade union movement, ordinary men and women — particularly so many men — who were taking the pledge on that day, walking through the city, quietly saying that we will not condone this anymore. There was a very moving ceremony, and candles were lit, one in particular by a dear friend of mine, Jane Ashton, who lost her twin sister, Julie Ramage, in the most appalling of circumstances only 10 years ago. It was quite sobering to see on the board at Federation Square a roll of names of women and children who have lost their lives as a result of family violence, not just in Australia but in all the countries around the world that keep statistics on this. I was really pleased to see that places like the US, France, Canada and South Africa keep statistics on this because it is really important to have this issue at the forefront of people's minds.

The roll contained just the name and age of each woman who had lost her life, and it was really sobering. Each name on that list could have been anyone's mother, sister or daughter. One of the things that really upset me was the number of young women who had been murdered during pregnancy, so their unborn child had perished alongside them, and the number of older children who had also perished. It shows that parenthood, or motherhood, is no barrier to being a victim of family violence — in fact it can make you more likely to be assaulted or even murdered. We live in a particularly good period where there are many men who are prepared to take a stand and where there is bipartisan support across this chamber.

I want to put on record a tribute to the previous Attorney-General, Rob Hulls, who took this issue incredibly seriously. In the previous government he initiated a reference to the Victorian Law Reform Commission and a subcommittee of the cabinet and put amendments to this house to abolish the defence of provocation following the Julie Ramage case. A dear friend and former colleague of mine, a fellow classmate of the class of 2002, the previous Minister for Women's Affairs, Maxine Morand, was absolutely passionate and tireless in her work in fighting family violence. In 2008 under the watch of Maxine Morand and the former Attorney-General there was a significant investment in reducing family violence. The 2008–09 budget allocated an additional \$24.7 million over four years to achieve the following outcomes: \$2 million towards the development of a state plan to prevent violence against women; \$9 million towards increasing support for women and children at highest risk, including support

for Indigenous workforce development and cultural awareness training; \$8 million towards increased accountability through improved system responses to men who use violence; \$4.2 million to strengthen regional family violence governance, which was significant in supporting reform implementation across regions; and \$1.5 million towards a communications campaign to increase awareness of the new Victorian family violence act at that time.

In 2009–10 the commonwealth budget included a homelessness national partnership, and the Victorian Office of Housing received funding of \$104.8 million over four years, including \$20.53 million for family violence initiatives. Homelessness can be a significant problem; only earlier this week the media reported that homelessness is a great contributor to women and children returning to violent situations, simply because they have nowhere else to live. We need to continue to provide housing for women in those situations.

I recently met with staff at McAuley Community Services for Women. That organisation does an outstanding job as a 24-hour crisis service across this state. It is a very small service that runs on the smell of an oily rag, but one of the things the staff take pride in is connecting women and empowering women economically. Many women who are victims of family violence may not be in the paid workforce. Some of them may have uncertain migration status. If they came to this country on a spousal visa, they may not even be allowed to work, which may keep them in a violent situation or even a potentially life-threatening situation. McAuley does an outstanding job. It is based in the western suburbs but provides a statewide service and takes great pride in connecting women escaping family violence back to their workplaces — back to jobs or into new jobs. The staff take pride in the fact that on average a woman running from family violence will be connected back into the workforce within four or five days. McAuley Community Services for Women does fantastic work and should continue to be supported in its important work.

I also want to commend the work of Women's Health Victoria and all the women's health and community health services across this state that are involved in prevention programs which support women in this situation and also educate men. I particularly refer to a program that was funded by VicHealth. I declare that I am a board member of VicHealth. I am pleased to see that the minister at the table, the Minister for Sport and Recreation, is a former board member of VicHealth. He would know from the time that he was on the VicHealth board that the pivotal research undertaken by VicHealth showed that intimate partner violence is the

single highest contributor to death and injury of women in childbearing years. That work from VicHealth was incredibly influential in the previous government's policy-making, and I believe it continues to influence the policy of this government.

It is fantastic to see a tripartisan organisation like VicHealth, which was established in the 1980s, recognising family violence as such a significant contributor to women's ill health. There should be hardly anyone in the community now who would question whether it is a contributor to women's ill health and potential death.

VicHealth funded Women's Health Victoria to deliver a program titled 'Take a Stand Against Domestic Violence — It's Everyone's Business'. As I say, it was originally funded by VicHealth and delivered by Women's Health Victoria. It delivered training and information to 600 employees at Linfox. On White Ribbon Day we saw the new 'Hey, mate' adverts on television and social media, where you have the fellas in a pub and a guy says, 'Oh, well, I just give her a bit of a backhand' and the pub just goes silent. We have gone past the time where men felt they could not say anything but had to stand back and say that was a personal issue.

VicHealth and Women's Health Victoria have been pivotal with the Take a Stand program, which was awarded a certificate of merit in the Australian Crime and Violence Prevention Awards 2009 and a VicHealth organisational development award in 2010. In the 2012 Victorian community sector awards it was a runner-up in the new approaches to partnerships with philanthropy and business category.

A VicHealth evaluation has given the Take a Stand program top marks as a very successful workplace violence prevention program that gives men who may be bystanders the tools to speak up against violence with supportive attitudes and behaviours. Women's Health Victoria is trying to continue operating the program on a fee-for-service basis; however, it is struggling to sustain it without further public funds. It has recently delivered the program to the Australian Services Union, and subsequently a number of local governments want it to deliver the program to their employees. The partnership between the Australian Services Union, local governments and other employers within ASU coverage should be commended, because family violence leave has now been inserted into agreements across local government in Victoria, so women can get leave to sort out their affairs, whether it be new housing, sorting out the children or being able to go to court. That is a welcome development.

I call on the government to look at giving continuing funding to Women's Health Victoria, because it has written to the Office for Women, the Department of Justice and the Department of Health seeking funding, and it is only \$120 000 to support the further implementation of this public, private and non-government organisation partnership. However, as yet the government has not responded. I really hope that with the support the government is showing for these changes, government members can put their hands in their pockets and provide this small amount of money which I think could assist with further prevention so families are not in this situation.

Like a number of other women's health services across the state, Women's Health Victoria is struggling to continue to run prevention programs because there was a \$25 million cut to integrated health promotion in this year's health budget. I think that is having an impact. The government has said that organisations accepted this funding cut and change, but it is really biting. It was deceitful to say that it had been accepted because of how it was said to have been accepted. Agencies were sent their funding agreements on the last day of the financial year and when they clicked on the link to the funding agreement, that meant that they had accepted the conditions, which included the funding cut. The government should understand that while agencies across the state were able to avoid cutting front-line staff in the first year, I do not think they will be able to do it over the next three years. The Auditor-General's audit report tabled in Parliament yesterday indicated there are more funds available than what the government has said, and I think it would show great commitment to the prevention of family violence if the government and the Minister for Health were to reverse this cut.

I have thrown in a brickbat there, but I want to throw in a bouquet for the Minister for Crime Prevention. With myself as shadow minister for women and health promotion and the member for Altona as the shadow Minister for Crime Prevention — and she previously had the women's portfolio — the opposition has been saying for quite some time that family violence should be his responsibility. Early in this government he kept saying that it was not his responsibility and was simply the responsibility of the Minister for Women's Affairs. I commend the Minister for Crime Prevention because he has done a 180-degree turn on this issue and now recognises what the community has been saying.

When the minister announced some new prevention programs and some grants across Victoria, he invited me along as a member of the opposition. I had the pleasure of attending, and I recognise his bipartisanship

in doing that. I commended him at the time, and I know that he really was moved when he went around and did the consultations. He found that in every region of the state the biggest problem with crimes against the person and things that the community wanted done were in the areas of family violence prevention. I said that to him publicly, and I put it on the record again.

However, I must say that in Melbourne's north they were very disappointed with the high rates of family violence, despite a spike in family violence unfortunately being indicated across all of the growth areas and particularly in the city of Whittlesea. In the growth areas the family violence incident reports by local government area present a very sobering story. In Casey it is 914 cases per 100 000 of population. In Cardinia it is 885 cases per 100 000, and in Hume it is over 1000 cases per 100 000 of population. It is 716 cases per 100 000 of population in Melton, and 1200 cases per 100 000 in Mitchell. That is a growing area that is also fire affected, and that is quite sobering news. In Wyndham it is 684 family violence incident reports per 100 000, and it is 868 in Whittlesea. Children were present in 387 of those family violence incident reports.

I should have said that those figures I was quoting are from 2009–10. All those figures have significantly gone up, and most of those growth areas are now either in the high 800s, over 1000 or up to 1200 per 100 000. It is sad that the crime prevention grants overlooked the city of Whittlesea. I hope the Minister for Crime Prevention can make a change to that.

I refer now to the statistics for across the state. In 2010 there were 35 687 family violence incidents, and that figure for the last financial year is 50 382. That is 138 incidents each day — 6 every hour — and 2 incidents are witnessed by children every hour of every day. The increase over two years is 15 000 — that is, 40 extra incidents per day. That indicates why the measures before the house are so important and pivotal. I again commend Chief Commissioner Ken Lay and his predecessors, who have completely changed, in partnership with government, the way these matters are treated. They are no longer seen as just 'a domestic'. Labor supports these changes wholeheartedly. We need to ensure that there is a whole-of-government approach with the backup of funding.

Before I move on to the other components of the bill, I seek the cooperation of the Attorney-General in reversing his decision to not provide ongoing funding to the coroner. Yesterday we saw media reports about the coroner's inquiry into the systemic review of family

violence deaths. Providing ongoing funding would require outlaying only a small amount of money compared to it having to be found in other ways. The cost of family violence to Victoria is \$3.4 billion a year, and every family violence homicide costs this state about \$2 million, but the systemic review of family violence would cost government only \$250 000 a year. With the evidence provided in the Auditor-General's report yesterday that there are some hollow logs containing quite a significant amount of money, \$250 000 is not much to ensure that we learn the lessons of the deaths and ensure they do not happen at such rates in the future.

The bill introduces a new police pursuit offence. Currently there is an offence under the Road Safety Act 1986 of continuing to drive after a police direction to stop. The bill creates a new indictable offence under the Crimes Act 1958 of dangerous or negligent driving if the person knows or ought reasonably know that a police member has ordered him or her to stop and is in pursuit. The offence carries a penalty of three years imprisonment. 'Driving dangerously' is defined as driving at a speed or in a manner dangerous to the public. 'Driving negligently' is defined as failing unjustifiably and to a gross degree to observe the standard of care which a reasonable person would have observed.

The bill inserts a consequential amendment to the Sentencing Act 1991 to provide for a minimum 12-month licence disqualification period for a person found guilty of the new pursuit offence. It will fall under the same licence and vehicle impoundment forfeiture regime as other serious driving offences. This measure is well supported by the community. The community has no sympathy or patience for this sort of behaviour which puts ordinary bystanders in the community and police members at risk.

There are other amendments in this omnibus bill. One relates to assumed identity powers, which are used by the police for various purposes, including the witness protection program. This bill gives Victoria Police express authority to assume identities for the purpose of witness protection. It allows for application to be made to the chief commissioner to acquire and use an assumed identity for witness protection.

The Donor Tissue Bank of Victoria collects and stores donated tissue for use in transplant surgery and burn care. The bill authorises new processes linking the Coroners Court and the Donor Tissue Bank of Victoria to facilitate protection.

The bill also makes three amendments to the Victorian Civil and Administrative Tribunal Act 1998. Firstly, it extends the standard term of appointment for non-judicial VCAT members from five years to seven years, subject to a statutory age limit of 70 years. Secondly, it allows deputy presidents of VCAT to be appointed on a part-time basis, as is currently permitted for ordinary and senior members. Thirdly, it requires non-judicial members to take an oath or an affirmation of office.

In conclusion, Labor supports the bill before the house. The amendments to the Family Violence Protection Act 2008 are minor and are consistent with the spirit in which the act was introduced by the previous Labor government. The previous government had a strong record on family violence, and I hope this government's record will be the same. The 2008 budget allocated \$24.7 million to family violence prevention and the development of the state plan, which I talked about earlier. It was churlish of the minister to announce a very small increase which amounted to only \$40 for each woman who has been a victim of family violence reported to police in the last 12 months and to then trumpet this as being the first time there has been a whole-of-government approach. That is certainly not true. There needs to be a true whole-of-government approach adopted and a recognition of what the funding cuts are doing to the prevention initiatives.

I mention in memory Julie Ramage and my dear friend Katrina Makkar, who lost their lives to this, and how pleased I was to have recently met Katrina's sister, Lola Makkar. I commend the bill to the house.

Mrs VICTORIA (Bayswater) — It gives me great pleasure to have the opportunity to speak on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. I will speak about some of the initiatives in the bill in a moment, but I want to particularly pay homage to the Minister for Women's Affairs, who has been working on the family violence issue and trying to change what has unfortunately become a scourge on society. I also thank the Attorney-General. Their work in this area has been nothing short of fabulous. I am very proud to be a part of a government that is doing this sort of work.

Some of the initiatives in the bill are in direct response to and a result of an action plan that we put in place earlier this year called Victoria's Action Plan to Address Violence Against Women and Children — Everyone has a Responsibility to Act. Among the initiatives in the bill are amendments to the Family Violence Protection Act 2008. These provisions will give better protection to women and children and

hopefully help reduce family violence. I will get into the statistics on family violence in a moment; they are quite alarming.

The amendments ensure that there will be ramifications if serious and persistent breaches of family violence intervention orders occur, and for the first time there will be indictable offences attached to these sorts of contraventions. A maximum penalty of five years imprisonment, rather than the maximum of only two years for a summary offence, will now be able to be imposed by a court. The bill creates new offences so police will be able to deal with these sorts of incidents and have greater options when breaches happen, especially for repeat and serious offenders who just do not seem to be getting the message.

Family violence safety notices, which are currently for three days, or 72 hours, will be extended to five days, or 120 hours. The benefit of that is that more support will be able to be given to the person who is leaving the home or being protected. The extension will not only give them additional hours of protection, the opportunity to put in place financial support and get extra counselling in the meantime but will enable the legal system to take care of this situation in a more serious manner by giving lawyers and police more time to deal with these things. This change will certainly provide a greater degree of safety to victims of family violence and also, importantly, to their children, because although children are quite often seen as not being involved in the violence, it affects them throughout their lives. Obviously the extension of time will act as a temporary protection. As I said, better decisions are made when heads are a little calmer, so it will give people a bit more breathing space.

Magistrates courts will have more opportunity to have men's behaviour change programs introduced as part of recommendations they may make. At the moment this is done only through the family violence court division of the Department of Justice, but there will be further avenues for magistrates courts to introduce those programs. There will be increased accountability for offenders in relation to violent acts, and obviously they will be asked to alter their behaviour. Men will give endless excuses and reasons for being perpetrators of violent acts, none of them is excusable.

One of the most important things in dealing with any criminal behaviour is that we look at prevention rather than cure. In this particular case we hope to make men who use violence understand that what they do is totally unacceptable. Certainly the White Ribbon campaign brings this to the forefront of so many people's minds. It not only says that family violence is wrong but also

that there is a stigma attached to it. Whereas it used to be — I will not say acceptable, because it was never acceptable — considered by society not to be reprehensible, if you like, for a man to ‘discipline’ his wife, that is no longer the case.

We know that initiatives such as the .05 Drink. Drive. Bloody Idiot advertising campaign have an effect. Back in the 1970s and 1980s it was not uncommon for people to have a few drinks with dinner or while with friends and then hop into a car and drive. Since campaigns like the Bloody Idiot campaign have been around, people now say to their friends, ‘Are you sure you’re right to drive? I don’t think you should be driving’. Hopefully that is what will happen now with the White Ribbon campaign and the movements that are trying to eradicate this type of domestic violence in society. I hope that when they hear that a man has ‘disciplined’ his wife in some way, that man’s mates will say to him, ‘That is no longer acceptable’.

The other day at the White Ribbon lunch we were all asked to swear an oath. As members of Parliament we have certainly done that on the lawns in previous years. It is an important thing that people have written somewhere, perhaps in the office or in the loo — who knows! — as a constant reminder: you need to take this oath that not only will you not be a perpetrator but you will not allow others to perpetrate violence against women and children.

The rate of reporting incidents of family violence has been increasing. Whether or not this means there is an increase in family violence, we do not know. It may well be that there is greater awareness, which means that victims are more willing to come forward and that they know it is not their fault. Certainly it is now the case that more family members and friends are coming forward and saying, ‘Hey, this is happening to somebody we know’. Certainly reporting of these sorts of crimes has increased, and inasmuch as the statistics look as though that means an increase in actual incidents, we do not know that for sure. I am glad it is being brought to the forefront and that society is being encouraged to say that family violence is no longer acceptable. We are now putting in place plenty of initiatives in that regard.

Victims of crime compensation and counselling services have done some really good work in this area. It is said that more than half the population of Australian women have experienced a form of physical or sexual violence since the age of 16. Again, these sorts of initiatives need to be taken by governments, and I commend the government for doing this.

There are other initiatives in the bill which I want to touch on briefly in the time available to me in this debate. We know there are far too many people out there hoon driving and trying to avoid police and police pursuits. Quite often the police have to call off pursuits so that the situation is not made more dangerous. Under this bill there will be a new offence of dangerous and negligent driving while being pursued by police. That charge can be brought against a driver regardless of whether the pursuit is called off. The driver does not need to be nabbed by the police person; they can be charged with that offence after the event. There will be a minimum 12-month disqualification from driving and up to three years jail. We are sending really good, strong messages that we will not tolerate you if you are foolish on the road and you endanger other people’s lives.

The police do a brilliant job and are confronted with idiots every day. I commend the work they do. It is difficult to understand how they feel when they are in pursuit of somebody they know could potentially kill somebody with their reckless driving and they do not know whether to back off or not. They are constantly put in these situations where they have to make up their minds very quickly, and I think they do an incredibly good job in that regard.

There are other initiatives in this bill, including changes to the way the witness protection program is classified under the law. There is also a change to ensure the timely transfer of next-of-kin information for the benefit of the Donor Tissue Bank of Victoria. That is really important improvement to a time-sensitive situation. There will also be improvements to the Victorian Civil and Administrative Tribunal. Tribunal members may now serve for a longer period — instead of being brought in for five years, they can now serve for seven years. Another change makes it mandatory for tribunal members to take an oath or affirmation of office, whereas previously it was optional. This emphasises the importance of a member’s role. I commend all these initiatives to the house and wish the bill a very speedy passage.

Ms HUTCHINS (Keilor) — I rise to speak in the debate on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012, which makes a range of omnibus changes across the justice sector, primarily amendments to the Family Violence Protection Act 2008. It also provides for changes in police pursuit offences under the Crimes Act 1958 and makes amendments to the Human Tissue Act 1982, the Victorian Civil and Administrative Tribunal Act 1998 and the Crimes (Assumed Identities) Act 2004.

I will focus my comments today on the amendments to the Family Violence Protection Act 2008. I would like to commence with a personal anecdote which I do not think I have talked about in the house before. At a time in my life when I was most vulnerable, when I was about to give birth via caesarean section, at the last moment right when the doctor was about to perform the surgery, I asked him, 'What are my chances of dying on this operating table?'. I think that question goes through every person's mind when they are having major surgery. You get to that panic point and ask, 'What are my chances of dying?'. The surgeon looked down at me and said the chance was pretty much less than 1 per cent. He then said, 'However, I have a lot of women die on the operating table from injuries sustained at the hands of their partners and husbands'. It was a comment that will stay with me forever. It is something that has probably influenced a lot of my decisions about getting involved in politics.

Unfortunately in the electorate I represent in Parliament the levels of family violence are extraordinarily high compared with those in other regions. I have spent a lot of time over the last two years looking not only at the statistics but also at the resources available in the area and some of the reasons why this situation may be occurring. Just to highlight the actual figures, the north-western metropolitan region reports on crime statistics, particularly for family incident reporting across the western division of the Brimbank and Melton shire council catchments, reveal enormous increases in rates of police attending family violence situations. In 2009–10 we had 2129 incidents reported; a year later, in 2010–11, there were 2574 incidents; and most recently, in 2011–12, the figure was 3166 incidents. That is an increase of more than 48 per cent over those three years, which is quite shocking.

I do not concur with the comments the minister made in the house yesterday about increasing figures in relation to family violence crimes. I think reporting is encouraged, but there is an increase in the number of incidents of family violence happening in our society. There are a range of reasons behind that: the lack of a support base in families, particularly regarding males in families who may be suffering from drug or alcohol addictions; increased levels of gambling addiction; and economic pressures on families and overcommitments in relation to debt and mortgages. There is also the ever-declining jobs market, which particularly affects stress levels in families. There are income pressures when family members have their working hours cut back. We see disastrous effects in some households when financial pressure is applied. Those sorts of circumstances can lead to mental health problems, drug and alcohol addiction and alcohol abuse, which fuel the

fire of family violence and raise the number of family violence incidents.

I have discussed with police some reasons behind the family violence incidents that they attend. The White Ribbon lunch, organised by the White Ribbon Foundation, which was held last Friday afternoon and about which the previous opposition speaker spoke, was an amazing event. We heard from some of the most senior police in Victoria who deal with 140 incidents of family violence a day. That figure is absolutely extraordinary. Once upon a time we referred to family violence as 'domestic violence', but family violence is family violence, and calling it that extends the definition.

