PARLIAMENT OF VICTORIA

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FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 9 October 2012

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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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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Tuesday, 9 October 2012

The SPEAKER (Hon. Ken Smith) took the chair at 2.06 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

TAFE sector: assets

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to leaked transition plans from TAFE providers which seek government approval for the sale or closure of more than 20 Victorian TAFE facilities, and I ask: will the Premier guarantee that any and all proceeds from the sale of TAFE facilities will be reinvested in TAFE services for those local communities?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. No decisions have been made in that regard. The transition plans that became public are only one component of what is going in to the task force, and consideration will be given to what proposals are submitted. But I take this opportunity to say again that it is the aim of the government to ensure that vocational education and training in this state is put on a sustainable footing.

Indeed when it comes to TAFE institutes, ultimately the decision making for TAFEs rests with their boards. Those boards are in the process of consulting with government in order to make the adjustments that they deem fit, and I have to say that the feedback we are already getting is that many of those TAFEs and many of those vocational education providers are thinking creatively about the future, and they are positive about the future.

Public safety: government initiatives

Ms MILLER (Bentleigh) — My question is to the Premier. In light of the tragic events which have occurred since the house last met, can the Premier update the house on steps the government is taking to improve public safety?

Mr BAILLIEU (Premier) — I thank the member for her question. I am sure all members of this house would have been deeply moved by recent events, including the death of Jill Meagher, the reports today of the death of Sargun Ragi and other acts of antisocial behaviour and violence which have occurred. I want to send a clear message to all Victorians, and I am sure all sides of the house want to send a clear message to all Victorians, that antisocial behaviour and violence, particularly violence against women and children, is completely and utterly unacceptable.

It has been quite apparent over a number of years that there have been tragic incidents of violence, and it is difficult to single out any particular act or tragedy. I am thinking of the likes of Shane McCormack, Matthew McEvoy, sisters Colleen and Laura Irwin, Aaron Linskens, Luke Mitchell, Rhys Marshall, Nitin Garg and Walter Hughes, but the events around the death of Jill Meagher in Sydney Road, Brunswick, have captured the attention of all Victorians and all Australians.

The government is focused on a change of culture in regard to antisocial behaviour and violence. We have sought to increase the number of police and to put protective services officers on railway stations, we have sought to increase enforcement and the laws around antisocial behaviour and we have sought to address the question of sentencing and ensure that it is in line with community expectations. We will continue that work.

We have also, through the death of Jill Meagher, seen the role that CCTV (closed-circuit television) cameras can play in identifying suspects. I do not want to put any finer point on it than that at this stage, because there is a court case, but all Victorians and all Australians have seen for themselves what happened in Sydney Road, Brunswick, that evening — a busy street at that time. The very fact that Victorians have been able to see that incident for themselves as a consequence of that CCTV footage has moved many people to think that could have been their daughter, their sister or indeed their mother. Anybody who has seen that footage and understood the situation could not but be moved by it.

Subsequent to that incident and the arrest of a suspect — and I do not want to get into any further angles on that — we have seen an extraordinary demonstration of community will. That community will was on display in Sydney Road, Brunswick, on the day after the AFL Grand Final, when some 30 000 people spontaneously stepped forward to say, 'Enough is enough! We have to put an end to this culture of violence and antisocial behaviour, and we have to do more to protect women and children'. I say to all those who were involved, 'Thank you for stepping up. Thank you for reminding everybody in this state and across this country that we can do more'.

Jill Meagher's death has been greeted with great sadness across the world. I pay tribute to her family, her colleagues and her friends, all of whom have endured this tragedy with great dignity. We commit to ensuring

that we do whatever is possible to prevent an incident like this from happening again. I invite the Leader of the Opposition to make some remarks by leave.

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I thank the Premier for his indulgence, and I join him in saying that violence is never, ever acceptable. There is no disagreement across this Parliament around that central point. I want to make some comments in relation to a couple of the tragic events that the Premier alluded to in his eloquent presentation just a moment ago. I join in condemning those acts as violent acts, but I also want to make a few points by way of background.

In the early hours of Saturday, 22 September, a shocking crime occurred that made us question our safety, our community and the way in which we live our lives. It shook the people of Victoria deeply and produced unprecedented public mourning. It unearthed the best and, sadly, the worst of our humanity. Across this chamber we offer our deepest condolences to the family, friends and colleagues of Jill Meagher. We regret the hurt they have endured. We have, as a community, struggled to confront this tragedy. It moved us.

We are moved by the courage of a husband and the grief of a loving family. We are moved by the shock of a community and the care shown by strangers. Most of all we are moved by the story of an innocent woman who became the random target of an unspeakable act. The Premier referred to the community outpouring, with thousands being moved to assemble to attend a peaceful rally on Sydney Road to honour not just Jill Meagher but our way of life, our peace, our harmony and to show in perhaps the most powerful way it can be shown that we as a community will never accept that sort of conduct.

Today's newspapers carry stories of another tragic event. It is important, as the Premier has noted, that whilst the case of Jill Meagher is one case, there are others, and we must equally grieve for others who have been touched by other violent acts. We must also remember that this weekend thousands of young people will walk the same street and many other streets across Melbourne after midnight. They will perform a commonplace ritual — meeting friends, catching cabs, walking back home at the close of the evening. They will worry about lots of different things because that is just the way ordinary life is, but they should never have to worry for their lives. That cannot happen here. We cannot let that happen here — not in our city, not in our state.

We should never forget this tragedy, but we should not let it change our society. We cannot curtail our evenings, we cannot cloister our lives. We have to have faith in our dedicated police force, whose efforts over the past few weeks have been highly commendable. We have got to remember our social contract, the contract of our community — that is, to be responsible and to be vigilant but also to respond to those in need. We have got to preserve the bond between Victorians that so often is at its most pristine, its most obvious, its most brilliant at times of tragedy and at times of great struggle.

I welcome the Premier's commentary in relation to the unacceptability of violence. I welcome efforts by the government to increase bipartisan activity, if you like, to keep Victorians safe, but I also say that we should mourn the loss. We should work as hard as we possibly can to always preserve and speak up for those qualities and those freedoms that make Victoria such a special place.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before I call the next question, I acknowledge Andrea McCall, a former member for Frankston in this house, and welcome her to the chamber. It is good to see her.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Higher education: TAFE funding

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. I refer the Premier to Sale teenager James, who enrolled in a diploma of business course at Advance TAFE in 2011 and whose positive story was highlighted in the education department's own annual report. Since this report was released, the government has cut funding for the diploma of business to just $2 an hour, and the course Advance TAFE diploma student James was studying has been cut entirely. I ask the Premier: is scrapping courses which benefit people like James from Gippsland the outcome the Premier was referring to when he promised to support 'quality training from quality providers with quality outcomes'?

Mr BAILLIEU (Premier) — Again I thank the Leader of the Opposition for his question. I say again, as I have said before, that it is incumbent upon this government as a result of decisions made by the

previous government to ensure that vocational education and training in Victoria is on a sustainable basis. It is a straightforward proposition when you consider that the previous government assigned some $850 million for the 2011–12 year and in fact the cost of taxpayers subsidies blew out to more than $1.3 billion. That is a fact that cannot be ignored; we have to have vocational training on a sustainable footing. All providers — whether they are TAFE, whether they are private providers or whether they are ACE (adult and community education) providers — are now available for students to choose from in terms of delivering courses.

Many courses have received an increase in subsidy, and they are the courses where there is a direct relationship between industry needs and those courses. Other courses where there has been an oversubscription to those courses relative to industry needs have had changes. That has occurred because we need sustainable funding for vocational education and training. All providers will make decisions about the courses they offer, and some providers already had changes of mind. Some courses — in fact hundreds of courses that were available — had no students at all, and some courses had very few students.

It is unsurprising that providers would see the benefit of consolidating those courses and making sure there is no duplication. That makes sense when we are seeking to put vocational training on a sustainable basis. I do not have the list in front of me, but I could point to many courses, including those in the field the — —

Mr Andrews — On a point of order, Speaker, on relevance, I would be indebted to the Premier if he would point to the course I asked him about in relation to the predicament of James, which was detailed in the government's own annual report — —

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

Mr BAILLIEU — I could point to many courses in the field to which the Leader of the Opposition refers that have had their funding either sustained or, in some instances, increased. That is what is to be expected as we make the adjustments that are necessary. The proposition the Leader of the Opposition put was that there should have been no changes. No-one except the Leader of the Opposition puts that proposition — —

Mr Andrews — On a further point of order, Speaker, question time is not an opportunity for the Premier to run a commentary on anyone on this side of the house. A specific question was asked about a student undertaking a course, and I ask you to direct the Premier to be relevant to the question he was asked.

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

Mr BAILLIEU — The proposition put was that there should be no changes, and not even the federal minister, the Labor minister in Canberra, agrees with that proposition.

The SPEAKER — Order! The Leader of the Opposition, on his third point of order.

Mr Andrews — On a point of order, Speaker, I put it to you that the standing orders are very clear, as are previous rulings from the Chair, that the Premier is not entitled to run a commentary on, as he sees it, alternative proposals or the actions or comments of any member of this house; they are clearly outside the matters of government administration for which the Premier is accountable. He ought to be drawn back by you to answer in a relevant way and in accordance with the standing orders. Whether it is the third time or however many times, I put it to you that that is a valid point of order — —

The SPEAKER — Order! I have heard the member's point of order, and I believe the answer was relevant to the question asked.

Mr BAILLIEU — I was going to make the point that even the federal minister agrees with the proposition that changes are necessary and that training ought to be aligned with industry needs. He said so last week, and it was reported publicly. I would have thought that the Leader of the Opposition would have been pleased to know that his Labor colleague in Canberra agrees with the proposition that training has not been on a sustainable basis in this state and that we need to put it on a sustainable basis.

Family violence: government action

Mrs FYFFE (Evelyn) — My question is to the Minister for Women's Affairs. Can the minister update the house on action the government is taking to address violence against women and children?

Ms WOOLDRIDGE (Minister for Women's Affairs) — I thank the member for Evelyn for her question and for her ongoing and substantial interest in protecting and keeping women and children safe. I am pleased to inform the house that this morning I joined with the Premier at Parliament House to launch an initiative and document entitled *Victoria's Action Plan*

to Address Violence against Women and Children — Everyone Has a Responsibility to Act.

I am sure, as has been said a number of times already today, that everyone will agree that violence against women and children is unacceptable in any form, at any time, in any circumstances and in any community, and that we must do everything we possibly can to stop it occurring. The coalition government is committed to preventing violence from happening, to identifying and working with women and children who are at risk, to holding perpetrators to account and to making sure that we support those women and children who do experience violence.

Our action plan is an integrated, coordinated, whole-of-government approach that addresses all forms of violence against women and children, but especially of course because of their prevalence, family violence and sexual assault. It contains actions that span prevention, early intervention and response, and recovery for women and children who experience violence. Underpinning the plan is an investment of $90 million in 2012–13, which represents an increase of about 20 per cent over the last two years. The plan also incorporates the measures announced by the Premier last month in relation to increasing penalties for breaches of intervention orders, expanding the time frame for family violence safety notices and expanding counselling and support services for women and children.

I am very pleased that today we are able to announce $7.9 million in new and expanded prevention activities, because if we are going to go to the heart of this issue, we need to prevent violence occurring. The things we will be investing in include raising community awareness to make sure that the attitudes and behaviours that have allowed violence against women and children to occur or continue to occur actually stop. We will be working with schools to incorporate respectful relationship training into the school curriculum, promoting social media literacy, training teachers and establishing links to local community organisations.

We are going to provide resources and training for workplaces to develop environments that are safe and inclusive for women. This will include a bystander program to equip people with knowledge about what to do when someone might be experiencing violence or using violence. We will also be working with the media to ensure that we have effective reporting on violence against women, and we will be training survivors of violence to be effective media spokespeople.

This action plan is a very carefully considered and strategic plan to address violence against women and children. It has been informed by valuable feedback that we have received through an extensive consultation process. We received over 130 written submissions and met and engaged with over 260 people, some of whom shared directly with me their very personal experiences of family violence. I would like to thank everyone who has participated in the consultation for their courage, their commitment and their contribution to the process.

Through this action plan, the coalition government is providing strong leadership and a coordinated and integrated approach to tackling this issue. However, if we are to actually reduce violence — the incidence of violence and the impact of violence against women and children — we need everyone to act. Part of what the plan does is reinforce that it is everyone's responsibility. I know everyone in this house will participate in that process. We need communities, organisations and individuals right across the state to join us in taking action. Everyone has a responsibility to own this issue, to speak up and to act, so that we can live free of violence against women and children.

Family violence: Coroners Court review

Ms HENNESSY (Altona) — My question is to the Premier. I refer to the government's decision to discontinue funding for the Victorian systemic review of family violence deaths conducted by the Coroners Court. Will the Premier reinstate funding for this important program?

Mr BAILLIEU (Premier) — I thank the member for her question. As the Minister for Women's Affairs has just indicated, this is a very serious issue, and we take it seriously. We have today taken steps to further address this issue. In doing that we acknowledge the work of the previous government, but when it comes to the program to which the member refers, it is my understanding that that funding stopped under the previous government.

Ms Hennessy — On a point of order, Speaker, I ask that the Premier be relevant to the question. I asked: will he reinstate funding for this important program? If the answer is no, he should simply say so and sit down.

The SPEAKER — Order! The Premier has concluded his answer.

Rail: protective services officers

Ms RYALL (Mitcham) — My question is to the Minister for Police and Emergency Services. Can the minister advise the house how the government is

improving public safety for Victorians, including those travelling on our rail network?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for her question. As I am sure all members of the house freely acknowledge, Victoria Police officers undertake the difficult and dangerous role every day of enforcing the law so that Victorians can feel safe in their communities. Police work tirelessly to keep criminal elements off our streets and to remove antisocial and threatening behaviour from our communities. Without dwelling on the recent tragic events, to which reference has already been made by the Premier and the Leader of the Opposition, I would particularly like to acknowledge the dedicated work undertaken by Victoria Police officers in the Jill Meagher investigation and, indeed, in relation to the work they undertake more generally. Obviously this work is ongoing, and for that reason, as I said, I intend to make no further comment on the matter.

The coalition came to government with a commitment to invest significant resources in Victoria Police. The government is employing record numbers of front-line Victoria Police officers and protective services officers (PSOs) to build Victoria's front-line police services. As the house is aware, we undertook to recruit, train and deploy 1700 additional front-line operational police by the next election in November 2014. As at 30 June this year, 850 of those officers had been provided, by 30 June next year another 350 officers will have been provided and by the November 2014 election a further 500 officers will have been provided. In addition we undertook to recruit, train and deploy 940 protective services officers to patrol railway stations in metropolitan areas and in the major regional centres by November 2014.

Honourable members interjecting.

Mr RYAN — Without responding to interjections I can tell the Leader of the Opposition — —

The SPEAKER — Order! The minister should ignore interjections.

Mr RYAN — I can say that it is going very well. We have recruited, trained and deployed more than 160 PSOs in circumstances where there were many people, close to where I stand, who said we would never be able to recruit those protective services officers. Now we have more than 160 of them right across the system. There are now 22 railway stations being manned, many of which are in Labor-held electorates. Whereas the Labor Party once trenchantly opposed this issue, judging by its obvious and regular comments it now strongly supports it. The PSOs have been deployed across 22 metropolitan stations so far and that representation will continue with another squad about to graduate from the academy.

The presence of the PSOs is viewed very positively by the community. In a recently commissioned survey of some 2700 people, 83 per cent of night-time train users strongly agreed that PSOs patrolling stations was a good idea and 79 per cent strongly agreed that they would readily seek help from them if they felt unsafe. The survey also found that at least half of all parents surveyed would be happier about their children travelling at night if PSOs patrolled the stations, while 45 per cent strongly agreed they would travel more often at night if there were PSOs at railway stations.

As members move in and out of the stations being patrolled by these great protective services officers I urge them to engage with the PSOs, have a chat to them and congratulate them on the great work they are doing, because I know their work is supported by all members of this house.

Women: TAFE funding

Ms GREEN (Yan Yean) — My question is to the Minister for Women's Affairs. I refer to data from the Victorian TAFE Association which shows that funding will be cut to up to 85 per cent of TAFE courses popular with women, disproportionately affecting the 65 000 women undertaking trades training, and I ask: can the Minister for Women's Affairs detail for the house how the government's decision to cut funding for TAFE courses in hospitality, retail, agriculture and bricklaying is helping to improve opportunities for Victorian women?

Ms WOOLDRIDGE (Minister for Women's Affairs) — I thank the honourable member for her question. I believe we addressed this issue in the Parliament when it met in Ballarat, but if the opposition wishes to recycle the question, I am happy to address it directly.

The fact is that under the former Labor government we had a TAFE system that was unsustainable. This government — —

Honourable members interjecting.

The SPEAKER — Order!

Mr Noonan interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Williamstown

The SPEAKER — Order! The honourable member for Williamstown can take half an hour out of the chamber.

Honourable member for Williamstown withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Women: TAFE funding

Questions resumed.

Ms WOOLDRIDGE (Minister for Women's Affairs) — This government is investing an additional $1 billion in the TAFE and vocational education and training sectors so they will be sustainable into the future. The best thing we can do for women in this state is to make sure that we have a training system that is sustainable into the future, that they can access, that provides them with skills and that assists them to get jobs.

The fact is that we want to know that our training sector provides a pathway to jobs for people who participate in it. That is what women want: active economic participation in this community and the training and support to be able to participate. We have expanded initiatives and funding for courses such as aged care, disability services and children's services — that is, many of the areas that predominantly employ women. We will continue to ensure that we have a strong TAFE system that enables women and all Victorians to participate in the future of this state and a TAFE system that ensures their economic participation. That is what the coalition government will do.

Social media: regulation

Mrs BAUER (Carrum) — My question is to the Attorney-General. Can the Attorney-General update the house on proposals the Victorian government has made for a national approach on issues relating to social media and the justice system?

Mr CLARK (Attorney-General) — I thank the honourable member for Carrum for her question. Understandably issues of social media and its interaction with the legal system have received considerable public and media attention in recent times, particularly in light of concerns expressed by Victoria Police about attempts to have removed from a social media site certain material that the police consider may be prejudicial to a forthcoming trial.

The principles of law in this area are of long standing and their broad structure is straightforward: people should not publish statements about an accused person or about other aspects of an impending trial that would have the tendency to prejudice a fair trial or otherwise interfere with the administration of justice. That applies whether or not a court has made an explicit suppression order. To publish such material is a contempt of court. These principles of law are generally well understood and well respected by mainstream media outlets, be they print, electronic or internet-based outlets. However, the application of those principles in the field of social media is less well understood, and the practical and legal remedies that are available are not well established.

Of course these issues are not unique to Victoria. They extend to other states and territories, to the commonwealth and indeed to other countries around the world that follow similar legal principles to us. For this reason, the Victorian government considers that a coordinated national approach to these issues is highly desirable, if at all possible. I undertook to seek agreement on this matter when state, territory and commonwealth attorneys-general met in Brisbane last week.

I am pleased to be able to inform the house that such an agreement was reached in Brisbane and that the Standing Council on Law and Justice supported the proposition that I put forward on behalf of the Victorian government. The council has therefore commissioned a comprehensive package of measures to tackle issues ranging from the guidelines that are used by social media organisations through to protocols for the taking down of material through to warnings to jurors regarding accessing prejudicial material.

This package of measures will seek to address the problems at many different levels. First of all, in relation to the responsibilities of social media operators, operators have often stated a commitment to having acceptable usage policies and to operating in accordance with the law of the jurisdictions in which they function. The challenge is to ensure that those commitments are translated into a workable reality, and in particular when law enforcement bodies, courts or other authorities believe there are pages or other material that are in breach of the law, that those authorities have a way of directly communicating that situation to the attention of social media operators and that they will act speedily in response.

Thus the project will look at ways in which social media operators may establish or improve protocols around these matters so there are direct channels of communication and clear and structured grounds on which media operators can be asked to act. This is an issue that applies to not just material that may prejudice trials but obviously to other material that may be in breach of laws such as those relating to cyberbullying or other legal obligations.

The project will also look at the way users of social media are made aware of the law and of their responsibilities and can have those responsibilities drawn to their attention. It will also look at the ways the jury system may be able to be strengthened to protect juries against being prejudiced by such material. There is the potential for model directions and prohibitions on jurors accessing inappropriate material. We will also potentially look at further empirical research about how jurors react to material they become aware of that is extrinsic to a trial. Overall this work will seek to adapt and apply longstanding legal principles in the new context of this social media so we can achieve a fair and workable balance between freedom of speech and fair and accountable media use.

Department of Education and Early Childhood Development: Gippsland office staffing

Mr MERLINO (Monbulk) — My question is to the Premier. Can the Premier rule out cutting up to 70 staff positions at the Gippsland office of the Department of Education and Early Childhood Development and leaving as few as four or five local employees, with Gippsland education services to be delivered from an office in central Dandenong?

Mr BAILLIEU (Premier) — I thank the member for his question. As members would know, the government has put in place the sustainable government initiative, and that work is under way. Requests for expressions of interest in voluntary department packages were made, and they have been received. Departments are assessing those applications, and when they have been assessed the departments will make their decisions. Departmental decisions will ensure that front-line services are preserved.

Taxis: safety initiatives

Ms WREFORD (Mordialloc) — My question is to the Minister for Public Transport. Can the minister advise the house of the action the government is taking to improve safety for taxi users in Victoria?

Mr MULDER (Minister for Public Transport) — The coalition came into government with a very clear plan to clean up the mess that was left behind by the former government in relation to the Victorian taxi industry. There is no doubt that the Victorian taxi industry was in tatters when we took it over. We have appointed Professor Allan Fels to conduct an extensive inquiry into the taxi industry. His report has been handed to me, and we will respond to that report later on this year. I congratulate him and those who assisted him in relation to the report.

Although this inquiry was going on, it did not stop the government from taking the action it believed was required to make sure we have a safe taxi industry. To that end we have embarked on a program to improve taxi ranks around the state. We have invited councils to apply for funding from the coalition government to make sure they can make taxi ranks in their municipalities safe, and somewhere in the order of $840 000 has been made available. I have just written to councils again and asked them to apply for round 2 funding for the taxi rank safety program.

For example, money has been provided to the City of Greater Dandenong for signage, lighting and shelters outside the Noble Park and Springvale railway stations. Money has been provided for the city of Port Phillip for lighting and road treatments on Acland Street in St Kilda. An amount of $36 700 has been provided to the Shire of Melton for signage, a weather shelter, lighting and a pedestrian barrier on McKenzie Street in Melton and also at Melton railway station. In the city of Greater Geelong there is funding for closed-circuit television cameras on Malop Street in Geelong. It goes on right down to the Swan Hill Rural City Council.

In the city of Stonnington I was joined recently by the member for Prahran along with the mayor, John Chandler, to announce the opening of 18 individual taxi ranks right along Chapel Street. They are illuminated areas for taxidrivers to pull into at night, and there is signage whereby people on Chapel Street and revellers late at night can find a taxi in a very safe environment. It is a very welcome program right across the state.

We have taken another initiative — even though Professor Fels has carried out this extensive investigation — involving matching the database of drivers of taxis, hire cars and buses with the police LEAP (law enforcement assistance program) database. I understand that the offer was made to the former government and that it turned the offer down. The minute the offer was put to me as the minister, I took it up. I wanted to make sure that people behind the wheels of taxis in Victoria are the right and proper people to

pick people up at taxi ranks, to convey them to their address and to deliver them safely home at night. We were committed to that, and over many months we have gone through the process on a regular basis of linking the LEAP database to the database of all the relevant drivers.

From June to August 2011, 84 drivers were identified, 6 drivers were found to have category 1 offences and 8 drivers had their accreditation cancelled and were taken off the road. If there had not been a change of government, those people would still be out there behind the wheel. They would have been out there behind the wheels of taxis in Victoria. We go through that database on a regular basis. We will continue to check that database to make sure that people who hail a taxi in Victoria — from the minute they come to the rank, while they get into the taxi and once they have been conveyed to their address and get out there — can do so safely and can have confidence that the government is doing all it can to clear up the mess that was left behind by the former government.

ACTING OMBUDSMAN

The SPEAKER — Order! I advise the house that on 4 October 2012 I administered to John Taylor, the Acting Ombudsman, the oath required by section 10 of the Ombudsman Act 1973.

JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to repeal section 134AE of the Accident Compensation Act 1985, to amend the Judicial Remuneration Tribunal Act 1995 regarding reporting periods, to amend rule-making powers in the Supreme Court Act 1986, to amend the County Court Act 1958 in relation to recognition of service for pension entitlements, to amend the Terrorism (Community Protection) Act 2003 to extend the date for tabling a report on the operation of that act and for other purposes.