I spent two days last year observing family violence hearings in Sunshine Magistrates Court, which deals with some of the incidents of family violence occurring in the ever-growing western suburbs, which are not just limited to incidents between male and female partners or husbands and wives. I was shocked to observe how many intervention orders were being taken out by mothers against their adult sons and daughters and by fathers against their sons. Family violence situations are perpetuated by gambling problems, including debts; drug and alcohol abuse; and in some cases mental illness resulting from a whole range of issues but primarily drug and alcohol abuse.

I will return to addressing the specifics of the bill. As I stated earlier the bill makes a number of amendments to the Family Violence Protection Act 2008. It creates new indictable offences for serious and persistent breaches of intervention orders, expands the court's ability to order family violence offenders to attend counselling and clarifies the operation of family violence orders where the victim or respondent is located outside Victoria. Labor supports this bill.

As I have already said, there have been great jumps in the crime rate. Unfortunately many allegations have been made over the last few years — and I have heard them in my community — that intervention orders are not worth the paper they are written on, because local police need to support and implement intervention orders. We saw the worst-case scenario highlighted by the media involving the death of a beautiful-looking Indian woman, Sargun Ragi, who was murdered by her husband despite the fact he continuously breached intervention orders. He took her life and then took his own life. It was an example of ultimate tragedy in a family violence situation.

Unfortunately Sargun Ragi is not the only woman to have been let down by the system. Victoria Police

statistics show that in the past three years six other people have been victims of attempted murder by a partner who had had an intervention order taken out against them. There have been 38 rape and 88 abduction charges laid against offenders who breached intervention orders.

The previous opposition speaker on this bill, the member for Yan Yean, made an eloquent point — that is, it is a startling fact that one woman a week is murdered at the hands of their partner or former partner in a family violence situation. The latest crime figures show that family violence has increased by 288 per cent over the last decade. The number of reports of family violence in the past year has soared by 43 per cent across the state and in my area in particular by 48 per cent.

The amendments in the bill before the house build upon the Family Violence Protection Act 2008, a key foundation introduced by the Brumby Labor government in an attempt to curb the damage caused by family violence and help break the cycle of family violence in our society. It was a very important step forward. The introduction of intervention notices in relation to family violence situations is a key part of trying to protect women and is a good step forward. I have to say the courts, particularly the Magistrates Court, need more support. In conclusion I support the bill and the great campaign run by White Ribbon in Australia.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to speak on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. From the outset I congratulate the Minister for Community Services in particular on the work she has done in the family violence area. I also congratulate the Attorney-General. I will raise a couple of points today, focusing my contribution to the debate on the family violence aspect of the bill. I thank Chloe Berkovic, who is a year 10 student from Leibler Yavneh College, who has been doing some work experience with me. She is doing excellent research and has put together some work on this important bill.

The bill makes a number of amendments to acts under the justice portfolio. Firstly, it enhances the effectiveness of the Family Violence Protection Act 2008 to better protect women and children by making amendments to a number of areas, including enabling the expansion of the men's behaviour change program. It also extends the period of protection offered by a family violence safety notice from 72 to 120 hours and creates new indictable offences for contravention of a

family violence intervention order or a family violence safety notice.

This bill makes a number of other amendments in relation to the justice portfolio, including creating an indictable offence for a person who is driving negligently and is the subject of a serious police pursuit. This is an extension of our antihoon laws. The bill also expressly permits members of Victoria Police to acquire and use assumed identities for the purposes of safeguarding and identifying the whereabouts of participants in the witness protection program. The bill also facilitates the timely transfer of next-of-kin information from the Coroners Court to the Victorian Institute of Forensic Medicine. Finally, the bill enhances and reforms aspects of the Victorian Civil and Administrative Tribunal. It increases the term of appointment of non-judicial members from five years to seven years. It also enables a deputy president to be appointed on a full-time or part-time basis. This is a first step in transforming this important tribunal.

As I said earlier, I want to focus my attention on the family violence section of this bill. I say at the outset that I am glad the opposition is supporting this bill, and I have noted the contributions from members on both sides of the house who are working very strongly to ensure that we eradicate family violence against women and children. We have already heard some good contributions. We must not tolerate in any way, shape or form any type of violence, and I congratulate those who have been active in this area. I am aware of a number of such organisations that have been doing great advocacy work in educating the community against family violence.

We have already heard that violence against women is a grave problem in our society. Every week one woman is killed by a current or former partner. One in three women over the age of 15 reports having been the victim of physical or sexual violence at some time in their lives. Family violence is one of the major causes of homelessness for women and children and is recognised as a form of child abuse. We have heard many times that these problems do not exist in isolation. Family violence is one of a number of problems faced within the family home. I have seen this through my work with the Problem Gambling Foundation. Problem gambling impacts on the family unit and can lead to its breakdown.

We have already heard about the fantastic work that the White Ribbon Foundation does. It is terrific that this legislation is being debated in the week in which we marked the International Day for the Elimination of Violence against Women, White Ribbon Day, on

25 November. On this day men and women are encouraged to display their commitment to this campaign by wearing a white ribbon and swearing an oath against violence against women. Last year I attended the walk along with many others. It was good to see the growing support this campaign has in our community and to see the many people who walked together to ensure that this issue was further publicised.

Probably one of the biggest issues in our society is that a lot of this stuff is swept under the carpet. It is important that we get the message out there, that we publicise it and that we tell as many people as possible that this is an absolutely unacceptable problem in our society. It was great to walk alongside the Melbourne Storm Rugby League team last year. Sporting people are looked up to by young people. It is important to have these people advocating for this issue and making sure the message is clearly heard throughout society.

I want to draw attention to some of the groups in my community, in particular a group called Impact for Women, which was founded in 2006 by Kathy Kaplan and a group of friends with the specific goal of making a difference to women and children in crisis due to domestic violence. Impact for Women is a volunteer organisation and has no paid employees. It enables interested men and women, families, organisations and businesses to come together to make a difference, and it does a lot of great work, including providing support and counselling. People can get involved in a whole range of different activities. In fact last week Impact for Women held an event where men, women and kids brought in old T-shirts, cut them up and turned them into scarves. Those scarves then went back to women who have suffered family violence. It is terrific to see initiatives like this, where the community has an opportunity to work together on a project while discussing the issue and providing support to one another. I commend the work of Impact for Women.

The Jewish Taskforce is another organisation that has been active in my community for 16 years. It organises and facilitates a number of awareness programs and talks. It has given evidence at a number of parliamentary inquiries. The Jewish Taskforce is a voluntary organisation made up largely of women who come together to address the serious issues of family violence and sexual assault, particularly in the Jewish community. The Jewish community, like all culturally and linguistically diverse communities, is certainly not excluded from this problem, which exists right across all communities. That is why it is important to have specific groups target different ethnic bases, groups that are able to work within, understand and support their communities. The Jewish Taskforce has a phone

number that people can call for specific counselling. It offers support and information to educate people about this issue. It works with the religious community and rabbis. It works with schools, doctors, psychologists and lawyers to achieve a comprehensive support unit. It is very important to have organisations such as this that are able to work alongside and provide support to their own communities.

This is a very important bill, as I said at the outset. We need to continue to support women and children in every possible way when it comes to family violence. This problem should not be tolerated. It should not be part of our society, and we must do whatever we can to raise awareness, educate and inform. We need to continue to work together on both sides of the chamber as individuals and as elected members of Parliament to do what we can to eradicate family violence. I commend the bill to the house.

Ms KNIGHT (Ballarat West) — I too rise to join the debate on the Justice Legislation (Family Violence and Other Matters) Bill 2012 and to say at the outset that Labor is supporting this bill. I support this bill. It is an omnibus bill that amends five acts — namely, the Family Violence Protection Act 2008, the Crimes Act 1958, Crimes (Assumed Identities) Act 2004, the Human Tissue Act 1982 and the Victorian Civil and Administrative Tribunal Act 1998. Like other speakers I am going to focus on the Family Violence Protection Act, but I will briefly describe the proposed amendments to the other acts.

The Crimes Act amendment creates a new police pursuit offence for when a person is driving in a dangerous or negligent way despite having been warned by the police to stop driving. The Crimes (Assumed Identities) Act 2004 covers off on the use of fake identities by police, acknowledging that this occurs for a number of reasons, including the witness protection program. The Human Tissue Act 1982 authorises new processes linking the Coroners Court and the Donor Tissue Bank of Victoria to collect and store donated tissue for use in surgery, burn care or transplants.

There are three aspects to the Victorian Civil and Administrative Tribunal amendments: extending the standard term of appointment of non-judicial members, which was five years and is now seven, while retaining the statutory age limit of 70; allowing deputy presidents to be appointed on a part-time basis, which aligns with ordinary and senior members; and requiring non-judicial members to take either an oath or affirmation of office.

I move on to the Family Violence Protection Act 2008. As members know, the Bracks government initiated a review of family violence, which was conducted by the Victorian Law Reform Commission. This happened in 2008, and the resulting legislation was introduced as the Family Violence Protection Act. There are a number of components to this amending bill, one of which pertains to behaviour change counselling for perpetrators. I am very happy to see that such counselling can be directed by a court or another agency. Family violence safety notices will be extended from 72 to 120 hours. This is a very practical and common-sense measure, and it reflects the reality of women's lives. It takes into account the extended time frame of weekends and public holidays.

If an accused is aware of his conduct or purposefully goes about causing physical or mental harm or apprehension or fear, the penalty will be level 6 imprisonment or a level 6 fine. The bill also provides clarity around whether a family violence safety notice or family violence intervention order has been breached when that offence occurs outside Victoria.

The bill amends the Bail Act 1977 to cover allegations against the accused when the accused has been convicted of a violence-related offence in the past 10 years or where the court is satisfied that on a separate occasion the accused has used or threatened violence against the protected person.

I just want to quickly go over the definition. According to the Family Violence Protection Act 'family violence' is defined as:

- (a) behaviour by a person towards a family member of that person if that behaviour —
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or
 - (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person ...

Violence against women is a crime that does not discriminate. It is perpetrated every day in households across this country. It is present within many families, and it is experienced by women every single minute of every single hour of every single day. Women and girls affected by it live in a state of hypervigilance,

constantly looking around at what is threatening them because of the pervasive nature of the violence against them. It is really exhausting to be in that constant state of hypervigilance. Who is around us? Where are the threats? How should we escape if a threat presents itself? That is the reality of life for these women and girls. It is unacceptable that there are women who live with the threat of danger or actual danger every day, a threat perpetrated by their husbands or partners. Every single day they live in the shadow of violence — that is the reality of the situation. It has to stop. It is the responsibility of all men in our community to pledge to commit to stop this violence and this threat of violence.

Do all men perpetrate violence? They do not. Most men abhor violence against women; it is as offensive to them as it is debilitating to us. That is why actions such as White Ribbon Day, which is at the forefront of all of our minds considering it was held last Sunday, are so important. White Ribbon Day was begun by men and is driven by men. Given that men are the main perpetrators of violence against women, it is absolutely appropriate and commendable that men from all communities and all walks of life — from this place and every other place — stand up and say that violence against women will not be tolerated.

Men's violence against their female partners is a leading contributor to preventable death, disability and illness in Victorian women aged between 15 and 44. Furthermore, if you are a woman with an intellectual disability, you are 50 to 90 per cent more likely to be subjected to a sexual assault than a woman without a disability. Indigenous women are overrepresented when it comes to interpersonal violence.

A report regarding family-related homicides was recently released by the coroner. A woman is killed almost every week in Australia due to family violence, and it is often as she is trying to leave. On 28 November ABC News reported that:

The Victorian Coroner's Court has released the initial findings of an inquiry into deaths from family violence.

It has found more than half of violent family-related deaths in Victoria are carried out by the victim's partner.

The findings of the three-year study into deaths from family violence, shows of the 545 homicides between 2000 and 2010, 288 were carried out by family members.

Fifty-four percent of victims were killed by their partners, and 26 per cent involved parent-and-child situations.

This is another reason the Victorian systemic review of family violence deaths should continue to be funded. There have certainly been very public calls for that, and I join those calls.

What we do in this place sends a very clear message to our community about what we see as acceptable and not acceptable and what sort of behaviour is okay and what is not. I support this bill because it is another step in strengthening the message that says violence against women and girls is absolutely not acceptable and will not be tolerated. Every single person in this place will work towards eliminating that violence by saying, 'We do not accept it. We will do everything we can and behave in any way we can to say very clearly that we do not accept violence against women'. Violence against women is pervasive and endemic, and it is everywhere. It is in every neighbourhood and in every community. It does not matter if you live in Toorak, Wendouree, Sebastopol or Hawthorn; it is there. We must all accept that.

By continuing to look at our legislation as we are doing today we will work towards eliminating violence against women. This legislation is one more step towards that, and I commend the bill to the house.

Ms WOOLDRIDGE (Minister for Women's Affairs) — I am very pleased to have the opportunity to speak on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. I want to commence by commending the Attorney-General on this legislation and the very significant impact it will have on the Victorian community. Obviously, given my personal interest and my role as Minister for Women's Affairs, I am particularly focused on the family violence aspects of this legislation, and that is what I will be speaking on today, but this bill incorporates a number of important measures right across the board. As I have said, it continues the very significant reform agenda of the Victorian coalition government and the Attorney-General. I commend the Attorney-General on this important legislation.

As has been said previously, family violence is an issue of concern to everyone in this house. It is unacceptable in any form and in any place. It has a very dramatic impact on women, and on children particularly, right across this state and country. That the government continues to look for ways to ensure that the safety of women is at the forefront of the government's thinking is a reflection of the commitment and the leadership that the coalition government shows in regard to this matter.

The measures that we are debating today in terms of the legislative changes are part of a package announced by the Premier on 3 September. I was very pleased to be able to participate in that announcement. It had a number of different aspects.

The first part of the announcement is a package of \$16 million of additional funding for a range of family violence support services, and I will go through them. There is an additional \$9.25 million for family violence counselling and case management. This is going to help an additional 1200 women and children each year to access counselling and case management services; it is a very significant expansion. There is an extra \$3.75 million for sexual assault counselling. The objective there is to try to decrease the waiting times from a current average wait of about six weeks down to three weeks to allow virtually all victims of recent assaults to be seen at the time of reporting that assault, or soon afterwards, and for them to then be able to engage with the services and supports they need. An additional \$3 million has been allocated to men's behaviour change programs, which will nearly double the number of places available in court-directed programs, but I will come back to that because it is obviously part of the legislative agenda.

Some people have tried to divide this package by a very broad number to say that this is a small amount of funding. We did not say in any instance that this package was going to solve all the problems. It is a response to the need for some additional funding to reflect the confidence women have in reporting family violence and therefore needing support services to respond to that.

The other important part of the announcement was that these legislative measures we are debating today reflect a very clear message that family violence is unacceptable and that we will hold perpetrators to account. We are introducing new offences and penalties for breaches of family violence intervention orders, including a new indictable offence with a maximum penalty of up to five years imprisonment. Individuals will be identified as being guilty under these new provisions when they have intended to cause physical or mental harm, when they know their conduct will probably cause physical or mental harm or when they have persistently contravened intervention orders or safety notices, often very much to the detriment of the women and children affected by that conduct.

We are also extending the operation of the family violence safety notices so that they can operate for up to five days rather than the current three days. This will extend the protection for women, children and families, and it will also mean that we will have more flexibility and capacity in the court system. This will make a particular difference for women and children in country areas where the courts may not sit every day. It will provide more capacity for the police to use local courts

to consider the safety notices and deal with them appropriately.

Another aspect of the bill will allow further extension of the court-ordered men's behaviour change programs to make this system permanent, so men can be required to undertake this sort of counselling as part of dealing with their violent behaviour.

These are all very significant changes, and they are going to make a big difference. They are part of a broader package, as I said, that was announced in September, and the Attorney-General has done a great job in bringing them to this Parliament for consideration so quickly. The announcement was part of a broader action plan that the government has for family violence, supported by \$90 million of funding every year. It is a reflection of the commitment of the coalition government to addressing these issues, making sure we try to reduce violent behaviour, and when it does happen, for women and children to know that they can be safe and that there will be an appropriate response in terms of the issues that they face. I commend the bill to the house.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

PROTECTED DISCLOSURE BILL 2012

Second reading

Debate resumed from 28 November; motion of Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Government amendments circulated by Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 28 November; motion of Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Government amendments circulated by Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr CLARK (Attorney-General).

Ms GARRETT (Brunswick) — I am pleased to rise to make a contribution to the second-reading debate on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. We have heard some outstanding contributions today on this bill from both sides of the house. There has been an enormous amount of heartfelt compassion, anger in the community over the ongoing issue of violence against women, particularly in the family home, and a real commitment from both sides to addressing this issue in a meaningful way.

As we know, it is only in the last few years — perhaps since the mid-2000s — that the community has begun to look at this issue in a different way, beyond the realms of domestic violence, as it was so often called, and really attempt to grasp the widespread and heinous impact of violence on women and children within what should be the greatest sanctuary for any individual, their home. It is an ongoing blight on our society that women and children are more likely to be under threat within their own homes than anywhere else. The fact that there is an increasing number of family violence incidents is also deeply disturbing to every member of this house.

In 2005 major reforms were initiated regarding family violence, and they continued throughout the Bracks and Brumby era. The Family Violence Protection Act 2008, which the bill before us today amends, was introduced in 2008, and the bill before us is another step along the road towards taking this issue seriously.

When we consider how far we have come, while acknowledging how far we have to go, let us pause to pay tribute to those people who have suffered horrifically due to family violence, those who have had the courage to stand up, those who have lost their lives and those around them — their family members and those who work with them — who have had the

courage to speak up about the devastation that it causes, often behind closed doors.

In a members statement I spoke about a community safety forum I held along with the federal member for Wills, Kelvin Thomson, in Brunswick last week arising out of the horror of Jill Meagher's death in the midst of our community. We brought together a range of people, including senior police, who were very frank and very good with their time, and representatives from the White Ribbon Foundation, Women's Information, Support and Housing in the North, the local traders association and the council.

It was clear in that forum, which over 170 people attended, that the issue of family violence and its impact on women and children are firmly in the public consciousness. That was nowhere clearer than in the contribution made by the police, who quite rightly said that in the past their organisation had not dealt with this issue in the best way they could and that it was one of their key priorities — and one of the key priorities of the current Chief Commissioner of Police — that the attitude and response of police to family violence be first class. It was heartening to hear that acknowledgement and the process through which the police force is going. The setting up of dedicated family violence units to tackle this issue is a welcome initiative and shows the seriousness with which the police are taking the matter.

I think the statistics that were given on that night showed that almost 1 in 2 incident reports or calls for police assistance in the north relate to some form of family violence. It is good that people are seeking the assistance of police, because nothing will change unless these incidents are reported, but it is of deep concern that so many women and children in our community are being subjected to violence to the point of requiring the police to be called.

As I said, this bill is another important step in a journey towards addressing this problem in a serious and systematic fashion. The main provisions of the bill relating to family violence create new indictable offences for serious and persistent breaches of intervention orders, and this is very important. Changes that were made to allow women to get interim orders without necessarily having to go through the rigmarole of the court process have been important, but serious and persistent breaches of intervention orders should absolutely be indictable offences, because we know it is often the repetitive nature of family violence and the escalation of violent conduct that lead to the most serious harm occurring. Perpetrators of family violence need be under no illusion that should they disregard

serious intervention orders made by a court, they will face the full force of the law, as they should.

Other provisions relating to family violence are around counselling orders. The bill makes permanent the power to order respondents to attend counselling. Again this is an important role for the courts to play in dealing with these really difficult issues.

It is important that we put on the record, as have others in this place, that tackling the issue of family violence, addressing it and dealing with individual circumstances is a complicated matter. It is hard. It is difficult for the police, it is difficult for service providers, it is difficult for relatives and friends and most importantly it is profoundly difficult for those who are the victims in those circumstances. A holistic approach is needed. It should be a law enforcement approach and a counselling approach. There is a need for appropriate funding for refuges and other services for women and children who are victims of family violence. There has to be a full sweep across these issues to ensure that women and children are given the protection they need and that they are given support if they need to start a new life free from violence. The perpetrators of violence need to be held to account and should be given the opportunity to acknowledge their wrongdoing and, hopefully, address their conduct in the future. Those are the extremely important provisions of this bill, and they are welcomed.

I note, and others have noted, that it is important when we are looking at a holistic approach to this issue to call on the government to look again at its funding of the systemic review of family violence deaths by the Coroners Court. That is clearly an important aspect of trying to understand the causes for and the best manner in which these issues could be dealt with. I put on the record on behalf of my community a request that that funding be reinstated.

The bill makes a range of other changes regarding police pursuits. It creates a new indictable offence under the Crimes Act 1958 for dangerous or negligent driving when a person knows or reasonably ought to know that a police member has ordered him or her to stop and is in pursuit. Clearly that is important when there is a police pursuit and alleged offenders continue to drive in a negligent manner because the entire community is placed at serious risk. We have seen some of the horrific outcomes of those pursuits for innocent bystanders in particular, who are often the victims of such reckless conduct. I absolutely support the creation of an indictable offence in those circumstances.

The bill makes a range of other amendments. However, as we have said, the core purpose of this piece of legislation is to strengthen the community's response to what is a heinous blight on the safety and security of some of the most vulnerable in the community, particularly women and children who are subjected to violence in their own homes. Labor supports this bill, and I commend it to the house.