Read first time.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012

Introduction and first reading

Mr O'BRIEN (Minister for Energy and Resources) — I move:

> That I have leave to bring in a bill for an act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in relation to the National Offshore Petroleum Safety and Environmental Management Authority and for other purposes.

Ms D'AMBROSIO (Mill Park) — I request that the minister provide a brief explanation of the bill.

Mr O'BRIEN (Minister for Energy and Resources) — This bill will confer on the body known as NOPSEMA (National Offshore Petroleum Safety and Environmental Management Authority) jurisdiction to regulate well integrity in Victorian territorial waters in order that that body may continue to regulate occupational health and safety in relation to those waters.

Motion agreed to.

Read first time.

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2012

Introduction and first reading

Mr O'BRIEN (Minister for Energy and Resources) — I move:

> That I have leave to bring in a bill for an act to amend the enforcement provisions of the Mineral Resources (Sustainable Development) Act 1990 and for other purposes.

Ms D'AMBROSIO (Mill Park) — I request a brief explanation of the bill.

Mr O'BRIEN (Minister for Energy and Resources) — This bill increases the enforcement powers of the minister and the department in relation to section 110 notices, it expands the nature of triggers for the issuing of section 110 notices, it provides the Supreme Court with more power to issue orders to compel the performance under section 110 notices and it provides the state with the opportunity to step into the shoes of a body which has been issued with a section 110 notice but has not completed that work.

Motion agreed to.

Read first time.

TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012

Introduction and first reading

Dr NAPTHINE (Minister for Ports) — I move:

That I have leave to bring in a bill for an act to amend the Tobacco Act 1987 to limit further the operation of shopper loyalty schemes in relation to the sale of tobacco products and for other purposes.

Ms GREEN (Yan Yean) — I ask the minister for a brief explanation of the purpose of the bill.

Dr NAPTHINE (Minister for Ports) — As members will be aware, this government is concerned to ensure that we have a positive program to reduce the use of tobacco in our society. This bill seeks to further reduce the operation of shopper loyalty schemes in relation to the sale of tobacco products.

Motion agreed to.

Read first time.

ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012

Introduction and first reading

Mr MULDER (Minister for Roads) — I move:

That I have leave to bring in a bill for an act to amend the Road Management Act 2004 in relation to the Peninsula Link Freeway and to amend the Accident Towing Services Act 2007 and for other purposes.

Mr MERLINO (Monbulk) — I ask the minister for a brief explanation of the purpose of the bill.

Mr MULDER (Minister for Roads) — The bill seeks to ensure that the Peninsula Link Freeway can be opened on time. Therefore it transfers the responsibilities that currently sit with VicRoads to Southern Way Pty Ltd, the operator of the freeway.

Motion agreed to.

Read first time.

CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012

Introduction and first reading

Mr R. SMITH (Minister for Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to amend the Climate Change Act 2010 and the Environment Protection Act 1970 to implement changes arising from a review of the Climate Change Act 2010, to make other amendments to the Environment Protection Act 1970, to amend the Transfer of Land Act 1958 and for other purposes.

Mr MADDEN (Essendon) — I ask the minister to provide a brief explanation of the purpose of the bill.

Mr R. SMITH (Minister for Environment and Climate Change) — This bill gives effect to the government's response to the recommendations made following the independent review of the Climate Change Act 2010 and also makes amendments to the Environment Protection Act 1970 to support government policy directions on littering and pollution.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 12 to 21 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Planning: permit process

To the Legislative Assembly of Victoria:

The petition of certain citizens of Victoria draws to the attention of the house the Baillieu government's plan to rush through 'code assess' legislation which threatens the livability of Melbourne and our suburbs.

In particular, we note:

1. developers that meet the 'code assess' standards will be fast-tracked for multistorey developments and local residents will have no warning, no say and no right to go to VCAT;

2. this legislation does not protect our suburbs from inappropriate development and it does not protect the

rights of Victorians to have a say about the shape of their community;

3. this unrestrained development will put more and more pressure on already strained infrastructure like roads, schools, health services and public transport.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to withdraw the radical reshaping of the planning act that will remove community consultation from the development approval process and to rethink, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods.

By Mr BROOKS (Bundoora) (28 signatures).

Higher education: TAFE funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

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

2. as a result of these cuts, it is anticipated our local NMIT will lose $25 million in funding, along with staff.

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

By Mr BROOKS (Bundoora) (343 signatures).

Higher education: TAFE funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

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

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

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

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

By Mr NARDELLA (Melton) (289 signatures).

Tabled.

Ordered that petitions presented by honourable member for Bundoora be considered next day on motion of Mr BROOKS (Bundoora).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 14 of 2012 on:

Local Government Legislation Amendment (Miscellaneous) Bill 2012
Primary Industries and Food Legislation Amendment Bill 2012
Retail Leases Amendment Bill 2012
Road Safety and Sentencing Acts Amendment Bill 2012
Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012
Traditional Owner Settlement Amendment Bill 2012
Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Accident Compensation Conciliation Service — Report 2011–12

Australian Centre for the Moving Image — Report 2011–12

Australian Grand Prix Corporation — Report 2011–12

Bairnsdale Regional Health Service — Report 2011–12

Beaufort and Skipton Health Service — Report 2011–12

Beechworth Health Service — Report 2011–12

Benalla Health — Report 2011–12

Calvary Health Care Bethlehem Ltd — Report 2011–12 (two documents)

Central Gippsland Health Service — Report 2011–12

Cobram District Health — Report 2011–12

Country Fire Authority — Report 2011–12

Duties Act 2000 — Reports 2011–12 of exemptions and refunds under ss 250B and 250DD (two documents)

East Grampians Health Service — Report 2011–12

East Wimmera Health Service — Report 2011–12

Education and Early Childhood Development, Department of — Report 2011–12

Emergency Services Superannuation Scheme — Report 2011–12

Emergency Services Telecommunications Authority — Report 2011–12

Financial Management Act 1994:

Reports from the Minister for Environment and Climate Change that he had received the reports 2011–12 of:

Central Murray Regional Waste Management Group

Highlands Regional Waste Management Group

South West Regional Waste Management Group

Reports from the Minister for Health that he had received the reports 2011–12 of:

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Tweddle Child and Family Health Service

Report from the Minister for Higher Education and Skills that he had received the Report of the TAFE Development Centre for the period July–December 2011

Geelong Performing Arts Centre Trust — Report 2011–12

Gippsland Southern Health Service — Report 2011–12

Hepburn Health Service — Report 2011–12

Interpretation of Legislation Act 1984 — Notices under s 2(3)(a)(iii) in relation to Statutory Rules 80 *(Gazette G35, 30 August 2012)*, 99 *(Gazette S320, 19 September 2012)*

Kilmore and District Hospital — Report 2011–12

Legal Services Board — Report 2011–12

Library Board of Victoria — Report 2011–12

Lorne Community Hospital — Report 2011–12

Mallee Track Health and Community Service — Report 2011–12

Mansfield District Hospital — Report 2011–12

Melbourne Recital Centre Ltd — Report 2011–12 (two documents)

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2012 and Summary of a variation notified between 21 June 2012 and 5 October 2012 and Summary of Primary Return September 2012 — Ordered to be printed

Metropolitan Fire and Emergency Services Board — Report 2011–12

Museums Board of Victoria — Report 2011–12

Nathalia District Hospital — Report 2011–12

National Gallery of Victoria, Council of Trustees — Report 2011–12

Ombudsman — Investigation into an alleged corrupt association — Ordered to be printed

Omeo District Health — Report 2011–12

Orbost Regional Health — Report 2011–12

Parliamentary Contributory Superannuation Fund — Report 2011–12

Planning and Community Development, Department of — Report 2011–12

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine — C31

Bass Coast — C64 Part 1

Boroondara — C91

Cardinia — C104, C190

Casey — C152, C170

Glenelg — C93

Greater Bendigo — C135

Hume — C166, C172

Macedon Ranges — C67 Part 1

Maribyrnong — C113, C116

Melbourne — C161, C193

Melton — C128

Mitchell — C100

Mount Alexander — C52

Moyne — C56

Nillumbik — C67

Stonnington — C135, C162

Strathbogie — C58

Whittlesea — C137, C167

Wyndham — C180, C200

Yarra — C151

Queen Elizabeth Centre — Report 2011–12

Rural Northwest Health — Report 2011–12

Seymour Health — Report 2011–12

South Gippsland Hospital — Report 2011–12

Statutory Rules under the following Acts:

County Court Act 1958 — SR 104

Firearms Act 1996 — SR 101

Infringements Act 2006 — SR 107

Juries Act 2000 — SR 106

Local Government Act 1989 — SR 100

Magistrates' Court Act 1989 — SR 105, 109, 110

Racing Act 1958 — SR 102

Road Safety Act 1986 — SR 103

Subordinate Legislation Act 1994 — SR 108

Transport (Compliance and Miscellaneous) Act 1983 — SR 111

Wildlife Act 1975 — SR 99

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110

Documents under s 16B in relation to:

Accident Towing Services Act 2007 — Declaration of the Self-Management Area of Geelong

Livestock Disease Control Act 1994 — Order determining the circumstances in which compensation is payable and the maximum amounts of compensation payable for queen bees and hives

Meat Industry Act 1993 — Notice of Exemption

Road Safety Act 1986 — Order in Council Declaring Certain Motor Vehicles Not to be Motor Vehicles

Tallangatta Health Service — Report 2011–12

Terang and Mortlake Health Service — Report 2011–12

Timboon and District Healthcare Service — Report 2011–12

Treasury and Finance, Department of — Report 2011–12

Upper Murray Health and Community Services — Report 2011–12

V/Line Corporation — Report 2011–12

V/Line Pty Ltd — Report 2011–12

Victoria Grants Commission — Report year ended 31 August 2012

Victoria Law Foundation — Report 2011–12

Victoria State Emergency Service Authority — Report 2011–12

Victorian Arts Centre Trust — Report 2011–12

Victorian Curriculum and Assessment Authority — Report 2011–12

Victorian Law Reform Commission — Report 2011–12 — Ordered to be printed

West Gippsland Healthcare Group — Report 2011–12

Western District Health Service — Report 2011–12

Wimmera Health Care Group — Report 2011–12

Yarram and District Health Service — Report 2011–12

Yarrawonga Health — Report 2011–12

Yea and District Memorial Hospital — Report 2011–12.

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

Energy Legislation Amendment Act 2012 — Whole Act — 27 September 2012 *(Gazette S324, 26 September 2012)*

Health (Commonwealth State Funding Arrangements) Act 2012 — Whole Act except ss 31 and 32 — 1 October 2012 *(Gazette S324, 26 September 2012)*

Public Interest Monitor Act 2011 — Parts 1 and 2, Part 3 (except s 14) Part 4 and Part 9 (except s 54) — 18 September 2012 *(Gazette S316, 18 September 2012)*

Racing Legislation Amendment Act 2012 — Whole Act — 26 September 2012 *(Gazette S324, 26 September 2012)*

Residential Tenancies Amendment Act 2012 — Part 2, ss 9 and 21 and the remaining provisions of Part 4 — 1 October 2012 *(Gazette S324, 26 September 2012)*

Road Safety Amendment Act 2012 — Whole Act (except ss 3, 4, 5 and 28) — 1 October 2012; ss 3, 4 and 28 — 1 November 2012 *(Gazette S324, 26 September 2012)*.

ROYAL ASSENT

Message read advising royal assent on 18 September to:

Energy Legislation Amendment Bill 2012
Evidence Amendment (Journalist Privilege) Bill 2012
Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012
Port Management Further Amendment Bill 2012
Racing Legislation Amendment Bill 2012

Residential Tenancies and Other Consumer Acts Amendment Bill 2012.

APPROPRIATION MESSAGES

Message read recommending appropriation for Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012.

BUSINESS OF THE HOUSE

Standing orders

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

> That so much of standing orders be suspended on Thursday, 11 October 2012, to allow:
>
> (1) immediately after the prayer, members to make statements to acknowledge the 10th anniversary of the Bali bombings and those killed or injured in that event, for an overall time of up to 30 minutes; and
>
> (2) formal business to proceed immediately after the statements.

Motion agreed to.

Program

Mr McINTOSH (Minister for Corrections) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 4.00 p.m. on Thursday, 11 October 2012:
>
> Resources Legislation Amendment (General) Bill 2012
>
> Retail Leases Amendment Bill 2012
>
> Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012
>
> Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012
>
> Working with Children Amendment Bill 2012 — amendments of the Legislative Council.

In moving this motion I submit that a significant and diverse range of bills are to be considered this week, along with consideration of the Council's amendments to the Working with Children Amendment Bill 2012. I think there will be ample time for all members to make effective contributions on all these bills.

Ms HENNESSY (Altona) — I rise to oppose the government business program. I understand that that incites a great deal of passion and, today, not so much energy from those on the other side of the house. However, the opposition opposes the government business program for reasons it has outlined in relation to previous government business programs. Those reasons go to the misuse of Wednesday afternoons for ministers to deal with second-reading speeches. We say that time ought to be reserved for debate on bills. I understand the government has suggested that it is following precedent, but that is not the case; at all times under the previous government this was done only by consent.

The opposition opposes the government business program. It also notes that consideration of the Council's amendments to the Working with Children Amendment Bill 2012 is an item on the program. Those amendments have already been agreed to in the other place. The opposition sees this as yet again a sign of a sloppy legislative program. Even before the bill had passed through the Legislative Council the government was required to introduce house amendments. The opposition will have more to say about that in the course of the debate on the amendments.

Finally, the opposition supports the commemoration of the Bali bombings taking place on Thursday morning. I thank the Leader of the House for his discussions on that matter. Nevertheless we will be opposing the government business program because of the misuse of parliamentary time when we ought be debating matters of important public policy on Wednesday afternoons.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution in support of the motion moved by the Leader of the House in relation to the government business program. It is a consistent program, and there are a number of important bills to be debated. In the interests of getting on with debate on the government business program and using parliamentary time effectively, I commend the motion to the house.

Mr CRISP (Mildura) — I rise to support the government business program, and in particular I make note of a number of bills that The Nationals are keen to speak on. The Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012 relates to issues that are very important to many people in this house, and debate on that legislation is something that is necessary and being looked forward to.

The Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012 is a bill that is important to many of us whose electorates have inland waterways. Boating and other related matters are very much a part of the

recreational culture of country people. This is important legislation because it brings codes of behaviour, standards and expectations in line with the responsibilities that apply when driving a motor vehicle. The Retail Leases Amendment Bill 2012 is important, as is the Resources Legislation Amendment (General) Bill 2012.

We are pleased, from a country point of view, to see the Traditional Owner Settlement Act 2010 being tidied up by the amendments contained in the Traditional Owner Settlement Amendment Bill 2012. The signing off on those amendments is important to all people in the country, particularly traditional landowners.

The Fire Services Property Levy Bill 2012 is another key piece of legislation for country areas, and the Treasurer very wisely stated that this is one of the most significant pieces of reform legislation to be seen in this house for some time. That is very important to country people.

With that said, it is of course 10 years since the Bali bombings, and that is something we are going to spend some time on on Thursday. That is important as well. We are very pleased to be supporting the government business program.

Ms McLEISH (Seymour) — I rise to support the government business program moved by the Leader of the House. Yet again I am disappointed that the opposition is going to oppose this for what I see as very flimsy reasons, including that Wednesday afternoon has to be devoted to debate, when I think there is enough flexibility in the system for the opposition to be able to cope if that debate is put at other times in the agenda. I find that quite inflexible and not really a strong argument.

I am pleased to hear that the argument was not put forward today about The Nationals wanting to go home earlier, because every week I continue to see that the members of the opposition are well and truly out of this building a long time before the members of the government.

We have some good legislation on the program today, including the Resources Legislation Amendment (General) Bill 2012, the Retail Leases Amendment Bill 2012 and the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012, and I think there would be many members who would want to contribute to those debates.

In addition, there is the Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012, which is an important bill for us to debate, and the Working with Children Amendment Bill 2012, to which the Council has made some amendments that have been sent back to this house.

There is a lot of debate to be had, and I think we have the opportunity to have those debates. The quicker we get on with the government business program, the better.

Mr KATOS (South Barwon) — I am pleased to rise in support of the government business program. There is some very good and sound legislation to be debated this week, including the Resources Legislation Amendment (General) Bill 2012, the Retail Leases Amendment Bill 2012, the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012 and the Transport Legislation Amendment (Marine Drug and Alcohol Standards Modernisation and Other Matters) Bill 2012, which is a piece of legislation I look forward to speaking on. Having previously been involved with fishing vessels and boats, I am keen to speak on that bill. I will also be pleased to make a contribution to the debate on the Working with Children Amendment Bill 2012.

This is all very good legislation. It is a sound government business program, and, as the member for Seymour indicated, it is Labor MPs who form the cavalcade of members leaving at 4 o'clock every Thursday. Perhaps they are not aware that we have an adjournment debate on Thursdays that they can participate in; however, it is not coalition MPs leaving the car park, it is a steady flow of Labor MPs. With that, I am happy to support the government business program.

House divided on motion:

Ayes, 43

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

Morris, Mr
Mulder, Mr
Wreford, Ms

Noes, 40

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

Motion agreed to.

MEMBERS STATEMENTS

Chris Beattie

Mr ANDREWS (Leader of the Opposition) — Chris Beattie was 56 years of age when he sadly passed away on 3 October this year after a short but brave battle with illness. Chris was the beloved husband of Liz, the member for Yuroke; loving father to Kelly and grandfather to Paige and Michael.

Chris was a proud Labor man who always fought hard for those who needed it most. He was daring, bold, brave and larger than life. He was the sort of person you would always want on your side, the sort of person who believed first and foremost in giving people a fair go. His personal values were reflected in his choices throughout his working life. He spent much of his career fighting for workers' rights both as a union delegate and an official of the Australian Services Union and later as a conciliator with the Victorian WorkCover Authority. It was during his years as a union official with the Australian Services Union that he met and later married Liz, who at the time was a union representative for the Coles group.

Liz and Chris shared a unique and close bond and enjoyed a love of politics, the Labor Party, food and drink, and of course travel. His other great passion was flying. Chris was a certified pilot and liked nothing more than taking to the skies in various light aircraft. He would take his friends and family up and on some occasions even convinced Liz to join him in the cockpit.

Chris left a great mark on all who knew him. He left a wonderful legacy from his 56 years. His was too short a life but a full life; there is no doubt about that. We pay our respects and honour his contribution. We are poorer for his passing.

Small business: Streetlife program

Ms ASHER (Minister for Innovation, Services and Small Business) — As has been previously announced in this place, the government has introduced a new Streetlife program. It has allocated $6 million over four years to improve the skills of retailers in the main and to assist small businesses, particularly in retail strips. The government has had significant support from the Australian Retailers Association and the Victorian Employers Chamber of Commerce and Industry, and I thank them for that support. I announced details of this program in late September. Grants of up to $20 000 will be made available to councils and grants of up to $5000 will be made available to business and trader associations.

I would like to advise members of the house that the grant applications are now open, and if they wish to do something to assist small retail businesses in their areas, they might like to look at these grants and ascertain whether it is appropriate for their council or for a business or trader association to apply. The Australian Retailers Association and Mainstreet Australia will partner with the government to deliver this program, and I thank both of those organisations for the work they have already done. I encourage all MPs to support this program, given the number of challenges that exist in the retail sector.

The Kennett government had a Streetlife program. This is slightly different in that it focuses not on street upgrades but on skills upgrades and is strongly based on council and local trader support. I urge all members to participate in this program.

Glendal Foods: workplace bullying

Mr SCOTT (Preston) — The *Age* on Monday raised shocking allegations of workplace bullying at Glendal Foods in Brunswick, and I know the member for Brunswick is deeply concerned about these allegations. It has come to my attention that the owner of Glendal Foods, Chandra Kanodia, previously operated the Phantom India restaurant. The *Age* of 15 October 1981 reported similar allegations of mistreatment of staff at the Phantom India restaurant by

the employer, none other than Chandra Kanodia. What is most disturbing is the common traits in both cases — the mistreatment of vulnerable staff from non-English-speaking backgrounds by a person of the same ethnic background; the withholding of wages for many weeks; the repayment of withheld money only after media interest; and antiunion attitudes by Chandra Kanodia.

Chandra Kanodia appears to be a coward who preys upon the vulnerable — a vulture with a record of mistreating migrant workers, starting as early as 1981. Migrant workers are very vulnerable to exploitation, and a civilised society protects the weak from exploitation. The protection of migrant workers is the fundamental role of any serious workplace safety regulator. WorkSafe Victoria should investigate these allegations. I refer members to the article from 1981, which is entitled 'Restaurant paying us below award, Indian cooks claim'. This is a shocking series of allegations that deserves the attention of regulators and this house.

Murray-Darling Basin: federal plan

Mr WALSH (Minister for Water) — Today the Murray-Darling Basin Authority released a modelling run of 3200 gigalitres with constraints removed for the Murray-Darling Basin plan. The Victorian government does not support the 3200-gigalitre basin plan. We call on Tony Burke, the federal Minister for Sustainability, Environment, Water, Population and Communities, to reaffirm his commitment to a basin plan with 2750 gigalitres of environmental outcomes, which he agreed to on 9 July. A 3200-gigalitre modelling shows there would be substantial and sustained flooding of towns and private land in transmitting that water down the river, which is unacceptable to Victorians.

What is also very clear is the hypocrisy of the South Australian government, which over the weekend announced it was going to mothball its desalination plant to which the commonwealth government contributed $328 million to enable South Australia to be less reliant on the Murray River. South Australia is now saying it wants more water down the river and wants to take more water to Adelaide. What is even worse is that South Australians pump that water as far away as Ceduna, which is 750 kilometres from the Murray River. The hypocrisy of the South Australian government on this issue knows no bounds.

I call on the federal minister to reaffirm his commitment, wherein he agreed with other basin states that there should be a basin plan that has 2750 gigalitres of environmental outcomes.

Greek community: commemorative events

Mr PANDAZOPOULOS (Dandenong) — Since the last sitting week I have attended a number of Greek community events, as have other members of this house and the other chamber. This year many parts of Greece, including northern Greece, the Aegean Islands and Crete, commemorate 100 years of reunification with Greece and independence of those important parts of Greece. The member for Sandringham was with me at a Lemnos community event the other day, and the member for Melbourne was with me at a Thessaloniki sister city event as part of these commemorative events, as were many other members. Sunday was a very busy day for me — 12 hours of attending various events.

The Lemnos community is commemorating 100 years of reunification with Greece. Lemnos is the most important part of Greece relevant to Australians; all 50 000 Australians who went to Gallipoli passed through that island because it was the location of base and training camps and of hospitals for those troops.

On Sunday evening the Pan Macedonian Association commemorated its 100 years of Greek Macedonia reunifying with Greece. Interestingly that same region also has a military history and attachment with Australia, with Australian troops having fought there in World War I and having returned in World War II. It is a pleasure to continue supporting these events. I want to thank the community organisations that have been planning these activities. Many members of both chambers will go to a number of these events in October, which is the most significant month for these events, and into next month.

Vocational education and training: reforms

Mr BATTIN (Gembrook) — The Minister for Higher Education and Skills has set about a reform to vocational training in Victoria, ensuring that we put vocational education on a sustainable path. The former government set up a system that was demand driven, had little focus on employment outcomes and put little thought into the funding and viability of the system into the future. In the forward estimates of the former Labor government there was funding of only $850 million each year over the next four years. The result would have been a cost blow-out the size of the myki disaster each and every year.

Recent reports in the media surrounding post-secondary education have seen some very interesting commentary, including that:

> … student-demand-driven system of allocating places is not working because students have too much choice.

And universities are:

> … too much focused on meeting student demand rather than meeting the needs of employers.

These are comments of the federal Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Chris Evans. Comments like this confirm to the community that the Victorian government is on track to ensure a viable and sustainable vocational education and training system.

As a result of concerns like those mentioned the Victorian coalition government has announced changes to be made to vocational training and it has increased funding in every apprenticeship area to record levels of $1.2 billion per year over the forward estimates. If only we can get the message to those opposite and their union masters that on this side of the house we are planning for the future, working with the sector and improving outcomes for students and employment. Senator Evans looks like he might be ready to use Victoria as a blueprint for a sustainable post-secondary education system.

Lawn bowls: Bendigo defibrillators

Ms EDWARDS (Bendigo West) — I refer to a request made by the Bendigo bowls division of Bowls Victoria to the Minister for Sport and Recreation in May for funding to purchase 17 defibrillators for the clubs in this division that do not have them and cannot afford to buy them. Lawn bowls is an active sport, and in the Bendigo division over 1500 men and women compete each week in pennant competitions and around 400 in club events. The average age of these lawn bowlers is around 70. A recent death at a local bowling club event has reinforced the need for defibrillators that could save lives. Many clubs in the Bendigo bowls division, such as Dingee, Calivil and Bridgewater, are a long distance from the nearest medical help and from a hospital, and the provision of a defibrillator would potentially provide a greater survival rate for a bowler who has collapsed with a heart attack. There are 23 clubs in the Bendigo bowls division, and 6 have managed to obtain a defibrillator through fundraising and assistance from other organisations; however, this is time consuming and a huge burden for older members of these clubs.