Mr BULL (Gippsland East) — It is with great pleasure that I rise to speak in the debate on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. I certainly agree with the comments of the member for Brunswick. We have had some terrific contributions on this bill from members on both sides of the house, and I acknowledge that it has bipartisan support. There is an increasing awareness and a clear message from many people within the community and from many sectors that family violence is completely unacceptable. It is a message which is getting out more and which is clearly getting a lot stronger.

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

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to acknowledge the Honourable Phil Honeywood, the former member for Warrandyte, who is in the gallery today. We welcome him back.

QUESTIONS WITHOUT NOTICE

Bushfires: preparedness

Ms ALLAN (Bendigo East) — My question is to the Minister for Police and Emergency Services and Minister for Bushfire Response. I refer the minister to comments in today's *Herald Sun* that the delay in Elvis, the air crane, arriving in Victoria is as a result of dock strikes in California, and I ask: can the minister detail the exact nature of those strikes and when they occurred?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for her question. It touches upon an issue which is of great significance here in Victoria, there is no question about it — that is, the issue of our preparedness to face the threat of bushfires and our ability to deal with that threat when absolutely and inevitably it materialises. As the member knows, yesterday we had, I thought, a very constructive and broad-ranging briefing for all

members of Parliament, and we were able to hear from the fire services commissioner and the fire services chiefs of the respective agencies about the extensive preparations that have been made and hear their commentary around the fact that inasmuch as we are able to be prepared with regard to meeting this inevitable threat, then Victoria is very well placed to do it.

I might say that one of the key messages from the commentary by the fire services commissioner was his endorsement of the view expressed by the implementation monitor, who says in the course of his report for this year that without a doubt Victoria is now better placed to meet the inevitable threat of fire than it was on Black Saturday. That is but one of a number of examples of what the fire services commissioner had to say with regard to issues around our preparations.

Insofar as the brigades are concerned, we have more than 1200 of them in Victoria. They are supported by a fleet of some 41 aircraft that will be deployed in the course of this year. That aerial fleet is the same in number and extent as it was last season and is yet another element of the arsenal of mechanisms we have available through the agencies to meet this ongoing threat. The advice to me is that there will be some delay in the arrival of Elvis, but I can tell the house and assure all members that it will not be long before Elvis is back in the building.

Students: education conveyance allowance

Mr NORTHE (Morwell) — My question is to the Minister for Education. Can the minister advise the house how the coalition government has listened to communities to ensure that there are no unintended consequences of reform to the conveyance allowance?

Mr DIXON (Minister for Education) — I thank the member for Morwell for his question and for his deep interest and involvement in education at all levels in his electorate. He is a very good member.

This government recognises that regional families need assistance with the transport of their children to and from school. At the same time we recognise that transport to and from school is a shared responsibility of both government and families. That is why for many years, in fact for more than 100 years, governments and departments of education in various forms have provided a conveyance allowance for eligible parents. We currently spend approximately \$27 million per year on the conveyance allowance for eligible families across the state, mainly in the outer suburban and rural and regional areas of Victoria.

Last year, as minister, I undertook a review of the conveyance allowance because it needs regular review as circumstances change and boundaries change. As a result of that review, at the end of last month I announced changes to the education conveyance allowance program. The announcement introduced means testing and a revision of the urban growth boundary that is used to define the difference between metropolitan Melbourne and non-metropolitan Melbourne. That boundary had been in place since 1983, and obviously the urban areas of Melbourne have changed dramatically; as Melbourne grew, bus and transport services went with that growth. As I said, the last review in terms of the urban growth boundary took place in 1983.

In the weeks since my announcement my colleagues have been out there talking and listening to their communities. Colleagues in the upper house and this place from the Liberal Party and The Nationals have been talking and listening to their schools, to individual parents and to the Association of Independent Schools, for example. They have been listening and passing on those comments to me. Obviously at the same time those individual schools and school communities have been talking to me. I must say that the Catholic Education Commission of Victoria and Independent Schools Victoria have been very good in their representations of their member schools.

We have found that, despite the quite generous grandfathering arrangements that were built in, there are and have been unintended consequences which have been pointed out to us. We recognise that; we have listened to that. I listened, I heard those concerns and therefore I am announcing a change to the original policy. As a result of those representations made to me, the means test that was applied to the conveyance allowance has been removed. The means test is no longer applicable. The changes announced regarding the urban growth boundary and the grandfathering arrangements for the urban growth boundary still remain. It is the means testing that has been removed. This government listens to country Victoria. These members listen to country Victoria. We have heard them, and we have acted.

Bushfires: preparedness

Ms ALLAN (Bendigo East) — My question is again to the Minister for Police and Emergency Services and Minister for Bushfire Response. I refer the minister to his previous answer, and I ask: how can he claim that the delay in the Elvis air crane arriving in Victoria is as a result of dock strikes in California when the longshoremen union local 63A advises that the only

industrial action in California this year started at 6 o'clock this morning Australian time?

Honourable members interjecting.

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

Mr RYAN (Minister for Police and Emergency Services) — I again thank the member for her question. The 41 aircraft to be deployed across the state this year will serve an invaluable purpose in contesting the inevitable threat of fire. I am afraid to say that we are all certain that in some way, shape or form those fires will arise. We saw it in Casterton in the course of the last few days, last Thursday specifically, where with the movement of some storms across from the western states lightning strikes occurred. There were 150-plus lightning strikes in about an hour and a half. Inevitably we are going to see circumstances of a similar nature.

I am pleased and proud to say on behalf of the government that the 41 aircraft will be deployed to accommodate that threat. What we have done, as parliamentarians were told yesterday, is adopt a different form of deploying the aircraft to different locations across the state, because we recognise, particularly with grassfires being a prevalent threat this season, that it will be necessary to relocate — —

Ms Thomson interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Footscray

The SPEAKER — Order! The member for Footscray can leave the chamber for half an hour.

Honourable member for Footscray withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Bushfires: preparedness

Questions resumed.

Mr RYAN (Minister for Bushfire Response) — It will be necessary to relocate the fleet into more strategic positions. We understand that the nature of the risk, as was explained in the course of the science briefing provided yesterday, has changed the way the fire services commissioner and the agencies are able to administer the various resources we have available to

us. Elvis will be one part of that arsenal, and we are looking forward to its arrival.

Little World Beverages: union action

Mr KATOS (South Barwon) — My question is to the Premier. Can the Premier advise the house on the impacts of recent picketing which threatens investment and jobs in Geelong?

Mr BAILLIEU (Premier) — I thank the member for his question and for his interest in jobs, investment and development in Geelong. The unlawful industrial action we have seen at the Little Creatures site in Geelong has hurt Geelong, has hurt industry and has hurt jobs in Victoria, in the Geelong region in particular.

Little World Beverages Ltd, known as Little Creatures, is owned by Lion, a big international brewer, and is a Fremantle-based boutique brewery producing a range of ales under the Little Creatures and White Rabbit brands. The company is constructing a new brewery at the historic Valley Mills site in south Geelong, and that development is scheduled for completion in 2013 with a cellar-door visitors centre to open in the second half of 2013.

The government welcomes this project, which is a significant investment in the Geelong region, and I would have thought all people in Geelong would welcome it. However, this investment and this project has faced some very significant hurdles. Since February the Construction, Forestry, Mining and Energy Union (CFMEU) and the Australian Manufacturing Workers Union (AMWU) have been protesting against workers undertaking various jobs at the site, the lack of a union enterprise bargaining agreement to cover those workers and the absence of a paid union official on-site in relation to the installation phase.

Those unions and others recently staged an unlawful picket at the site to try to prevent access by workers engaged on the project. The Supreme Court recently issued an injunction restraining the CFMEU and AMWU from obstructing access to the site. Our courts must be obeyed. I know some people do not believe that, but when the Supreme Court issues an instruction, it should be obeyed. Importantly there is no formal industrial dispute in this case. None of those doing the work are, as we are advised, in dispute with the companies that are undertaking these works. This action is entirely between the unions and the TFG Group, which is a contractor to Little Creatures.

This sort of militancy is unacceptable. It is not what Victorians want to see. We saw this illegal picket, and the government moved to do whatever it could. Over the last two years we have been consistently willing to act on our word in that regard. Whether it be Grocon, Qantas, Toll or others, it is critical to this state's future that we contain construction costs, and you cannot do that unless you are prepared to confront those who would obstruct any construction project.

However, some people have a different view. I was reading a *Business Breaker* document this week, and I quote from it:

... the cost of doing business, access to markets and an appropriately skilled workforce, a stable and mature legal regulatory and political environment, livability and quality of infrastructure ...

These are the important things, but there was no mention whatsoever of industrial relations.

Ms Allan — On a point of order, Speaker, the Premier said he is quoting from a document, and it appears that the Premier is going down exactly the same path as the Minister for Public Transport did yesterday, for which you sanctioned him. I ask that you bring the Premier back to answering the question within the confines of the standing orders, which should preclude debating the issue or attacking the opposition.

The SPEAKER — Order! I do not uphold the point of order, but I ask the Premier to come back to answering the question.

Mr BAILLIEU — Last week the *Australian Financial Review* asked one of the authors of the *Business Breaker* document about the Little Creatures dispute. You would have thought that somebody who knows about the longshoreman's dispute in California this morning would know about the Little Creatures dispute in Geelong. But what did the Leader of the Opposition say? He said he knew nothing about it. It was on the front pages of national newspapers in this country, and he knew nothing about it.

Honourable members interjecting.

The SPEAKER — Order! The house will come back to order and stay that way.

Ambulance Victoria: Wheelers Hill station

Mr NOONAN (Williamstown) — My question is to the Premier. I refer to the fact that the Wheelers Hill ambulance station, which in the first six months of this year responded to over 700 code 1 emergencies, will shut today. I ask: will the Premier explain to residents

in Wheelers Hill and Glen Waverley why his government and the member for Mount Waverley have left them dangerously exposed without any forward notice?

Mr BAILLIEU (Premier) — I thank the member for his question, and I know the member would have been very concerned at the state of the ambulance service when the previous government left office. A massive financial mess — —

Ms Allan — On a point of order, Speaker, the Premier has been going for only 19 seconds, but in that 19 seconds he has not gone even remotely near addressing the substance of the question. Speaker, you were asking for cooperation from this side of the house for the conduct of question time. We are trying to give it, but we would like those on the other side to join us in those efforts. The issue is that the Premier clearly is debating the answer. The question had nothing to do with this side of the house or with the decisions of previous governments. It had everything to do with decisions of this government. The Premier needs to come back to answering the question.

The SPEAKER — Order! The member for Bendigo East has mentioned that the Premier had been speaking for 19 seconds. That is correct, and he has 4 minutes in which to answer the question. The member may not like the answer and the way it was going, but the Premier was answering the question.

Mr BAILLIEU — As I was saying, we inherited a mess in the ambulance service — a financial mess, a shortage of paramedics and a shortage of investment. That was clear to all — it was clear to the ambulance service, it was clear to all Victorians and one might have thought it would be clear to those who had been responsible for it, which includes the former Minister for Health. We have been working consistently and hard to repair the mess of the ambulance service. I note that there have been additional paramedics, additional ambulance stations, additional drivers and that additional types of ambulance services have been implemented, and that will continue.

I would invite the Leader of the Opposition in particular to reflect on the mess that the Leader of the Opposition left behind; it is well known to all Victorians.

Mr Andrews — On a point of order, Speaker, question time is not an opportunity for the Premier to invite responses from any member of this side of the house. The Premier was asked about an ambulance station that is being closed this very day in Wheelers Hill. He has not mentioned that in any way. Those

paramedics are being moved to another location, leaving that community without a primary response. It is a serious matter, and rather than bagging the opposition the Premier ought to account for what is happening under his leadership.

Mr Katos interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for South Barwon

The SPEAKER — Order! Before I call the Premier, the member for South Barwon can leave the chamber for an hour.

Honourable member for South Barwon withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Ambulance Victoria: Wheelers Hill station

Questions resumed.

Mr BAILLIEU (Premier) — Ambulance Victoria obviously runs the ambulance service — —

Honourable members interjecting.

The SPEAKER — Order! Enough is enough! If members want to hear an answer, they cannot hear it if they are yelling out.

Mr BAILLIEU — Ambulance Victoria makes the decisions and makes the judgements — —

Mr Lim interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Clayton

The SPEAKER — Order! The member for Clayton can leave the chamber for an hour.

Honourable member for Clayton withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Ambulance Victoria: Wheelers Hill station

Questions resumed.

Mr BAILLIEU (Premier) — Ambulance Victoria makes the decisions about the distribution of the services, as we know, and I am reminded of Ambulance Victoria's recent records, which record that it was advised — —

Mr Andrews — On a point of order, Speaker. The question was a serious question. It related to an ambulance station in Wheelers Hill that is being closed today. I would ask that the Premier be drawn back to the question and provide that community with an answer to that question. This is not — —

The SPEAKER — Order! The Premier has an opportunity to answer the question in the way that he sees fit, as long as the answer is relevant to the question that was asked.

Mr Andrews — Speaker, with the greatest of respect, I thought I would have an opportunity to finish the point of order as well, if I might. On relevance, the mere fact that the Premier is talking about ambulances does not make the answer about a particular ambulance station a relevant answer. That is my submission to you, and I would ask the Premier to address the closure of the Wheelers Hill ambulance station anytime in the next 2 minutes.

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

Mr BAILLIEU — Speaker, as I was saying, I do recall when Ambulance Victoria recorded advice from the Department of Health, and that advice told Ambulance Victoria to cut staff numbers rather than recruit. That was from the government, and the government at that time, in November — —

Honourable members interjecting.

Mr Merlino — On a point of order, Speaker, the Premier is not being relevant to the question. The question was specifically around the Wheelers Hill ambulance station. This answer is an insult to the residents of Glen Waverley and Wheelers Hill. This is an — —

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

Mr BAILLIEU — That advice came to Ambulance Victoria in November 2009. The minister of the day — —

Mr Nardella — On a point of order, Speaker, the answer that is being given by the Premier is not relevant to the question that was asked. What occurred in 2009 has no relevance whatsoever to what has occurred today under his administration. I ask you to bring him back to his administration today.

The SPEAKER — Order! I do not uphold the point of order. The question related to the ambulance service. It does not matter which particular — —

Mr Foley interjected.

The SPEAKER — Order! If the member for Albert Park keeps that up, he will be out and will not hear the end of the answer. I do not uphold the point of order.

Mr BAILLIEU — As I was saying earlier, the government has taken enormous steps to deal with the mess that we inherited, including cutting ambulance subscription fees, with the result that there are more — —

Honourable members interjecting.

Ms Green — My point of order, Speaker, is on the question of relevance. This answer is about as relevant as the budget claim that said that Kinglake ambulance station was completed, when it was completed only a month ago.

Honourable members interjecting.

The SPEAKER — Order! The member will sit down.

Mr BAILLIEU — We have slashed ambulance subscription fees with the result that there are more members than ever. We have made a \$150 million investment in new paramedics, new non-emergency patient transport officers, new ambulance stations, upgraded ambulance stations, new mobile intensive care ambulance units and single responder units. We have invested in the ambulance service, and Ambulance Victoria will continue to run the ambulance service as it deems most appropriate. We support it in that effort. You would have thought that somebody who had instructed Ambulance Victoria to do otherwise would have learnt by now.

Building industry: construction code compliance unit

Mr THOMPSON (Sandringham) — My question is directed to the Minister for Finance. Can the minister update the house on the work of the construction code compliance unit?

Mr CLARK (Minister for Finance) — As the house will be aware, earlier this year the government established the construction code compliance unit (CCCU) within the Department of Treasury and Finance, headed by Mr Nigel Hadgkiss, the former deputy head of the Office of the Australian Building and Construction Commissioner, in order to administer the government's new guidelines for the Victorian code of practice for the building and construction industry.

We established the CCCU because of the actions of the Gillard government in abolishing the Australian building and construction commissioner and seeing a return to the bad old days of thuggish and unlawful practices in the building and construction industry here in Victoria, which not only threaten individual workers and businesses but also drive up construction costs for the whole economy. I am pleased to inform the house that the CCCU is doing excellent work in informing and educating the industry about the requirements of the guidelines, in assessing guideline compliance by tenderers and in monitoring and reporting to government on matters relating to industrial relations practices in the building and construction industry.

Almost every day we see examples of the need for this sort of strong action to stand up against the conduct of various parties in the building and construction industry, particularly the Construction, Forestry, Mining and Energy Union (CFMEU). We know about what occurred at the Emporium Melbourne site in Lonsdale Street, the proceedings of which matter are currently awaiting judgement in the Supreme Court. We have heard what the Premier had to tell us earlier this afternoon about the Little Creatures brewery site in Geelong. We have also seen recently reports of attempts by the CFMEU to coerce the superannuation fund Cbus over building projects involving Grocon.

It is pleasing to say that at least in relation to this third item the CFMEU has been condemned, including by many figures within the Labor Party, although not all. The chairman of Cbus, Mr Steve Bracks, is reported as having rejected the CFMEU's attempts to interfere in Cbus's affairs. The federal Minister for Employment and Workplace Relations, Bill Shorten, said it was not appropriate for super funds to be used in this way as a tactic in industrial disputes. Even the Prime Minister

has joined in condemning the CFMEU's behaviour in this respect. In fact the only senior Labor figure to have defended rather than condemned the behaviour of the CFMEU in this regard is the Leader of the Opposition.

The importance and effectiveness of the work of the CCCU has been widely recognised within the building and construction industry. The executive director of the Master Builders Association of Victoria, Mr Brian Welch, has said:

The construction code compliance unit will ensure the rule of law applies on our work sites ...

And:

Without this unit, Victorian taxpayers will be forced to pay more for major project construction cost blow-outs like we have seen recently at the West Gate Bridge and Melbourne Markets relocation project in Epping.

However, there is one group that has sought to undermine the work of the CCCU from the start. This group said in a media release on 19 May this year, and again I quote, that it would 'scrap the construction code of practice compliance unit'. This group held a media conference on the same day, at which their leader stood shoulder to shoulder with representatives of the CFMEU.

Ms Allan — On a point of order, Speaker, it is absolutely clear that the content of the minister's answer is not within the standing orders as he is reflecting on comments that are outside of his government's administration and outside his area of responsibility, and I ask that he come back to answering the question and not reflect on this side of the house.

Mr CLARK — On the point of order, Speaker, I was attempting to set the context in which the CCCU was carrying out its work and the challenges and importance of that work.

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

Mr CLARK — The situation we now find ourselves in is that the media release from which I quoted earlier can no longer be found on this group's website. When the same group recently issued a document entitled *Victorian Labor's Plan for Jobs and Growth*, including extensive discussion of the building and construction industry, there was not a single mention of the CCCU.

Ms Allan — On a point of order, Speaker, the minister just identified a document that has been released by the opposition. We are very proud to talk

about that document. However, commentary from the minister on this document during question time is outside the standing orders. It is not part of government administration. He is clearly once again offending the standing orders. You sat the Minister for Public Transport down yesterday for the same offence. I ask you to do the same with the Minister for Finance.

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

Mr CLARK — The CCCU is doing a great job in standing up for jobs and productivity in the Victorian community. That work would be made a lot easier if certain groups would declare whether they support the work of the CCCU, whether they still intend to scrap it, or whether they are trying to get one message to their mates and another message to the rest of the community.

Places Victoria: chairperson

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and I ask: did the Premier's mate Peter Clarke disclose either formally or informally to the Premier the unfolding Australian Securities and Investments Commission investigation before he was appointed as the chair of Places Victoria?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. As members would know, the chair of Places Victoria has stepped aside while an investigation is taking place, which is consistent with past practice, including under the previous government. It is my advice that the disclosures that were made in the appointment were appropriate disclosures. I recall that the individual in question was appointed to the VicUrban board, and if I recall rightly, that was last year.

Bushfires: arson prevention and detection

Mr BURGESS (Hastings) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the minister advise the house of actions the coalition government and Victoria Police are taking to stamp out arson-related crime in high-risk areas across Victoria this fire season?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question. Members across the chamber will be aware that the Country Fire Authority has declared today to be the first total fire ban day for the season. That applies in the Wimmera and Mallee districts. The reality is that as the weather becomes hotter and the conditions drier, the fire risk increases. Of course members across the

chamber are very conscious of the increased threat that arson represents in these high-risk areas. Last year there were more than 3000 arson-related offences in Victoria. They risk lives, they risk property and they engage the emergency service agencies in having to deal with them.

We came to government committed to making arson prevention and detection a priority, and we are delivering to Victoria Police additional resources to enable this to happen. At the launch of Fire Action Week last week the Premier and I announced the establishment of a new bushfire, arson and explosives specialist group within Victoria Police. We did so in conjunction with Victoria Police, who also were in attendance. The intention here is to target arsonists in the high-risk areas across the state.

A team of 150 highly trained bushfire, arson and explosives liaison officers will form the new strategic group within Victoria Police. I might say that these officers, almost without exception, are detectives. They are all therefore very experienced officers. The group will operate not only in the regional areas but also into metropolitan Melbourne. These are specially trained officers. They will strengthen the arson prevention operations by providing expertise to local police and assistance with prevention, intelligence and enforcement. They will receive specialist training through the police fire and explosives investigation course. They will act as conduits for the bushfire, arson and explosives strategic advisory group, and that in turn will oversight the strategic direction and planning of the Victoria Police response to arson.