The minister has responded by telling the Bendigo bowls division to apply for a state grant or a local government grant to obtain the defibrillators, but this bowls division covers several local government catchments, and there are many sporting groups and recreation bodies competing for these limited local and state government grants. The Bendigo bowls division estimates the cost of the defibrillators at around $40 000. Football clubs and basketball clubs are well on the way to having this vital equipment at every game. Given that the age of lawn bowlers in clubs across this division is much higher than in other sports, I urge the minister to consider this request urgently as the funding of defibrillators for these clubs will potentially save lives.

Tormore–Boronia roads, Boronia: traffic lights

Mrs VICTORIA (Bayswater) — It is fantastic to see work commence on the Tormore and Boronia road intersection. The former Labor government said this intersection was not a priority, but those who use the area know differently. Well done to the action group, local residents, local schools, those who attend Knox Leisureworks and the Boronia football and cricket clubs who lobbied for this important change. Yet another election commitment is being delivered.

Tintern Schools: presentation ball

Mrs VICTORIA — I was delighted to attend the Tintern Schools presentation ball. I am very proud of all the students who presented beautifully on the night and who are a credit not only to the school but also to their parents and the local community. Well done to those in the school community who went to a great deal of effort to organise the night.

Marlborough Primary School: Parliament House visit

Mrs VICTORIA — A group of students from Marlborough Primary School recently toured Parliament House. It was terrific to speak with them and witness their raw enthusiasm here in the chamber. The students were well behaved and were a great reflection on their school.

Promises, Promises

Mrs VICTORIA — I place on record my great respect for the work of Jeanne Pratt and members of the Production Company who continue to provide Melbourne with world-class theatre productions and performance opportunities for singers, dancers, actors and musicians. I had a terrific time at the opening of *Promises, Promises* where Matt Hetherington, Marina Prior and Chelsea Plumley provided great entertainment and lots of laughs.

A Funny Thing Happened on the Way to the Forum

Mrs VICTORIA — John Frost needs to be given a huge pat on the back for the upcoming Melbourne exclusive season of the hysterically funny *A Funny Thing Happened on the Way to the Forum*, with the fabulous Simon Phillips directing and lead roles being played by Geoffrey Rush, Shane Bourne, Hugh Sheridan, Magda Szubanski, Gerry Connolly, Christie Whelan, Mitchell Butel, Adam Murphy and Bob Hornery. It is sure to be a sell-out, and that is great for Victoria.

Syria: Mussalaha initiative

Mr LANGUILLER (Derrimut) — Last week I and many other members of Parliament met an extraordinary woman, Mother Agnes Mariam of the Cross, who reported to us on the Mussalaha reconciliation initiative in Syria. She was accompanied by a very distinguished delegation of Australians of Syrian and Lebanese background. I wish to quote from and commend the extraordinary work of Mairead Maguire, Irish novelist, Nobel peace prize laureate and co-founder of the Peace People. She said:

> We must put ourselves in the shoes of the Syrian people and find peaceful ways to stop this mad rush toward a war that mothers, fathers and sons of Syria do not want and do not deserve … We urgently need to support those working for peace in Syria and are looking for a way to help the 22 million Syrians to resolve their conflict, without promoting violence or chaos.

Mussalaha, which means reconciliation, is an extraordinary community-based, non-violent popular initiative born within the civil society of Homs, a city which has been torn apart by the conflict between the regular army and opposition forces. Founded at community level, it has arisen spontaneously from within civil society and includes members of all ethnic and religious communities who are tired of war. It stands as a demonstration of hope that an alternative third way to armed conflict is possible and provides an alternative to any military intervention from abroad.

Benalla Racing Club: race meetings

Dr SYKES (Benalla) — The 30 millimetres or so of rain that we had in northern Victoria on Saturday was welcomed by farmers who were starting to be very concerned about their crops and pastures. Unfortunately the rain caused great grief for the Benalla Racing Club. After missing racing for nearly two years due to track drainage problems, the course was in perfect condition for the return to racing with the Benalla Toyota Gold Cup on Sunday.

A track inspection on Thursday showed the track to be a little hard, so it was watered on Friday, mindful that 5 to 10 millimetres of rain was forecast for Saturday. The 5 to 10 millimetres became 32 millimetres, and even though the track was deemed to be safe by the stewards on Sunday morning, it was decided not to proceed with the meeting in case it needed to be abandoned after a couple of races. The president of the club, Greg McNulty, and the club's CEO, Brendan Storer, along with committee members, sponsors, volunteers, racegoers, trainers and owners, were all very disappointed with the decision, but all agreed it was the right decision.

The next scheduled race meeting at Benalla is the Euroa Cup on 11 November, which will be followed by the Christmas race meeting in December. Let us hope for big crowds and some great racing at these events and for an overdue change of luck for the Benalla Racing Club.

Century Club: afternoon tea

Dr SYKES — Yesterday, along with others, I attended a centenarians party hosted by the member for Carrum here at Parliament House for 51 people aged 100 years or over. It was a great day for Doreen McPherson from Nagambie and Claire Ambler and Betty Wright from Benalla. All had a wonderful time — —

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

Victorian Alcohol and Drug Association: drug-related deaths

Mr NOONAN (Williamstown) — Recently members will have received a letter from the Victorian Alcohol and Drug Association (VAADA) regarding the increasing number of drug deaths in Victoria. The letter, dated 14 September 2012, provides specific data for 2010 and 2011 on the total number of deaths involving drugs and whether those deaths involved the use of pharmaceuticals, illicit drugs or alcohol.

In total there were 356 drug-related deaths in Victoria last year, 18 more than the previous year and 69 more than the road toll in 2011. Most people make the mistake of thinking that these deaths are almost exclusively caused by the use of illicit drugs such as heroin, but the facts presented by VAADA indicate that the misuse of pharmaceuticals contributes to more drug-related deaths in Victoria than the use of illicit drugs, and the problem is getting worse, not better.

The numbers speak for themselves. In 2011 there were 270 deaths involving the misuse of pharmaceuticals, whilst during the same period there were 151 deaths involving illicit drug use. Benzodiazepines, which are often used to treat problems such as anxiety and insomnia, were present in just over 50 per cent of all drug-related deaths in 2011. Behind each of these deaths is a family and friends left grieving in silence as they come to terms with the sudden loss of a loved one. We cannot simply let this problem go on unabated. It is time to consider VAADA's recommendations and work together to reduce the number of drug-related deaths involving pharmaceuticals in Victoria.

Royal Flying Doctor Service: achievements

Mr THOMPSON (Sandringham) — Recently the Victorian branch of the Royal Flying Doctor Service hosted a dinner at the museum which was addressed by Dr Don Bowley from the RFDS in Mount Isa. He outlined an extraordinary range of life-saving emergency interventions undertaken by the Royal Flying Doctor Service, which operates under the motto 'The finest care, the furthest corner'.

Land titles: Torrens system sesquicentenary

Mr THOMPSON — The year 2012 marks the sesquicentenary of the implementation in Victoria of the Torrens title system, an outstanding model of land ownership and transfer. Last week the occasion was marked by a dinner at the Myer Mural Hall which was addressed by the Governor of Victoria.

Ellen José

Mr THOMPSON — I pay tribute to the work of Indigenous artist Ellen José, whose art exhibition was opened on 6 October in Black Rock. Ellen's career as an artist spans almost four decades and 20 solo exhibitions.

Lemnos: independence day

Mr THOMPSON — I congratulate the Lemnian community on its successful celebration of the 100th anniversary of the independence day of Lemnos. A wreath-laying ceremony was held on 7 October in the shrine precinct in South Melbourne. The Lemnian community of Victoria provides support and social opportunities for the Lemnian and broader Greek communities of Melbourne through the provision of cultural, educational and recreational activities to address isolation and enhance community connectedness.

Century Club: afternoon tea

Mr THOMPSON — I pay tribute to three Sandringham electorate constituents, Mrs Muriel Birtwistle, Mrs Amy Blundell and Mr David Remocker, who attended yesterday's Century Club afternoon tea held at Parliament House.

Somali Independence Day

Ms KANIS (Melbourne) — On 1 September I attended a Somalia independence day celebration organised by Hawa Del of the Australian Somali Women's Healthcare Community Foundation. One of the wonderful things about Somali celebrations is that everyone — young and old, men, women and children — celebrates and dances together. This night was no exception, with plenty of singing, dancing, good food and celebration. There were also a number of speakers, including the Somali Consul General, Yonis Hashi, and there was a message of support from the Australian Prime Minister.

The night demonstrated the richness of the Somali community in Melbourne. It placed on show the pride the members of the Somali community have in their rich culture and also the way they have embraced Melbourne as their new home. The Somali community has a strong presence in my electorate, and it is great to see the community organising such positive events.

I would like to congratulate Hawa and all the women from the Australian Somali Women's Healthcare Community Foundation on organising such a successful event. Community organisations such as this must be supported for the work they do in leading and bringing together the community and for the depth of reach of their work. I look forward to next year's celebration.

Burtta Cheney

Ms McLEISH (Seymour) — I wish to acknowledge the recent passing of Miss Burtta Cheney, MBE, aged 95. Miss Cheney was undoubtedly an icon and a pioneer in women's golf in Victoria and Australia. She first became involved as the Victorian Ladies Golf Union's youngest delegate in 1937. She went on to become a marvellous golfer and took many honours, including the Australian Amateur, Victorian Amateur and Victorian Champion of Champions trophies, which she held concurrently in 1957–58. She was also member of the state team on 15 occasions.

Miss Cheney also became heavily involved as an administrator, and in particular she was a key driver for

the advancement of junior girls golf in the state. Enticing young women to play sport has been on the agenda for many years, as it was in 1947 when her work in this area began. One of her key achievements in 1966 was the introduction of the Anglesea girls golf camps, which continue today. Vale Miss Cheney — a golfing life well lived.

Seymour football club: achievements

Ms McLEISH — Who would have thought that when the firsts at the Seymour football club finished sixth on the ladder, winning half of their matches and 28 points behind the minor premiers, they would actually be competing for the big one at the end of the season? Although not successful in becoming the premiers, the team pulled off an extraordinary finals series, on which I congratulate all involved.

Healesville memorial hall: redevelopment

Ms McLEISH — It was my pleasure to be a part of the opening of the long-awaited redevelopment of the Healesville memorial hall. This was a truly successful collaboration between the community and all three levels of government. Blending history and culture, art and style, the opening was a blast. The naming of the Brian Luscombe balcony and the Nan Francis room are wonderful tributes that are most fitting. The committee did a wonderful job in bringing this project to fruition.

Dallas Brooks Community Primary School: construction

Mr McGUIRE (Broadmeadows) — This is the second time in consecutive sitting weeks that I have raised concerns about the Dallas Brooks Community Primary School. On the adjournment on 12 September I called for the urgent intervention of the Minister for Education in the range of issues bedevilling the school's construction. I received a letter from the minister dated 4 October in which he said:

> The department will continue to work closely with the school for the remainder of the capital works project so that a suitable long-term outcome can be achieved for the school community.

This response may be well intentioned, but it fails to recognise the gravity and urgency of the problems reported to me. I raise the issue again to ensure that there is not a communication gap between the department and the minister, as I would like to be sure that this project does not needlessly cost more.

Principal Valerie Karaitiana has been informed by the contractors that the project, which was not due to be finished until early next year, has been put on a crash program and that the keys will be handed over in October, no matter the condition of the school. Stuck in the middle of all this are 520 children, their families and a community that deserves a quality school and the minister's urgent attention.

Chris Beattie

Mr McGUIRE — Also, I would like to express my condolences to my colleague the member for Yuroke and her family on the tragic death of her husband, Chris. His loss will be deeply felt, especially across the communities of Melbourne's north.

Life Gate: 20th anniversary

Mr SHAW (Frankston) — I was pleased to speak at Life Gate's celebration of 20 years in Frankston, which was held at Dame Elisabeth Murdoch's home, Cruden Farm. Angel and Julie Roldan started Life Gate in 1992. Their mission is to empower, through counselling, support and prayer, individuals and families to overcome drug and alcohol addictions and other life-controlling problems, suicidal tendencies, abuse — sexual, spiritual and emotional — broken relationships, depression, and family and marriage conflicts, as well as helping troubled youth. Life Gate has impacted many lives in Frankston over the last 20 years.

I Love Frankston Fun Run

Mr SHAW — The I Love Frankston fun run was held on Sunday, 16 September. The 5-kilometre race and 2.5-kilometre walk is an annual event raising funds for the St Vincent de Paul Society through St Francis Xavier Catholic Primary School in Frankston. The participants numbered over 1200 — more than double the previous year. Congratulations to Colleen McGreal, the principal of St Francis Xavier, and all the volunteers, organisers and sponsors of the event. Well done also to Peter Cassano, the MC of the event, who kept people informed and amused. Channel 7's Peter Mitchell, Cr Christine Richards and I were pleased to start the races and hand out the various trophies and medals.

Blue Ribbon Day

Mr SHAW — I was pleased to speak at the Peninsula Blue Ribbon Day function held on 27 September at the Frankston Returned and Services League. This day is an opportunity for all Victorians to remember and honour those police officers killed in the line of duty. It is a day when we openly acknowledge

the valuable contribution our police make every day to keep us safe. Australia is renowned as one of the safest countries in the world. This is testament to the tireless dedication of our police force. The Blue Ribbon Foundation has raised over $5.7 million to help build 26 lifesaving units in hospitals that now treat more than 180 000 patients every year.

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

Home and community care: City of Moreland

Ms CAMPBELL (Pascoe Vale) — This house is constantly told by the Premier in question time that there will be no cuts to front-line services. The Premier is always claiming this, and I want to tell him that that is misleading the house. Front-line services are being cut and they are being cut in HACC (home and community care). Home and community care services are absolutely essential for each and every family in this state, and funding for them should not be cut. Moreland City Council has been advised that $54 271 will be cut from its HACC services funding and that in the 2013–14 financial year another $109 000 will be cut from its HACC services funding. In total, 3500 hours will be cut. If HACC services are not front-line services, I would like the Premier to explain why they are not.

The minister responsible should come to Moreland and explain to the residents which one of them who has had a hip replacement will no longer be getting HACC services and which one of our dearly loved aged-care recipients will not be getting HACC services. What would he say to the couple in their 70s who have both just retired and been hit with ill health, one with a general health deterioration and the other, who was the carer, with cancer and heart problems? The human cost of these HACC funding cuts is immense. The fact is that beds in hospitals will be blocked because they cannot get home — —

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

Mount Eliza: farmers market

Mr MORRIS (Mornington) — Farmers markets have very much become a great source of fresh local produce but they are also important contributors to local economies. Certainly the Mount Eliza farmers market in my electorate of Mornington is a great example of that, so I am pleased to advise the house that the latest market will open in Mornington on 10 November. It will showcase the excellent produce of the Mornington Peninsula as well as that of some other regions of Victoria. It will operate in Mornington Park at the beach end of Main Street, adjacent to Mornington Harbour — often known as the jewel in the crown that is Mornington. I congratulate the organisers and the Mornington Chamber of Commerce on this great initiative.

Mornington Secondary College: Schools First award

Mr MORRIS — On another matter, I also want today to congratulate Mornington Secondary College on receiving a National Australia Bank Schools First award for its School Connect program. It is a program that the school developed in partnership with the New Peninsula Baptist Church, and it is intended to encourage school attendance, student wellbeing, connection to peers and to the community, and to lift academic performance and classroom engagement. It has been a great success and has resulted in less disruption, better relationships and greater participation and involvement in the curriculum. I congratulate Sarah Burns and the team at Mornington Secondary College on their work.

Fire services levy: reform

Ms HALFPENNY (Thomastown) — The Baillieu government must be condemned for its careless, unfair changes to the collection and implementation of the fire services property levy that will increase the cost of living and place an extra, unfair financial burden on families in Victoria. Many residents of the Thomastown electorate have contacted me concerned and distressed that their insurance companies have advised that they will be charging the fire services levy for a full 12 months even though councils will be charging the levy for a full 12 months from 1 July 2013, as required by this government's legislation. This double dipping on the fire services levy is nothing more than greed, and it has been allowed to happen by this government.

The Labor opposition, while supporting the move to change the collection by insurance companies to a collection via rates notices, raised many concerns about this legislation when it was introduced into this house. We wanted to have safeguards to ensure that Victorians were not taken advantage of by insurance companies and others and that they would not have to pay more. But this government did not care. It looked down its nose at Victorians and has now been responsible for this rip-off. Who will be most affected by this treacherous act? It is retired Victorians on pensions and others on fixed incomes, those on low wages and those everyday families who are already struggling.

To add insult to injury, not only will we be paying more over the next 12 months for the fire services property levy but firefighting services are going to be cut by $66 million. Residents of the Thomastown electorate have asked me to demand the government fix this problem and stop the rip-off.

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

Hattah Lakes: environmental engineering project

Mr CRISP (Mildura) — Hattah Lakes is a Ramsar-listed wetland in the Murray-Darling Basin. It is also a Murray-Darling Basin icon site. The Murray-Darling Basin Authority, in conjunction with the Mallee Catchment Management Authority, is undertaking a large-scale environmental engineering project. The project objective is to simulate a large-scale flood using as little water as possible. In order to fill the lakes the river needs to run at approximately 40 000 megalitres a day for many weeks to raise the water level enough for it to flow into the creek and fill the lakes. The engineering project incorporates pumps, regulators and levee banks being used to hold the water, which will inundate the river red gums, and then be discharged back to the river. This is a smart use of water.

I thank the Minister for Environment and Climate Change for his interest in the project and for taking time to visit it. I thank the authority chair, Sharyon Peart, and the CEO, Jenny Collins, for hosting and organising the visit. Also, special thanks to Peter Kelly and Nick Sheahan for explaining the details. With this marvellous project well under way, and in fact nearing conclusion, the sooner the Murray-Darling Basin — —

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

WORKING WITH CHILDREN AMENDMENT BILL 2012

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 17, lines 4 to 33, omit all words and expressions on these lines and insert —

'For clause 102 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998, substitute** —

"102 Review of category 2 application

(1) If the proceeding relates to the giving of a negative notice on a category 2 application within the meaning of the **Working with Children Act 2005**, the Tribunal must determine that it is appropriate to refuse to give an assessment notice unless satisfied that giving the assessment notice would not pose an unjustifiable risk to the safety of children having regard to any matters to which the Secretary must have regard under section 13(2) of that Act.

(2) In satisfying itself that giving an assessment notice would not pose an unjustifiable risk to the safety of children, the Tribunal must be satisfied that —

(a) a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work; and

(b) the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.

(3) Even if the Tribunal is satisfied under subclauses (1) and (2) that giving an assessment notice would not pose an unjustifiable risk to the safety of children, the Tribunal must determine that it is appropriate to refuse to give the assessment notice unless it is satisfied that it is in the public interest to give the assessment notice.".'.

2. Clause 18, lines 2 to 29, omit all words and expressions on these lines and insert —

'For clause 103 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998, substitute** —

"103 Review of category 3 application

(1) If the proceeding relates to the giving of a negative notice on a category 3 application within the meaning of the **Working with Children Act 2005**, the Tribunal must determine whether in the particular circumstances it would be appropriate to refuse to give an assessment notice, having regard to any matters to which the Secretary must have regard under section 14(3) of that Act.

(2) The Tribunal must determine that it is appropriate to refuse to give an assessment notice unless the Tribunal is satisfied that —

(a) a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the

applicant was engaged in any type of child-related work; and

(b) the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.

(3) Even if the Tribunal does not determine under subclause (1) or (2) that it would be appropriate to refuse to give an assessment notice, the Tribunal must determine that it is appropriate to refuse to give the assessment notice unless it is satisfied that it is in the public interest to give the assessment notice.".'.

Mr CLARK (Attorney-General) — I move:

That the amendments be agreed to.

These amendments were made in the other place with the intention of clarifying the operation of some of the provisions of the bill. I will give an explanation to this house of the reasons canvassed for these amendments in the other place. There are two reasons for the changes. First of all, it became apparent there had been an inadvertent error in drafting the bill that reversed the meaning of one of the paragraphs that was proposed to be inserted into clause 103 of schedule 1 of the Victorian Civil and Administrative Tribunal Act 1988. Upon looking further it became clear that, whether or not that particular matter was reversed, the drafting was quite convoluted and it would be better to convey its meaning in a clearer and more straightforward manner by completely replacing the two clauses concerned.

The amendments made in the other place entirely remove clauses 102 and 103 of schedule 1 of the Victorian Civil and Administrative Tribunal Act 1988 and replace them with the wording set out in the amendments. Upon reading the amendments members will see that by redrafting and restating those clauses in full the intended meaning is conveyed clearly. The amendments, as previously drafted, were attempting to fit in with the structure of the clauses in schedule 1 as they currently stand. The drafting of those clauses was not as well expressed as it could have been, and that is consistent with other parts of the relevant legislation, including the Working with Children Act 2005 itself. So it was a very difficult task for parliamentary counsel to attempt to draft in that manner, and in fact it has proved to be cleaner and more straightforward to draft the clauses in the form that appears in the amendments.

Clause 102 deals with what happens when Victorian Civil and Administrative Tribunal is asked to review a category 2 application, and clause 103 deals with what happens when VCAT is asked to review a category 3 application. I remind the house that category 2 applications relate to a range of serious sexual, drug and violence offences. Category 3 applications include less serious offences, although obviously still offences that are of concern in the context of working with children. The way in which the test is applied is somewhat different across the two categories, which is why there is a different test to be applied by VCAT when it reviews a decision that has been made by the secretary.

In relation to a category 2 application, if there is a proceeding that relates to the giving of a negative notice on a category 2 application, the tribunal must determine that it is appropriate to refuse to give an assessment notice unless it is satisfied that doing so would not pose an unjustifiable risk to the safety of children, having regard to the matters to which the secretary must have regard under section 13(2) of the Working with Children Act.

The amendment goes on to set out the criteria that are relevant to that and makes clear that the tribunal must be satisfied that the giving of an assessment notice would not pose an unjustifiable risk to the safety of children — that is, the tribunal must be satisfied that a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work and that the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children. In addition, even if the tribunal is satisfied as to those matters, it must determine it is appropriate to refuse to give the notice unless it is satisfied that it is in the public interest to give the assessment notice.

Those criteria impose a high bar that needs to be crossed before the tribunal can be satisfied that it is appropriate to issue a working-with-children check to someone who has a conviction for a category 2 offence. That is of course completely consistent with the objectives of the legislation, which were discussed in the house when the bill was debated here, when it enjoyed, as I recall, bipartisan support.

In relation to clause 103, which as I mentioned earlier relates to category 3 applications, the test is structured somewhat differently. As the amendment sets out, if the proceeding relates to the giving of a negative notice on a category 3 application, the tribunal must determine whether in the particular circumstances it would be appropriate to refuse to give an assessment notice having regard to matters to which the secretary must have regard under section 14(3) of the Working with Children Act.

In applying that test, the tribunal must determine that it is appropriate to refuse to give an assessment notice unless it is satisfied that a reasonable person would allow his or her child to have contact with the applicant in relevant matters and that the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children. On top of that, the tribunal needs to be satisfied that it is in the public interest to give the assessment notice.

The government believes the amendments put the position in a very clear and straightforward manner, and needless to say that is to the benefit of all concerned, to the benefit of the tribunal when it needs to apply these tests and to the benefit of anybody who may be contemplating approaching VCAT to seek a review of the secretary's decision. Also it is of assistance to the secretary or those acting on her behalf, if it is necessary for her legal representatives to defend a decision that has been challenged before VCAT. With those few words, I commend the amendments to the house.

Ms HENNESSY (Altona) — I rise to also make a very brief contribution on behalf of the opposition on this set of Legislative Council amendments. I note that we are seeking the concurrence of the house with these amendments and that they were supported in the other place. The amendments were moved by the government in the Legislative Council during the committee stage of the Working with Children Amendment Bill 2012 and were passed by the Council on 30 August. As the Attorney-General has already outlined, they relate to a bill that this house had previously considered and passed unamended on 21 June. I indicate that the opposition will not be opposing the amendments, mirroring the course of action it took in the council in August. With any luck we will see this legislation pass its last parliamentary hurdle today.

In our role as parliamentarians, no matter which side of the chamber we sit on, it is implicit that we always seek to ensure that the legislation we pass does not have unintended consequences. I understand that from time to time there can be such consequences and implications arising from the drafting of legislation, and I understand that it is important to address potential problematic outcomes as soon as possible. The situation we find ourselves in today is one of those occasions. It is important that we get it right not only in the content and drafting of the bill but also in our parliamentary debates, which are often taken into consideration in respect of judicial interpretation of the law. Things like ambiguity, loopholes, inconsistencies and any possibility of doubt ought be rectified. I make these comments in the spirit of our support for improving the working-with-children regime.