The model for this group draws from best practice right around Australia and internationally. It includes a number of initiatives. Amongst those are the formalised recognition of the expertise of the arson-trained investigators through the Victoria Police specialist community practice framework; the improved sharing of knowledge between the investigators and external partners, such as the fire agencies in their different forms and the local communities within which these officers will work; and the access to ongoing specialist training through Victoria Police and through other Australian jurisdictions. That will also engage the commonwealth wildfire arson investigation management courses, which of themselves are a very good exercise in enabling our officers to be better equipped in this regard. There will be improved capability around the targeting of the high-risk arson offenders, including, I might say, and very importantly, the recidivists, and especially I might say also in the regional areas. There are various other elements to this important initiative.

In addition, last week we marked the start of Victoria Police Operation Firesetter. It is an overt arson deterrent and detection operation that targets the high-risk areas on those high-risk days. There will be a very obvious police presence to make certain the public at large, and very particularly those who might be arson recidivists, are aware that they are under careful consideration by the police.

We are broadly prepared as best we can for this fire season. I have received advice through the national aerial firefighting centre, which came via the fire services commissioner, that a dock strike in California has delayed the shipping of the Elvis air crane. That is the advice which came to me.

Places Victoria: chairperson

Mr MERLINO (Monbulk) — My question is to the Premier. Why is the Premier choosing to continue to pay his mate Peter Clarke as chair of Places Victoria, despite him facing potential criminal charges, while 50 employees at Places Victoria were sacked in the last 24 hours?

Mr BAILLIEU (Premier) — I thank the Deputy Leader of the Opposition for his question. Places Victoria has some significant challenges, including recording an \$18 million deficit in the last financial year. It has a new board and it has a new mission, and it is undertaking that mission in the way it is assigned to do. It is intent as a board on meeting that mission and putting Places Victoria on a sound footing.

As members would know, Places Victoria is the successor body to VicUrban. In the course of 2011–12 there were substantial write-downs of assets and substantial revenue pressures on Places Victoria for taking the decisions it needs to take. In the case of Mr Clarke, as I indicated before, he has stepped aside at the appropriate time consistent with past practice, including under the previous government. That is the practice that has taken place. All people who are in that situation deserve to be treated in the same way.

Energy: prices

Ms WREFORD (Mordialloc) — My question is to the Minister for Energy and Resources. Can the minister inform the house of actions the government is taking to reduce pressure on Victorian energy prices, and is he aware of any alternatives?

Mr Merlino interjected.

Mr O'BRIEN (Minister for Energy and Resources) — I thank the member for Mordialloc for

her question. Energy prices constitute a serious issue in relation to the cost of living for Victorian families. The scale of the former Labor government's failure is summed up in a document where it is noted:

According to the Australian Bureau of Statistics, between March 2008 and December 2010 the cost of electricity surged by 52.8 per cent ...

Members will be familiar with that document because it is the review of the 2010 Victorian state election by the Victorian branch of the ALP. The Labor Party knows what it did. The former government's smart meter cost blow-outs, expensive and ineffective green schemes and grossly overgenerous feed-in tariffs have all contributed to the rising cost of electricity.

Since coming into government the coalition has extended the energy concession from 6 months to 12 months, changed the cost recovery rules in relation to smart meters, successfully resisted Labor's attempts to close down our affordable electricity generators located in the Latrobe Valley, doubled the Energy Saver Incentive program and reformed solar feed-in tariffs. Just those changes to solar feed-in tariffs alone will save Victorians \$16 million this year, rising to \$126 million in 2016. If the government had not taken action, Victorians would be paying over \$350 million more for their power bills between this year and 2016.

Despite this evidence, some people have demanded that:

... the Minister for Energy and Resources immediately reinstate the 60 cent per kilowatt-hour feed-in tariff.

Who would be mad enough to want to see a reinstatement of a policy which would cost Victorians an extra \$350 million on their power bills? It is not the Greens. It is the same people who support the carbon tax and sit opposite in the chamber. This is a Labor Party policy to support 300 — —

Ms Allan — On a point of order, Speaker, page 163 of *Rulings from the Chair* states that attacks on the opposition are inappropriate. This is the fifth time during question time today that we have heard a minister go down this path. Perhaps this time this minister can be asked to return to having his answer conform.

The SPEAKER — Order! I would like the minister to return to answering the question.

Mr O'BRIEN — I was asked about alternative policies. Besides what the Victorian government is doing to reduce pressure, we are part of a national electricity market. We need to make sure we have a

federal regulator that can put network companies through their paces and properly scrutinise the cost claims they put in because that directly impacts on the prices Victorians pay for poles, wires and meters.

Energy ministers across Australia met in Melbourne last Friday. We made some progress on the national electricity rules, but the Prime Minister failed to act to make sure the Australian Energy Regulator (AER) is independent, transparent and has appropriate resourcing. We have a regulator that has one arm tied behind its back. When the regulator makes a mistake, Victorians pay. Just recently we have seen that a mistake made by the Australian Energy Regulator is costing Victorians \$255 million in higher power bills. This cannot stand.

We need to see the Prime Minister stand up for proper funding for the AER. Slush funding is not enough; we need proper funding from the Prime Minister for the Australian Energy Regulator. We cannot have the regulator going around backyards looking for bags of cash left by union bagmen. We need to have stable, secure funding for the Australian Energy Regulator. Victoria will stand up for that, and we will stand up for the interests of Victorians, unlike those members opposite who are more interested in protecting bureaucracy than protecting Victorian electricity users.

Ms Wreford — On a point of order, Speaker, I take offence at the disparaging comment made by the member for Monbulk, which was made when I finished asking my question. I ask him to withdraw that comment.

Mr Merlino — I withdraw the comment.

JUSTICE LEGISLATION AMENDMENT (FAMILY VIOLENCE AND OTHER MATTERS) BILL 2012

Second reading

Debate resumed.

Mr BULL (Gippsland East) — I rise to continue my contribution on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. As I was saying just before the lunch break, family violence is completely unacceptable and intolerable. There is an ever-increasing recognition of its far-reaching ramifications on not only individuals but also society in general. The bill makes a range of amendments to the Family Violence Protection Act 2008 that aim to reduce family violence and provide better protection for women and children. These amendments introduce new

indictable offences for serious and persistent breaches of family violence intervention orders, extend the operation of family violence safety notices from three to five days and enable a greater number of Magistrates Court venues to require respondents to undertake men's behaviour change programs — a very important step.

The government is committed to tackling the issue of family violence head on. As I said earlier, the bill has bipartisan support, which is welcomed. The bill will hold perpetrators to account and support all people who experience family violence. In 2012–13 this government is providing over \$90 million to help prevent violence against women and children, which is a very important and significant investment. The \$90 million will also go towards providing early intervention services and help fund support services. This is a 20 per cent increase in funding in the past two years alone, which is quite significant.

The bill delivers on a number of government commitments in the recently released state action plan to address violence against women and children to improve court and intervention order processes. More specifically the bill creates new indictable offences for contravention of a family violence intervention order (FVIO) or a family violence safety notice (FVSN), with a maximum penalty of five years imprisonment. This will act as a far more significant deterrent to perpetrators of these crimes. The bill improves the FVSN process by extending the protection offered from 72 hours to 120 hours — which is another significant step — and will enable the expansion of court-directed men's behaviour change programs.

The new indictable offences quite clearly signal the government's determination to deter perpetrators from committing violence, hold them accountable for their actions and behaviour and most importantly bring about a change to that behaviour. That is where the men's behaviour change programs will certainly play a role.

The offences will give police a range of options to deal with crimes which are more severe and persistent or which show a flagrant disregard for the law or for those whom the law protects. The new offences will enable courts to impose a higher maximum penalty when sentencing offenders for such contraventions. This is a step, as we have heard from speakers on both sides of the house, that is generally welcomed and has widespread support.

Part 5 of the Family Violence Protection Act 2008 makes provision for court-ordered counselling to be undertaken by respondents to FVIOs. The aim is to increase offenders' accountability for the violence they

have used against a family member and to encourage them to change their behaviour. The coalition government recently committed \$2 million over four years to expand the number of places available in court-directed men's behaviour change programs. This is another significant investment to help achieve the outcomes proposed by this bill. That additional funding will double the number of available places, which is very important.

The bill also makes other changes. One on which I would like to focus specifically is the new indictable police pursuit offence. I welcome this change and think it is very important. The bill amends the Crimes Act 1958 to establish a new offence of dangerous or negligent driving while being pursued by police. There is an existing offence that applies to a person who continues to drive a vehicle when he or she knows or is aware of the fact that they are being pursued by police and they have been given a direction or order to stop. The problem — if you could call it a problem — with that offence is that it carries a maximum penalty of only 60 penalty units or six months imprisonment for a first offence, which is doubled for a second or subsequent offence. When you consider the ramifications of committing such an offence, that penalty is clearly insignificant. When I speak of ramifications I am talking about tragedies where innocent families, kids and parents are killed in accidents by people who were not being responsible for their actions and were attempting to lose the police by speeding off. They have made a very poor choice and need to be held accountable for that choice.

It is alarming to know the number of pursuits conducted by police. In 2011 there were 721 police pursuits, with 102 collisions. One in every seven police pursuits resulted in a collision. Tragically there were also three fatalities. That is 62 more pursuits than occurred in 2010, 91 more than in 2009 and 176 more than in 2002. This is a very concerning trend. It proves that the penalties for engaging in this type of behaviour are clearly inappropriate and do not act as an appropriate deterrent. Police do not instigate pursuits — it is the individual drivers who take it upon themselves to make a decision behind the wheel to disregard clear and lawful directions from police. They make a conscious decision to flee and to drive dangerously and negligently, thus endangering other people. The bill introduces a penalty of three years imprisonment. This will surely act as a far greater deterrent to those people. It is a far more appropriate course of action to try to avert the potential disasters that can occur as a result of this offence. I hope it will make people think carefully about being more responsible for their actions and behaviours.

In any given pursuit situation police may at any stage decide to suspend, terminate or resume it depending on the level of risk and the situation surrounding the incident. The bill makes it clear that the offence can be committed and a person can be charged even if the police are not driving at the same speed as the vehicle being pursued or if the pursuit is suspended or terminated by police before the vehicle being pursued comes to a stop. It is now a case of simply identifying the car, whether by numberplate, driver or any other measure. These people will be made responsible and will face a three-year jail term as a result of their actions.

Whilst we have members in the house endorsing this amendment, this is a message that we need to send out into the community. We need to let everyone know the ramifications of such actions. We need to let people know that there has been a change in this area and get them thinking twice before more innocent people and families are killed. I am very supportive of this bill, and I have no hesitation in commending it to the house.

Mr SCOTT (Preston) — I rise to speak on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012, and like other members I rise to support this bill. I think it is very important that as representatives of our community we send a strong message that violence against women, violence against children, violence in the home and family violence are completely unacceptable, that there is zero tolerance of violence and that we as a community entirely reject violence as a mechanism for dealing with family disputes or imposing power on others or in the abuse of others. It is completely unacceptable. Violence is something we reject fulsomely and utterly.

Violence does not have a place in our community or in people's homes. Family violence is reprehensible and something that we as legislators should do all in our power to utterly reject. We should pass laws which lessen violence, particularly against vulnerable people, in the home. It is important to understand that this is an area that has been a huge problem in our community over time. I am reminded of the lyrics of a Billy Bragg song that speak of reflecting on the violent times we live in 'while chatting with the wife beater next door'.

Once violence in the home and family violence were not regarded with the same seriousness as violence in the rest of the community. As a community and as legislators we have utterly rejected that double standard. There have been some excellent contributions from a number of members from both sides of the house putting on record their complete and utter rejection of family violence. This builds on a tradition

of bipartisan support for such law, and I am glad to see the Parliament bringing forward such legislation so that the strong stand against family violence from all members of this house is brought to the fore.

The bill itself amends the Family Violence Protection Act 2008, the Crimes Act 1958, the Crimes (Assumed Identities) Act 2004, the Coroners Act 2008, the Human Tissue Act 1982 and the Victorian Civil and Administrative Tribunal Act 1998. Before returning to the issues relating to family violence, I note that there are a number of other amendments made by this bill that do not particularly relate to family violence. The most significant of those is the amendment to the Crimes Act that makes it an indictable offence for a person driving a motor vehicle who knows or ought reasonably to know that they have been given a direction by a member of the police force to stop their vehicle to fail to stop their vehicle and to continue to drive it dangerously or negligently while being pursued by police. As has been touched upon by other members, police pursuits are a serious matter, and this has been included in the legislation.

There are a number of other amendments that are minor compared to the amendments relating to family violence. They relate to the Crimes (Assumed Identities) Act 2004, the Coroners Act 2008 and the Human Tissue Act 1982. The amendments pertaining to the Victorian Civil and Administrative Tribunal relate to the appointment of deputy presidents, senior members and honorary members, with their appointment term being increased to seven years, providing that term expires at 70 years of age.

The central parts of this legislation and the parts that have dominated the debate are the provisions relating to family violence. Legislation relating to family violence was a feature of the previous government. The Family Violence Prevention Act was introduced by the Brumby government in 2008, and it followed a review by the Victorian Law Reform Commission that was started under the Bracks government. The act was a major revamp of the legal framework relating to family violence protection that predates both the Bracks and Brumby governments; in fact it stretches back to the Cain Labor government. Since the 1980s there has been legislative action in this Parliament seeking to reduce family violence.

Central to the framework established by the various acts are the intervention orders. I understand they are called restraining orders in other jurisdictions. The changes in this bill relate to an extension of the time period for orders relating to family violence. I will just go through some of the detail. There is a time limit on

these orders, and to provide better protection for victims the period of time allowed for such orders to last is being extended from 72 hours to 120 hours. This is particularly relevant to family violence safety notices that span a weekend, when there is a period of more than 72 hours before the first court mention date can arise. Therefore the period has been extended to 120 hours. This is a sensible reform and something the opposition supports.

There are also provisions relating to the extraterritorial operation of family violence safety notices and intervention orders. That is something we support. The bill clarifies that it is immaterial whether an offence occurs outside Victoria or whether a protected person is outside Victoria, provided that some of the conduct constituting the offence was in Victoria. Obviously travel is something that occurs much more frequently these days, and people often live interstate or travel widely. Therefore allowing for the extraterritorial operation of these two types of orders is something that can provide protection for people living their lives today. Travel, particularly air travel, is now much more common and therefore there would be examples of families that spend time in other jurisdictions. The extra-territorial operation of these two forms of orders is a sensible and reasonable reform.

The bill creates a new indictable offence for breaches of family violence safety notices or family violence intervention orders. The bill makes it an offence to breach one of these orders where the offender intends or knows that his conduct will probably cause physical or mental harm to the protected person. It is important to note that this includes a psychological element; it includes causing suicidal thoughts or fear in the protected person for his or her safety. The bill makes it an offence to persistently breach a family violence safety notice or family violence intervention order. Persistent breach requires three or more breaches.

There is a reverse onus in bail applications. The Bail Act is amended in relation to persons charged with these new offences. The accused will be required to show cause why he or she should be granted bail when he or she is alleged to have used or threatened violence. That is really important. The use or the threat of violence is something that this bill, by its nature, rejects and it is something our community is rejecting.

On a broader note, I would like to say that changing community attitudes to violence are one of the most important developments in recent years. Over recent decades there has been a real shift in our community to utterly reject violence, and laws, while they can lead to change through the administration of the justice system,

in part have to be based on the attitudes of the community and the willingness of the community to embrace the underlying values. This bill and other bills from previous governments seeking to combat family violence are completely in step with the community's attitudes. People in the community now reject violence, reject family violence and particularly reject some of the heinous acts of family violence that have been in the media. They have shocked the community very deeply.

Despite our hopes, to be honest I fear that of course there will be some family violence into the future, and sadly I suspect that there will need to be future legislation on family violence seeking to further refine the approach within the community and to ensure that further protections are given. With all due respect to the current legislation and to previous legislation, there will be improvements that can be made over time with a better understanding of how to combat family violence. The signal this legislation is sending out and the unanimous support that I hope this Parliament will give it is very important in combating family violence. It is not just about the legislation that is passed; it is what our community believes about family violence, and the signal we must send is that we utterly reject it and regard it as abhorrent.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

**INTEGRITY AND ACCOUNTABILITY
LEGISLATION AMENDMENT BILL 2012
and PROTECTED DISCLOSURE BILL 2012**

Concurrent debate

Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission) — By leave, I move:

That so much of standing orders be suspended as to allow the member for Altona to speak for an additional 20 minutes on the Integrity and Accountability Legislation Amendment Bill 2012 and the Protected Disclosure Bill 2012, and for the purpose of her contribution, the bills to be debated concurrently.

Motion agreed to.

Second reading

Debate resumed from earlier this day; motions of Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Ms HENNESSY (Altona) — It is quite amazing to be back here debating these two bills. Only yesterday I made what I would term reasonably considered contributions on these bills, but the circumstances that have brought us and these two bills back before the house go to the quite incredible amendments the government lobbied before the chamber just before lunchtime today. It kind of reminds me of the whole history of these bills and the ongoing establishment of the anticorruption commission. It reminds me of things like the gorgeous Harry Potter books. When the next book in the series was coming out and then the next one, we were all excited. Then we heard some rumours that the brilliant author might not write any more books and we were all concerned, but then another book came out, and the movies, and we were all quite excited again.

The legislative experience of the establishment of the anticorruption commission has been almost the complete opposite. It is not quite Harry Potter; there is no magic in it. It is a deeply embarrassing and indelible stain on this government's capability to establish institutions and to deliver public policy. In fact its attempts to establish this anticorruption commission are more like the *Police Academy* movies. The first one was okay, then we heard the second one was coming and we thought, 'Oh, dear'. The third one came out, then the fourth, and before too long we were screaming, 'Stop, we cannot take it anymore!'.

The ongoing *Police Academy* series is similar in a number of core ways to the establishment of the anticorruption commission. It is certainly not funny — that is for sure. There is not a giggle to be gained in respect of the process that has been followed for the establishment of the anticorruption commission. We have seen more than eight pieces of legislation, and each time the government tells us that it is finished and the commission is going to be established. It was with much bravado that members from the other side of the chamber stood here yesterday, putting their hands on their hearts, declaring how proud they were of the IBAC (Independent Broad-based Anti-corruption Commission), as if they were the producers of *Police Academy* 8, when really the government knows it ought hang its head in shame in terms of this process. It has spent \$170 million of taxpayers money, fundamental election promises have been broken and we have had two years of the most incredible antics where no-one, particularly the leader of the government, has taken responsibility or accountability for their blots on behaving with integrity in public office.

Yesterday the opposition circulated amendments to include misconduct in public office in the IBAC's jurisdiction. From the government commentary on the bill I take it that the government does not intend to accept those amendments. We will not be in a position to even put those amendments because of the procedural niceties of this house. What we have got are pages and pages of amendments. Do members know how many amendments were lobbed before lunch? One hundred and thirty amendments were lobbed. I do not wish to be disrespectful to the minister's staff or the poor public servants who have had to work on this monstrosity. I thank them for the time they gave me and their attempts to try to brief and explain, as best they could, this house of cards, this ongoing hall of mirrors.

In summary, the amendments the government tried to sneak under the radar just before lunchtime today are an attempted fig leaf to say, 'We note the Ombudsman's letter and we note the criticisms that have been made about what this bill does to the powers and activities of the Auditor-General'. That is not to say that there is not also a range of typographical errors, drafting errors and technical issues. We have not even had a chance to vote on the bill — the eighth piece of legislation — yet already stuff-ups emerge.

Ms Allan interjected.

Ms HENNESSY — The member for Bendigo East makes the point that perhaps an adjunct professor from the other side of the chamber has been drafting this — —

The DEPUTY SPEAKER — Order!

Ms HENNESSY — But I do not hold responsible those poor public servants who have had to draft this monstrosity; those who issue the instructions ought be held responsible for the ongoing debacle that is the IBAC.

Earlier this week we saw the most extraordinary letter from the Ombudsman, which he sent to the Premier and the leaders of all elected political parties, where he outlined, in three pages, his concerns. In the course of looking at these amendments it is difficult for us to make any kind of intelligent judgement as to what degree they address these concerns. I asked the question again: has the Ombudsman been consulted in respect of these amendments? I was given the assurance that, yes, he has. Perhaps unfairly I asked: 'Is the Ombudsman happy or content with these amendments?'. Given that no member of the government was in the room at the time, that was perhaps an unfair question, and understandably I did not get an answer. But that is the

question: what does the Ombudsman think of these amendments? I invite the Ombudsman to once again write to the leaders of the elected parties to express his view as to whether he thinks these amendments go anywhere near addressing the issues he canvassed.

In particular I refer to the issue the Ombudsman spoke about so eloquently in his letter where he outlined his concern that his independence was being compromised and went so far as to demand that the constitution be changed in order to better reflect the fact that he feels he will no longer be an independent officer. That is quite a blight and stain on the history of this government. As I said, this government is of the same political colour as the government that was responsible for shafting the Auditor-General. We invite the Ombudsman to publicly express his view in respect of these amendments.

I turn to the issue of the Auditor-General's powers. Yesterday afternoon in this chamber I outlined my concern about this matter. In one respect, ought I be happy and content that to a degree the government has responded to this concern with these amendments? It is important that we respond to some of the deficiencies that have been identified, particularly those that would have undermined the capacity of the Auditor-General to conduct performance audits effectively. My concern is that the Auditor-General has once again been nobbled by the government insofar as he wishes to assess the effectiveness and efficiency of the government's delivery of projects.

Yet again what the government has not done in these amendments is give the Auditor-General the power to follow the dollar into private sector projects as he has begged this government to do several times. I understand that the initial response from the Minister for Finance was to say, 'We are looking into it; we are going to look at that'. The next day the government came back with more amendments around the powers of the Auditor-General, yet it still did not give him the power to follow the dollar. It is absolutely outrageous, particularly for a bill entitled the Integrity and Accountability Legislation Amendment Bill 2012. There is no better test of genuine integrity and accountability than the government's response to an independent officer of this Parliament who says, 'Give me the power to make sure that the Victorian taxpayer is not being ripped off'. It is extraordinary that this is where the government has landed with these amendments.

Today we have seen further evidence that IBAC is a shambles: about 130 more amendments being

circulated before the final piece of legislation is even moved. We do not have a body that is open for business. We do not have a permanent IBAC commissioner; we have an acting commissioner with no investigative powers. We have a government that has broken its promise to have bipartisan support for the appointment of the inaugural commissioner. Let us use this opportunity to put the government on notice: we remain ready and available to be appointed to the IBAC oversight committee to enable the government to acquit itself of that promise.

We know this is a government that likes to politicise and interfere when it comes to independent law enforcement officers. That was writ large in the *Crossing the Line* report by the Office of Police Integrity. It is because of the very issues that have not been adequately investigated that we moved our amendments to ensure that misconduct in public office could be investigated. The only reason we have heard from the government as to why it will not support these amendments is that they are badly drafted. The government wants to lecture us about amendments being badly drafted, when it has eight pieces of legislation and more than 130 amendments before it can even get this thing to the guillotine — to shove it through.

I am open to the pot calling the kettle black on the odd occasion, but as I have said, this is no Harry Potter book where we look forward to each additional chapter; this is *Police Academy 8*, and it is not funny anymore.

The government ought to take up our suggestion to include misconduct in public office. The only reason it is not taking up our suggested amendments is that it does not want its tawdry behaviour investigated. That is the only possible reason that the government could put forward as to why it would reject the amendments. It could not possibly look at acquitting itself of its election promise that there would be one law for all public servants. It is okay for police officers to suffer the opprobrium of being investigated for misconduct in public office, but it is not okay for the Minister for Police and Emergency Services or the so-called Minister responsible for the establishment of an anti-corruption commission — who was exposed in the *Crossing the Line* report for trying to hoodwink the then deputy commissioner of police, Ken Jones, across to work for his IBAC — and it is not good enough for an agent of the Attorney-General who claims that the Ombudsman is in their back pocket. But I do not think the government thinks that anymore.

Members of the government want to cloak their own behaviour in secrecy and make it beyond the realm and reach of this body's investigation and exposure. For what other possible reason could they stuff it up so badly that here we are, 24 minutes before it is about to be crunched through the house, and around 130 amendments have been lodged? There are roughly 130 paltry amendments, but not one of them goes to addressing any of the important issues that have been canvassed not only in the course of this debate but almost for the past two years, when people have been begging for involvement.

Is it any wonder that the government has suppressed its advisory committee report whereby it canvassed all these issues to which the government has refused to respond? Is it any wonder that members of the government have refused to demonstrate any legitimate public policy cojones by stepping up and explaining what they are trying to do in the establishment of this institution? They have been secretive and in hiding. They have refused to come out and justify the public policy decisions they have made, and for one reason only: they know those decisions are self-serving and indefensible.

How can we not be deeply insulted when this so-called government comes in here and serves all these amendments up to the Parliament 25 minutes before this complex piece of legislation will be voted on? Government members will say, 'We are trying to address some of the Ombudsman's issues and the Auditor-General's issues'. As I said, we have to take the government's word for it, but we publicly invite the Ombudsman to continue his excavation of the government's attempts to try to take public integrity in this state backwards. We thought it was just through the government's own behaviour that it was going to do that, but it is through the destruction and the denial of institutional integrity. We invite the Ombudsman to try to shine a light on the sorts of behaviour that this mob currently engages in.

As I said yesterday, Senior Sergeant Greg Davies made the point very well when he said that under IBAC police suffer opprobrium and are subject to all the investigative powers but politicians get a tickle under the toes with a feather. We are not tickled. We do not think *Police Academy 8* is very funny. We wish this were like a Harry Potter book, where we felt excited and engaged by the next chapter of improvement in public administration, but this government has done nothing but destroy public integrity, and these amendments are yet further evidence of that. This is a

very shameful day for public integrity in this state, and the government should hang its head in shame.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

**JUSTICE LEGISLATION AMENDMENT
(FAMILY VIOLENCE AND OTHER
MATTERS) BILL 2012**

Second reading

Debate resumed from earlier this day; motion of Mr CLARK (Attorney-General).

Mr THOMPSON (Sandringham) — I am pleased to contribute to the debate on the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. Family violence is a tragic aspect of life in our community and for that matter any community, and the bill is directed towards increasing the deterrence aspects to the extent that it is within the province of this Parliament to bring about changed social and community outcomes. Specifically the bill amends the Family Violence Protection Act 2008 to create new indictable offences for the contravention of a family violence intervention order or a family violence safety notice with maximum penalties of five years imprisonment. That is a notable length of imprisonment. It will extend the period of protection offered by a family violence safety notice before it is required to return for mention to the Magistrates Court from 72 hours to 120 hours, and it will enable the expansion of the court-ordered men's behaviour change program.

The bill also sits in the context of some very important political commitments given by the government in relation to endeavouring to tackle, address, respond to and reduce the level of family violence in this state. Family violence against women and children is unacceptable in any form, under any circumstance in any community in Victoria, and the coalition government is committed to preventing violence taking place, to making sure that women and children who experience violence are protected and supported, and to holding perpetrators to account for their actions. Earlier this year the government announced a package of \$16 million over four years to expand services to help the increasing numbers of victims who are reporting family violence incidents to police, including an extra \$9.25 million for additional family violence counselling and case management that will support an additional 1200 women and children a year.

An extra \$3.75 million has been committed for sexual assault counselling, which is expected to decrease overall waiting times from an average of six weeks to approximately three weeks and allow virtually all victims of recent assaults to be seen at the time of reporting or soon afterwards. It is a very important issue, because of the effluxion of time, to receive counselling guidance and advice promptly. Historically, often a report to police in relation to an issue of domestic violence might be made on a weekend and a few days later the complainant might seek to withdraw the complaint. Work was undertaken in Canberra a number of years ago to ensure that in cases of domestic violence the victim was not to be the complainant but rather the complaint would be brought by the police. A number of years ago changes were made in that jurisdiction so there would not be any scope for accepting or tolerating violence in any form.

There will be an extra \$3 million allocated for men's behaviour change programs to nearly double the number of places in court-directed programs to pilot new schemes for teenagers who are violent in their homes and for offenders in prison or on community-based orders. This funding scheme outlined is in addition to the \$85 million already provided in the 2012 state budget for initiatives to address family violence and sexual assault. In October 2012 the government launched Victoria's action plan to address violence against women and children. Everyone has a responsibility, but the plan outlines a whole-of-government approach to addressing the scourge of family violence and sexual assault.

The Moorabbin Magistrates Court in the Sandringham electorate has seen a number of applications for restraint taken out to tackle family violence circumstances. It is a very sad situation when family relationships break down to the point that outside arbiters are required to adjudicate and people become caught up in a legal process. Family circumstances can be tragically changed, oftentimes forever. If there are ways and means of abridging that circumstance, healing hurt within families and preventing violence, then that can help build and create stronger communities. It was only in the last week that a constituent of mine moved out of the family home, leaving the other family members in the home on the basis that circumstances made it intolerable for my constituent to remain there any longer. Thereafter, having left public housing in one context, my constituent was told that there is a 10-year waiting list in another context. It creates massive additional pressures when such a person is forced out into the private residential market where there are great challenges for someone who is on

community support benefits in accessing housing in that market.

The legislation is designed to tackle family violence in a multifaceted way and to complement existing expenditure being directed towards redressing family violence. The bill also contains some other amendments, and one of them relates to introducing a high penalty for people who lead police on pursuits. The annual number of police pursuits is increasing. In 2002 there were some 545 police pursuits, and that number had increased to 721 by 2011. The increase in police pursuits has occurred despite the introduction of the hoon vehicle impoundment provisions, which can result in the impoundment of a vehicle if the driver does not obey a police signal to stop the vehicle, and police command reinforcement of procedures and guidelines to ensure that police pursuits are undertaken only when necessary.

The Police Association of Victoria requested the state government draft legislation to make evading police in a motor vehicle a serious indictable offence. In July 2012 the *Herald Sun* reported this request by the Police Association and that the Minister for Police and Emergency Services had stated that the government was concerned that dangerous drivers who led police on pursuits were not being adequately punished. The article reported the minister as having said:

The Victorian coalition government is greatly concerned about the extreme dangers caused when drivers attempt to evade police ...

I have asked the Attorney-General to work with the Department of Justice to prepare advice on the matters raised by the Police Association.

The government will give serious consideration to this and any other worthwhile suggestions on how to tackle the issue.

A great part of the public policy decision-making process is the introduction of legislation in response to a constituent group that has an idea about what could be done to move circumstances forward and address concerns in the community. In this case it is in relation to people who evade or seek to evade police.

The new indictable offence will fill a gap in the statute book. Although a number of offences provide for dangerous driving that causes harm, until the introduction of this bill no offence has provided specifically for the act of dangerous driving while leading police on a pursuit. A number of indictable offences exist that relate to leading a police pursuit. They include conduct endangering life, conduct endangering persons, negligently causing serious injury

and culpable driving causing death. These are existing offences in the Crimes Act 1958.

However, the legislation before the house will introduce a new police pursuit offence which will fit within the existing structure of the Crimes Act driving offences connected with motor vehicles. The new offence applies to a person who drove their vehicle dangerously or negligently when the person knew, or ought reasonably to have known, that he or she had been directed to stop their vehicle by police and the police were in pursuit of the vehicle. The new offence will carry a penalty of up to three years imprisonment for a first or subsequent offence and a licence disqualification of no less than 12 months. The new offence is also being prescribed as a relevant offence for vehicle impoundment. The driver will therefore be subject to a vehicle impoundment period of up to three months.

The bill before the house addresses two key issues, among others. The first is the issue of violence in the community against women and children. The other provision I have chosen to comment on today is the issue of increasing the sentencing options where a citizen seeks to evade police in a pursuit. The objective of the legislation in both cases is to provide a high level of deterrence. The motto of the state of Victoria is 'Peace and prosperity'. These offences relate to violent circumstances. Let us hope that greater peace can be found.

Mr LANGUILLER (Derrimut) — I wish to begin my contribution with a quote from Ken Lay, the Chief Commissioner of Police. He said:

Traditionally when people think about not being safe they think about being at a railway station or a street where they might get assaulted but our data is very, very clear that there's far greater risk of being assaulted if you're in a family environment.

I wish to provide a succinct definition and say in passing that I am very proud of the work the previous Labor government did on this issue in its time in office. I think this bill is also a step in the right direction. Under the Family Violence Protection Act 2008 'family violence' is defined as:

- (a) behaviour by a person towards a family member of that person if that behaviour —
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or

- (v) is coercive; or
- (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person ...

In my judgement members from both sides of the house have made very good contributions. I wish to add a slightly different angle to this debate. I refer to the case of refugee women and migrant women who come to this nation. Some of them marry local men of whatever background; some marry other refugees or migrants. I would like to read another quote that I found significant which is from a media article on this issue. It states:

Often we call a refuge about these women, they say: 'Sorry, we cannot accept them, we can bend the rules a bit for one or two nights but that's it'.

In other words, there are women in our community who come to this nation as migrants or refugees, who may marry local men and who are not necessarily entitled to the programs and services that we all enjoy. I can only continue to encourage the Minister for Women's Affairs to work with our federal colleagues on this issue. I believe the federal legislation in relation to immigration and refugees can and should continue to be improved.

Of course there are more articles as one goes through the library, but I will refer to an article published in the *Age* of 6 March 2012 headed 'Surge of migrant women in refuges'. It says:

Women's refuges are struggling to shelter an increasing number of migrant women who don't have permanent visas.

...

These women are entirely dependent on charity ...

Another article published in the *Age* is headed 'Tragedies confound Indian community'. I am sure many of us will recollect this recent case. In the *Age* of 6 March 2012 an interviewee is reported as saying:

... if I have to go back to Bangladesh ... he'll just kill me'.

The article by Michelle Griffin says:

What happens when a woman living here on a temporary visa flees a violent relationship? She will get no welfare benefits or housing support and if she is deported, she may face more attacks in her home country.

The stories continue, but I want to make the point and I think it is especially incumbent on members like me with a background which is different to others to make the point that we all have different backgrounds, and we might have different religions and traditions, but no

matter what the background and no matter what the religion, family violence is not condoned. I make this point particularly when I attend citizenship ceremonies, as many members do, and I make the point that we might have differences but ultimately we come to this nation and we are all bound by one rule of law.

I say this because I continue to be amazed when I see and hear, sometimes anecdotally, about cases that fall through the net — for example, I refer to an interesting study by Patricia Eastal that dates back many years, and I recommend members read it. It is called *Shattered Dreams — Marital Violence against Overseas-born Women in Australia*. She is a criminologist in the faculty of law at the Australian National University. There are times when we have offenders who have married women, have brought them into the country and have separated from these women, on many occasions because of domestic violence. But as it happens — and I reiterate my comment — these offenders fall through the net, because they marry again.

Patricia Eastal made a recommendation in her research work to which I wish to refer and with which I agree. This applies to federal jurisdiction, but I mention this in the context of encouraging the Minister for Women's Affairs to work with her colleagues in Canberra — that is, when there are applications of this nature the department of immigration should make sure it conducts a full investigation of the history of these men who sponsor women to come to Australia. The government should not only reconsider its refusal to assemble a database of serial sponsors but it should implement a system that would check on the domestic violence history of all men who have applied for such visas.

I have no qualms whatsoever in putting on record that we need to continue to improve the immigration system and we need to continue to make sure that when and if a man marries a woman in Asia, Latin America or the Middle East and for whatever reason he divorces her or separates from her, but then he applies for another visa of a similar nature and brings in another woman, his background is checked. If these men have found themselves in courts of law over domestic violence that is sometimes quite brutal, let their new applications be refused.

I recognise that fundamentally this is a matter for our federal colleagues, but we at the state level have to deal with these matters in courts of law, or in my case hear the stories in the Sunshine Magistrates Court or in my electorate and around the state. I believe we should also consider that there is a small section of women — and

most happen to be women — who are particularly vulnerable because of their visa status, and because they come in as new migrants they may not be aware of the law, they may be intimidated by whatever circumstances and on occasion they may feel that perhaps their visa may be rejected and they might well be sent back to wherever home might be. Consequently they do not report family violence. However, I believe we can do something about this quite specifically. I have heard cases that quite frankly have angered me and made me as a legislator feel somewhat ashamed in the sense that perhaps we have not done enough.

I will continue to encourage the minister to engage with our federal colleagues to ensure that serial perpetrators of violence against women, and particularly of serious violence, are not allowed to enter into new relationships and continue to bring women into the country. Having made these remarks, and I have attempted to bring into this conversation a dimension of which I am relatively aware and cognisant, I must say this is a step in the right direction. We all condemn domestic violence of whatever type and particularly domestic violence that might affect the lives of women and children.

Mr NORTHE (Morwell) — It gives me pleasure, along with other members, to speak about the Justice Legislation Amendment (Family Violence and Other Matters) Bill 2012. As other members have alluded, these are very important amendments, and it is pleasing that the debate has been conducted with respect. The bill has many purposes and it amends a number of acts, those being the Family Violence Protection Act 2008, the Crimes Act 1958, the Crimes (Assumed Identities) Act 2004, the Coroners Act 2008, the Human Tissue Act 1982 — which I want to talk about if time permits — and the Victorian Civil and Administrative Tribunal Act 1998.

I will put in my two bob's worth about family violence. I think all members have spoken articulately in expressing our frustration and anger at the very thought of family violence. The very notion of violence against women and children is very much abhorrent. Causing harm to women and children is not a tough thing to do; it is a cowardly, thuggish act, and that is the way it should be portrayed in the community.

Like other speakers in the debate, I was pleased to attend a White Ribbon Day event just last week and to take the oath, which I have done on multiple occasions. It was a great setting. A number of leaders in the community attended the function, and it was pleasing to see so many male leaders in the community come along and publicly take the oath in front of the community and, importantly, in front of many of the workers who

are confronted with and have to deal with the consequences of family violence. It was pleasing to see a number of police in attendance, as well as a number of the agencies and departments that deal with the scourge of family violence, including Quantum Support Services, which has for a long period of time been a great support for victims of crime and victims of family violence. It was a great day. It is a great event which demonstrates how we have evolved and how far we have come on the issue of family violence.

But at the same time, we have a lot more to do. That is why it is important to have legislative reforms like those provided for in the bill in front of us today. From the government perspective, it is doing things in this space. It has introduced *Victoria's Action Plan to Address Violence Against Women and Children — Everyone has a Responsibility to Act*, a very important document which seeks to improve the safety of women and children. Through that and through the amendments in the bill we are seeking to ensure that offenders are held to account, and that is vitally important. We are also seeking to improve intervention order processes and the court procedures around them to make sure we enhance the tools that are available, particularly to police.

Giving police more options to deal with those who disregard or contravene the family violence intervention orders (FVIOs) and the family violence safety notices (FVSNs) is very important, and the courts being able to apply higher penalties is a good thing. Unfortunately in recent times we have seen some of the consequences of breaches of these notices and orders. It is terrible to contemplate. One goes to the law to seek protection under these notices and orders, but because there are cowards, in these instances, who breach those notices and orders, as legislators we must put very strong provisions in place to ensure that they will think twice about breaching them in the future.

The bill provides for a new offence for those who persistently breach the FVIOs and the FVSNs. Someone who contravenes on three or more occasions in a 28-day period and knows their conduct is in breach of the orders and notices will be subject to that offence. Importantly, the courts will be made aware of the contraventions and what the nature of those contraventions might be. The second new offence is around contravening those particular orders and the notion of physical and mental harm to a victim. There are two ranges to consider under this offence — they are, firstly, when there is an intent to cause physical and mental harm to a victim or where the victim fears for their safety; and secondly, when the offender knew the conduct would probably cause physical and mental

harm to the victim and that they would fear for their safety.

What is imperative in this, and I guess it is subject to and has some parallels with Brodie's law, is that mental harm be included as part of that. Because when we are talking about family violence, it is not just about physical violence; it can also be about the mental harm that is caused as a consequence of that. That is vitally important. We are sending a very strong message indeed. There is the potential for a maximum penalty of five years imprisonment as the bill introduces a new indictable offence. That sends a very strong message.

The time allowed for a family violence safety notice will be extended from 72 hours to 120 hours. This makes sense. It provides flexibility, particularly in a court sense. Currently a family violence safety notice is issued by somebody with the rank of sergeant or above. It provides immediate protection to a victim. It is an intermediary to a family violence intervention order being made upon application to a court, being the Magistrates Court. It also acts as a summons for a respondent to attend court. The extension of the notice is important in a regional context. As members would be aware, some of these instances occur over weekends, and there is potential for court lists to be clogged up on Mondays and Tuesdays. Extending this provision is sensible in that sense but also because it allows victims more time to receive advice and make decisions.

One of the other important elements of the bill is around the behaviour change programs. It will amend the Family Violence Protection Act 2008 so that magistrates are empowered to make counselling orders. Currently the family violence court division of the Magistrates Court can make orders, but that will be extended, which makes sense. Counselling is an important element of making sure that those who have transgressed have the opportunity to be counselled and change their behaviour. That is an important aspect.

The bill also deals with the issue of police pursuits. It is an existing offence to knowingly drive after being ordered by police to stop. Unfortunately, much like with the family violence scenario, we have seen a number of tragic outcomes as a consequence of people not heeding orders when stopped by police, and breaking the law. For the current offence the maximum punishment is 60 penalty units or 6 months imprisonment for a first offence; those penalties are doubled for a second offence. Unfortunately we have seen an increase in pursuits over a long period of time — 176 more pursuits in 2011 as compared to 2002. In some cases police are damned if they do and damned if they do not. From my perspective there is

only one responsible person, and that is the driver. The bill introduces a new indictable offence which carries a penalty of three years imprisonment.

There are a number of other aspects to the bill which I do not have the time to enter into. These are sensible provisions which promote and enhance the penalties that apply with respect to family violence. It is the right thing to do, a strong thing to do, and it is one of those issues that is supported by the community. I can see the member for Essendon itching to get to his feet, so I will conclude my remarks there.

Mr MADDEN (Essendon) — I want to make a very concise contribution to the debate and welcome the legislative controls that will be put in place, particularly around family and domestic violence. It is obviously one of those issues, like many issues in the community at the moment, where as we investigate matters and the barriers are brought down, we understand more and more how people are affected in so many ways by violence or intimidation which used to take place behind the walls of either organisations or homes.