Having said that, I am concerned that this appears to be an ongoing pattern in this government's approach to legislating. What we often see is a very desperate desire to obtain media interest in its legislative program. I do not hold that against the government at all; it wants to go out and make announcements to the media about what it intends to introduce into Parliament in a given week, and we often have not seen the bill when we read about such issues in the media. However, it seems that drafting issues, inaccuracies and unintended consequences are often identified in the course of the second-reading debates. It is my view that if the government were more considered in its passionate desire to get media attention and put a little more effort into getting the legislation right in the first place, we would not find ourselves in this situation.

It is important to give the Victorian Civil and Administrative Tribunal very clear directions in terms of the issues we wish it to consider in working-with-children applications. However, as I have said, with this government we seem to be seeing an ongoing pattern of sloppy drafting, which means we have to use the Parliament's time to come back and fix legislation before it can pass through both houses. Perhaps if the government were not so keen to get media attention and make announcements on a Monday in respect of the bills it intends to introduce in a sitting week, it would not have to regularly fix things by introducing house amendments. In respect of these amendments specifically, I note that a number of assurances were given by Mr Dalla-Riva, the Minister for Employment and Industrial Relations, who represented the Attorney-General in the other place during debate on this bill, that these amendments in no way change the intention of the Working with Children Amendment Bill. We rely on those assurances. We accept them in good faith.

We are eager to ensure that this bill passes finally, despite the sloppy drafting. That is a matter we hold the government responsible for, not the bureaucracy and not parliamentary counsel. If the government had done its job properly in the first place, we would not be here today debating these amendments. Having said that, the opposition does not oppose the amendments. However, we wish to put the government on notice that our willingness to be cooperative will not extend to ongoing mistakes that are identified in the course of second-reading debates. We think the government ought to do its job properly in the first place.

Ms McLEISH (Seymour) — It is with pleasure that I rise to speak on the amendments made to the Working with Children Amendment Bill 2012 in the other place. The previous member spoke from both sides of the fence. If there is an opportunity to improve a bill before it is passed, it is an opportunity that should not be missed, rather than making amendments two or three years after a bill has been passed, when there might be a higher monetary cost in making amendments or when there have been personal costs or anguish has been caused to people. You would rather be safe than sorry. That is what has happened a lot in the past. There can be loopholes, inaccuracies or ambiguities and things like that, and once a bill is passed they can have negative consequences, and we do not want that. We want to make amendments before that stage.

I commend the minister for his keen eye, attention to detail and willingness to have the courage to do this at this point rather than that letting things go and getting the bill out for the sake of getting it out there. This is a much more responsible approach to passing legislation, and I am pleased to support him and the amendments. What we are talking about is strengthening our laws and protecting children from physical and sexual abuse. We are all very keen to see a safer Victoria.

Through a number of the initiatives the government has undertaken, it has shown that it is working on its platform of improving safety for our children in Victoria. As a mother and an aunt it is easy for me to speak about that. I have cousins with children and there are many people in society who have children who would feel equally as passionate about keeping their kids as safe as possible when they are in the different organisations where adults are involved. I think they would also support us tying this up now.

If it was not clear, these amendments clarify the provisions in relation to Victorian Civil and Administrative Tribunal reviewing the secretary's decision. As the Attorney-General said, when the government was considering minor amendments that needed to be made, it found a convoluted explanation in the text in relation to that issue. It was simpler and cleaner to make that issue clearer by replacing all of the two relevant clauses, giving a simpler message.

I was pleased to speak on this bill before. I want to take this opportunity to mention something I did not have the chance to mention previously — that is, Child Wise, an organisation involved in child protection, and particularly the work of the CEO, Bernadette McMenamin. Five or six years ago I had the pleasure of attending a workshop with her, and the skill and experience of Bernadette in this area were undoubted. The message she imparted about the importance of this issue has stuck with me. Earlier I mentioned barriers and things like that. Having very tight, robust legislation supporting working-with-children checks works as a barrier and a deterrent to people who mean ill and want to get involved with children for very much the wrong reasons. The work Child Wise has done is really quite extraordinary. I thank Bernadette for her contribution. I should mention that Bernadette was made a Member of the Order of Australia, so she is recognised for the work she has done in this area.

In summing up, I am pleased to support the amendments. I am proud the government has taken the opportunity to do this now rather than later. The consequences further down the track could be much greater. In the scheme of things, not taking up a lot of time to debate this bill again is also important. We are taking up an hour or an hour and a half at the most to get this right, otherwise it could be costly in terms of dollars and mental, physical and emotional energy down the track. This is a responsible course of action to take as a government, and I am pleased to be part of that. I thank the opposition for not opposing these amendments, and they will go through this house fairly quickly and smoothly from this point on. I commend the amendments to the house.

Mr DONNELLAN (Narre Warren North) — As has been indicated by our lead speaker, we will be supporting these Council amendments. This very much continues the working-with-children legislation of 2005, which introduced working-with-children checks. That was so important at the time to ensure that, as much as possible, we protect children in our society through applying tests to people who work with children. I know there was some degree of reluctance at the time the legislation was introduced in relation to it being too onerous for not-for-profit clubs and the like to request working-with-children checks. I think we have overcome the concerns that some members of the house held at the time when the working-with-children checks were introduced.

This bill continues to strengthen the act to ensure the appropriate assessment of people who work with children. Those assessments are ultimately left with the Secretary of the Department of Human Services and VCAT (Victorian Civil and Administrative Tribunal) to decide whether the average person would think it were appropriate for a particular person who has committed a crime to be working with children. It is a basic test of: 'What would the common person think? Would a particular person be appropriate to work with children or not?'. I would say that is important. Members of the opposition, which originally introduced these checks,

are very supportive of that. It is important that the assessment of people who are working with children is done at the highest level — that is, the assessment should involve the Secretary of the Department of Human Services and VCAT members. You cannot do enough to ensure that children are protected as much as possible.

Approximately 80 per cent of child sexual abuse is perpetrated within the family or in family-related environments. This legislation will not deal with a lot of those cases because much of the time it is very difficult to catch people who perpetrate those crimes within the family environment until after the event has happened. However, to minimise as much as possible the chances of sexual abuse occurring and to ensure that we are, as much as society ever can be, doing the utmost we can to protect our children, it is important that working-with-children checks apply to people who are working in schools, kindergartens, football clubs or cricket clubs.

With those few words, the opposition supports the Council's amendments. I reinforce that this is a continuation of the work done by the principal act, which Labor introduced in 2005 to ensure the protection of our children from sexual abuse.

Mr NORTHE (Morwell) — It gives me pleasure to rise and support the Council's amendments to the Working with Children Amendment Bill 2012. These amendments specifically refer to clauses 17 and 18 and involve a review of category 2 and 3 applications in relation to working-with-children checks.

It is wise to quickly regard the main thrust of the amendments and the purpose of the bill, which is the notion of having absolute, strong provisions in place to ensure that those persons who apply for working-with-children checks are subject to the stringent assessment criteria of those checks. I support the working-with-children checks; they have been a great initiative in this state. It was pleasing to see that the Attorney-General sought to strengthen the provisions in relation to these checks. If members read the bill, they will see that checks fit into one of three categories.

While the Council's amendments deal with categories 2 and 3, the initial bill strengthened category 1, with the offence of murder being added to that category. Certain provisions apply to categories 1 and 2. For the purposes of clarification, category 2 applications refer to some of the most serious sexual, drug and violent offences that occur, and category 3 applications are those associated with less serious offences. Tests apply to both categories. The amendments made by the Legislative Council seek to clarify those provisions under clauses 17 and 18.

In terms of a category 2 application, the secretary applies what is called an unjustifiable risk test. In reviewing category 2 decisions the Victorian Civil and Administrative Tribunal (VCAT) must apply that test in addition to what is called the public interest test. For category 3 applications the secretary must issue a working-with-children check unless they are satisfied that it is appropriate to refuse to do so. This is referred to as the appropriate-to-refuse-to-do-so test. In reviewing category 3 decisions VCAT applies the same test plus a public interest test.

I think all members supported the notion of working-with-children checks and the purpose for which they were intended when this bill was before the Legislative Assembly. These checks are applied across many jurisdictions, including to members of sporting and community organisations, and they have served this state very well. When legislation comes before both houses of this Parliament it is important that we make sure the wording of that legislation is clear. That clarity is what has been provided to this house today. In clauses 17 and 18, with reference to category 2 and 3 applications, the wording that has been brought forward today makes much more sense and provides clarity to the working-with-children checks and the bill itself. With those few words, I support the amendments and the motion moved by the Attorney-General, as have other members.

Mr CARBINES (Ivanhoe) — I am pleased to make a few comments with regard to the Legislative Council's amendments to the Working with Children Amendment Bill 2012, which was originally passed by this house in June. The Legislative Council made its amendments in August. The Labor Party does not oppose the amendments. The government has outlined concerns about issues that have arisen because of ambiguities regarding the interpretation of the current tests by the Victorian Civil and Administrative Tribunal. Labor supports a further strengthening of and clarity around those tests. It is important to ensure that VCAT applies the intent of the legislation as determined by the Parliament. It is also important that we provide clarity around these issues not only to VCAT but also to the community.

It is fortuitous that these matters have been discovered in time for us to make these changes. We do not always get the opportunity to discover unintended consequences or ambiguities in bills before they become acts of Parliament. These amendments provide

clarity to VCAT and ensure that the legislation reflects what Parliament intended. That is particularly important. In this instance, we have an opportunity to provide that clarity not only to the community but in particular also to VCAT, which will have an important role in upholding this legislation, if it is enacted, and in making sure that the rights of children in Victoria are protected.

I am also very pleased that it was a Labor government which originally introduced the working-with-children legislation. It is important that we are protecting the rights of children and ensuring that laws are in place to safeguard their wellbeing. However, in the broader context it is inconsistent to have a haphazard approach to briefings on legislation by ministers when briefing shadow ministers, shadow parliamentary secretaries and opposition members of Parliament. When this occurs there are fewer opportunities for scrutiny. The role of oppositions in the Westminster system is to hold governments to account. Being appropriately briefed on upcoming bills and legislation in this house provides the opposition with the opportunity to do its job on behalf of the Victorian community and meet its obligations under the Westminster system.

If briefings are provided on a consistent, fair, reasonable and open basis, that provides an opportunity for matters such as those we are dealing with now to be picked up at a much earlier stage. When briefings for opposition members and shadow ministers are haphazard, the opportunity to provide scrutiny is diminished. That has a negative effect on the work of the Parliament, and it can lead to adverse outcomes for the Victorian community. Obfuscation and haphazard briefings for shadow ministers and Labor members in relation to legislation potentially lead to cases such as the one we are dealing with now, where Parliament has to spend more time on it than otherwise might have been necessary. That ultimately delays bills becoming acts of Parliament and thereby delays the intent of the Parliament and lawmakers, which in this case is to ensure that the protections we want to provide to children in Victoria are being implemented.

It is important that the government give consideration not only to the way it provides opportunities for open and fair-minded briefings for members of the opposition but also to providing greater opportunities for debate on these matters in the Parliament so that we will have greater opportunities for scrutiny of bills and greater opportunities to pick up on matters such as those in this case that were picked up the Council in its role as the house of review. That will ensure that amendments such as those that are before the house can be made sooner.

I commend the amendments to the house. I am pleased that we have had an opportunity on this occasion to pick up on some unintended consequences and the lack of clarity that may have had the effect of the legislation not delivering to the Victorian community the sorts of outcomes that we as lawmakers have always sought. It is fortuitous that we have been able to pick up on these issues before the bill becomes law.

Mrs BAUER (Carrum) — I rise to speak on the Legislative Council's amendments to the Working with Children Amendment Bill 2012. As we have heard from previous speakers, this bill strengthens the act. The amendments it introduces emphasise that it is important to get this right. The bill introduces key amendments, and it is a bill I feel strongly about, having a close association with children not only in my own family — I have four sons — but also those I meet when I am out and about in my electorate.

As we have heard, the purposes of this bill are to strengthen the tests to be satisfied before a working-with-children assessment notice is given or maintained, to prevent a person who has made a category 1 or 2 application from engaging in child-related work while his or her application for a check is assessed, to make murder a category 1 offence and to authorise the Secretary of the Department of Justice to revoke a working-with-children assessment notice if the holder fails to provide the secretary with requested information. An issue we all agree on is that the welfare and protection of children is paramount. The coalition government is certainly committed to protecting Victoria's children. The act has been in place for five years, and the introduction of the amendments is important to clarify the act and to get it right now, not several years down the track. The government is taking a hands-on approach to ensuring the safety of all children in our community.

As we have heard from the minister, the amendments to the existing act, the Working with Children Act 2005, will enhance the protection of children. Over the five years of the act being in place concern has arisen, hence the amendments. The physical and psychological abuse of children has a lifelong impact on the victims involved, which is why working-with-children checks are so vital. I have had a working-with-children check myself. In my previous profession I regularly worked with children. Currently I have paperwork on my desk to look at and complete so I can continue to do so. I am pleased to support the Working with Children Amendment Bill. We need to make sure we have systems in place to protect our children from those who may pose a risk them by coming into contact with them either as workers or volunteers.

The Working with Children Act 2005 is important because it forces individuals who work with children to apply for the working-with-children check even though they may have undergone a police check. I was happy to speak on the working-with-children check legislation when it travelled through this chamber before the Council's amendments were made. As we have heard, in the period from 2006 to April 2012 more than 1000 applicants failed working-with-children checks. These amendments seek to tighten up the existing tests to ensure that children's interests are the no. 1 priority.

Fields where individuals are required to obtain working-with-children checks include child-care services, primary and secondary schools and various recreational and sporting clubs. In my electorate a smorgasbord of organisations and clubs require individuals to have working-with-children checks. They include child-care centres, preschools and primary and secondary schools as well as sporting clubs such as Bonbeach Football Club, Chelsea Junior Football Club, Bonbeach Baseball Club and Carrum Patterson Lakes Little Athletics Club, just to name a few. On Saturday mornings I either accompany my sons to sport or drop into a wide range of sporting clubs and community groups. I am happy that we do not need to worry about the welfare of children who are in attendance due to the staff and volunteers having to obtain working-with-children checks. I extend my gratitude to all the clubs and other organisations that offer the wide range of services that are available to the children of Carrum and their families, and I commend the tireless work of individuals who are volunteers in these clubs and other organisations.

As at 30 April this year more than 910 000 Victorians applied for a working-with-children check. That shows that more people are actively engaged in being employed to work with children or volunteering to work with them in Victorian communities. The majority of applicants have been successful, which is fantastic to know. I believe the applicants appreciate and understand that the measures in the bill and the new amendments are being put in place to protect the children they are working with and caring for. The coalition government is focused on protecting our children by making these amendments to the act. I am pleased to hear that the opposition will be supporting the amendments. I wish the amendments a speedy progression through the house.

Ms RICHARDSON (Northcote) — I rise to make a brief contribution on the Legislative Council's amendments to the Working with Children Amendment Bill 2012 that are before the house. The amendments seek changes to clauses 102 and 103 of the bill. I understand that clause 102 deals with the reviews by the Victorian Civil and Administrative Tribunal of category 2 applications, which relate to serious offences, and that clause 103 deals with VCAT reviews of category 3 applications, which relate to offences that are less serious but nonetheless need proper consideration and review. The test that is being applied is different for VCAT, which is why the amendments are before the house in this way. The amendments moved by the government were supported by Labor members in the other house and will be supported again by Labor members in this house. Given that Labor moved the original working-with-children check initiatives, you would expect nothing less from Labor.

I understand and appreciate that the Attorney-General sought to address the concerns with the original drafting of the bill by ensuring that these amendments were moved in the Council. They were passed in the other house and are before this house today. I also appreciate that getting these kinds of initiatives, reforms and legislation right is a priority for all members of this house, given the seriousness of what we are trying to achieve as a consequence of these reforms. However, as speakers before me have mentioned, where there are important initiatives of this kind and there is bipartisanship with these kinds of issues it is worth taking note of what the member for Altona said. She spoke about the opposition having the opportunity to sit down with the government and both sides working through the issues that are of concern to ensure that before it is presented to the house, the legislation deals with all the issues that have been raised.

I appreciate that the Attorney-General sought to do that while the bill was between here and the Council. From talking with other opposition members I know they are also keen to see this legislation pass through both houses. That it meet its objectives rather than achieving somewhat less than that is a priority for us and in this instance a priority for the government. Working together I think we can ensure that in future these sorts of amendments and processes are not what we spend our time on in the Parliament and that we can get on with the business of dealing with other matters as they arise before the house. With that brief contribution I wish the amendments a speedy passage.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to speak on this very important Working with Children Amendment Bill 2012 and the amendments that have come back to us from the Legislative Council. I speak not only on behalf of my electorate but also in my role as Minister for Sport and Recreation. The purpose of the Working with Children Act 2005 is to assist with protecting children from

physical or sexual harm by ensuring that people who work with or care for children, including volunteers, have their suitability to do so checked by a government body. As we know, that is done by the police. The Deputy Speaker was in this house when that was debated, and I made comments about it at that stage. The legislation was introduced, proclaimed and put into action in 2006.

Our children are our future, and it is important that they are given every opportunity in life to participate in our community. Many people have a role in looking after children, whether it be as babysitters or in other capacities. In my role as Minister for Sport and Recreation I am well aware of the many volunteers who look after children, particularly young people coming up through the ranks in sport and recreation. I know when this issue was debated previously, the checks were a concern that was raised by a lot of people with whom I spoke. They said to me, 'Hughie, I have been coaching netball for the last 15 years' or 'coaching soccer for the last 10 years, and I have had no problem. Now you are going to tell me that to continue to do that role I have to get a working-with-children check'.

None of us can disagree. It is unfortunate that in today's society we require these checks to give parents particularly confidence that everything has been done to make sure that the person who is looking after their child has been through a check and has the best chance of giving the child the opportunity for, in the case of my portfolio, sporting achievement. I have a saying in sport and recreation that I want to see more people more active more often, and it is the many volunteers who do an enormous amount of work who are giving people the opportunity of being active in sport. Departmental figures tell me that on an annual basis about 580 000 volunteers help people in sport and recreation, so volunteering is a very big component of our sporting life.

I have a couple of key priorities in sport and recreation. The first of those is to have active and healthy communities. The second is to have facilities for active communities. We talk about major sporting infrastructure projects and we talk about sporting events for Victoria. Another important key plank of my role is to encourage Victorians to reach their potential. The key part of that is to have active and healthy communities and, as I said, volunteers play a very important role. Our volunteers need all the support they can get with the mounting time pressures that our communities have, and the coalition government recognises the significant challenges facing volunteers in our communities.

The government has committed funding of $1.5 million over four years to support volunteers and coaches in community sport; $400 000 of that will be used to increase the skills of volunteers involved in coaching right across Victoria. The remaining funding is targeted towards a suite of activities and services to support volunteers and to increase their skills, including web-based services to provide increased information.

Recently in Geelong I was pleased to launch a new website known as Club Help, which has involved many of the state's sporting associations and regional sports assemblies — a lot of groups that help our volunteers in Victoria. I have to say that the state's sporting associations have really picked this up. Many of them are running programs that can assist their coaches. Last night I attended a gold medal night organised by Football Federation Victoria, which recognised some of its coaches and volunteers. One of them was Mrs Fox who lives in Swan Hill. She started her soccer experience with her father in Melbourne. When she moved to Swan Hill her kids wanted to play soccer, and the only way that she was going to get soccer going in Swan Hill was to do it herself. I think they now run about eight teams in Swan Hill. Some of them go to Bendigo to play in the competition there.

That example again highlights the fact that it is the volunteers who do the work. Many people involved in soccer are running coaching programs. I think they have put about 150 coaches through this mentoring program that we have established. Sports associations are providing funds to assist young people and to make sure we get the best opportunities and the best coaches out there. It does not always work, we know that, but the working-with-children check is one of the key things they have to do.

When we talk about the responsibility of volunteers, we recognise that there is an enormous responsibility not only in coaching, but also in the running of sporting clubs. In the Rodney electorate there are a lot of sporting clubs. As you, Acting Speaker, would know, they all have to comply with the safe serving of alcohol, food handling and working-with-children laws. There are an enormous number of laws they have to comply with to ensure they can provide the opportunity for people to be involved in sport and recreation. The Club Help website will provide the latest sporting industry tips and tools for volunteers in club development right across Victoria. As part of our 2010 election commitment, we are proud to have invested $200 000 in this online tool kit which delivers the latest interactive resource for volunteers, including governance. I have to say that governance is always a critical thing in sporting clubs. We need to get the

governance right. If you get that right, obviously the club ticks along very well.

Volunteer management is a very important part of that. Not only do they have to have the skills and have the working-with-children checks but also, importantly, being able to work together is very important. Fundraising is a difficult issue, as is inclusion, healthy clubs, membership, marketing and event management. All those skills are needed by volunteers. They require all those other skills in addition to having working-with-children checks. This new website, Club Help, is a great resource. I encourage members of Parliament to inform the many sporting clubs in their areas and the many volunteers who work in sporting clubs to have a look at the new website that we have developed with the regional sports assemblies, the state sporting associations and many other sporting groups right across Victoria.

The working-with-children legislation was introduced in 2006. These amendments will strengthen it, make it better and make it easier to operate. It is very important for people in our communities to be aware of this working-with-children legislation. I again encourage all members — and it is great to see the support coming from the opposition — to inform their communities, whether it be through the media or in other ways. I know the Attorney-General has done a lot of work through his department to update the community on what is going on with the changes to the Working with Children Act.

I said I was going to make a short contribution today, so I will finish off by saying that this a very important piece of legislation. It is one of those things that we do not like to talk about sometimes; we think it is all hunky-dory out there in the community, but unfortunately there are some people who do attack our vulnerable children, whether that be physically or sexually. Children can be harmed by these people, so it is important that those who are working with children — and particularly from a sport and recreation point of view — do have the working-with-children checks. If they are in a paid position, as we know, their organisation has to pay for that check; but with volunteers it is a lot easier to do. We need to have the working-with-children check done to ensure that our children involved in sport and recreation in the community are given every protection we can afford to give them. With those few words — and I know the opposition is supporting this legislation — it is great to see these amendments come from the Legislative Council. I wish the bill a speedy passage.

Mr SOUTHWICK (Caulfield) — It is my pleasure to speak on the motion to agree to the Council's amendments to the Working with Children Amendment Bill 2012. This is a topic I am very passionate about, as are many members of this house. It is an area I have spent a number of years working in. Organisations dealing with at-risk young people, such as the Ardoch Youth Foundation, have focused very much on the training of volunteers. They use the working-with-children check as an important mechanism alongside training to ensure that we have the best possible volunteers working with children.

At the outset I want to congratulate Ardoch Youth Foundation and its chief executive officer, Mandy Burns, who was a winner in the Telstra Business Women's Awards in September. Mandy has worked tirelessly as Ardoch's CEO over five years. This demonstrates how organisations that are involved in working with young people, in this instance young people in schools, and have the proper mechanisms and processes in place can be very successful.

What we are doing in this bill is tightening up the legislation in order to protect our most vulnerable: our young people. We can never be complacent when it comes to protecting our children; we have an obligation as lawmakers to continue to improve legislation to protect children in Victoria. That is what these amendments from the other place do. They remove clauses 102 and 103 of schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998 and replace them with the amendments in front of us. This bill, which I spoke on during the second-reading debate in this house, was initially introduced in this house. This demonstrates that when it comes to working with children we must continue to ensure that we get things right and work tirelessly in doing so. If there is an opportunity to strengthen legislation, then we must do that.

I commend the Attorney-General and others for their work in ensuring that we have before us a more streamlined bill that will protect children from physical and sexual abuse. Fundamentally these amendments are intended to streamline, clarify and improve the operation of working-with-children checks. Ultimately they go further towards protecting children. I am pleased that the opposition is supporting the Council's amendments. As we know, we must all continue to work towards ensuring that we have the best possible legislation available to us.

The Working with Children Act was passed in 2005 and came into operation in 2006. Since then there have been 910 000 applicants for working-with-children

checks. Interestingly I am one of those people, and it just so happens that this morning I received a reminder email saying that it was time to renew my working-with-children check. It is good that we have a system in place that uses technology to ensure that we renew our working-with-children permits and make sure they are current.

Twenty different occupations require working-with-children checks. We have heard people talk about sporting and community organisations and schools; there are many instances where a working-with-children check is required. In the next five years it is proposed that some 650 000 people working with children will need to apply for these checks, therefore we need to make sure that we have the best possible system in place. This bill will address that issue and make sure that the interests of children and families are protected.

Some of the key points in this legislation are that it strengthens the test the Secretary to the Department of Justice and the Victorian Civil and Administrative Tribunal must apply when deciding whether to issue a person with a working-with-children check or decide the ongoing suitability of a person to hold a check. The bill also provides the secretary with the ability to revoke a check where the secretary becomes aware that a person holding a working-with-children check has been charged with, convicted of or found guilty of a serious offence and the person fails to provide the secretary with the required information following the suspension of that check.

We have heard other members talk about — and this is a very important element of the legislation — making murder a category 1 offence; it is currently category 2. Making it category 1 would require the secretary to reject any application and issue a negative notice. Currently 0.1 per cent of applications for working-with-children checks are denied or given negative notices. This bill strengthens the legislation to make sure that those who may have received working-with-children checks without meeting the criteria do not continue to have them.

There has been a lot of concern about the working-with-children check system, and that concern will continue. It is important that those who have children involved with sporting and community organisations and schools continue to raise issues and that we are continually made aware of ways we can improve the system. For the system to work the community has to have trust in it. If the community does not have trust in the system, then everything falls apart. This bill helps to restore that trust. The system works fundamentally to improve certain elements.

We have had a lot of media talk about some specific cases, one of which involved a woman who assaulted her 13-year-old daughter. We have had people who have been convicted of manslaughter. A man who stabbed a love rival to death has used legal aid to overturn a ban on receiving a working-with-children check. That was on 8 February. On 15 October 2011 the *Herald Sun* reported that a 41-year-old man had been hired as a school cleaner despite having been charged with child exploitation offences. These are the sorts of things we want to stamp out. We want to ensure that we have tight legislation, regardless of whether people who work with children are paid or are volunteers, so that young people are protected.

All members in this place work with many community groups, and we all visit them and see the great work they do. I recently attended an award presentation evening at the Glen Eira Stonnington District Scouts, of which a number of scouting groups are part, and I was pleased to see the 9th Caulfield scout group win a number of awards at the event. There are 19 000 scouts in Victoria, and a great number of young people are involved in the scouts program. The people who work with such organisations and groups are the sorts of people who need working-with-children checks, and the number of young people involved in such groups highlights the importance of the checks. We need to ensure that this system continues.

Maccabi Victoria is another example of an organisation in which volunteers work with children. Maccabi has more than 600 regular volunteers servicing some 24 sporting clubs which attract more than 4200 active playing members, many of whom live in my electorate. These are the sorts of young people we need to protect. Having in place a clear, transparent and tight system for issuing working-with-children checks is very important.

As I said earlier, members of the government are in support of getting this legislation right. It does not matter how many times we have to come back in here and amend the legislation as long as we get it right and ensure that we meet the clear objective of ensuring that children are protected. This legislation is of fundamental importance and goes to the core of the values of all Victorians, and I am sure we are all very concerned about the issues it addresses. I am pleased the government has acted quickly and, most importantly, that we continue to do whatever we possibly can to ensure that young people in our community are protected. With those words, I commend the bill to the house.

Debate adjourned on motion of Mr TILLEY (Benambra).

Debate adjourned until later this day.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012

Second reading

Debate resumed from 12 September; motion of Mr McINTOSH (Minister for Corrections).

Ms HENNESSY (Altona) — I am grateful for the opportunity to make a contribution to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. Dealing with and regulating matters relating to serious sex offenders is probably one of the great challenges for any government, any corrections system, the police and others who are responsible for such matters. It is probably one of the most confronting and difficult responsibilities they face. Although this is a reasonably small bill in terms of its length and the technical nature of some of its amendments to the principal act, I hope we will have a considered debate about it. Discussing the issue of serious sex offenders is confronting and, quite legitimately, uncomfortable for people and communities, including parents, who understand that essentially we ought to be child loving and child protecting.

Having made those comments by way of framing what I hope to be a sensible contribution on this bill, I also wish to indicate that opposition members will be supporting the bill. The bill amends the principal act, the Serious Sex Offenders (Detention and Supervision) Act 2009, an initiative of the previous government. This bill applies to serious sex offenders. It is difficult to contemplate that there might be degrees of seriousness in relation to sex offences, but serious sex offenders are defined legally as offenders who have committed a sexual offence involving a child or a sexual offence involving violence.

It may be worthwhile summarising in accessible language the current system as it applies to serious sex offenders. I will outline the present serious sex offenders detention and supervision scheme. When a serious sex offender who meets the definitions I have just outlined is incarcerated and comes up for parole, the Director of Public Prosecutions or the Secretary of the Department of Justice — depending on the type of order that is being sought — can make an application to a court on the basis that they believe there is probative and persuasive evidence that a serious sex offender is highly likely or reasonably likely to reoffend. That is a very confronting issue, given that it is a serious sex offender who is coming to the end of their period of incarceration.

The purpose of the principal act passed by the previous government was principally motivated by asking how we deal with some of the difficult criminological characteristics of serious sex offenders. The evidence indicates that there is a compulsive nature to many of those who are serious sex offenders, and there are high levels of recidivism. Balanced against the rights of those who have done their time and are about to be released are the rights of people in the community to be safe, particularly in matters relating to the protection of children. In circumstances where there is evidence that a serious sex offender has a high likelihood of reoffending it is the interests of the community, specifically children, that trump the rights of serious sex offenders. In my view that is right and proper.

Serious sex offenders can be the subject of an application to a court, and a court can order ongoing detention or supervision of that serious sex offender after their period of incarceration has concluded. The passage of the Serious Sex Offenders (Detention and Supervision) Act was very difficult. Inevitably a whole range of constitutional issues were invoked, and those issues were ventilated through the debates on both the Sex Offenders Monitoring Act 2005 and the Serious Sex Offenders (Detention and Supervision) Amendment Act.

With that background in mind, I wish to focus my contribution on the content of the bill before us. Apparently the bill is a response to the Cummins report from the Protecting Victoria's Vulnerable Children Inquiry, which was delivered in February 2012 and makes a series of 90 recommendations. The recommendations largely go to the reporting and investigation of suspected abuse and early intervention for children who are at risk.

Given the focus of the minister's second-reading speech, the government's media release and media coverage of this bill, I will move to the issue considered most significant in relation to this bill — that is, matters to which a court may have regard specifically in relation to its considerations about the making of orders in relation to the publication or non-publication of the name, details and location, amongst various other things, of a serious sex offender.

If you went to the *Herald Sun* of 11 September and read the relevant article, you would see that this bill was

characterised in an exaggerated way. The headline was 'Name, shame sex fiend laws to be passed in Victorian state Parliament today'. You might have mistakenly thought that the bill implemented recommendation 50 of the Cummins report. This bill does not do that. Recommendation 50 of the Cummins report sought the repeal of a group of sections that went to whether or not the court ordered the publication of, or made a non-publication order relating to, some of the details concerning the location of a serious sex offender. I should say this was a recommendation that was not unanimously supported by all of those involved in the Cummins report; however it was a majority view. The Cummins report recommended that all of the sections regarding non-publication be repealed. At that time the government said it would consider that recommendation and, in my view, made some important points about the issues that are invoked.

I will refer to one important point around whether or not the details pertaining to the location, name and address of a serious sex offender should be published, and it is a point often overlooked in the passion that it is provoked in these debates. The victims of so many sexual offences are usually known to the offender. In fact in many circumstances they are victims living in the same house. It has been put forward by some victims that they do not want the details of the offender published when those details would inevitably identify the victim as well. It is therefore not a simple assumption that, if we identify the name and location of a serious sex offender, as a matter of right the victim will be safer. I do think it is important, however, to acknowledge — as the courts have in considering these applications — that there are circumstances where it is in the interests of community safety and of victims to do so.

The bill seeks to replace the existing criteria, or part of them, with respect to non-publication orders; that relates to section 185(c), which is about having regard to whether or not the publication would enhance or compromise the purposes of the act. Of course one of the very important purposes of the act is improving the safety of communities, families and victims. This bill proposes to replace that section with a different section to specifically include the following criteria: the protection of children, families and the community; the offender's compliance with any order made under the act; and the location of the residential address of the offender. These will add to the remaining considerations that are already in the principal act, which include whether the publication would endanger the safety of any person and the interests of any victims of the offender.

The opposition does not quibble at all with this amendment, and it will support it. It is in keeping with what I believe is the spirit of the existing section and the intention of the principal act, which is to protect the interests of victims, families and specifically children and to deal with the incredibly challenging issue of how we manage serious sex offenders who are no longer incarcerated.

Having said that, one of the issues I would be keen to hear members of the government address in the course of their contributions is the way in which they believe the changes to section 85(c) may produce different judicial outcomes. These changes preserve judicial discretion. There is a slight change in the indicia a judge would be required to consider. However, it is not clear to us what the substantial impact may be with respect to court outcomes. Noting that there is judicial discretion, I understand it is difficult to predict that beyond any shadow of a doubt. When the government was framing this bill it would have sought advice on this very issue. It is important to understand what the government believes will be the change initiated by the courts with respect to these amendments.

I note that there are currently 61 non-publication orders in place with respect to an offender's identity and location and a further 12 orders in place in relation to either identity or location. I note there are 25 offenders for whom no non-publication order is in place. It seems to me, on the basis of those figures, that the courts have considered the existing indicia with respect to what might be an appropriate order. We do not know the individual circumstances of all of those cases, so it is difficult to say that without any shadow of a doubt, and, as we know, courts sometimes get things wrong. However, it is not true to say that the details of serious sex offenders are always the subject of a non-publication order. The data bears that out.

Most people come to this side of the house — and I would agree that it is so for those on the other side of the house — with a very deep commitment to try to improve community safety. As I said at the outset of my contribution, managing serious sex offenders after they have been incarcerated and are no longer subject to any penalty that requires incarceration is probably one of the most challenging issues a government can face. When the previous government adopted the initial scheme, it was certainly grappling with those issues. It is an issue that Parliament will continue to grapple with. Where there are manifestly wrong outcomes that arise as a result of any changes to any legislation, it is incumbent on a government to address those.

Needless to say, Labor has a very strong commitment and history relating to putting the interests of children, victims and families in the community first. I think Labor's adoption of this scheme, which was supported by the then opposition and now government, is quite compelling evidence of that. We recognise that sexual offences are in fact heinous crimes. They have long-lasting effects on victims. They are also a direct attack on the wider public's confidence in the safety of the community. The Serious Sex Offenders (Detention and Supervision) Act 2009 was motivated by those principles and presumably supported by the then opposition on that basis.

It is also interesting to note that Victoria was the first jurisdiction to adopt such a scheme. When one is first, one inevitably has to learn the lessons, because there is no trial and error experience from other jurisdictions. As I said, I am hopeful of ongoing responsiveness from both the government and the broader community in respect of the management of and response to serious sex offenders. Fundamentally we ought have confidence in the system. That is always a very difficult balancing process. On the one hand the corrections system and Victoria Police require a degree of operational integrity in order to do their jobs properly, but on the other hand the community needs to have some indication from government that it has a legitimate basis for its confidence in the system in terms of how serious sex offenders are managed, what occurs when things go wrong and how the relevant agencies and governments respond.

We also support the periodic review of non-publication orders, as proposed by the bill. We think it is appropriate that whenever a court reviews a supervision order it also review the relevant non-publication order, where one exists. It is appropriate in our view that offenders are not granted indefinite anonymity when serving their orders, because circumstances change.

The bill also seeks to introduce a definition of the word 'publish' into the principal act. To the extent that the opposition has concerns about this bill, this is the issue about which we have them. The bill amends the principal act by inserting a definition of the word 'publish', and we understand that this is an attempt to deal with what we have been advised by the government is some uncertainty that exists around the definition of 'media organisation' in the current act, which is that a media organisation is 'a person or body that engages in journalism'.

This bill says 'publish' means:

> … insert in a newspaper or other periodical publication; or
>
> … disseminate by broadcast, telecast or cinematograph; or
>
> … otherwise disseminate to the public by any means.

In the course of the briefing from the department — and I would like to thank the government and the staff from the Department of Justice who provided their time and energy and dealt with ongoing questions that the opposition had in that briefing — the department indicated that the new definition is intended also to capture things like blogging and internet activism.

The concern the opposition wishes to place on the record — and it is a matter that we will further interrogate during the committee stage in the Legislative Council — goes to the breadth of that definition. We understand the deficiencies contained in the existing definition of 'media organisation', given what impact technology has had on the media, but we do have a concern that the definition of 'publish' in the amendment as drafted is so broad that it may in fact capture things like private communications between individuals. Media organisations and accredited journalists are inevitably familiar — or one would hope so — with the basic requirements of the law in respect of things like contempt and non-publication orders. But it may be that private individuals are in fact not familiar with them. We are concerned about the unintended consequences of the breadth of that definition of 'publish'.

There is an amendment contained in this bill in relation to name change notification. This changes the existing language in the legislation from 'may' to 'must' — the Secretary of the Department of Justice must notify the registrar of births, deaths and marriages in respect of any serious sex offender in order to deal with the issue of a serious sex offender potentially making an application to change their name. It is our advice that as a matter of course the Secretary of the Department of Justice always notifies births, deaths and marriages. Under the previous government an offender who was colloquially known as Mr Baldy made an application to change his name and it was in fact the previous government that introduced the legislation that gave the Secretary of the Department of Justice the power to issue denials for name changes.

This bill clarifies the responsibilities of the secretary. It reflects the existing and past practices of the secretary, in that the secretary has always notified the registrar of births, deaths and marriages in respect of that information. The department has indicated that this amendment updates the principal act to reflect the current practice.

Clause 14 of the bill is about the sharing of information. It is essentially an enabling or empowering provision. The bill seeks to add the Corrections Act 1986 to a schedule of acts. The schedule allows non-published information to be shared with certain bodies when it is necessary to carry out the functions of the acts listed. There are 12 acts currently listed in this section, including the Housing Act 1983 and the commonwealth Migration Act 1958. Adding the Corrections Act 1986 to this section will allow Corrections Victoria to access non-published information. That is a sensible amendment in our view, because it will allow corrections officials to be informed of the names and details of offenders who have, for example, returned to prison on unrelated charges. That enables us to try to get the systems talking to each other. I note that there are currently 14 offenders under supervision orders who are imprisoned.

On the matter of clause 8, regarding the bringing of proceedings for an offence, currently there is a 14-day period of notice for bringing proceedings. That can be dispensed with by the secretary, the registrar or a member of Victoria Police. However, there is a lack of clarity in the act as to whether an individual must bring the proceedings personally or may use a representative. The bill states that an individual dispensing with the notice period does not need to be the informant present when proceedings commence and may use a representative. That clarifies the intent of the provision for administrative purposes. I think that is a sensible clarification, and we have no quibble with it.

The final part of the bill pertains to the expiry of orders. The bill before the house introduces what is essentially an automatic expiration of supervision, detention and interim orders under certain circumstances, such as when an offender dies or is deported under the commonwealth Migration Act 1958. Currently the practice is that the secretary must apply for a judicial review of the order. It should be noted that since 2005 only three offenders serving orders have died and two have been deported.

As I said, the principal act is something of which I think this Parliament and this state ought be proud. It is an indication of public policy-makers grappling with one of the most challenging community safety issues that exist. The principal act enshrined strong laws for the supervision of offenders and promoted community safety, and, as I have said previously, Victoria was the first state to adopt such a change. Since May 2005, 92 supervision orders and 3 interim orders have been made.

The bill before the house today does not change the intent of the act, which sought to enhance the protection of the community — one of the stated purposes of the act. The bill makes technical changes which either reflect the intention of the principal act or clarify aspects of its administration. The bill specifies that the safety of families, children and the community ought be a relevant consideration for a court in considering non-publication orders. In my view the existing act enables a court to take those matters into consideration as a matter of course — that was what motivated the previous government to adopt the principal act in the first place — but lest there be any debate about what the priority should be when a judge is considering a non-publication order issue, the bill states that those matters must be taken into consideration. On that basis we do not see these changes as controversial in any regard, and we certainly support them.

Labor supports the obligation to protect the interests of families and children, and the safety of the community. Inevitably we will have a conflict of public policy imperatives, and in our view it is the rights and safety of children, families and victims that ought to prevail in those circumstances. As I said, we are concerned that the definition of ‘publish’ contained in clause 11 is too broad and risks capturing private email communication between parties who may be concerned about those issues, but having made that comment, we support the bill.

I certainly hope the debate in this chamber on this difficult and confronting issue is a sensible and informed one. I wish to place on the record Victorian Labor’s ongoing willingness and openness to work cooperatively with government and agencies as they seek to deal with this incredibly difficult issue, one that is very confronting for ordinary community members and particularly for victims. I wish the bill a speedy passage through the house.

Mr McCURDY (Murray Valley) — I am delighted to rise and speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012, and I take the opportunity to say that I respect the great contribution just made by the member for Altona. It is certainly an area that we need to work together on, and we agree on most parts of this bill. I note that the opposition is not opposing this bill.

In September the government announced its commitment to amend the serious sex offenders legislation to strengthen protections for children, families and the community. The Minister for Corrections introduced these amendments to the Serious Sex Offenders (Detention and Supervision) Act

2009 to require judges to take into account new criteria when deciding whether to suppress the names and locations of serious sex offenders. He stated that these amendments will ensure that the courts will have to take into account the protection of children, families and the community when deciding to grant suppression orders. Under these changes, judges will also have to assess an offender's history of compliance with orders as well as their current whereabouts, which is a good thing.

The changes relating to post-sentence sex offenders subject to supervision orders because of the risk they pose to the community were promised by the coalition government in April to address community concern about these suppression orders. The amendments are a response to recommendations from the Cummins report entitled *Report of the Protecting Victoria's Vulnerable Children Inquiry*. The act applies to sex offenders who have done their time in prison but who have been deemed by a court to be in need of ongoing supervision because of their risk of reoffending. It places onerous restrictions on such offenders beyond the term of their original sentences, including ongoing detention and supervision.

The purpose of this amendment is to make changes to the Serious Sex Offenders (Detention and Supervision) Act 2009. Specifically the bill will amend the act to require a judge to consider the protection of children, families and the community and an offender's compliance with any order made under the act and their whereabouts when deciding whether to make publication and suppression orders under the act. The bill will require the regular review of suppression orders relating to offenders, which I will speak about later in my contribution, and includes a definition of 'publish' for the purposes of provisions relating to suppression orders under section 182 of the act.

The bill clarifies that the secrecy provisions in the act do not prevent the sharing or disclosure of necessary offender information for purposes related to the administration of the Corrections Act 1986. On top of this, it will provide for the expiry of a supervision or detention order, including interim orders, if the offender has died or has been deported or removed from Australia under the commonwealth Migration Act 1958. Currently there are some anomalies in the system that need to be addressed so that the state does not continue to look for somebody who is dead or has been deported.

Other changes provide that the Secretary of the Department of Justice must provide, subject to orders, the names of offenders to the registrar of births, deaths and marriages. Finally, the bill clarifies that a member of the police force who is above the rank of inspector or holds the position of registrar under the Sex Offenders Registration Regulations 2004 may dispense with the period of notice for bringing proceedings for the breach of an order but that that member does not have to be the person bringing those proceedings. This will correct an anomaly so senior officers are able to instigate actions but do not necessarily have to handle the day-to-day action through the court process.

The Serious Sex Offenders (Detention and Supervision) Act 2009 operates to protect the community in respect of a specific and narrow type of offender in Victoria — that is, the critical few high-risk sex offenders who, at the completion of their sentences, are deemed by the County Court or the Supreme Court to remain an unacceptable risk to the community. The act allows for the imposition of onerous restrictions on such offenders beyond the term of their original sentence of imprisonment, including ongoing detention and supervision.

The key amendments in this bill will clarify and strengthen those provisions relating to applications to suppress the identity and whereabouts of serious sex offenders. Specifically the bill amends the principal act so that courts must have regard to the protection of children and families in deciding whether to suppress an offender's identity and whereabouts. The bill also amends the act to ensure that a serious sex offender's whereabouts and their history of compliance with orders are also considered when making such decisions. The coalition government regards these amendments as both a highly practical strengthening of the act and a measure of the government's intent in seeking to protect children, families and the greater community from those who might colloquially be described as the 'worst of the worst'.

The bill amends section 185 of the principal act by removing the factor of 'whether the publication would enhance or compromise the purposes of this Act', replacing it with a requirement that a court considering an application for a non-publication order must have regard to the protection of children, families and the community. Under these amendments the court will also be required to consider the offender's whereabouts and their history of compliance or non-compliance, as it might be, with any orders. The courts will have all of this information at their disposal when they make these decisions.

The bill also makes it explicit that non-publication orders are time limited and subject to regular review by including a requirement that non-publication orders

must be reviewed at the time of review of the ongoing detention and supervision order under the act, which is at least every three years. This demonstrates that a serious sex offender will not be granted indefinite anonymity and that the court must regularly review whether a non-publication order should continue. Again, this is a major step forward in protecting our communities.

The amendments contained in the bill will retain the positive presumption that an offender's identity and whereabouts will be disclosed except where the court is satisfied that a non-publication order is in the public's best interest. These amendments also have the effect of directing the court to consider if the offender has been disregarding the conditions of their order, and, by implication, putting members of the community at risk. Introducing a requirement that the court consider the whereabouts of the offender also means that a court can take into account where an offender is living when determining whether non-publication is in the public's best interest.

Section 182 of the act makes it an offence to publish any evidence given in a proceeding under the act, the content of any report put before the court or any information submitted to the court that might enable the identification of witnesses or victims, unless the court authorises that publication. However, there is currently no definition of 'publish' in the act, which causes difficulties and leads to some uncertainty. The bill amends section 182 of the act to include a definition of 'publish' for clarity, as per recommendation 50 of the Cummins report.

Part 13 of the act deals with restrictions on the sharing of information about offenders or proceedings under the act, while section 189 within part 13 authorises the sharing of information for the purposes of functions under certain specified acts. The administration of the act by Corrections Victoria involves the utilisation of information about offenders subject to orders by, for example, the prisoner records, community correctional services units and prisons. However, the Corrections Act 1986 has not been specified in section 189. For the avoidance of doubt and to fix this anomaly, this bill will add the Corrections Act 1986 to that list of acts.

A failing of this act is that it currently does not provide for the termination of orders where an offender has died or has been deported, and this will alleviate some of those anomalies. Section 180 of the act is a very important part of the bill. It provides that the secretary 'may' notify the registrar of births, deaths and marriages of the name and other details of offenders for the purpose of identifying offenders who seek to change their name without permission. For consistency with the Corrections Act 1986, and in line with existing practice, the bill will provide that the secretary 'must' provide this information to the registrar. It is noted that this information has always been and will continue to be provided to the registrar. That is a fundamental and very important change for the benefit of our community.

This is an area in which we have a lot of work to do in our communities right across the state, not just in metropolitan Melbourne but also in regional Victoria. In Wangaratta I note that there has been an increase in both rape and non-sexual rape crime, which is up by some 25 per cent in the last 12 months. The police in Wangaratta have suggested that that may be because people are reporting these crimes more, but either way it is an area in which we need to work very hard.

Ms DUNCAN (Macedon) — I rise to support the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012, which makes an amendment to the principal act, the Serious Sex Offenders (Detention and Supervision) Act 2009. That legislation, as has been said previously, was introduced by the previous government and was about the ongoing detention of serious sex offenders who had completed their original sentence.

I would like to correct a point made by the member for Murray Valley in his contribution. The amendment this bill makes has not been brought forward in response to the Cummins report; in fact the Cummins report recommended that supervision orders not be granted. This amendment does not do that. I am very pleased that this amendment does not do that, because I think it would be very difficult for us to support it in that instance. I am pleased that the government has rejected the recommendation of the Cummins report that basically tries to name and shame.

This bill removes the ability of courts to introduce suppression orders. I would like to make a couple of points about suppression orders. It is very difficult for people to get their heads around this, particularly when you have misinformation put out in the media on a fairly regular basis. I often listen to ABC radio, and about a year ago I was horrified when an ex-head of the Law Institute of Victoria appeared on the Lindy Burns show and talked about suppression orders and how courts grant them willy-nilly. He made the comment that unless there was some media person in the court to argue against a suppression order, a court would almost always grant one. That is absolutely not the case. They may be frequently asked for — I am not sure — but I can assure this chamber that they are frequently

refused. There are criteria for granting suppression orders that all courts must take into account. The County Court, the Supreme Court and the Magistrates Court must all take into account and have regard to these criteria in order to lift an order or make a suppression order.

This amendment makes a few minor changes to the wording of that provision — for example, there will be a requirement that the courts consider the interests of families and children when making non-publication orders. Currently they must consider the safety of any person — so that basically covers children and families as well — if there is a suggestion that by lifting a suppression order we may endanger the physical safety of any person. This bill does not make fundamental changes to those criteria.