It is very important, as we come to realise the extent and impact of such violence and intimidation, that we put in place relevant mechanisms to protect the people who are susceptible to it. We welcome these adjustments and look forward to their making a difference in the community.

The SPEAKER — Order! The time set down for consideration of items on the government's business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**FIRE SERVICES LEVY MONITOR
BILL 2012***Second reading***Debate resumed from 28 November; motion of
Mr O'BRIEN (Minister for Consumer Affairs).****Motion agreed to.****Read second time.***Circulated amendment***Circulated government amendment as follows
agreed to:**

Clause 31, line 19, after "conduct" insert "in trade or
commerce".

*Third reading***Motion agreed to.****Read third time.****PLANNING AND ENVIRONMENT
AMENDMENT (GENERAL) BILL 2012***Second reading***Debate resumed from 27 November; motion of
Mr CLARK (Attorney-General).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****COMMISSION FOR CHILDREN AND
YOUNG PEOPLE BILL 2012***Second reading***Debate resumed from 27 November; motion of
Ms WOOLDRIDGE (Minister for Community
Services).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****MINERAL RESOURCES (SUSTAINABLE
DEVELOPMENT) AMENDMENT BILL 2012***Second reading***Debate resumed from 28 November; motion of
Mr O'BRIEN (Minister for Energy and Resources).****Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****INTEGRITY AND ACCOUNTABILITY
LEGISLATION AMENDMENT BILL 2012***Second reading***Debate resumed from earlier this day; motion of
Mr McINTOSH (Minister for Corrections).****Motion agreed to.****Read second time.***Circulated amendments***Circulated government amendments as follows
agreed to:**

1. Clause 20, page 10, line 1, omit "After section 87(4)" and insert "At the end of section 87".
2. Clause 20, page 10, line 4, omit "(5)" and insert "(8)".
3. Clause 60, line 26, omit "(j)" and insert "(i)".
4. Clause 60, line 27, omit "(k)" and insert "(j)".
5. Clause 148, line 19, omit "the" and insert "each".
6. Clause 186, lines 26 and 27, omit subclause (1).
7. Clause 187, page 153, after line 3 insert —

"(1) This section applies to a compulsory appearance by
a person."

8. Clause 187, page 153, line 4, omit "A person" and insert
"(2) The person".
9. Clause 187, page 153, lines 13 to 27, omit proposed
section 11D and insert —

"11D Advance notice of performance audits

Within a reasonable time before commencing to
conduct a performance audit, the Auditor-General
must provide a copy of the final version of the

- specification prepared under section 15(2) to any relevant authorities.”.
10. Clause 190, page 158, lines 10 and 11, omit paragraph (e).
 11. Clause 190, page 158, line 12, omit “(f)” and insert “(e)”.
 12. Clause 190, page 158, line 14, omit “(g)” and insert “(f)”.
 13. Clause 190, page 158, line 16, omit “(h)” and insert “(g)”.
 14. Clause 190, page 158, line 18, omit “(i)” and insert “(h)”.
 15. Clause 190, page 158, line 19, omit “(j)” and insert “(i)”.
 16. Clause 190, page 158, line 20, omit “(k)” and insert “(j)”.
 17. Clause 190, page 158, line 21, omit “(l)” and insert “(k)”.
 18. Clause 190, page 158, line 22, omit “(m)” and insert “(l)”.
 19. Clause 190, page 158, line 24, omit “(n)” and insert “(m)”.
 20. Clause 190, page 158, line 26, omit “(o)” and insert “(n)”.
 21. Clause 190, page 158, line 27, omit “(p)” and insert “(o)”.
 22. Clause 191, lines 22 and 23, omit proposed paragraph (g).
 23. Clause 191, line 24, omit “(h)” and insert “(g)”.
 24. Clause 191, line 26, omit “(i)” and insert “(h)”.
 25. Clause 191, line 28, omit “(j)” and insert “(i)”.
 26. Clause 191, line 30, omit “(k)” and insert “(j)”.
 27. Clause 191, line 31, omit “(l)” and insert “(k)”.
 28. Clause 191, line 32, omit “(m)” and insert “(l)”.
 29. Clause 191, page 160, line 1, omit “(n)” and insert “(m)”.
 30. Clause 191, page 160, line 2, omit “(o)” and insert “(n)”.
 31. Clause 191, page 160, line 4, omit “(p)” and insert “(o)”.
 32. Clause 191, page 160, line 6, omit “(q)” and insert “(p)”.
 33. Clause 191, page 160, line 7, omit “(r)” and insert “(q)”.
 34. Clause 192, page 161, lines 13 and 14, omit proposed paragraph (d).
 35. Clause 192, page 161, line 15, omit “(e)” and insert “(d)”.
 36. Clause 192, page 161, line 17, omit “(f)” and insert “(e)”.
 37. Clause 192, page 161, line 20, omit “(g)” and insert “(f)”.
 38. Clause 192, page 161, line 22, omit “(h)” and insert “(g)”.
 39. Clause 192, page 161, line 23, omit “(i)” and insert “(h)”.
 40. Clause 192, page 161, lines 26 to 31, omit all words and expressions on these lines and insert —
 - ‘“(5) Section 20 applies to a report under this section as if —
 - (a) a reference in that section to the Auditor-General were a reference to the independent auditor (other than a reference in section 20(1)(a) to any audit by the Auditor-General); and
 - (b) a reference in section 20(2) to an authority or a department referred to in section 16(3)(a) were a reference to the Victorian Auditor-General’s Office; and
 - (c) a reference in section 20(2) to the authority or department head were a reference to the Auditor-General.”.
 41. Clause 193, page 163, lines 9 and 10, omit proposed paragraph (d).
 42. Clause 193, page 163, line 11, omit “(e)” and insert “(d)”.
 43. Clause 193, page 163, line 13, omit “(f)” and insert “(e)”.
 44. Clause 193, page 163, line 16, omit “(g)” and insert “(f)”.
 45. Clause 193, page 163, line 18, omit “(h)” and insert “(g)”.
 46. Clause 193, page 163, line 19, omit “(i)” and insert “(h)”.
 47. Clause 193, page 163, lines 22 to 27, omit all words and expressions on these lines and insert —
 - ‘“(10) Section 20 applies to a report under this section as if —
 - (a) a reference in that section to the Auditor-General were a reference to the person appointed under this section (other than a reference in section 20(1)(a) to any audit by the Auditor-General); and
 - (b) a reference in section 20(2) to an authority or a department referred to in section 16(3)(a) were a reference to the Victorian Auditor-General’s Office; and

- (c) a reference in section 20(2) to the authority or department head were a reference to the Auditor-General.”.
48. Clause 195, page 167, lines 4 to 8, omit “, the Auditor-General must first give the person a reasonable opportunity to respond to the adverse material and fairly set out each element of the response in the report” and insert “who is to be named in the report and who is an officer or employee in an authority or a department referred to in section 16(3)(a), the authority or department head must, after receiving a copy of the proposed report or the relevant part of the proposed report under that section, give the person a reasonable opportunity to respond to the authority or department head in relation to the adverse material”.
49. Clause 195, page 167, lines 9 to 23, omit all words and expressions on these lines and insert —
- ‘(3) The Auditor-General must not include in a report under this Act or any other Act the name of any person who is not the subject of any adverse comment or opinion unless the Auditor-General states in the report that the person is not the subject of any adverse comment or opinion.’.
50. Clause 198, lines 10 and 11, omit all words and expressions on these lines.
51. Clause 198, line 12, omit “*audit*” and insert “*audit*”.
52. Clause 199, lines 30 and 31, omit “and the Victorian Auditor-General’s Office”.
53. Clause 200, lines 4 and 5, omit “**or administrative action taken**”.
54. Clause 200, line 7, omit “(1)”.
55. Clause 200, line 26, omit “31(2).” and insert ‘31(2).’.
56. Clause 200, lines 27 to 35 and page 171, lines 1 to 6, omit all words and expressions on these lines.
57. Clause 201, lines 22 and 23, omit “the Victorian Auditor-General’s Office and”.
58. Clause 201, lines 28 to 32 and page 172, lines 1 and 2, omit proposed subparagraph (ii) and insert —
- “(ii) compliance by VAGO officers with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**.”.
59. Clause 201, page 172, line 9, omit proposed paragraph (d).
60. Clause 201, page 172, line 10, omit “(e)” and insert “(d)”.
61. Clause 201, page 172, lines 13 and 14, omit “and its functions referred to in paragraph (d)”.
62. Clause 204, lines 23 to 27, omit proposed paragraph (b) and insert —
- “(b) the compliance with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**.”.
63. Clause 206, lines 28 to 32, omit proposed paragraph (b) and insert —
- ‘(b) the compliance with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**.’.
64. Clause 207, omit this clause.
65. Clause 208, page 176, lines 4 and 5, omit “the Victorian Auditor-General’s Office or”.
66. Clause 208, page 176, lines 8 and 9, omit “or the Victorian Auditor-General’s Office”.
67. Clause 208, page 176, lines 12 and 13, omit “and the Victorian Auditor-General’s Office”.
68. Clause 208, page 176, lines 15 and 16, omit “and the Victorian Auditor-General’s Office”.
69. Clause 208, page 176, lines 27 and 28, omit “or the Victorian Auditor-General’s Office”.
70. Clause 208, page 177, lines 6 and 7, omit “the Victorian Auditor-General’s Office or”.
71. Clause 209, lines 24 and 25, omit “the Victorian Auditor-General’s Office or”.
72. Clause 213, lines 25 and 26, omit “the Victorian Auditor-General’s Office or”.
73. Clause 219, line 30, omit “the Victorian Auditor-General’s Office or”.
74. Clause 220, lines 8 to 13, omit proposed subparagraph (ii) and insert —
- “(ii) compliance by VAGO officers with sections 11(1A), 11A, 11B, 11C, 11D, 11E, 11F and 20(1) and (3) of the **Audit Act 1994**.”.
75. Clause 221, line 8, omit all words and expressions on this line.
76. Clause 221, line 9, omit “(h)” and insert ‘(g)’.
77. Clause 222, line 19, omit “**1994**,” and insert ‘**1994**.’.
78. Clause 222, lines 20 to 22, omit all words and expressions on these lines.
79. Clause 223, lines 30 and 31, omit “the Victorian Auditor-General’s Office.”.
80. Clause 223, page 186, lines 3 and 4, omit “the Victorian Auditor-General’s Office.”.
81. Clause 223, page 186, lines 7 and 8, omit “the Victorian Auditor-General’s Office.”.
82. Clause 224, lines 15 and 16, omit “the Victorian Auditor-General’s Office and”.

- 83. Clause 224, lines 21 and 22, omit “the Victorian Auditor-General’s Office and”.
- 84. Clause 224, lines 25 and 26, omit “the Victorian Auditor-General’s Office or”.
- 85. Clause 224, page 187, lines 1 and 2, omit “the Victorian Auditor-General’s Office or”.
- 86. Clause 224, page 187, lines 9 and 10, omit “the Victorian Auditor-General’s Office or”.
- 87. Clause 224, page 187, lines 19 and 20, omit “the Victorian Auditor-General’s Office or”.
- 88. Clause 225, page 190, lines 5 to 8, omit all words and expressions on these lines and insert —

“*compulsory appearance* means —

- (a) the appearance of a person before the Ombudsman in accordance with a witness summons; or
- (b) the appearance of a person before an Ombudsman officer otherwise than in accordance with a witness summons, in which the person is examined under section 18 of the **Evidence (Miscellaneous Provisions) Act 1958**.”.

- 89. Clause 225, page 193, lines 9 to 16, omit all words and expressions on these lines and insert —

“*presiding officer* means the Ombudsman officer before whom a person is appearing at a compulsory appearance or voluntary appearance;”.

- 90. Clause 230, page 203, line 14, after “writing” insert —

“except where the Ombudsman considers that the complainant —

- (a) is under 18 years of age; or
- (b) does not have sufficient knowledge of the English language to make a complaint in writing; or
- (c) has a mental or physical impairment that prevents the complainant from making a complaint in writing”.

- 91. Clause 232, page 214, line 5, omit proposed paragraph (i) and insert —
- “(i) a person or body prescribed by Rules of Parliament made under this Act.”.

- 92. Clause 234, lines 9 and 10, omit proposed paragraph (a) and insert —

“(a) must be in the form (if any) prescribed by Rules of Parliament made under this Act; and”.

- 93. Clause 234, line 18, omit “would” and insert “may”.
- 94. Clause 234, line 19, omit “be likely to”.

- 95. Clause 235, lines 21 and 22, omit “in accordance with the regulations to the Ombudsman” and insert “to the Ombudsman in accordance with Rules of Parliament made under this Act”.
 - 96. Clause 235, page 218, line 19, omit “would” and insert “may”.
 - 97. Clause 235, page 220, line 1, omit “would” and insert “may”.
 - 98. Clause 235, page 220, line 3, omit “would” and insert “may”.
 - 99. Clause 235, page 220, line 24, after “subsection” insert “by Rules of Parliament made under this Act”.
 - 100. Clause 235, page 220, line 30, after “subsection” insert “by Rules of Parliament made under this Act”.
 - 101. Clause 243, lines 19 and 20, omit “**to Parliament**”.
 - 102. Clause 244, lines 31 and 32, omit “each element of”.
 - 103. Clause 245, page 234, line 2, omit proposed paragraph (a) and insert —
- “(a) be in the form (if any) prescribed by Rules of Parliament made under this Act;”.
- 104. Clause 251, page 246, line 12, omit “234” and insert “233”.
 - 105. Clause 251, page 247, line 16, omit “241” and insert “240”.
 - 106. Clause 251, page 248, line 1, omit “245” and insert “244”.
 - 107. Clause 251, page 248, line 8, omit “236(3)” and insert “235(3)”.
 - 108. Clause 252, page 259, in proposed Schedule 1, after item 35 insert the following item —
- | | | | |
|-----|--|---------------------|--|
| “36 | The Victorian Auditor-General’s Office | The Auditor-General | Minister administering the Audit Act 1994 ” |
|-----|--|---------------------|--|
- 109. Clause 252, page 259, in proposed Schedule 1, omit item 36 and insert —
- | | | | |
|-----|--|--|--|
| “37 | A person or body prescribed by Rules of Parliament made under this Act for the purposes of this Schedule | The person prescribed by Rules of Parliament made under this Act as the principal officer of the prescribed person or body | The Minister prescribed by Rules of Parliament made under this Act as the responsible Minister for the prescribed person or body”. |
|-----|--|--|--|
- 110. Clause 252, page 261, in proposed Schedule 2, omit item 16 and insert —

	“Table	
	<i>Column 1</i>	<i>Column 2</i>
	<i>Section number</i>	<i>Renumbered section number</i>
“16 The Auditor-General”.		
111. Clause 252, page 263, in proposed Schedule 3, in item 23, after “Schedule” insert “by Rules of Parliament made under this Act”.		
112. Clause 263, lines 30 and 31, omit paragraph (a) and insert —	1	1
‘() in paragraph (d), for “officers.” substitute “officers; and”;	2	2
’.	3	3
113. Clause 264, lines 4 and 5, omit “ or administrative action taken ”.	3A	4
	4	5
114. Clause 264, line 7, omit “(1)”.	5	6
115. Clause 283, line 27, omit “(h)” and insert “(g)”.	5A	7
116. Clause 283, line 28, omit “(i)” and insert “(h)”.	6	8
117. Clause 283, line 29, omit “(j)” and insert “(i)”.	7	9
118. Clause 299, page 290, <i>Column 1</i> omit —	8	10
“41A	9	11
42	10	12
43	10A	13
44	10B	14
45	11	15
46”	12	16
and insert —	13	17
“42	14	18
43	15	19
44	16	20
45	17	21
46	18	22
46A”.	19	23
119. Clause 300, page 296, line 25, omit “299” and insert “298”.	20	24
	21	25
120. Clause 301, page 297, lines 5 and 6, omit “299 or section 300” and insert “298 or section 299”.	22	26
	23	27
121. Clause 302, pages 297 to 301, omit the Table and insert —	24	28
	25	29
	26	30
	27	31
	28	32
	28A	33

INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT BILL 2012

5328

ASSEMBLY

Thursday, 29 November 2012

28B	34	Note	
28BA	35	This section inserted by the Evidence	
28C	36	Amendment	
28D	37	(Journalist	
28E	38	Privilege) Act 2012	
28F	39	33T	70
28G	40	33U	71
28H	41	33V	72
28I	42	33W	73
29	43	33X	74
30	44	33Y	75
30A	45	33Z	76
31	46	33ZA	77
32	47	34	78
33	48	35	79
33A	49	35A	80
33B	50	35B	81
33C	51	35C	82
33D	52	35D	83
33E	53	35E	84
33F	54	35F	85
33G	55	35G	86
33H	56	36	87
33I	57	36A	88
33J	58	37	89
33K	59	37A	90
33L	60	38	91
33LA	61	38A	92
33M	62	39	93
33N	63	39A	94
33O	64	39B	95
33P	65	39C	96
33Q	66	39D	97
33R	67	39E	98
33S	68	39F	99
33SA	69	39G	100
		39H	101

40	102
41	103
42	104
42A	105
42B	106

PROTECTED DISCLOSURE BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 116, omit this clause.
2. Clause 145, page 129, line 4, omit proposed paragraph (e) and insert —
“(e) a person or body prescribed by Rules of Parliament made under this Act;”.
3. Clause 145, page 129, lines 19 and 20, omit “as a protected disclosure entity, the person prescribed” and insert “by Rules of Parliament made under this Act as a protected disclosure entity, the person prescribed by the Rules”.
4. Clause 145, page 130, lines 2 to 4, omit “as a protected disclosure entity, the Minister prescribed” and insert “by Rules of Parliament made under this Act as a protected disclosure entity, the Minister prescribed by the Rules”.

Third reading

Motion agreed to.

Read third time.

CRIMINAL ORGANISATIONS CONTROL BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

Third reading

Motion agreed to.

Read third time.

122. Clause 303, page 302, line 18, omit “302” and insert “301”.
123. Clause 304, line 34, omit “302 or section 303” and insert “301 or section 302”.
124. Clause 316, page 307, line 7, omit “54(1)” and insert “53(1)”.
125. Clause 316, page 307, line 11, omit “92” and insert “91”.
126. Clause 317, lines 19 to 25, omit paragraphs (c) and (d) and insert —
() in clause 12(2)(b), for “section 50” **substitute** “section 81”;
() in clause 14(2)(a) and (3) and clause 16(2)(a), for “section 50” **substitute** “section 81”;
127. Clause 317, page 308, line 6, omit “48” and insert “47”.
128. Clause 317, page 308, line 8, omit “49(1)” and insert “48(1)”.
129. Clause 317, page 308, line 10, omit “79” and insert “78”.
130. Clause 317, page 308, line 12, omit “80(3)” and insert “79(3)”.
131. Clause 317, page 308, line 14, omit “88 and 89” and insert “87 and 88”.
132. Clause 317, page 308, line 16, omit “90(1)” and insert “89(1)”.
133. Clause 317, page 308, line 18, omit “91” and insert “90”.
134. Clause 317, page 308, line 28, omit “92(1)(b)” and insert “91(1)(b)”.
135. Clause 317, page 308, line 30, omit “92” and insert “91”.

**Sitting continued on motion of Mr McINTOSH
(Minister for Corrections).**

WATER LEGISLATION AMENDMENT BILL 2012

Statement of compatibility

Mr WALSH (Minister for Water) 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 Water Legislation Amendment Bill 2012.

In my opinion, the Water Legislation 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 amends the Water Act 1989 (the Water Act) to clarify the powers of water authorities to install, or require the installation of, meters in relation to properties and multiple water services. The bill also makes a range of other amendments to improve the operation of the act and the Water Industry Act 1994.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

Right to be presumed innocent

Section 25(1) of the charter act provides that an accused has the right to be presumed innocent until proven guilty according to law. Clause 36 of the bill amends sections 303A(1) and (3) of the Water Act to change the existing reverse legal onus in those provisions to a reverse evidentiary burden, in relation to presumptions of fact about the fidelity and robustness of certain analytical evidence in criminal proceedings.

The change results in a lesser burden applying to an accused and enhances compatibility with the charter act. However, the provisions, as amended, may limit the right in section 25(1) of the charter act because they still operate to shift some of the onus of prosecuting a criminal case to the accused, even if it is a lesser onus than is currently the case.

The presumptions in sections 303A(1) and (3) are intended to reduce the time and cost for all parties to criminal proceedings under the Water Act, in particular, prosecutions for offences relating to dangerous and unauthorised discharges to sewers. The illegal use of a sewer to dispose of dangerous material can have significant impacts on the environment, the health and safety of sewer workers, sewage treatment processes and the life of a sewer, with flow-on effects to public health. These provisions support the ability of water authorities to minimise these impacts through being able to take necessary enforcement action efficiently by not requiring the presentation of evidence in every prosecution about the

technical functionality of equipment used to detect, monitor and analyse illegal discharges into sewers.