Suppression orders are granted if it is believed that the publication of an offender's name would cause undue distress or embarrassment to the complainant or any witness. This amendment does not make any fundamental changes to that premise. It is not a name-and-shame amendment. I do not know whether members of the government think it is, but it is not. However, as was said by the previous opposition speaker, if you were to read some of the reports that were published in the *Herald Sun* a month or so ago, you would think it was name-and-shame legislation.

I am not sure whether the media got it wrong or the government was seeking to overstate the impact of this amendment bill. As I understand it, in a departmental briefing when someone asked what the change in outcomes would be as a consequence of this amendment bill there were no clear examples given about how outcomes of future court proceedings may change.

We are all grappling, and continue to grapple, with what you do with serious sex offenders when their prison sentences have elapsed. We introduced strong legislation in 2005 and 2009 which made substantial changes to the way some serious sex offenders are treated when they are released from prison. In a media release dated 11 September 2012 the Minister for Corrections is reported as having said:

> It applies to sex offenders who have done their time in prison but who have been deemed by a court to be in need of ongoing supervision because of their risk of reoffending.

You would think that comment was made by the same person who gave the second-reading speech for the principal legislation introduced in 2009. The principal act this bill is amending contains those provisions. This bill makes some technical changes, to which members have referred, about situations where an offender goes overseas or dies. But essentially the definition of a suppression order and considerations that must be taken into account when courts consider suppression orders have not fundamentally changed.

I would like to give a local example. Nobody wants to protect serious sex offenders. People often get very distressed about discussions in relation to this because the behaviour of these people defies the imagination. One local example in my electorate involved a gentleman — should I call him a gentleman? He is a sex offender. He was released and was from Western Australia. He was living in a town in my electorate. A whole range of things happened. The public found out his name and where he was living. Within a very short period of time there was a very large gathering, including families and children, outside this person's house. There was some rock throwing.

The police had to step in and remove this person and provide him with protection because they could see what was likely to happen. The police do not want to be doing this and we do not want the police to be doing this, but that is what sometimes happens when name-and-shame situations occur. In that situation the man had already left those premises. All it did was impact on the person's granddaughter, who was in the house. This man was quite elderly; he could not walk. The neighbours were all distressed as well. That is just a small example of the things that these sorts of name-and-shame situations can engender in the community.

You cannot blame people, because what parents want most in the world is to be able to protect their children. A number of family members I spoke to about this issue said their son or daughter walked to school each day. They asked me how they could let their child do that knowing that this person was in the community. In something like 9 out of 10 situations like this the reality is that the offending behaviour is not like the behaviour in Brunswick that has been reported in recent weeks; that is statistically a very rare incident, thank God. Most victims know their offenders and offenders know their victims. This is why their names often need to be suppressed — a victim can be identified if they share the same surname as the offender. There is a need to stop these things occurring.

This particular offender in my electorate never assaulted children who walked along the street. He assaulted or offended against people he knew. He was friendly with families. Children were brought to him because of his role in the community. Although he did not offend against children off the street, it does not

make his offending any less serious. The parents would have not had to fear that sort of thing happening in the particular case of the offender in my electorate.

I understand the community's concern. Governments of all persuasions grapple with this, and as a community we continue to grapple with this. Amendments are being made to existing legislation. No doubt we will continue to try to refine these things. This is important public policy that we are debating. It is important we ensure that courts, which have all of the information available, are in the best position to make decisions.

Mr MORRIS (Mornington) — Earlier today we heard from both the Premier and the Leader of the Opposition about the need to ensure that the sorts of offences that have occurred in recent weeks do not occur again. I know there has been support from members of both sides of the house for that. We need to protect children, we need to protect families, we need to protect the whole community. The government is committed to that, as I am sure all members are.

It is interesting to recall the debate on the principal act, the Serious Sex Offenders (Detention and Supervision) Act 2009, when it was before the house in late 2009. There was a degree of unanimity at the time. The then shadow Minister for Corrections, who is now the Minister for Corrections, commented along the lines of, 'We recognise the difficulty the government finds itself in. We are certainly prepared to support the actions necessary'. It was quite a respectful debate. When dealing with these amendments made by the bill, we will be having quite a similar debate.

Certainly the way we deal with crime has evolved considerably over the last 150 to 160 years, particularly in the last 20 or 30 years. We now understand the psychology of crime to a far greater degree than we did. We understand in a far better way how to treat those sorts of conditions. We also understand that it is not always possible to achieve total rehabilitation. Thankfully in only very few cases we as a society and community cannot achieve the total rehabilitation of offenders in a timely manner, hence the introduction of the principal act.

As I have said, very few people are involved. They are high-risk offenders, not always because they want to be but that is simply the situation. This is an extraordinary and I believe absolutely necessary regime. It is a regime that provides for continued supervision well beyond the end of a sentence. It is a regime that if necessary provides for continued detention beyond the end of a sentence. When I was relatively new in this place I had the experience of visiting Corella Place with the now minister. It is not an experience I recommend to anyone. If anyone here has the opportunity but not the necessity, I suggest they avoid it.

In the words of the bill, the legislation involves miscellaneous amendments to the Serious Sexual Offenders (Detention and Supervision) Act 2011. That is a pretty dry summary for a bill that will have an important effect. The bill provides clear direction to the courts in terms of the priority the Parliament and certainly the community place on these matters. When the suppression of an offender's identity or the suppression of an offender's location is considered, priority is given to communities, families and children to make sure that their interests are considered first and that the interests of offenders are considered second. I realise this is a difficult balancing act. Simply because a person has committed an offence — the member for Macedon gave a good example of this — does not mean they have lost all their rights, but it is a matter of balancing the two and ensuring that the rights of the community are given priority.

The bill also provides a second significant change in that a serious sex offender's history of compliance with orders can be taken into consideration by the courts. As I indicated earlier, offenders in this situation are not always in it because they want to be. There are some — it may well be the majority — who wish to move to a better state in terms of their mental health. People who comply with orders and contribute to their own rehabilitation deserve some consideration. We could all name a few who do not want to contribute and who do little or nothing or worse in terms of assisting with their own rehabilitation.

The minister indicated in the second-reading speech that the recommendations were a response to the report of the protecting Victoria's vulnerable children inquiry, on which there has been comment already. Recommendation 50 was that sections 182 to 186 of the Serious Sex Offenders Act should be repealed, to paraphrase the report. This was the only split recommendation in the entire report. The chair and one panel member supported it, and the other panel member did not support it. This in part deals with the publication issue.

Before I talk about why the government has taken the course it has, I want to go back to a matter that the member for Altona raised during her contribution. She expressed concern about the definition of 'publish', which is contained in clause 11 of the bill. There is currently no definition for 'publish', and it is important that it be defined and defined appropriately. I understand that the definition that has been included in

this bill is consistent with the rest of the Victorian statute book, so there is consistency in that respect. There was concern expressed about private emails. Private emails will not be covered by this bill, so 'publish' is consistent with the rest of the statute book and therefore not a concern in terms of the way it is defined in this bill.

As I have said, the government has chosen not to adopt recommendation 50 in full. This was a split decision, which indicates how complex this question is, but it is about giving priority to protecting the interests of children, families and the community. That is the government's primary concern, and that is the outcome it is seeking to achieve. The government considered extensive research and expert clinical advice in seeking to achieve the best outcomes. It needs to be said that the retention of sections 182 and 183 will continue to provide automatic protection for victims, witnesses and also in respect of some evidence. There was discussion on this in the original debate on the principal act. There was also expert clinical advice which indicated that some offenders might be less likely to participate in their own rehabilitation were that option not there. It is important that those provisions be retained. This ensures that the integrity of the clinical assessments and reports are retained and hopefully maximises offenders' participation as well.

There are a number of other matters considered in the bill. There is some extension of the capacity for Corrections Victoria to share information. Under section 189 it already has the capacity to share information under 12 acts. This bill adds the Corrections Act 1986 to that. There are some changes around who can prosecute offenders charged with breaching conditions of the act, in particular the rank of members of Victoria Police.

There are some changes to arrangements relating to the reporting of information to the registrar of births, deaths and marriages, which are basically about whether it 'must' or 'may' be reported. The bill changes it to 'must', which is consistent with provisions in other acts. Also, there is provision for the expiry of a supervision order if the person subject to such an order dies or has been deported. I understand that two people have been deported and three have died since the act commenced. I am pleased to support this bill, and I am very pleased that it has widespread support across the house.

Ms HUTCHINS (Keilor) — I rise to speak in the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. The bill makes miscellaneous technical amendments to the Serious Sex Offenders (Detention and Supervision) Act 2009, which are extremely important in nature. Labor supports this bill. As a previous speaker on this side of the house said, what parents want most is to protect their children and make them secure not only in their own homes but also in society. Whilst the bill does not change the intent of the act to supervise offenders and enhance the protection of the community, which was implemented in 2009, today we are moving forward today in ways that are very positive.

There is a requirement that courts must consider the interests of families and children when making non-publication orders. The bill also allows for the periodic review of non-publication orders, clarifies ambiguities in the principal act and updates sections to reflect current practice. As a first-term member of Parliament and someone who has not worked in the justice system, I took the time to look at what constitutes a serious sex offender under the law. A serious sex offender is someone who has committed an offence against a child or a violent sexual offence. In that context I will discuss some of the serious issues that are addressed by the amendments in the bill. In many cases, the perpetrators of serious sex offences know their victims. Occasionally offenders are members of the victim's family or of their household. When allegations are made or charges are laid against an offender, families may become divided, and upon the release from prison of such offenders those issues again arise for the families associated with either the victims or the families and children of serious sex offenders.

The bill should be viewed against the background of the Cummins report entitled *Report of the Protecting Victoria's Vulnerable Children Inquiry*, which was delivered earlier this year. The report made 90 recommendations, and largely reported on the investigation of suspected abuse and early intervention for children at risk. Other members have spoken about recommendation 50, which calls for the repeal of sections 182 and 186 of the principal act to remove the power of a court to make suppression orders. This bill does not repeal these sections. I assume that this recommendation has not been taken on board in the light of the issues I have just spoken of — the victims who may have family associations with a serious sex offender wanting to remain anonymous in the community. At the time the Cummins report was tabled there was some media commentary on recommendation 50, and the Law Institute of Victoria expressed its strenuous opposition to it.

Under section 185 of the act, a court may order the suppression or publication of the identity and/or the

location of a serious sex offender serving a supervision, detention or interim order, if it is satisfied that it is in the public interest. The bill does not amend these provisions. However, clause 13 of the bill amends section 185(c) to provide for court consideration of the children, families and community associated with the offences that have occurred and the person who is now being considered for release from incarceration.

Clause 7 amends section 65 of the principal act, which relates to the periodic review of supervision orders. This amendment means that non-publication orders are subject to periodic review, which is a good thing. Clause 11 inserts a definition of the word 'publish' in the principal act, and I will discuss this amendment in more detail later in my contribution. Clause 9 amends section 180(a) of the principal act so that the Secretary of the Department of Justice is required to notify the registrar of births, deaths and marriages of changes to, say, the name and particulars of an offender, which will help to identify and track offenders post their incarceration. This is a very good step forward and reflects current practice. Currently the principal act states that the secretary 'may' provide this information; the amendment changes 'may' to 'must'. The bill also clarifies which individuals can dispense with the notice period for bringing proceedings, allows for the expiry of interim orders due to the death or deportation of an offender and makes other technical changes to the principal act.

The amendments inserted by clause 13 remove the requirement for the court to consider whether publication of material would enhance or compromise the purposes of the principal act and instead specify consideration of the protection of children, families and the community, the offender's location and whether the offender has been complying with the order. Unfortunately since I became the member for Keilor — in the 19 months I have been in office — I have spoken with victims of sex offenders. They live in my electorate and so do their offenders. They have spoken to me about the issues relating to the serious sex offences, the court proceedings and the ongoing issues for the family that are compounded in the lead-up to an offender's release from prison. Both families are related to the sex offender.

When it comes time for the offender to be released, those issues are brought to the surface for those families, no matter how much time has passed. Not only do they relive some of the details of what happened but they also begin to live in fear as to what will happen once the offender is released. They worry about their status within the local community and whether they will be targeted for being related to the offender even though the family was greatly affected by the circumstances of the offences. People in the community who have not been touched by such deep issues would find it difficult to understand the complexity of what goes on within the families of an offender and their victims. They have suffered during the trial, while the offender has been in prison and then at the time of the impending release of the offender and of course post their release.

I return to clause 11, which inserts a definition of the word 'publish' in the principal act. I welcome the fact that there is now an in-depth definition. It is probably a definition that will need to be revisited further down the track, particularly the reference to disseminating by broadcast or telecast. The world is ever changing with advances in technology. Many people understand the power of Facebook but few in our society understand just how powerful the network is. Just a month ago I received a message on Facebook about a petition which called for the release of two men in Australia who had posted explicit photos of children on Facebook. In a matter of a couple of days 100 000 people had signed that petition.

I do not think we should underestimate the public swell when it comes to serious sexual offences and how social media can put pressure on society to name and shame. I share the concerns raised by my colleagues about the potential for the definition to be too broad, encapsulating private emails between individuals. In the future that may need to be readdressed.

The Serious Sex Offenders (Detention and Supervision) Act of 2009 was a Labor government initiative. It is an act which enshrines strong laws for the supervision of offenders. The changes show that this is a progressive state and build upon the work that has already been done.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. It is the duty of all governments to keep their citizens as safe as humanly possible, and this government is committed to that. It has brought in many measures that improve law and order, and in response to the Cummins report it provided $336 million in the 2011–12 budget for a raft of extra child protection measures, including a new commissioner for young people, the construction of a new Children's Court building in Broadmeadows, 19 additional child protection workers, 34 new residential care placements, the expansion of therapeutic care for child victims and improved conditions and career progression for front-line workers. But the work is never ending. We must keep

improving everything we do, and this legislation is another example of doing what we promised to do.

All of us would like to believe that everyone can be rehabilitated and can learn from the error of their ways and that the sentences they have served will be a deterrent to their committing crimes such as those they committed before they were incarcerated and will prevent them from offending again. But we know that is not true. There are a number of people who do not seem to learn in an easy way and who are difficult to rehabilitate. They are very small in number but they pose serious, dangerous risks to our community. Some of the crimes are horrendous, and we do not need to detail any of those in the house; they are well known to many people. Some people say they cannot help what they do, but we must protect the community from the actions they take.

This legislation will empower those who have custody of and responsibility for looking after these serious sex offenders. There are many in the community who would like to say, 'Lock them up and throw away the key'. That is understandable, particularly if you were a victim or if someone close to you was a victim. I do not know how I would cope if one of my children, one of my family, had been abused and had endured the things that happen to people when these crimes are committed. I might also very much have the view, 'Lock them up and throw away the key'. However, in today's society we do not do that. We take every step we can to help such people become rehabilitated.

In recent years we have had the development of Corella Place in Ararat, which took a lot of courage to establish. Serious sex offenders go into Corella Place, where they have specialist case managers and have conditions imposed on them, such as that they are accompanied if they leave the place. They have served their sentence so they cannot be incarcerated in a prison any more, but they must be supervised. It was courageous to establish that. In fact the original legislation in 2009 was unprecedented. It represented a new direction for the Department of Justice — to supervise people who are outside of their custodial sentence.

Originally the Serious Sex Offenders Monitoring Act 2005 was introduced to allow for the monitoring of convicted child sex offenders who present a threat to the community. The act was amended in 2008 to include adult sex offenders, and then the act was repealed and replaced with the Serious Sex Offenders (Detention and Supervision) Act 2009. It allows for detention and supervision orders to be placed on anyone who has served a custodial sentence — that is, has been imprisoned — for various sexual crimes, including rape or intention to rape, child pornography offences, child abduction, human trafficking and bestiality. The adult parole board is responsible for the implementation and monitoring of the detention and supervision orders.

There are strong safeguards around what the previous legislation introduced and what the current legislation has introduced. For a detention order the Director of Public Prosecutions (DPP) must apply to the Supreme Court prior to the offender being released from custody. Detention is for a maximum period of three years, but that can be reapplied for. The reality is that some people will be under these orders for many years — probably for the rest of their lives. All orders must be reviewed by the Supreme Court every year. In fact three applications for detention orders have been made, with the court throwing out all three. Two of the offenders were placed on supervision orders and the third remains in a non-custodial residence behind the walls in Ararat prison.

For a supervision order the Secretary of the Department of Justice must apply to either the Supreme Court or the County Court prior to the offender being released from custody. Supervision is for a maximum period of 15 years, but again can be reapplied for. All orders must be reviewed by the relevant court every three years, or more frequently as the court so determines. There are currently 95 people effectively on supervision orders. Six offenders are on interim supervision orders or extended supervision orders under the superseded regime and are effectively on supervision orders, and two offenders on supervision orders have since been deported and will not be returning to Australia.

When applying for and at the review hearings of a detention and supervision order the onus of proof is always on the secretary or the DPP, whichever is relevant. Corrections Victoria assesses all sex offenders 12 months prior to when they are due to be released from custody on the threat they pose to the community. This is done using Static-99, which is a 10-point actuarial instrument that scores the risk posed by male adult offenders at the end of their sentence. In my notes I wrote down 'male', but I understand there have been one or two female offenders, and as time goes by there may be more. Perhaps I should just say 'adult offenders'. Static-99 is considered industry best practice throughout the United States, the United Kingdom, Canada and Australia. If it gives a negative assessment of an offender, he is referred to the detention and supervision order division of the board. The board comprises the solicitor-general and various Department of Justice officials of at least executive director level. If the board sees fit, it makes a recommendation to the

secretary to apply for either a detention or supervision order.

As I said, the steps are clear. It is not done lightly; an immense amount of work is done before these orders are placed. A lot of people would say we are infringing on people's liberties, but we have to do this; we have to protect the community. This is done in such a closely monitored way that I believe the steps taken prevent anyone from being held under such orders who do not deserve to be. I sincerely believe that. The conditions are deliberately broad and far-reaching and can include enforced electronic positioning bracelets, mandatory curfews, restrictions on where the offender can reside, exclusion zones around schools, parks and any other locations, prohibition from alcohol, exclusion from involvement in relevant community groups, or a ban on any grooming activities.

Some issues came up with the previous legislation which we are always revisiting and amending. Due to a legislative oversight, supervision orders applied to non-citizens who had been deported with no possibility of return or people who had passed away. Having the orders changed involved a lot of work for the department, even though the person was dead or had left the country never to come back. This bill changes that. It also covers the possibility that a sex offender's identity or whereabouts could be released; the courts have to consider this legislation when they are making decisions.

Over a period of time I think we have come full circle in some ways with how we look at the prevention of crime. In the good old days if you stole an apple, you were shipped to Australia, or if you did anything minor, you were punished with the harshest of punishment. Then we turned around and were too soft, I believe. We were trying too hard to accept that everyone can be rehabilitated quickly. This legislation deals with those who cannot be rehabilitated quickly, who perhaps may need supervision for many years — maybe for the rest of their lives — and it is the legislation that I commend to the house.

Mr LIM (Clayton) — I rise to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. This bill makes a number of amendments to the Serious Sex Offenders (Detention and Supervision) Act 2009. I wish to comment specifically on two of these amendments.

The first amendment is clause 9 of this bill, which amends section 180 of the principal act in relation to name changes of offenders subject to supervision orders. This requires that the Secretary of the Department of Justice 'must' notify instead of 'may' notify the registrar of births, deaths and marriages of the names of offenders subject to supervision orders.

The second amendment I will refer to concerns clause 13 of the bill, which relates to the identification and whereabouts of serious sex offenders. Currently there is a general test as to whether the information is permitted to be published. This is being replaced by a community interest test, including the insertion of a new section 185C into the principal act which directs the court to consider 'the protection of children, families and the community'.

In considering these amendments there are two questions that should be asked: firstly, whether they will have any real impact on community safety, and secondly, whether the Baillieu government's actions match its rhetoric and promises. In regard to name changes, offenders are already required by section 176 of the principal act to obtain approval of the Adult Parole Board of Victoria, so one must question whether this amendment will have any real effect.

Of greater concern is a recent article in the *Sunday Herald Sun* entitled 'Anger over Victorian inmates changing their names'. The *Herald Sun* disclosed that 12 prisoners have changed their names. We really need to question to what extent, except for very limited circumstances such as witness protection, offenders should be allowed to change their names. Tellingly, in the *Sunday Herald Sun* article the Baillieu government refused to disclose the names of these offenders. This makes a mockery of the rhetoric in this bill and any suggestion that increased transparency will provide greater community safety.

The second provision that I wish to canvass concerns the use of the community interest test in determining whether offenders subject to a supervision order may have their identity and whereabouts disclosed. Ultimately we will have to see whether with this change courts are more inclined to allow the disclosure to occur.

In the meantime I want to return to comments I made last year on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2011. I again question just how fair dinkum this government and the Minister for Corrections are on facilitating public disclosure of offenders. I referred to the tragic case of 73-year-old grandmother Marie Zidan, who was sodomised, raped and strangled in 2000 by two offenders who were aged 15 and 16 at the time. I also made the point that the subsequent application by the Director of Public

Prosecutions to lift the suppression order on the names of the offenders was always bound to fail.

I again want to place on record a quote in the *Herald Sun* from the then acting shadow Attorney-General, who now just happens to be the Minister for Corrections, the very minister who has introduced this bill. In relation to that case, the now minister had this to say in 2007 in an article entitled 'Outrage over killer's rights':

> Acting shadow Attorney-General Andrew McIntosh said the onus should be on children accused of homicide or rape to convince a judge their case and identity should not be openly reported, not the other way around.

Last year I made the point that the minister, if he were fair dinkum, would have introduced an amendment in that bill to deliver on what he said. The minister, in introducing this bill into the house, has again been silent on this case, so we are entitled to assume that this bill will not fix the situation.

I conclude my remarks by saying that talk is cheap. Unfortunately the Baillieu government's rhetoric, both in opposition and government, does not match its actions.

Mr BATTIN (Gembrook) — Today I rise to support the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. I will start by clarifying something for the member for Clayton, who was talking about the two people mentioned in the *Herald Sun* in relation to name changes and trying to say that we are not disclosing those names. Currently under the Freedom of Information Act 1982 you cannot disclose someone's name under freedom of information. It is something you cannot do for privacy reasons, and I am sure the member should have read that prior to coming into the chamber. That is consistent with the previous government's policy to not release somebody's name under anything with freedom of information, so I thought I would get that on the record to suggest that the member for Clayton did not do any research before he came in and wanted to go on about that.

This is a very serious bill, and it is a very serious matter that affects Victoria and all Victorians. It is something Victorians are very passionate about. It is not just a difficult topic but also a very difficult bill to try to find any correct answer with. You do not really know what is the correct answer. You do not know exactly what works. Some things will work with some people and other things with others.

I would like to put on the record my congratulations and express my thanks to staff from the department. They have been fantastic in working with us to get this legislation through and ensure that there are amendments in this legislation for the future, although I understand some provisions may have to be changed as we go on.

The Serious Sex Offenders (Detention and Supervision) Act 2009 was originally focused just on those involved in sexual offences against children. Over time that focus has changed to sexual offences involving violence. The offenders affected are subject to court-imposed conditions, which means that the applicant must prove a case and provide reasons for imposing those conditions. The question of whether it is essential that a supervision order be imposed is taken very seriously. The order needs to establish a position that it is going to work best for the offender in both addressing the offending behaviour and giving them an opportunity for rehabilitation.

Every serious sexual offender is assessed while in the prison system or on parole — that is, basically whilst they are still serving their sentence. As noted by the member for Evelyn in her contribution to the debate, as part of that process such offenders are put through a Static-99, which is a tool used to decide whether further clinical review is needed. It is based on a 10-point review, and it is considered to be best practice in various parts of the world, including the United States and parts of the United Kingdom. The Static-99 test is, however, just a screening tool, and any offender who returns a moderate to high level of response to the test can then be subject to a full clinical review. The full clinical review can then be referred on to the secretary for a recommendation or if the department decides to take that through to an application for a detention or supervision order.

The review process usually starts about 10 to 12 months prior to the end of the offender's sentence. As I said, that could be while they are on parole, not just while they are in the prison system. Should the secretary feel that there is an unacceptable risk to the community, the case can be referred to the Director of Public Prosecutions for a detention order. As has already been stated a few times in this debate, there have only ever been three applications for a detention order. One currently has no judgement, and with the other two increased and stricter conditions were applied to the supervision orders.

Some of the conditions that can be applied to supervision orders include activities that the offender cannot participate in, contact restrictions, monitoring,

stipulating a residential address where they must reside and restrictions on where they must not reside. There is consideration of work restrictions to ensure that they are not working in areas that may encourage them towards further offending. There are also restrictions and curfews in relation to places they may visit. Other restrictions relating to alcohol et cetera can be imposed, and they can be required to undergo testing.

As of 4 October we have a confirmed number of people who are subject to supervision order applications in Victoria. There have been 141 applications made for supervision orders since 2005, when the original legislation was introduced. There are currently 95 active supervision orders, of which 3 are interim supervision orders. Three remain under the 2005 act, and these will transition to orders made under the Serious Sex Offenders (Detention and Supervision) Act upon review. Two orders relate to offenders who have been deported. Fourteen relate to offenders who are currently in prison; the conditions on their orders are suspended while they are back in the prison system. There are no detention orders in place in Victoria at the moment. In 2012–13 approximately 235 offenders will be eligible for consideration of a supervision or detention order due to their offence.

In the amendments contained in this bill there is a change that relates to sections 25 and 44 of the principal act. The amendments insert a stipulation that on the deportation or removal of an offender from Australia under the commonwealth Migration Act 1958 or on the death of an offender the supervision or detention order will cease. Under the current system it takes a long time and involves a lot of administrative processes before a supervision or detention order ceases for someone who has been deported or has passed away. Obviously a supervision or detention order is no longer required under any circumstances for a person who has passed away. To summarise, should an offender be deported or pass away, the bill allows for the expiry of that supervision or detention order.

The bill also contains some changes in relation to suppression orders. The most important consideration was to make children, families and the community paramount in the decision-making process regarding suppression orders. This is covered in clause 13 of the bill, which substitutes subsection 185(c) of the principal act with new paragraphs (c), (d) and (e) covering the protection of children, families and the community. That is what this government is about. We are moving forward with this legislation to ensure that children, families and the community are first and foremost in the mind of anyone making decisions. It is important that this be the case when any decision is made on anything to do with supervision or detention orders. Children, families and the community are the most important part of any consideration.

An issue was also raised in relation to the definition of the word 'publish', and I agree that the current definition works very well. The bill states that 'publish' means:

(a) insert in a newspaper or other periodical publication; or

(b) disseminate by broadcast, telecast or cinematograph; or

(c) otherwise disseminate to the public by any means.

There will be changes in the future and we know amendments come and go, but we do not know what is going to be the next type of media that comes around. Currently it is social media, but we are not sure what it is going to be in a week, a month or 12 months time. There are always new means of getting messages out there, and it is important that that be taken into consideration. At the moment what is meant by 'publish' is covered by the words 'otherwise disseminate to the public by any means'. It is important that that message gets out there as well. Publishing does not just mean in newspapers. The new definition covers anything related to social media because that is a means of getting a message out to the public as well. It is important that we have that in the bill.

In conclusion, it is important to note that prior to any of these changes coming through and prior to getting to this stage with the bill the amendments were considered in depth by the ministerial working party, which carried out extensive consultation. That consultation involved key stakeholders and included the Chief Judge of the County Court, the Adult Parole Board of Victoria and clinical and legal experts. It is vital that consultation in relation to all these matters is undertaken with the people who are dealing with them as well as with members of the community so that we can understand how the legislation will affect the community.

Again, I congratulate the department on ensuring that this bill is passed without any delays. It contains good changes in relation to a difficult issue. I am sure all Victorians want to see not just this government but all governments working together to make sure we protect the community as best we can from serious sexual offences.

Ms KNIGHT (Ballarat West) — I rise to make a contribution to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. I state at the outset that Labor supports the amendments to the principal act. The Serious Sex Offenders

(Detention and Supervision) Act 2009 was a Labor government initiative, and this bill upholds its original intent, which was unashamedly to enhance the protection of the community.

This bill makes some technical amendments to the principal act, including requiring courts to consider issues about children and families when making non-publication orders; allowing for periodic review of non-publication orders; inserting a definition of 'publish', about which those of us on this side of the house have concerns that were articulated very thoroughly by the member for Altona; clarifying an informational duty of the secretary; clarifying that information may be shared with Corrections Victoria; clarifying which individuals may bring certain proceedings; allowing for the expiry of orders due to death or migration; and making some other technical changes.

In the second-reading speech the Minister for Corrections stated:

> There are few more important or solemn commitments a government can give than to pledge to enhance the protection of children, families and the community.

I do not get to say this very often about the Minister for Corrections, but I could not agree with him more. I absolutely agree with him. We must do whatever we can to protect our children, our families and the community.

Recently I rang my 20-year-old daughter Lucy, who lives in a shared house in Collingwood and works in Collins Street. I said to her she has every right to walk wherever she wants, whenever she wants, wearing whatever she chooses and to go anywhere accompanied or unaccompanied. It is absolutely her right. As a citizen of this state, as a social worker and as someone who has studied community development, community empowerment and community awareness, I absolutely believe that is her right, but as her mum I kind of hope she does not. It is awful and hypocritical that I have to say that, but that is the emotional reality of being a parent and of knowing what goes on around us.

We have to continue to focus on eliminating violence against women by men. While I acknowledge there are male victims and female perpetrators, the overwhelming majority of sexual assault and rape is perpetrated against women by men. Does that mean that all men are perpetrators? Absolutely not! I have no hesitation in stating that the men in this chamber and most men in our community are appalled and disgusted by the level of sexual assault perpetrated against women and children. However, it is overwhelmingly a crime of power against women and children. I know that because I could pretty much guarantee that if you put in a room any group of women from any geographical area and from any socioeconomic background and you asked those who had been sexually assaulted to raise their hands, more often than not some would raise their hands. I do not think you could say that about a group of men, unless those men were drawn from a cluster around institutionalised abuse.

One in five women have been sexually assaulted by the time they turn 15 and one in three women will be sexually abused before the age of 16 — and 93 per cent of those offenders are men. Women and children need to be safe everywhere, including in their homes. 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 years. 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, and Indigenous women are overrepresented when it comes to interpersonal violence.

Men's violence against women is a crime, but it is more than that — it is embedded in our culture and is absolutely centred on power, an imbalance in and abuse of power. It is essential that we legislate and continue to support legislation such as these amendments when it comes to detaining and supervising serious sex offenders. We must also make sure resources are directed towards prevention and support services for victim survivors. It must also be put towards men's behaviour change programs, such as those run by Child and Family Services Ballarat. Resources must also be put into programs aimed solely and squarely at boys who display sexualised behaviour. I do not believe sex offenders wake up one morning and commit a crime of such seriousness that they would fall into the category of serious sex offender in this bill — that is, the critical few high-risk sex offenders who at the completion of their sentences are deemed by the County Court or the Supreme Court to be an unacceptable risk to the community.

My understanding is that a perpetrator will start with crimes such as exposure and increasingly engage in more and more risky criminal behaviour. That is why it is so important that we take all assaults against women and children as being serious and worthy of attention, and that is why it is so important to intervene at the earliest opportunity. The act allows for the imposition of onerous restrictions on such offenders beyond the term of their original sentence of imprisonment, including ongoing detention and supervision. I started

working at a centre against sexual assault (CASA) 25-odd years ago and worked on and off at CASAs for 10 or 12 years, and I have seen the impact of sexual violence perpetrated against children. I have seen those impacts up close.

I have also seen chilling video footage of perpetrators talking about how they groom children and perpetrate those crimes, and how clearly they speak about their plans and the outcomes of those plans. They also speak about how they have been able to abuse their power relationship with children and with women in order to not only perpetrate that abuse but also get away with it. As someone who has worked at Lifeline I have spoken to women and some men who have been abused as children and who have attempted suicide, or whose loved ones were the victims of sexual abuse and had contemplated suicide. We need to take this seriously. Legislation such as this goes towards saying to the community that sexual violence is unacceptable, that we do not accept it, that we will do everything we can to make sure it is prevented and that if a person does perpetrate it, they will not get away with it.

Ms RYALL (Mitcham) — I rise to speak in the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. I welcome the opposition's support of this bill and I am grateful for it. The bill goes directly to further strengthening protection of children, families and the community in relation to serious sex offenders. It puts children, family and the community front and centre, which is where they should be and where they belong, when applications for non-publication orders are being considered.

Serious sex offenders are people who after they have served their sentence are still deemed to be a high risk and an unacceptable risk to the community and are therefore required to have ongoing supervision or detention. In preparing to speak on this bill I found it to be an emotive subject and an emotive area. It conjures up all sorts of feelings when you start to examine why this bill is before us and why this legislation needs to exist. It brings to the front of one's mind the enormity of serious sex offences in any way shape or form and the impact on victims and their families of those crimes. There is abhorrence for any sex offence. My preparation for this debate has conjured up many emotions, and I think for anybody those emotions include anger, sorrow and despair.

At the same time it brings up those protective urges we so often feel. I listened to the previous member talk about her daughter and giving her that permission to walk where she wants et cetera and about us needing to release our children from our protection, in a sense, and give them over to their adulthood and give them the ability to be free in our community — to be upstanding citizens — but also to be responsible in the way they function in their lives.

Whilst they may be free to do that, they will not always be protected from others. As the mother of a daughter who is almost 19, I share the previous speaker's concerns. As I said, this bill brings up the emotional aspects of why the legislation exists and why this bill is very important for all. Any legislation that deals with the protection of children is vital. I also start to conjure up thoughts of the importance of this to victims of crime and those close to the victims of these sorts of crimes. It is often a life sentence for the victims and a life sentence for their families. I think of the enormity of the pending release of a serious sex offender and the difficulty, including psychological concerns expressed as anxiety and emotion, that that must raise for a victim — to know that that release is pending and understanding that while there will be a supervision order, not all offenders have complied with orders in the past.

In terms of the publishing issue and the definition of publishing, these matters evolve and need to be revisited over time as we get greater clarity about technology and the way it works in our community, about media and about publication. We need to make sure we revisit these provisions from time to time as necessary.

Essentially the bill is in response to the protecting Victoria's vulnerable children inquiry report, more commonly known as the Cummins report. In addition to those fundamental proposals for improvements, the bill also makes technical amendments. Overall the significant amendments relate to requiring regular review of non-publication orders; adding the definition of 'publish'; clarifying information that can be shared between government departments, not just at the state level but at the federal level as well; providing automatic expiry of orders upon the death or deportation of a serious sex offender; requiring the secretary to provide information to the registrar of births, deaths and marriages; and enabling junior members of Victoria Police to act as informants in breach proceedings.

Once these amendments are enacted the courts will need to consider, in relation to non-publication orders, what is in the public interest and, as part of that, to take into consideration what would perhaps endanger the safety of a person; the interests of the victim; the protection of children, families and the community; the offender's compliance with a particular order; and the

address of the offender. Suppression orders will be reviewed when the supervision orders are reviewed.

The overarching threads of the bill are protecting children from harm and the appropriate management of serious sex offenders. Post-sentence supervision commenced in 2005. As I mentioned before, something that goes through your mind is: 'Will a serious sex offender stick to their order?'. Nineteen offenders have breached the conditions of their supervision orders, and 10 of those did so by committing offences.

I turn to consultation, which I am really pleased to see was so wide. I know the Premier and the ministers — and this goes across multiple ministries; it is not confined to the portfolio of the Minister for Corrections — were involved. The consultation has also included the Chief Judge of the County Court, the detention and supervision order division of the Adult Parole Board of Victoria, and clinical and legal experts familiar with the operation of the scheme. The adult parole board advised that one offender has changed their name and that two applications for name changes have been received. There are currently 61 non-publication orders concerning identity and whereabouts, 7 non-publication orders concerning identity but not whereabouts, and 4 non-publication orders relating to whereabouts but not identity. There are 25 offenders who have no publication orders relating to them.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Ms RYALL — To continue what I was saying prior to the break, in emphasising its concern with reoffending this bill prioritises the protection of children, the protection of families and the protection of the community in the consideration of decisions about whether suppression orders will be made and the identity and whereabouts of offenders will be suppressed. It returns the focus to where it rightfully should be and means that the history of a sex offender in relation to compliance with orders is also taken into consideration. This is an important step towards better protecting families, better protecting children and better protecting the community and making sure that that priority is front and centre.

I congratulate the Premier and the ministers who have contributed to the discussions and the important interaction on this bill. I commend the Minister for Corrections and his department for the important work they have done on it, and I commend the bill to the house.

Mr LANGUILLER (Derrimut) — I rise tonight to support this legislation, the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012, and to say that the opposition and indeed I support every step that is taken in relation to the protection of victims of sex crimes, who are predominantly children and women. We have heard in this house very good contributions to the debate on the bill from both sides, and we commend them. We commend the government, the opposition, the minister, the shadow minister and the Parliament for the good work. Every small step towards making sure, as has been said, that we put the safety and wellbeing of especially children and of women front and centre is important and is welcomed by the opposition.

Serious sex offenders, according to the accepted definition, are those who commit a sexual crime or offence which involves children or sex offenders who are likely to continue to commit crimes. The act which this bill amends is an important piece of legislation which was introduced by the Labor government in 2009. It was supported by the coalition, which was then in opposition. As is appropriate, in opposition we offer the same support for the government's changes, principally because there ought to be a very clear message — and I stand here on behalf of the people I represent in Derrimut in the western suburbs of Melbourne to send our very clear message — that the Parliament stands as one, that the government and the opposition stand as one and that there is no division or controversy in relation to our condemnation of this criminal behaviour, our condemnation of serious sex offenders and our preparedness to do everything we can do to protect vulnerable children.

The Serious Sex Offenders (Detention and Supervision) Act 2009 enshrined strong laws for the supervision of offenders and promoted community safety. Labor was proud and we remain proud, and I know that the government would also be proud, that ours was the first jurisdiction to adopt such a regime. The bill, as we understand it, does not change the intent of the act, which is to enhance the protection of the community. The bill makes certain technical changes which either reflect the intention of the principal act or clarify aspects of its administration, and we welcome that.

There are areas of concerns which have been correctly identified by the shadow minister, and these matters will be discussed in detail in the committee stage of the bill in the other place. The bill specifies that the safety of children, families and the community should be a relevant consideration by a court when considering non-publication orders, although courts were already able to consider the safety of children, families and the

community under the public interest test and under the 'enhance or compromise' provision of the principal act.

I wish to refer to detention orders and specifically a new provision that requires the continued detention in prison of those serious sex offenders who pose an unacceptable risk if they remain in the community. This proposition presents a major challenge, particularly in relation to circumstances where it may be appropriate to name and shame the offender by identifying his name — these offenders happen to be predominantly males — or his address. As the government is now finding out, there are serious and complex challenges associated with this. One of these challenges was identified by Michael Holcroft, president of the Law Institute of Victoria, who stated:

> Identifying child sexual offenders has the potential to hurt even more children …
>
> Suppression is sometimes used to protect the identity of the victim. Most sex offenders are known to the victim. We would not want to see victims decide not to come forward because the crimes perpetrated against them may become public knowledge.

In other words, with the best of intentions unintended consequences may arise from providing the name and address of an offender. It may identify not only the offender but also the victim and their family, and this is why the courts should be able to exercise discretion on this matter. If one looks at the data, one finds that unfortunately in many circumstances the offender is close to the family. They may be a family member or friend, and by identifying that person we may inadvertently identify the victim. Certainly neither the government nor the opposition would wish to add insult to injury and hurt the victims — who are predominantly children — in any way.

The court ought to have this discretion. It should consider the interests of the child, the family and indeed the community and keep in mind these matters that have been discussed in this important debate, the most important thing being the interests of the child and victim.

I wish to particularly highlight the conditions that can be imposed on a supervision order in relation to the types of monitoring. Some of the conditions that the supervision order may contain include electronic monitoring, residential and employment restrictions, contact restrictions for the offender, prohibition of contact with children, imposition of curfews and other conditions as relevant to the offender.

The bill specifies that a court must consider the impact of non-publication orders on children, families and communities, and this reflects the very intent of the principal act. It allows for the periodic review of non-publication notices so that an offender is not granted indefinite anonymity, and this also reflects the intent of the act. It also inserts a broad definition of the term 'publish' to prevent ambiguous interpretation. The shadow Minister for Corrections, the member for Altona, indicated some concerns around the intent advanced by the government and the unintended consequences of other forms of communication that should not be published ending up being published. These are very technical aspects of the debate that I am sure will be heard.

Fundamentally we welcome this bill. Unfortunately this is legislation that is warranted. I wish to state briefly some facts regarding offenders. There have been 92 supervision orders and 3 interim orders made since 2005. There are currently 61 non-publication orders of an offender's identity and location and a further 12 orders which only apply to either identity or location, and 25 offenders have no non-publication orders.

In summary, we welcome the contribution made by the government in advancing this legislation. We support it. It sends a clear message to the community that the Parliament stands as one and will do whatever it takes to protect vulnerable children in the community. With those remarks, I wish the bill a speedy passage.

Mrs VICTORIA (Bayswater) — It is with great delight that I stand to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012 knowing that it has bipartisan support here in this chamber, and I am certain it will have tripartisan support in the upper house. I wish it a speedy passage. This is certainly good legislation for the community and particularly for women and children as they tend to be the victims in these sorts of circumstances.

The bill strengthens and improves the operation of our post-sentence supervision and detention regime for high-risk sex offenders here in Victoria. When we say high risk, we are talking about a select few, thank goodness. These are not people who have committed lesser offences, if you can call them that, but those who have perhaps prior convictions, those who have committed the most horrid of crimes and those who are deemed to be a risk to the community on an ongoing basis, even once their custodial sentence has been completed.

The amendments will also ensure that offenders are able to be managed appropriately. One thing this bill does is give balance where it needs to be given. The

balance needs to be weighted in favour of the interests of the community, but at the same time we still need to recognise that offenders retain some basic rights; we certainly cannot take away their human rights. If they are given an opportunity to perhaps go into rehabilitation services, some may take that opportunity and that is fantastic. Hopefully we will get some good outcomes from that, and there are various programs around for that.

Having said that, this is for a select few, and to date there have been only 141 applications under this legislation for supervision orders. Not all have been granted, and so again thank goodness it is a very small number. I note that the Minister for Community Services is in the chamber. Today the Premier and the coalition took another stand against the worst possible offenders — that is, those who offend against women and children. We launched an action plan to address violence against women and children in the state of Victoria. A very clear message is being sent out by the coalition government. I am sure there will be bipartisan support for that policy document. This bill is a step towards fulfilling our government's commitment. After the Cummins report came out we studied its outcomes and recommendations, and almost all of them have been taken up.

I want to go back to the offenders. As I said, these are very high-risk sex offenders — that is, those who are likely to reoffend or to be troublesome within the community. If a County Court or Supreme Court judge feels that they are an unacceptable risk to the community upon the completion of their sentences, they can put one of these supervision orders in place. It could be custodial, but obviously it would not involve jail. Although an offender has served their sentence they may still feel they are a threat to society, and the court may also deem that they are a threat to society.

The bill clarifies and strengthens sections of the act in regard to suppressions of identity and also the whereabouts of serious sex offenders. I know there have been people in the media — Derryn Hinch comes to mind — who have lobbied and campaigned long and hard for the ability to have some of this information made public. In the past, suppression has been there for those who have committed serious crimes. If you look at the surveys, you see that 80 per cent to 90 per cent of people say that they would very much like to know — obviously for their own peace of mind, but also so that they can take precautionary steps with their families — if there are people like that living in their neighbourhood.

When the courts look at somebody who is about to be released from a custodial sentence, they need to take into consideration the protection of children, families and the general community when making a decision to suppress an offender's identity and whereabouts. Of course the last thing we want is to have vigilante-style retribution action taken by people in the community. Obviously that does not help anybody, so that type of thing is taken into consideration. There can be evidence submitted that those involved do not want made public, and all of that is taken into consideration. Also taken into consideration will be whether there has been a history of compliance under an order by an offender. This needs to be taken into consideration because it appears some offenders do not to want to be rehabilitated. They do not comply with their orders, and there is no goodwill on their behalf. The community would have very little faith that these people would not go out and reoffend, and perhaps potentially do even worse things than they have done in the past.

The *Report of the Protecting Victoria's Vulnerable Children Inquiry* stresses that we need to protect those in the community, but we also need to make sure there is a balance. Non-publication orders will be time limited and will also be subject to review. That is incredibly important. They will be reviewed at least every three years, but they can also be reviewed if a person has reoffended or broken some of the conditions of their order. It might be that the review would go on to say that there should be ongoing detention or a change to the supervision order at least every three years or so.

Serious sex offenders will not be granted indefinite anonymity, and I think that is also very important. While something is pertinent and while there may be children who are at risk or who may be affected by the naming of an offender, that is certainly time sensitive. They will not be protected against anonymity in perpetuity, but it may well be so for a certain period of time, and hence there is a need for a review every three or so years. The bill retains the presumption that an offender's identity and whereabouts will be disclosed except where the court is satisfied that a non-publication order is in the public interest.

The bill also makes it an offence to publish any evidence given in a proceeding, the content of any report before the court or information submitted to the court that might enable the identification of witnesses and victims. This is incredibly important. These are some of the most terrifying crimes, and we certainly do not want a stigma attached to those who may have been the victims, which in any case is something they are

going to have to live with for the rest of their lives. They do not want to carry that around with them.

The bill includes a definition of the word 'publish' to provide clarity. What we think of as publishing now, when we think about social media and emails, is very different to our idea of it 5 or 10 years ago or longer. It is a broad enough definition to encompass some of the new technologies coming through. We may not know what the word 'publish' means in 12 months time. Who knows what the next great fad will be? There are currently schemes in Australia that take away the liberty of serious sex offenders, and they were looked at and assessed. We think that as a government we have come up with the best solution all round with this particular bill. It is interesting to note that Bravehearts, which is an organisation that is very vocal when it comes to these types of crimes, put an article on its website entitled 'Bravehearts backs Victoria's tougher new sex offender laws'. The article states:

> Bravehearts has applauded the decision by the Victorian government to overhaul sex offender legislation that would result in longer jail time and naming and shaming paedophiles.

Bravehearts goes on to give the government a pat on the back, in a way saying, 'Finally, someone has taken the necessary steps, and we are so pleased it is finally happening'. I am delighted that this bill has bipartisan support in this house; I hope it does in the other house. I wish the bill a speedy passage.

Mr PERERA (Cranbourne) — I wish to speak in the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. The recent Cummins report entitled *Report of the Protecting Victoria's Vulnerable Children Inquiry* recommended the abolition of non-publication orders. Fortunately the bill does not ratify this recommendation but instead makes some other technical changes that will allow for more efficient administration of the principal act.

The bill includes the requirement that courts must consider the interests of families and children when making non-publication orders. This is a very important provision to codify in legislation. It is about putting the victims and their families first. It shows that the legislators are compassionate about victims and their families.

Victims may have moved on and may not want to be reminded about what happened in their past as victims. Courts could consider that. Victims may not want their names to be dragged into the public space again by the publication of the identity of past offenders who may not be of community concern any more. Being identified as a sexual predator takes away an offender's motivation to become rehabilitated. Therefore it is necessary for courts to weigh up issues and see whether there is a strong public interest in relation to the publication of the whereabouts and identity of offenders.

In the worst case scenario a sex offender would supposedly have been reformed and the victim may have been a family member or extended family member, in which case the family may not be so keen to have the offender's name and details put into the public arena. If the publication of these things has no effect on the victim, their family or their children, that would be one tick for the argument in favour of publishing the sex offender's whereabouts and details.

The current act empowers the courts to order either the publication or non-publication of a serious sex offender's location and identity based only on the public interest. However, offenders are not entirely off the hook. Offenders will not have indefinite anonymity if they do not continue to behave properly. The bill will allow for a periodic review of non-publication orders. Since May 2005 there have been 61 non-publication orders issued in relation to identity and location, a further 12 non-publication orders in relation to identity or location but not both, and 25 cases have not involved non-publication orders.

Under section 182 of the Serious Sex Offenders (Detention and Supervision) Act 2009 it is an offence to publish any evidence given or report any information submitted during court proceedings that identifies a victim without the approval of the court. This bill inserts a definition of the word 'publish', which is:

> (a) insert in a newspaper or other periodical publication; or
>
> (b) disseminate by broadcast, telecast …
>
> (c) … disseminate …. by any means.

Currently only media organisations are defined in the act as publishing information. Those from the department say the new definition will encapsulate blogging and internet activism. The opposition is concerned about this definition, which is too broad. This definition risks capturing private email communications between individuals. In the recent past we have seen — for the purpose of rampaging against US diplomatic offices or staging other protest events — social media being used to enable people to congregate quickly. Modern social and electronic media plays a very crucial role in quickly assembling people. I believe this will create a very dangerous precedent.

While a journalist is obligated to understand non-publication laws, a private citizen may possibly not have this knowledge. They may inadvertently publish suppressed information while, for example, discussing local community issues locally or through electronic media. The situation becomes worse if they use social media, where information is globally available. If recipients of information choose to take a vindictive approach towards an offender, they can mobilise forces very quickly through social media.

Currently the Secretary of the Department of Justice may notify the registrar of births, deaths and marriages of the name and location of an offender. This is to identify offenders who seek to change their names without obtaining prior approval. This bill clarifies the responsibility of the secretary by changing the word 'may' to 'must' in relation to information sharing between the registrar and secretary. This is a good move; however, the department is not aware of any offenders attempting to change their names without approval.