In theory, the presumptions could lead to a conviction under the Water Act in circumstances where equipment used to collect evidence was not accurate or precise, and where storage of a sample affected its reliability. It is important therefore for an accused to be able to rebut these presumptions where any doubt exists about these matters. Following the amendments made by clause 36 of the bill, it will be easier for an accused to be able to rebut a presumption: an accused will be able to present or point to evidence as to a lack of accuracy or precision. It will then fall to the prosecution to disprove that evidence beyond reasonable doubt. By changing the reverse legal onus to an evidential burden, the bill is adopting a less restrictive approach to achieve the purposes of sections 303A(1) and (3). As such, and given the important role played by the presumptions of evidence, and the minimal extent of any limitation, clause 36 of the bill is compatible with the charter act.

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 or arbitrary if it is permitted by a law that operates in a reasonable, just and proportionate manner to the end sought.

Clauses 22 to 26 of the bill amend various provisions in part 5A of the Water Act to broaden the range of records and information that must be kept on the water register under that part. These clauses engage, but do not limit, the right to privacy. As a result of these amendments, the water register will contain a more complete set of records and information in relation to the allocation of water resources in Victoria. Under these amendments, the name and address of a wider range of licence-holders or parties to water supply agreements will be collected by the minister or the relevant water authority as a result of these amendments. Under section 84E, the information will be available to the minister and water authorities to the extent necessary for each of them to carry out their respective functions under the act.

Maintaining information in the water register is designed to assist the minister to undertake the continuous program of assessment of available water resources in Victoria under part 3 of the Water Act. Maintaining accurate, complete and up-to-date personal information is consistent with information privacy principle 1.3 of the Information Privacy Act 2000 and to do so it is necessary to record the name and address of the licence-holder or party to an agreement in the water register to enable this information to be periodically confirmed and updated. Given the important role played by the minister in ensuring the availability of water resources in Victoria, and the limited manner in which information can be used under section 84E, the amendments made by clauses 22 to 26 of the bill do not limit the right to privacy under section 13 of the charter act.

Additionally, clause 27 of the bill amends section 84X of the Water Act to specify that records and information collected under part 5A, as amended by the bill, are to be publicly available. In particular, the amendments will result in the following personal information being publicly available:

the names and addresses of holders of licences to take and use water issued under sections 51, 51AA or 51AB, under proposed section 84VA(a), inserted by clause 24;

the names and addresses of holders of works licences outside of declared water systems, under section 84V(a) as amended by clause 23.

The amendments are consistent with the primary purpose of the water register under part 5A, which is to underpin the responsible, transparent and sustainable management and use of the state's water resources, and in particular the water market by keeping sound records of all water-related entitlements, water use, and trade, and making information publicly available, including about entitlement ownership. As is explained below, in relation to each of the changes to the publicly available information on the water register, the changes have a rational purpose and they will operate in a reasonable, just and proportionate manner. In any case, it is possible for persons whose information is on the water register to apply to have their addresses and other personal information suppressed under section 84Y of the act.

As with other entitlements already recorded in the water register, section 51(1) take and use licences are tradeable commodities. Where a person wishes to purchase a licence in their water system, the person needs to be able to determine who holds a licence that may be available for the permanent or temporary transfer in that system, in order to negotiate a trade and carry out due diligence in relation to the trade. Facilitating trade through the water register enables licence-holders and potential purchasers to negotiate directly or via a broker.

A subset of take and use licences are registration licences for irrigation dams. While the licences are not themselves tradeable, they can be surrendered under section 51A and the right to take and use water can be converted into a tradeable take and use licence or water share. Further, the rights underpinned by these licences inherently add value to the land to which they relate, and therefore the licences can be of interest to persons involved in dealings with the land. Access to personal information contained in the water register about these licences facilitates informed decision making about the value of property related to the licences.

Section 84X of the Water Act currently provides for information on section 67 works licences in a declared water system to be publicly available. Clause 23 of the bill will extend this provision to provide for information on all section 67 works licences, regardless of whether they have been issued in a declared water system or an undeclared water system, to be publicly available. Works licences are also able to be transferred and are generally required in conjunction with the issue of a take and use licence. As is the case for take and use licences, trade of works licences require a potential purchaser to know who holds the licence, in order to negotiate trade and carry out due diligence in relation to the trade.

Following the amendments made by clause 27 of the bill, it will be easier for persons in the water market to access information necessary for determining the availability of water for trade within their relevant water systems. For the reasons given above, clauses 23, 24 and 27 of the bill are compatible with the right to privacy under the charter act.

Conclusion

I consider that the bill is compatible with the charter act as it is consistent with the right to privacy and any limitation on the right to be presumed innocent is reasonable under section 7(2) of the charter act.

Peter Walsh, MLA
Minister for Water

Second reading

Mr WALSH (Minister for Water) — I move:

That this bill be now read a second time.

The Victorian government is committed to the most efficient use of all the water available across Melbourne and regional Victoria. Part of achieving this vision is to ensure Victorians know exactly how much water they are using so they can use our available water resources as efficiently as possible.

In the government's plan for water this government made a commitment for Victoria's water corporations to 'progressively replace water meters in flats and apartment blocks to ensure that, in the long term, every resident will have his or her own separate meter'. This bill implements the government's policy to encourage the fitting of individual meters to all occupancies where practicable.

The government recognises that the retrofitting of standard meters in older buildings can be difficult. However, the government encourages Victoria's water corporations to continue to show leadership and initiative in the provision of services to their customers including sourcing new technology that will allow for metering to all customers.

The bill will amend the Water Act to make it clear that the water corporations can install a separate meter for each part of the land that may be separately occupied and for each type of water service.

In practice this will occur as a condition of connecting land to a water corporation's works or with the agreement of the property owner or an owners corporation, as the customer will incur the cost of the installation.

Under the Water Act an owners corporation is primarily liable to pay any service fees for water supply and sewerage services provided to the land affected by the owners corporation. The Water Act allows a water corporation to apportion these service fees either between the number of lots in the subdivision or according to the lot liability for each lot, as set out in the plan of subdivision.

The bill will support an additional method whereby a water corporation can apportion the service fees based on the volume of water used at each lot as measured by the meters installed for each lot.

The bill also makes it clear that an owners corporation can request a water corporation to use any, or a combination of, these methods as may suit its members.

The bill also makes a number of other improvements to the Water Act which I will now outline.

Unlike a general transfer of a water share, the sale of a water share by a mortgagee does not need ministerial approval and therefore escapes the trading rules, including the rule that imposes a 4 per cent annual limit on trade out of an irrigation district. A mortgagee of a water share can therefore sell mortgaged water shares when other shareholders might not receive approval because the 4 per cent limit has been reached. This is not equitable and imposes an unfair advantage on mortgagees over rural land owners.

This bill will amend the Water Act to provide that a mortgagee exercising a power of sale under a recorded mortgage will require the minister's approval for the transfer of that water share, consistent with transfers by other water shareholders.

The Victorian water register enables the recording of information for various entitlements including water shares, water-use licences, water-use registrations and works licences in a declared water system. It is now intended for the register to be the central repository for the records of all water entitlements. This will mean that the requirement to register various entitlements will be extended to include licences to take and use and works licences issued in an undeclared water system.

Additionally, agreements for a rural water corporation to supply non-potable water to a customer will also be recorded in the water register. Such registration will support the minister's assessment and accounting for water which depends in part on information in the register. Personal information in agreements will not be made available to the public.

When considering an application for a licence to take and use water or a licence to construct works, the Water Act provides for the minister to take into account a range of environmental and third party impacts. The minister must also take these matters into account before allowing the licence to be transferred.

However, when it is necessary to transfer a licence to take and use water or a works licence as a result of a sale of the land to which the licence relates, taking into

account such considerations is an unnecessary duplication of effort because the environmental and other third-party impacts will be the same as they were when the licence was first issued. The bill will provide that the relevant criteria for a transfer of these two types of licences will not need to be considered when the only change to the licence is to name of holder of the licence where the land for which it was originally issued does not change. This will remove unnecessary red tape for the holders of such licences and the government.

The Water Act requires a surcharge of 1.5 cents per litre to be paid for each litre of mineral water taken and used under a licence. Victoria is the only state in Australia that imposes such a charge. This arrangement leaves Victorian mineral water bottlers at a commercial disadvantage. We are removing the surcharge.

The surcharge was introduced in 1980 as a means for funding the development of mineral springs through the activities of the Victorian Mineral Water Committee. However, the committee has been funded from the Consolidated Fund for a number of years. The proposed amendments will not affect these funding arrangements.

When licensing requirements for irrigation dams were first introduced in 2002 those who already had these dams on their land could apply, before 1 July 2003, for a registration licence for their dams. When issuing these licences, some water corporations issued a single licence to apply to a number of dams on a property. The issue of a single licence has become problematic as it means that where a person chooses to transfer part of their property, on which there is a licensed dam, they are unable to transfer the portion of the licence that relates to the dam on that parcel of land.

It is proposed to amend the Water Act to provide that where a single registration licence was issued in relation to more than one dam, the minister may amend the original registration licence to refer to a single dam to which the licence applied and issue separate registration licences for the remaining dams.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 13 December.

**HEALTH SERVICES AMENDMENT
(HEALTH PURCHASING VICTORIA) BILL
2012**

Statement of compatibility

Dr NAPHTHINE (Minister for Ports) 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 Health Services Amendment (Health Purchasing Victoria) Bill 2012.

In my opinion, the Health Services Amendment (Health Purchasing Victoria) 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 purpose of the bill is to expand the range of health or related services in relation to which Health Purchasing Victoria (HPV) performs functions and exercises powers to include registered community health centres and 11 women's health services. Among other things, this will enable registered community health centres and the women's health services to access common-use contracts facilitated by Health Purchasing Victoria for the supply of goods and services to them.

Human Rights Issues

1. Human rights protected by the charter act that are relevant to the bill

The bill does not engage any human rights protected by the charter act.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the human rights protected by the charter act it is unnecessary to consider the application of section 7(2) of the charter act.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise any human rights issues.

The Hon. Denis Napthine, MP
Minister for Ports

Second reading

Dr NAPHTHINE (Minister for Ports) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Health Services Act 1988 to expand the range of health or related services in relation to which Health Purchasing Victoria

performs functions and exercises powers to include registered community health centres and women's health services.

Specifically, the amendment will enable registered community health centres and women's health services to access common use contracts facilitated by Health Purchasing Victoria for the supply of goods and services to them.

I would like first to provide the house with some background to this bill. Health Purchasing Victoria was established in 2001 to improve the collective purchasing power of Victorian public health services and hospitals.

Health Purchasing Victoria is an independent statutory authority that works in partnership with public hospitals, health services and business. It manages over 366 individual contracts over a total of 30 contract categories, with a value of approximately \$425 million per annum.

Victoria's public hospitals and health services spend more than \$1.6 billion (approximately 14 per cent of total hospital expenditure) each year to procure supplies and consumables.

Health Purchasing Victoria contracts cover only 23 per cent of the total \$1.6 billion spent on supplies and consumables so there is certainly the potential for it to expand its program.

In May 2011, the Victorian government released the Victorian Health Priorities Framework 2012–2022, which is the blueprint for Victoria's healthcare system for the coming decade.

The 2011 Victorian Auditor-General report, *Procurement Practices in the Health Sector*, released in October 2011, identified shortcomings and inefficiencies in government health procurement. The report recommended Victoria's health services revise their procurement strategies and practices to ensure they are consistently robust and transparent.

Government has directed the health sector (through Health Purchasing Victoria) to explore and implement a broadened scope of collective procurement arrangements to include a wider range of agencies.

Health Purchasing Victoria's strategic plan 2012–17 focuses on six priority areas:

increase the benefits to Victoria's health sector from collective procurement of goods and services;

achieve economies of scale in equipment procurement;

drive measurable end-to-end supply chain efficiencies;

support procurement and probity practice improvement;

improve the integrity and availability of the information used to drive supply chain decisions; and

build capability and capacity.

Community health centres

Registered community health centres are regulated by division 6 of part 3 of the act. Prior to that division being included in the act in 2008, community health centres were defined to be 'registered funded agencies' and therefore fell within the definition of 'health or related service'. This meant that prior to the amendments in 2008, community health centres could access Health Purchasing Victoria facilitated contracts. As a consequence of the 2008 amendments, however, registered community health centres were no longer included in the definition of 'health or related service'. The consequence of community health centres being omitted from the definition of 'health or related service' in 2008 is that Health Purchasing Victoria is not empowered to exercise any of its functions and powers for the benefit of registered community health centres. Therefore, Health Purchasing Victoria is currently not empowered to grant registered community health centres access to its various contracts.

In Victoria, there are 38 registered community health centres, 22 located in metropolitan Melbourne and 16 located in rural Victoria. They range in size from small, at \$2.5 million per annum total revenue (excluding capital), up to the largest, at \$40 million per annum.

In 2010–11, registered community health centres received a total of \$468 million revenue (excluding capital) from a range of sources including the Department of Health, the Department of Human Services, other state government departments, the commonwealth, and client fees.

The bill amends the definition of health or related service in section 3(1) of the Health Services Act 1988 to include registered community health centres and 11 specified women's health services. The amendment will enable registered community health centres and 11 specified women's health services to procure from

Health Purchasing Victoria contracts on an opt-in basis. The ability to access HPV contracts under this amendment to the act will also provide registered community health centres and women's health services the opportunity to access Health Purchasing Victoria-facilitated services and receive advice, staff training and consultancy services. Registered community health centres and women's health services will not be bound to comply with policies and directions issued by Health Purchasing Victoria under the Health Services Act 1988. Health Purchasing Victoria is only empowered to require 'public hospitals' to comply with its policies and directions.

Women's health services

There are 11 women's health services which are included in the definition of health or related service by reference to the new schedule 6. The schedule lists each of these services.

Like registered community health centres, they do not fall within the definition of 'health or related service' under the act.

The bill amends the Health Services Act 1988 to empower HPV in respect of the 11 women's health services, in the same way Health Purchasing Victoria is currently empowered in respect of 'health or related services' other than 'public hospitals'. Like registered community health centres, the 11 women's health services will be able to access Health Purchasing Victoria-facilitated contracts with suppliers, receive advice, staff training and consultancy services et cetera, rather than be bound to comply with policies and directions issued by Health Purchasing Victoria under the Health Services Act 1988.

I commend the bill to the house.

Debate adjourned on motion of Mr HOLDING (Lyndhurst).

Debate adjourned until Thursday, 13 December.

Remaining business postponed on motion of Mr McINTOSH (Minister for Corrections).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Mr Nardella — On a point of order, Speaker, on 25 October I raised a matter for the Minister for Planning concerning a commercial builders licence. It has been over 30 days since I raised that matter. I ask

you to raise that with the minister and request that he respond to me.

The SPEAKER — Order! I will write to the minister on the member's behalf.

Mr Pallas — On a point of order, Speaker, I draw to your attention the failure of the Minister for Planning to respond to an adjournment matter that I raised in this place on 13 September. The matter concerned landowners in Wyndham affected by urban growth boundary changes and consequent tax imposts. The sessional orders require ministers to respond in writing to adjournment matters within 30 days, so I would appreciate your writing to the minister seeking an explanation for the delay and ideally a response to that adjournment matter.

The SPEAKER — Order! I will do that; I will send off a letter.

V/Line: Ballarat–Melbourne service

Ms KNIGHT (Ballarat West) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek from the minister is that he provide an express train from Ballarat to Melbourne and return during peak commute times. With the recent introduction of a new V/Line timetable, many Ballarat commuters will be spending an additional hour and a half travelling each week. Since the election of the Baillieu government every single morning peak service to Melbourne has been slowed. Hardworking commuters are now spending more time on the train and less time with their families, and they are paying more for the privilege.

I regularly receive information from commuters who are concerned that their trains are running late. A recent email states:

Again the Melbourne bound 6.06 a.m. train is late.
Yesterday ... train was late at all three Melbourne stops ...

...

I will be late for work today putting me behind and putting my workmate under duress to cover me. Very disappointed.

It is not just me calling for faster trains. Noel Coxall, chair of the FastTrack Ballarat task force and member of the Committee for Ballarat, is reported in the *Ballarat Courier* of 20 October as saying:

... there was a real concern about trains taking longer to travel between Melbourne and Ballarat and that it flew in the face of the campaign.

'If we are going in the opposite direction it is a major concern to us and our city', he said. 'We're surprised that the peak services are actually slowing down'.

The removal of the 64-minute flagship express service, which was established by the Labor government, was greeted with anger by the commuter community of Ballarat. This express service was removed on 8 May 2011. As one commuter said:

... what about the Ballarat passengers who moved to the area because of the so-called flagship express train? They —

as in the Baillieu government —

haven't made the right decision on this one ...

There has been an obvious decline in train services since the Baillieu government was elected, so much so that I have started a website called lateagain.com.au.

I call on the Minister for Public Transport to reinstate the express service in order to make the commute to and from Melbourne faster for Ballarat commuters. To do this would be absolute gold and, dare I say, a true Eureka moment.

Roslyn and Montpellier primary schools: funding

Mr KATOS (South Barwon) — I rise this afternoon to seek action from the Minister for Education. The action I seek is for the minister to come to Geelong to visit two schools that service the electorate of South Barwon. Roslyn Primary School is situated in Roslyn Road, Belmont, adjacent to Belmont High School. The school was built in 1951 and at present accommodates 135 students, with that figure expected to rise to 141 students next year. The school, via its principal, Mary Hutchison, and its fine teachers, delivers excellent educational outcomes for the people of Belmont.

However, as I mentioned earlier, the school was built in 1951, and it is really starting to show its age. The fact is that that style of building is not tailored to suit 21st century educational outcomes. The school is in need of a large amount of maintenance and even a substantial rebuild, and I eagerly await the outcome of the maintenance audit commissioned by the minister.

West Belmont, where the school is situated, is undergoing generational change which is seeing a large number of young families move into the area. The neighbouring Belmont Primary School and Highton Primary School are at or near capacity, which will also place upward pressure on enrolments at Roslyn. Although it has old buildings, Roslyn Primary School

has ample land, which would enable any potential future rebuilding or expansion of the school to be a viable undertaking.

Montpellier Primary School was originally built to accommodate 250 students. It has 10 permanent classrooms, 12 portables and 1 classroom that was converted from an old canteen. The school has limited space to continue to place portables on the site, so that is not a long-term option.

The previous government had 11 years to upgrade both schools, but it did nothing, despite the obvious need for such upgrades. I ask that the minister, while touring both schools, to take into consideration the future growth pressures that they are each facing and to also consider any future funding opportunities that may be available to build new facilities.

Police: Keilor electorate

Ms HUTCHINS (Keilor) — I rise to seek action from the Minister for Police and Emergency Services. The action I seek is for the minister to allocate more police officers and staffing resources to the Keilor Downs police station to combat local crime and service the expanding population in the Keilor electorate. I have spoken today on the matter of family violence, and I will reiterate that the statistics indicate that family violence across the Brimbank and Melton municipal areas has increased by 48 per cent. We see similar increases in general crime. Two hot spots have been brought to my attention by local residents. One of those hot spots is in Taylors Lakes and the other is in Delahey.

The residents of Taylors Lakes have been terrorised by robberies and hoons in recent months. I have received seven complaints from residents of one street, Hanslow Way, about very serious incidents of harassment by hoons. Linked to those have been assaults and robberies across those seven homes and surrounding streets. Unfortunately, due to the pressure on staffing at the Keilor Downs police station, officers have not always been able to attend the scene in a timely fashion, which has highlighted the need for more police officers and staffing resources at the local police station. Some of the incidents that have occurred in Hanslow Way include hoons destroying trees and smashing into fences, and in the most extreme case an assault. A resident was severely bashed in the dark. Those matters are with the police, but the residents have taken it upon themselves to take action and to try to form a committee. I tabled a petition in Parliament today containing 188 signatures of residents from around the Taylors Lakes area calling on the government to install

closed-circuit television cameras. That is one piece of the puzzle needed to combat crime. The other is to have more police on the beat.

The other area of concern is in Delahey, where we have had a spate of crimes in Masefield Court and Alcott Place. We have had robberies and continuous aggravated robberies. One family was robbed one week, and then two weeks later was robbed again while the family members were all at home in their beds. They actually confronted the person who was robbing them, and they have confirmed the identity of the offender with neighbours in surrounding courts and streets. People in the local area are very concerned about their welfare and their security. I call upon the minister to put extra resources into our local police station.

Eastern Health: federal funding

Ms RYALL (Mitcham) — I wish to raise a matter for the attention of the Minister for Health. The action I seek is for the minister to ask his office to provide a briefing to me on the impact of the federal government's clawback of funds from Eastern Health on Eastern Health's budgeted expenditure for its hospitals, including Box Hill and Maroondah hospitals, that service the Mitcham electorate. Eastern Health is the provider of acute health services to residents in my electorate, in particular at the Maroondah and Box Hill hospitals.

We are all aware of the financial challenges and pressures that face this state, this country and many countries around the world. This state has faced write-downs of over \$7.5 billion. There is no bucket of money from the federal government such as those opposite had during the challenges they faced while in government. On the contrary, we have the federal government, in an attempt to shore up its own budget surplus, clawing back funds already budgeted by Eastern Health because the federal government relied on dodgy population statistics. Those statistics defy the reality of the growing population and indicate a decrease in population.

Hospitals in this state are required to pay back \$40 million from the 2011–12 financial year. That will be cut this year, and \$67 million relating to this financial year will be cut in 2012–13. For Eastern Health it is a hit of approximately \$8.5 million, and I ask the Minister for Health to ask the federal health minister where she would like Eastern Health to take those budgeted funds from. Should it be in the form of beds, procedures and operations, or equipment? Interestingly the federal finance minister, Penny Wong,

indicated recently that the federal government has proven that it can find savings to prop up its surplus. We all know where that has come from — our state services. I say to the federal finance minister that ripping into state budgets to prop up your own budget is not savings, it is economic vandalism.

Eastern Health and the residents of the Mitcham electorate should not be victims of the federal government's saving plan, nor should they be at the mercy of the reliance of the federal government on dodgy population statistics. The state government cannot provide the services to the people of Victoria if the federal government cannot get its own house in order and claws back funds already budgeted for.

Buses: Valley Lake estate

Mr CARROLL (Niddrie) — I call on the Minister for Public Transport to provide either a new bus service or an extension to the existing bus route 475 for the residents of the Valley Lake housing estate. Valley Lake is a new estate developed by government planning agency Places Victoria. The description on the Places Victoria website reads that its purpose is to 'promote housing affordability and diversity and best practice in urban and community design'. The Places Victoria advertisement for Valley Lake estate carries the slogan 'Valley Lake — it's where you want to be'. It then provides a list of the positive features of Valley Lake estate, including 'good access to public transport'.

Furthermore, a bus service to Valley Lake was a recommendation that came out from the Brimbank-Hume-Melton-Moonee Valley bus service review. In fact Places Victoria held early planning discussions with the relevant departments and Kastoria Bus Lines with respect to future provision of public transport to the estate. The estate has been designed to accommodate buses. Short of a new service, existing route 475 could be extended by 2.6 kilometres to service the estate at minimal additional cost. By the end of the year there are expected to be around 600 residents at Valley Lake estate, which is expected to increase to approximately 1500 over the next 12 months.

An article in the *Age* of 15 March headed 'Sick suburbs' opens with the line:

Poorly planned new housing estates on Melbourne's fringes are causing an outbreak of anxiety, diabetes and obesity among residents.

The article quotes Dr Margaret Beavis, a Melbourne GP who is doing a master's degree in public health, as saying:

Building car-dependent suburbs in the name of cheap housing is a false economy that will create massive health and economic liabilities ...

I call on the Minister for Public Transport to provide a bus service to the Valley Lake estate for the wellbeing of residents of the government's own newly developed estate.

Ambulance Victoria: Chelsea station

Mrs BAUER (Carrum) — I wish to raise a matter for the Minister for Health. The action I seek is for the minister to join me in opening the new Chelsea ambulance station when construction is completed. Ambulance Victoria is in the process of constructing a branch at 465 Nepean Highway, Chelsea. It is a purpose-built ambulance station which will be leased by Ambulance Victoria. On completion this building will accommodate the Patterson Lakes, Chelsea and mobile intensive care ambulance (MICA) 27 teams. All of these teams are currently operating from nearby Ambulance Victoria branches. The anticipated completion date for this project is February 2013.

Ambulance Victoria searched for suitable sites for several years and worked alongside the City of Kingston to find a suitable and accessible location, finally agreeing on Nepean Highway, Chelsea. The Victorian coalition government is committed to ensuring that all Victorians have access to the highest quality ambulance services delivering timely responses during emergencies. This new ambulance station will be welcomed by the Carrum community. Carrum is experiencing significant growth with the emergence of new housing developments and young families moving into the area, so it is an area that will really benefit from this new ambulance station. On particularly hot days like today people flock to Carrum to visit our magnificent foreshore and beaches. It is comforting to know that once it is operating the new ambulance station will be there to support our local Carrum community and visitors to the area, 24 hours a day, 7 days a week.

I am proud to be part of a government that is delivering on its health election commitments and building a healthier Victoria. We have provided new funding of \$241.9 million to halve ambulance membership fees and invested \$151 million to employ 340 additional ambulance staff. This commitment includes employing 310 additional paramedics, of whom 113 have already been employed, and 30 patient transport officers, as well as providing for MICA units in Warrnambool, Wonthaggi, Shepparton, Wangaratta, Wodonga and Mildura. This is the most significant investment in the ambulance service that Victoria has seen. I look

forward to the completion of the new Chelsea ambulance station, and I invite the Minister for Health to join me at the opening when construction is completed early next year.

V/Line: Melton services

Mr NARDELLA (Melton) — The adjournment matter I raise is for the Minister for Public Transport, and I ask him to reinstate the 6.33 a.m. train from Melton to Melbourne. This matter was raised with me by Ms Lisa Romano in an email, a copy of which I have given to the honourable minister. Ms Romano states in part:

Last Monday 19/11/2012 a new timetable was introduced on the Ballarat–Melbourne V/Line without consultation of the constituents from the Melton-Bacchus Marsh and Ballarat areas.

We note (in example) that there is a full cancellation of a peak morning service 6:33 from Melton now leaving a 40-mins gap between services frequently used by working folk now unable to get into the city for 7.30 a.m. i.e. we are now only able to arrive between 7:03 and 07:50+.

... many people I have spoken to over the last fortnight are now quite disenfranchised by this by having to arrive early (but unable to start for 7.00 a.m.) or much later (unable to arrive for 07.30 a.m.).

This is but one example.

Are you able to influence the V/Line services to reconsider this? Or advocate that the user/constituents are consulted for their needs?

The V/Line staff themselves have been very sympathetic and understand the frustration sharing concern for those now disadvantaged.

That is where her email to me stops.

In Labor's time in government we upgraded the Ballarat-Melton to Southern Cross rail line. We started the regional rail upgrade, expanded the maximum number of V/Line carriages from four to six, provided a new timetable and then a new clock face timetable, and provided for over 200 new railway services on the V/Line system. I remember the then responsible minister, Peter Batchelor, doing a press conference on that matter.

This new timetable is a step back for my constituents who are commuters. It is also a step back for the commuters of Ballarat, Bacchus Marsh, Ballan and Melton, and for the ones further down the line. I understand there have been changes and additions to services on the line from Sunbury in, but it is imperative that these provincial and outer suburban commuters are not disadvantaged by these changes; it is

a very serious matter for these people. I sincerely ask the honourable minister to see what he can do to urgently restore the timing of this service for all my constituents and all commuters.

Mildura electorate: sporting uniform grants

Mr CRISP (Mildura) — I raise an adjournment matter for the Minister for Sport and Recreation, and the action I seek is for the minister to provide assistance to a number of sporting clubs in my electorate under the sporting uniform grants program. A number of clubs have made applications via this program, and they have asked me to lobby on their behalf to have their applications considered. They include the Hopetoun Golf Club, the Irymple Football Netball Club — I am sure the minister would be very familiar with the grounds at Irymple — the Mildura District Canoe Club and the Mildura Lawn Tennis Club. Mildura has one of the great lawn tennis clubs in Victoria. In the past it has even hosted a Davis Cup round; it is a marvellous facility.

Another applicant is the Mildura Settlers Cricket Club, a place I think the minister and I have been to. It is one of the host areas and a centrepiece of the Willowfest Australian Cricket Club Championships, which occurs between Christmas and New Year. Other applicants include the Ouyen Gymnastics Club — yes, Ouyen has a gymnastics club — and the Robinvale Football Netball Club, which is a very active club, particularly with the multicultural community, which includes our Islander community. It is one of the stronger football clubs in our league. Other applicants include the Werrimull Football Netball Club, the Mildura Eagles Baseball Club, the North West Victoria Adult Riding Club and the Tornadoes Baseball Club.

These sporting clubs are the backbone of our community. They have high participation rates and they raise a lot of their own funds. They mostly look after themselves, but little things are important and appreciated. Anything the minister can do to assist these clubs which have made applications for assistance under one of the grant programs would be appreciated and used well.

Tecoma Primary School: funding

Mr MERLINO (Monbulk) — I raise an adjournment matter for the Minister for Education, and it is in regard to Tecoma Primary School, which is on the border of my electorate and the seat of Gembrook. It is actually in the seat of Gembrook but many families whose children attend the school are my constituents in Monbulk. Obviously there are also many families who

are constituents of the member for Gembrook. I raise this adjournment matter following a meeting with the school principal, Rohan Thomson, and the school president, Michael Faul. It relates to funding from the Building the Education Revolution (BER) program and the state government's Better Schools Today (BST) program. The action I seek is that the minister provide the remaining funds needed to complete the refurbishment of the administration block.

This school received BER funding in 2010. It qualified for the \$2.5 million template but opted for the \$2 million template. The balance of \$500 000 was to go towards the refurbishment of existing buildings on the school site. The school combined that figure with \$100 000 from other school BER projects and \$500 000 from the BST program. In total the school had \$3.1 million. The funding was to be spent on four projects: the main building refurbishment, the template the school chose, a library refurbishment and the administration block refurbishment. All the costings indicated that the \$3.1 million would be easily able to accommodate those works.

The letter I received said the cheapest quote for the refurbishment of block B was \$350 000 after the school reduced the scope of works from its original plans. The letter says:

I met on July 2 with a representative from our project manager, Coffey Projects, and a representative from Arup who were employed by the department to watch over the project. At this meeting, a proposal was tentatively put to us that the remaining \$250 000 could be managed by us.

The school was told that it could manage the remaining \$250 000 to finish that refurbishment. Following that meeting the principal was verbally advised by a representative of the eastern metropolitan region of the Department of Education and Early Childhood Development to take up that offer. The letter goes on to say:

Inexplicably, just two weeks later, despite there being no works completed on site for 12 months, we were told that there was no money left to complete the project, there has been a further \$250 000 in costs identified ...

How can that be? A sum of \$250 000 was on the table to finish the project and the region told the school to take the money to complete the project, yet two weeks later the school was advised that the money had disappeared.

I ask the minister to reinstate the funding. The current situation of the school administration being based in a portable building while the administration building is empty is just ridiculous.

Melbourne International Comedy Festival: promotion funding

Ms WREFORD (Mordialloc) — I raise a matter for the Minister for Tourism and Major Events. The action I seek is for the minister to provide funds to market the 2013 Melbourne International Comedy Festival. Victorians love a festival and a laugh. We love our comedy festival; however, we are not so keen on comedies of error such as when Labor planned railway stations and forgot to connect the electricity.

The Melbourne International Comedy Festival is the largest comedy festival in Australia and the second largest in the world. It is one of the big three, along with the Just for Laughs festival in Montreal and the Edinburgh Festival Fringe. The top comedy acts come to Victoria from all over the world to be part of the Melbourne International Comedy Festival, and people come from far and wide to see a show or two. I know plenty of people from my electorate who make the trip up the Nepean Highway to see a show.

The festival is not held just in Melbourne; its roadshow ensures that things are happening all over the state, and all over Australia, for that matter. Last year the roadshow went to Aireys Inlet, Bayswater, Bendigo, Colac, Frankston, Hamilton, Horsham, Marysville, Mildura, Morwell, Newport, Pakenham, Ringwood East, Rutherglen, Sale, Swan Hill, Warburton and Warrnambool in Victoria. I am sure I can find a venue in my electorate for 2013.

Some of the best known acts in the 2012 line-up included Jason Byrne, Ross Noble, Stephen K. Amos, Tom Green, Wanda Sykes, Andy Kindler, Cal Wilson, Dave Hughes, Fiona O'Loughlin, Frank Woodley and Greg Fleet, among many more. One of the great things about the festival is that while there are big-name acts, there are also many opportunities for new talent to take a step forward and learn from the old hands. It is not just for stand-up comedians either; there are also theatre, cabaret, music, film and visual arts.

This year 600 000 people attended the festival, making it Australia's largest ticketed cultural event. We need to promote it, particularly interstate, so it continues to grow and bring money into Victoria. A very significant number of 18 to 49-year-olds from interstate come to visit for the festival, most staying for one to three days. Next year the festival will run from 27 March to 21 April. It is great to have such a strong event bringing people and money into the state and providing lots of laughs for Victorians in autumn. Let us promote and build it so it continues to be a great asset. I look forward to a positive response.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Mordialloc spoke about the Melbourne International Comedy Festival and its significance for business and tourism across Victoria, and she requested funding to help market the 2013 festival. As she said, that will be held from 27 March to 21 April. I am delighted to advise the member that the government has allocated \$50 000 through Tourism Victoria to assist with intrastate, interstate and international promotion of the 2013 festival, the idea behind this marketing money being to increase visitation and event-related yield from the festival.

As was mentioned by the member for Mordialloc, the Melbourne International Comedy Festival is the largest comedy festival in Australia, with over 600 000 people attending the 2012 event. Interstate and intrastate festival attendees usually stay in Melbourne for up to three days, and research conducted by the festival organisers showed that attending the festival was the main reason for 70 per cent of attendees coming to Melbourne — as the member said, a very important economic driver. The economic impact of the festival includes significant expenditure in the hospitality and retail industries, as festival goers enhance their experiences by dining and shopping in Melbourne.

The funding will be directed to assist the festival organisers in generating increased tourism to Melbourne from interstate and international markets through the promotion of activity, dining and accommodation packages. While there will be a focus on the Sydney market, which is Victoria's major market overall, there will also be a focus on trying to attract visitors from Brisbane, Canberra, Tasmania and New Zealand, and I hope many of them visit the member for Mordialloc's electorate.

As the member would know, the funding also provides the opportunity to promote the festival alongside other attractions and events happening in Melbourne in autumn — that is, the Melbourne Food and Wine Festival; the L'Oreal Melbourne Fashion Festival, which the member is well aware of; the Australian Formula One Grand Prix; and the Melbourne International Flower and Garden Show. I thank the member for Mordialloc for raising this matter with me.

Mr MULDER (Minister for Public Transport) — The member for Niddrie raised a matter with me in relation to bus route 475 and requested that it be re-routed to service the Valley Lake housing estate. I think the member would be aware from a number of contributions I have made in the house in relation to bus

routes and timetables that Public Transport Victoria (PTV) is doing a lot of work at the moment realigning many bus routes to make sure that we get the best out of them and pick up areas that have had significant growth and new housing estates and developments.

Since coming to government we have added an additional 2000 weekly services to the bus network and about 1078 additional train services. There is a continual rollout of these services. I will ask Public Transport Victoria to have a look at the member's request and get back to him after we have conducted an analysis of what is happening in that area with regard to bus routes. But quite clearly wherever we can we are extending services. We are getting rid of what we call 'redundant running', where buses are running out of areas with legacy routes that no longer provide a service, and we are trying to offer those services to areas where we can get the best possible value from them. As soon as I get that information I will let the member for Niddrie know.

The member for Ballarat West has raised an issue with me in relation to an express service from Ballarat. As the member would be aware, with the Sunbury electrification project and its impact there have been some changes to a couple of the regional train timetables to accommodate the additional electrified services running out there. My understanding is that once the regional rail link project is up and running and Ballarat, Bendigo and Geelong have dedicated lines into Southern Cross station, a number of those changes will be modified and a number of those services will be returned.

However, I am advised that the 7.28 a.m. weekday service from Wendouree still runs express from Ballarat to North Melbourne. There is an express service that runs at the moment. It may not be the service to which the member is referring, but once again I will ask Public Transport Victoria to have a look at that. I think it is an issue that has resulted from the Sunbury electrification and a number of changes that have had to be made on an interim basis until the regional rail link project is up and running. As soon as I get that information back I will respond to the member for Ballarat West, and I thank her for raising that issue with me.

The member for Melton has raised an issue with me in relation to Melton to Southern Cross V/Line services, and he indicated to me that one of the services has been cancelled. If my memory serves me right, when those services were altered in the morning peak Melton had, I believe, eight services. My understanding is that it now

has nine services. The 7.33 a.m. service the member for Melton referred to as having been cancelled — —

Mr Nardella — The 6.33 a.m.

Mr MULDER — I am sorry; the member for Melton is saying the 6.33 a.m. has been cancelled. There has been some reprofiling of that timetable to squeeze in an additional train service; I think it is the 7.42 a.m., which would carry hundreds of additional passengers. A service that leaves at 6.23 a.m., which is 10 minutes earlier than the 6.33 a.m., which was reprofiled. There was a concertinaing of the timetable and some changes made to try to accommodate where PTV sees the greatest demand. No service has actually been cancelled, a service has been added, but the 6.33 a.m. service has been changed to 6.23 a.m. so people have to arrive 10 minutes earlier.

If the member would like me to, I will raise this with Public Transport Victoria. I would not imagine that the member is suggesting to me that we cancel the 7.42 a.m. service and go back to the old timetable, because I think we will find that the new service adds an enormous benefit to the people who live in his community and travel in and out during peak hour. Once again, sometimes these timetables are changed and when we look at them we find that we are perhaps not exactly getting the outcome that we intended, but we will certainly have a look at that. I will get back to the member for Melton once we have conducted an analysis for him.

Mr DELAHUNTY (Minister for Sport and Recreation) — I am very happy to respond to the member for Mildura, who is a colleague who continues to promote an active and healthy community in his electorate — —

Mr Merlino interjected.

Mr DELAHUNTY — He is right here; he would not be leaving. He promotes an active and healthy community in his electorate, which happens to be one of my five key priorities in sport and recreation in Victoria. The member spoke about a lot of sporting clubs in his electorate. I think he has the third largest electorate in this state from Mildura right down to Ouyen and across to Murrayville, and there are a lot of sporting communities in that area. The member spoke tonight about lawn tennis facilities in his electorate and the cricket events, but there are many sporting events in his electorate, as he outlined in his submission.

We all know that the member for Mildura is a hardworking and committed member, and he is keen to see sporting clubs in his electorate have increased

opportunity to participate in sport. One way of doing that is to assist in providing sporting uniforms because that lowers the cost of participation in sport. Team uniforms are more than just colours; they also represent local sporting traditions and community pride.

I notice the former Minister for Sport, Recreation and Youth Affairs, the member for Monbulk, is at the table, and today Australia's former test cricket skipper, Ricky Ponting, has announced that he will retire after playing for Australia in his 168th test match starting tomorrow. He has had an amazing career, and we should all congratulate him. I was looking at some of his statistics, and up until today he has played in 167 tests, made 13 366 runs, and had a highest score of 257, with an average of 52.21. In his one-day international match career he has played in 375 matches and made 13 704 runs, with an average of 42.03. I will not list them all but he has numerous playing honours and has broken many records, including the most victories as a test captain with 48, and the most victories as a one-day international captain with 165. On behalf of all Victorians we congratulate Ricky Ponting on his stellar career as a Taswegian representing Australia and playing as captain in many of those test matches.

I return to the matter raised by the member for Mildura. I am proud to announce that through the Victorian government's sporting uniform grants program 11 clubs in the Mildura electorate will receive over \$10 000 to help purchase new sporting uniforms. One of those clubs, the Mildura Lawn Tennis Club, will get \$950, and the Mildura Eagles Baseball Club will get \$960. Another nine clubs will get \$1000. They are the Hopetoun Golf Club, the Irymple Football Netball Club, the Mildura District Canoe Club, the Mildura Settlers Cricket Club, the Ouyen Gymnastics Club — gymnastics is a great sport — the Robinvale Football Netball Club, the Werrimull Football Netball Club, the North West Victoria Adult Riding Club and the Tornadoes Baseball Club.

Again, congratulations to the member for Mildura for his work in supporting these applications. These clubs are amongst 286 clubs right across Victoria which have received sporting uniform grants under the current program.

Mr DIXON (Minister for Education) — The member for South Barwon has asked me to visit a couple of schools in his electorate. He is a great advocate for the schools in his electorate, and I know them all intimately. If I have not visited them, he has told me a lot about them. I would be more than happy to visit Roslyn Primary School and Montpellier Primary School, which incidentally is in the Geelong

electorate, but the member for South Barwon takes an active interest in that school.

House adjourned 5.03 p.m. until Tuesday, 11 December.

There are a range of issues associated with both schools. One of those issues is maintenance. As the member indicated, the maintenance audit has been completed and there will be announcements made about that in due course. The dollar amount of maintenance on schools that we inherited is in the hundreds of millions. It is a major concern that the government will be addressing, and I will be able to talk to the school community about that. I look forward to visiting Roslyn Primary School and Montpellier Primary School early in the new year at the request of the member for South Barwon.

The member for Monbulk raised an issue regarding Tecoma Primary School and the concerns the school has raised regarding a joint Building the Education Revolution and state government building project. There has been a litany of issues associated with and flowing on from stand-alone BER projects and also combined BER and state government projects. We have inherited a real mess. There are some schools which are still struggling to finish off their projects because we ran out of money; the BER funds ran out, and cuts had to be made to a range of building projects. This is a quite complex matter. The member for Gembrook wrote to me recently about it, so I am aware of the issue. I know he will be visiting the school next week, or very soon, to follow up, because there are some discrepancies in the facts regarding the amount of money concerned. But we are aware of it and we will be following up that issue.

Mr McINTOSH (Minister for Corrections) — The member for Mitcham raised a matter for the Minister for Health asking that he provide a briefing in relation to the funding of Eastern Health and perhaps a discussion about federal government funding. She mentioned the Maroondah and Box Hill hospitals.

The member for Carrum also raised a matter for the Minister for Health. She has asked the minister to join her for the opening of the wonderful Chelsea ambulance station.

Finally, the member for Keilor raised a matter for the Minister for Police and Emergency Services asking that he provide more police resources to the Keilor Downs police station. I will ensure that the minister gets that matter as well.

The SPEAKER — Order! The house now stands adjourned until the next sitting day. Have a good weekend.