The Serious Sex Offenders (Detention and Supervision) Act 2009 was a Labor government initiative. Courts could, at that time, consider the safety of families, children and the community using the public interest test and an enhance-or-compromise provision. The government has exaggerated in the media the effects of this bill. This is not an example of name-and-shame legislation.

This is a set of uncontroversial administrative changes to a strong piece of legislation that was first adopted by a Labor government. Therefore Labor supports the amendments in this bill. They reflect the intent of the principal act and increase the efficiency of administering the act. Therefore, as I mentioned, the opposition will not oppose this bill.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to rise to contribute to this important debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. From the outset, let me say that I am proud to stand in this house as a member of a government that is again introducing important and significant legislation with respect to the operation of our criminal justice system and providing the strength and protection that the Victorian community so desperately needs. I also take this opportunity to congratulate the Minister for Corrections on his strong leadership, as reflected in this important piece of legislation.

The government is fulfilling another of its election commitments with the introduction of this legislation. Prior to the election in 2010, the then opposition made a clear commitment to a change in legislation that would ensure that the community's interests, particularly those of families and children, were taken into consideration before any suppression order was applied to a serious sex offender. The Victorian community has been crying out for this for a long time, and I am pleased to see that this legislation is being introduced. The relevant amendment, as outlined in clause 13 of the bill, seeks to amend section 185(c) of the act so that the protection of children, families and the community must be taken into account before a court can make a decision to provide a suppression order with respect to some of the most serious sexual offenders in this state. As a parent of three, I have concerns about a perpetrator living within my community, and I am sure members on both sides of the house share my concerns.

I remember a phone conversation I had three or four years ago with a constituent who was a mother. I cannot recall the number of children she had, but she was very concerned that a paedophile who had been released from prison was living in rental accommodation two doors from her residential property. I will not comment on the specifics of that person. I do not know whether suppression orders applied, but this was a mother who was living with the real situation of having a former sex offender living two doors from her property. I ask people in this house, in the gallery or in the Victorian community to put themselves in her position and think about how they would feel knowing that this person was residing two doors from their house. This bill for the first time places a responsibility on the court to take into consideration the situation of that woman and her children before a suppression order is granted. I am sure all of us would agree that that is an important and significant change. As I have said, I would like to congratulate the minister on his leadership, as reflected in this very important change to the legislation.

A number of other significant changes are being made to the principal act. Some of these are of a procedural nature, but there are other substantive changes, as has been identified by members who have spoken before me. The bill will amend the principal act to ensure that a serious sex offender's history of compliance with orders and also the offender's whereabouts are considered before suppression orders are made. This is a change that responds to the recommendations in the *Report of the Protecting Victoria's Vulnerable Children Inquiry*. That inquiry was chaired by the Honourable Philip Cummins. The government believes these amendments constitute both a highly practical strengthening of the act and a measure of the government's intention to protect children, families and

the community from those who are colloquially known as the 'worst of the worst'.

The bill amends section 185(c) of the act by removing the factor of 'whether the publication would enhance or compromise the purposes of this Act', replacing this with a requirement that a court considering an application for a non-publication order must have regard to the protection of children and families. The bill also makes it explicit that non-publication orders are time limited and subject to regular review by including a requirement that non-publication orders must be reviewed at the time of a review of ongoing detention and supervision order under the act at least every three years. This demonstrates that serious sex offenders will not be granted indefinite anonymity and that the court must regularly review whether a non-publication order should continue.

Throughout my journey as a member of Parliament, I have engaged with many members of the community regarding issues of law and order. I commissioned a survey on this issue, and we had a significant response. Issues to do with serious sex offenders rate very highly amongst the concerns of residents in my community. They are concerned that there is a disconnect in the way in which serious sex offenders are treated by our judiciary with respect to the operation of suppression orders and that these suppression orders have not been meeting community expectations.

I understand that the situation is difficult and that the specifics of each situation need to be taken into consideration, but it is clear that we as a Parliament and as legislators have an obligation to ensure that the needs of Victorian families and the protection of children are given paramount importance in any decision making about serious sex offenders. This has been highlighted both by the Cummins report and by a range of actions that this government has taken.

This legislation builds on a tranche of changes that this government has introduced into Parliament, including increasing the number of police on our streets and dealing with home detention. We have made jail mean jail. While this is not specifically relevant to the act that is before us, it is part of an overall program that this government took to the election. We said that, if elected, we as a government would stand up for Victorians and create a clear difference between ourselves and the former government when it came to these very important issues.

My understanding is that the opposition will be supporting the bill, and that is very pleasing. But let us not forget that the bill before the house and the changes it will make are only before us because this government has the strength to stand up for Victorians. One may expect that as a member of the government I would certainly stand and applaud the legislation before the house. But let us look at some of the commentators. There has been commentary from Derryn Hinch who, as we know, is never backward when it comes to this area. When he heard of the changes being brought in he was thrilled to see that this government was acting in this significant area.

I should also note the comments by Bravehearts and Hetty Johnston, another person who has provided a lot of public commentary about serious sex offenders. On its website Bravehearts says it has:

> … applauded the decision by the Victorian government to overhaul sex offender legislation that would result in longer jail time and naming and shaming paedophiles.
>
> Bravehearts founder and executive director Hetty Johnston said the laws will serve to better protect children.
>
> 'For too long paedophiles have been protected under suppression orders and the cone of silence from which they operate …

This is important legislation. It is about putting Victorian families first and protecting our most vulnerable, being children. I trust the bill will have a speedy passage through the house.

Ms KAIROUZ (Kororoit) — I welcome the opportunity to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. Let me say that I concur with the Minister for Corrections, who said in the second-reading speech for this bill:

> There are few more important or solemn commitments a government can give than to pledge to enhance the protection of children, families and the community.

I note that the minister also stated:

> The amendments have arisen as a response to the report of the Protecting Victoria's Vulnerable Children Inquiry.

Of course I have absolutely no issue with supporting this statement either. Protecting children from vile predators is an aim that is unlikely to cause dissent in any parliament in any land. For that reason I expect that this amendment bill will pass into law with hardly the need for a count. As stated by my colleagues, the opposition supports this bill. However, I ask the question: what is the limit of this government's initiative in terms of protecting Victoria's children? Is that the extent to which this government will go to ensure that Victoria's children have a start in life that leads to well-adjusted and balanced young people and productive members of our society?

While I do not wish to downgrade the importance of the outcomes sought by this amendment bill, there are plenty of other measures which this government could consider to improve the lives and life chances of young Victorians. For a start, the government could reverse the cruel and cold-blooded cuts to the hardworking public service staff of the Department of Education and Early Childhood Development. How is that department expected to deliver the kinds of outcomes expected — not demanded — by Victorian families? How is Victoria's early childhood and school system to continue to meet the demands that are placed upon it, particularly when the number of remaining support staff in Treasury Place could be housed in the minister's anteroom? And what about the Department of Human Services? How is it meant to deliver the child protection outcomes demanded by the community?

Government members will respond with empty rhetoric and claim that no front-line staff are being retrenched. But we all know the truth. It does not matter what department it is, they all need an administrative support structure to be effective. One could go further and raise questions about supporting our teachers with wages that reflect not only the value that this community places upon them but also the fact that they were promised by this government that they would be the best paid in the country. I will not go on any further. I can see the member has — —

Ms McLeish — On a point of order, Acting Speaker, I think the member for Kororoit has strayed quite far from the bill in question. I would like you to bring her back to it.

The ACTING SPEAKER (**Mr Morris**) — Order! I am sure she is about to return to the bill.

Ms KAIROUZ — There is a continuum in a person's life, and there certainly is a continuum in this government's thinking — and that thinking appears to be, 'Near enough is good enough, the cheaper the better, and to hell with the outcomes'.

I will quote from the report of the Protecting Victoria's Vulnerable Children Inquiry, known as the Cummins report. It says:

> When the state of Victoria becomes the guardian of children and young people, it has a responsibility to address their complex needs. At birth, these children have the same potential as other Victorian children. Victoria's system for protecting children and young people must be capable of giving these children the very best chance to grow and develop into independent and successful adults who are valued and productive members of our society.
>
> Our vulnerable children and young people deserve nothing less.

With that statement in mind I would like to close my remarks with one further question. If this amendment achieves one recommendation of the Cummins inquiry into protecting Victoria's vulnerable children, how many recommendations are left to be addressed? Does anyone in this government even know how many recommendations the inquiry's final report contains? For the record, there are 90 recommendations with many, many parts. This bill will address only one of those recommendations and represents no extra dollars in investment by this government in Victoria's children and young people.

Ms McLEISH (Seymour) — I rise this evening with pleasure to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. When I look at the bill and the amendments in totality I see that they show the government's commitment to strengthening the protection of children, families and the community. There are many ways in which the government is going about this, because protecting those who are least able or less able to protect themselves is extremely important. This afternoon I spoke about the additions to the working-with-children check legislation. This is another example of this government's strong platform of safety for the public.

The bill is very specific and narrow in its purpose. It looks at the few high-risk sex offenders. I am talking about people who have been convicted of offences and have done their time, completed their sentences, but who still pose a risk. I am thinking about people who are an unacceptable risk to the community. The bill provides that the County Court or Supreme Court can deem an offender as continuing to be an unacceptable risk to the community.

I want to put this into a little bit of context, because there have been lots of examples of things that have happened — things that we really do not like to even think about or talk about because they are just too horrible. If we can do anything, we want to protect our children and families and communities from such things happening again by preventing them or deterring others from going down this path and preventing repeat offences. The last thing we want is for people who have been convicted to go to jail, do their time and then be released out onto the streets to offend again and again. They are the sorts of things the community is very worried and scared about. As a parent of a young daughter who is just a teenager now, I think of the sorts of things that may lay ahead for her. Your heart can

really be at the bottom of your stomach thinking about it.

These amendments mean that once a sentence is completed there is now the ability to impose onerous restrictions that place more of a burden on the offender. When an offender is initially given their sentence, some things may not have come to light that perhaps then do so during the person's prison term or as a result of the way they have acted or what they have said or done whilst in jail. The courts can now decide whether or not somebody is still an unacceptable risk, and they can apply these onerous restrictions. It is about that unacceptable risk, with the protection of children, families and the community being the underlying aim of the amendments.

The court must now decide whether or not to suppress an offender's identity and whereabouts. The amendments contained in the bill deal specifically with these issues. In making these decisions, judges need to consider things such as compliance to date with any supervision orders applied and the whereabouts of the offender. These things are very important in making a strong decision that will hold up and give the community some degree of comfort.

Many of the amendments we are talking about today have arisen from the Cummins inquiry, which was commissioned by this government. I commend the minister for doing so, and I note that it was a very extensive report that came out of the Protecting Victoria's Vulnerable Children Inquiry. The inquiry was commissioned because it was seen by this government and the minister that there was a lot of room for improvement in terms of strengthening this area, examining it, turning it on its head and having a good look at what we could do that would make a fair dinkum difference and not give just lip-service to the issue. Philip Cummins and his team did a superb job in conducting a very extensive inquiry and made some quite pertinent recommendations. As a government, we think this bill is a highly practical means of strengthening the legislation that applies to people who are really what could be described as the 'worst in the world' — some of the gutter people.

I have mentioned the issue of suppressing an offender's name. When judges are deciding whether or not to suppress a name they now have to take into consideration the basic premise of the protection of our children, our families and the community. There is a legal obligation as well as a moral obligation to protect children and families; the basic premise is that they should be protected. This is very important to the community.

There has been a lot of debate about this over time, and certainly a lot of media attention has been focused on this issue. People have mentioned radio broadcaster Derryn Hinch, who went to jail after being very outspoken with his views on this matter. When deciding whether or not to suppress an offender's name, it is important that judges take into consideration the ongoing risk that the person poses to the community. In instances where a name is suppressed, it will not be an indefinite suppression. Regular reviews will remain in place because things may change.

We believe the community has felt for some time that the law protects the criminal or the offender rather than the person who has been the victim and the families or the community around that person. That is why we are putting it into legislation that the basic premise of a court's decision on the suppression of an offender's name is about protecting children, families and the community. If members think about a child rapist having greater rights than that of the victim, they will see that this is turning the tables. The basis of the decision is the protection of children, families and the community.

There will be instances when it will be necessary for an offender's name to be suppressed, such as when a victim may be easily identified if the suppression order is not granted. It may be very important to suppress the offender's name — for example, in the case of incest or something like that it is very important that the person, the child or the minor involved not be identified. So there will be cases where suppression is absolutely valid, but the premise is turning the tables so that people in the community, particularly children and families, have their rights protected.

One of the ways that criminal offenders may think they can get around this is having their names changed. One person has had their name changed for this reason, and there have been a couple of other applications to do so. It is now very clear, with the process and procedure around this; the words used in the bill tighten and strengthen the principal act's provisions. The words 'the Secretary may notify' is now replaced with 'the Secretary must notify'. This has been happening anyway, but this change is a further example of how the wording of the act will be strengthened.

These amendments also deal with termination orders. You would think that if someone subject to a supervision or detention order died — and since the 2009 act has been in operation three people have died and a couple have been deported or removed from the country — the amendment order would also have expired, but that has not been the case. This will change

now that a hearing is no longer required, freeing up the time of the courts and reducing court costs. I think that is a particularly good thing.

There have been a number of repeat offenders. Since 2005 there have been 19 breaches of the conditions of a supervision order, with 10 having been breached by the committing of an offence. These are the sorts of things we are very much about stopping.

There is an amendment to section 189(4) of the principal act in relation to the sharing of information. There are 12 acts to which the sharing of information applies, and this bill adds the Corrections Act 1986 to that list, allowing the sharing of information between the people who are administering those acts or performing functions under those acts, which is particularly important.

I want to mention that there have been a number of ministers involved in the preparation of this bill, including the corrections minister, the community services minister, who commissioned the Cummins inquiry, and the Attorney-General. The Attorney-General recently made some comments on radio indicating that this government was serious about this issue and would have these changes introduced by grand final day — and that has been done.

I am pleased to say that this is an area where our government is very strong on making sure we are protecting people in our community and making the streets safer for everybody. I am very pleased that we have bipartisan support for this bill. With those words, I commend the bill to the house and wish it a speedy passage, because it is of prime importance.

Mr TILLEY (Benambra) — I rise to make a contribution to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. By way of opening I want to make a very important point about the intent of this bill. The bill is clearly intended to address the significant need to protect children, families and the community. In saying that, I make the point that the bill needs to achieve a number of things. Managing this is the best way we can achieve protection for children and families in the community.

I must say from the outset that this requires an enormous amount of energy, work and effort, not only by the agencies but by all people working in this field. Having had a former career as an investigator and member of the police force and having attended numerous courses related to sexual offences, I have never been surprised by human nature. I am reflecting on some of the things I have seen which have caused me to think about what a human can do. I am also thinking about the political will we need as a government to prevent these offences from happening.

The reality is that it is in the nature of people that these serious types of offences will continue to occur, but we are charged with a responsibility to ensure that the correct measures and the correct legislation are in place. We need to ensure that our agencies are provided with the tools and the capacity to minimise these offences in the best way we possibly can. Managing these matters effectively is the best way we can protect our children, our families and the community.

There have been a number of recommendations in relation to this legislation, and it is great to see that the Minister for Community Services is at the table. Up until recent times she has worked extraordinarily hard in difficult circumstances. She has worked with the results of the Cummins report on the Protecting Victoria's Vulnerable Children Inquiry that has given us some things to think about, to say the least. This includes the political will and commitment from this government to addressing the report's recommendations right across the board to protect those children.

The best way this can be achieved — and I reiterate my comments about management — is to retain certain sections of the principal act, the Serious Sex Offenders (Detention and Supervision) Act 2009. This is very important because it contains the automatic protections for victims, witnesses and certain evidence. The expertise, the experience, the provision of the clinical reports that go into assessing the state of mind and the behaviour of these types of people — criminals — are most important. We can probably use some colourful language about how we feel about them, but at the end of the day they are ours, and we have to manage them. Retaining some of the relevant sections in the principal act is imperative to ensure that we maintain those protections.

Knowing the cunning rats that these types of offenders can be and the way their minds can and often do work, by retaining some of these sections in the principal act we can ensure that some of these offenders are more likely to participate in the assessment process. They would not necessarily participate in treatment if these provisions in the principal act were repealed. I emphasise that retaining sections 182 and 183 of the Serious Sex Offenders (Detention and Supervision) Act goes in the right direction in ensuring that these assessments have a very strong role to play. Offenders who are coming out of the back end of their sentence will have a high regard for them.

The bill proposes a number of amendments. Some are significantly administrative but they will ensure that the people at the coalface who have to deliver to protect our children, our families and the community are provided with the best legislative tools and other things they require to ensure that those protections do not fall short of doing exactly what we say is our political will.

One of the amendments proposed inserts a specific definition of the word 'publish'. I have heard other contributors to the debate say that they may have some concerns, and I appreciate the support from the opposition in relation to this amending bill. I listened to some of those contributions, specifically those relating to the definition of 'publish'. At the end of the day the law is there to be tested. We need to ensure that these definitions are broad ranging so that they can be tested. We cannot minimise these definitions too much and be prohibitive so that these matters cannot be tested before a court with the appropriate jurisdiction. I do not share the concern about the definition of 'publish' at this point in time.

This bill provides a means of minimising red tape by providing for the automatic expiry of supervision orders, detention orders and interim orders. Clause 4 provides for the inclusion of two further instances in which a supervision order will expire: the deportation or removal of the offender from Australia under the commonwealth Migration Act 1958; and the death of the offender. Clauses 5 and 6 make similar amendments regarding detention orders and interim orders.

In relation to clause 8 of the bill, the current provision in section 172 of the principal act operates such that the nominated senior police member must also act as informant throughout the course of proceedings, which limits operational flexibility. To resolve this issue, the bill amends section 172 by decoupling the role of determining that notice should be dispensed with from the task of bringing the proceedings. The bill will ensure that the decision to dispense with the notice period will remain with the existing nominated police and the Secretary of the Department of Justice. Once the determination has been made, the bringing of proceedings and the attendant role of informant will then be the role of another police officer of lesser rank, and thereafter be referred to the Office of Public Prosecutions to be dealt with in the County Court or the Supreme Court.

Let me say that the police are at the coalface in terms of the administration and management of these matters. Currently the principal act provides that a police officer of the rank of an inspector or higher must deal with these matters. This bill provides Victoria Police with flexibility in its policy of how these matters are to be conducted. During the debate mention has been made of junior police, but I must point out that when we refer to junior police we are referring to constables and senior constables, the most operational ranks in the police force. Constables and senior constables may or may not be required to wear uniforms and may be regarded as members of the junior ranks in Victoria Police, but they are the front line of the police force and need to be recognised in that regard. They are not to be regarded as juniors, but as being at the coalface and the front line of police work. Constables and senior constables are hands-on people who have to deal directly with people in the community, as do representatives in other departments and sections, including Corrections Victoria.

Clause 9 will require the Secretary of the Department of Justice to notify the Victorian Registry of Births, Deaths and Marriages of the name, date of birth and addresses of an offender. The principal act currently states that the secretary 'may' provide this information. In short, I strongly support the intent of this bill and what it will achieve when enshrined in legislation. I commend the bill to the house.

Mr SHAW (Frankston) — I rise to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill. At the outset I congratulate the Minister for Corrections on introducing the bill. Members of this government brought a strong law and order policy platform to the election of November 2010, nearly two years ago. Members of this government knew that law and order was an area that was lacking because people in our communities had been telling us as much. In the Frankston electorate law and order, crime and the protection of people were issues high on the list, and they still are. That is why I am glad this government has allocated 75 additional police to Frankston, the largest number in the state. I am also glad that protective services officers (PSOs) have appeared at Frankston railway station and that other PSOs are starting to be appear across Victoria. The government introduced those two great initiatives and members of the public are well aware of them. When people in the community see that things are looking better and safer, they become more confident, and we are seeing that happening in Frankston.

This government has made small law and order amendments through legislation and there have been larger initiatives on the ground. This legislation is part of a large initiative and hits at the heart of the matter, and nothing could be more important. I think it was Ronald Reagan who, when asked about the role of government, said it was to defend and protect its

people, its citizens. Through this legislation we are looking to protect the most vulnerable.

At this point in my contribution to the debate I could refer to other areas where the most vulnerable people in this state are not protected, but this legislation will enhance the protection of families, communities and children. Members of this government made a commitment to law and order. During the election campaign and in my inaugural speech I said that when criminals get light sentences and victims get life sentences, something must be done. Something is being done through the amendments being introduced by this government. We are saying to society — and society knows this in general — that this situation is wrong. We all abhor seeing reports on TV or hearing about a violent crime, a violent act or the activities of a paedophile. Such reports can make us experience strong emotions. As a father of four, I could not think of anything worse that could happen to my children. I am sure that all members of the house, both those with and without children, would also be appalled by paedophilia and sex offending. However, this bill is not just about paedophilia; it is about sex crimes in general and serious sex offenders. These crimes include rape, not just paedophilia, and the bill deals with matters concerning high-risk sex offenders.

It is often interesting to hear through the media about a particular sentence for a crime. Some of us think, 'Gee whiz! That sentence is quite light'. At other times we may hear that an offender is coming up for parole or is about to be released, and we think, 'Gee whiz! That guy should be still locked up, because the memories of that event and of that crime are still strong. My wife and I were married at about the time Paul Denyer committed three murders in Frankston about 20 years ago. We added a security door to the front door of our house. Seaford Screens did particularly well in Frankston during that horrendous time. There was a great deal of fear in the community at that time, particularly among women, as all of Denyer's victims were women and were killed over a short period of time. This legislation will send a strong message to the courts about dealing with such offenders.

I specifically want to refer to clause 13 of the bill, which substitutes section 185(c) of the principal act with new paragraphs (c), (d) and (e). Section 185 sets out the matters to which the court must have regard when making a decision under section 183 or 184 to authorise publication of material or to suppress an offender's identity and whereabouts. Under the amendment, courts would be required to consider the protection of children, families and the community as well as the offender's compliance with an order and whereabouts when making these decisions. I should have thought that is meeting community expectations. The community expects that families come first and that the protection of children is paramount, not the protection of the offender. This is quite important.

The bill also provides for an offender's compliance with any order made and the location of the residential address of the offender. In a hypothetical situation, a family may be living next door to a serious sex offender whose name has been suppressed. The thought of my family living next door to a sex predator does not go down too well. I do not think any member would want to put up their hand and say, 'Yes, I am happy to have that happen'. I certainly would not be, so it is good to know that the legislation makes provision for sex offenders who may have done their time in prison but who courts believe will reoffend. The bill provides that a court may deem that an offender will need ongoing supervision because of their risk of reoffending, which is very important. It is all very well to say, 'He or she has done their time and that is the end of the story'. No! The paramount importance of this part of the act is to protect children, to protect families and to protect communities. Even though an offender may have been released, courts may deem that ongoing supervision is required because the offender is at a high risk of reoffending. This legislation provides good protection. There is bipartisan agreement on this bill. This government is very strong on law and order policies, and will continue to be until it gets it right.

The bill places quite onerous restrictions on sex offenders beyond the term of their original sentence, including extra supervision and ongoing detention. The whole crux of this measure is to protect children, families and the community. Members of the government took five issues to the election of 2010, including having a strong, growing economy, having sensible water solutions, having strong, vibrant communities and fixing the problems. This legislation is about the fifth issue: having strong, vibrant families and communities. This legislation hits at the heart of that. We are protecting people, getting the foundations right and protecting our children, families and communities from sexual predators.

The naming of individuals in these matters is an interesting subject — that is, whether offenders' names should be published or suppressed. I must say I am probably on the side of saying they need to be published. I would like to know who I was going to be living next door to or where a particular person was. Interestingly, clause 9 amends section 180(a) of the principal act to require the secretary to notify the registrar of births, deaths and marriages of the name,

date of birth and address of offenders for the purpose of identifying offenders who may seek to change their names. The perpetrator might think, 'Yes, I wouldn't mind changing my name. Out there my name is not too good, and this isn't looking good for me — I'll change it.' This provision states clearly that the secretary has to provide that information if that happens.

With the solid foundation of protecting families — and our core responsibility is to protect families and have vibrant communities — this is an exceptionally important piece of legislation. It has been well received by the community. Bravehearts applauded the decision of this government when it said it applauded the government's decision:

> … to overhaul sex offender legislation that would result in longer jail time and naming and shaming paedophiles —

though as I said this is not just about paedophiles. The Bravehearts founder said this:

> … will serve to better protect children.
>
> 'For too long paedophiles have been protected under suppression orders and the cone of silence from which they operate', she said.
>
> 'Silence, secrecy and shame are the sex offender's best friends and the child's worst enemies …

To reverse those decisions or remove their effect so that we are protecting children, the most vulnerable in our society, and families and communities is what this legislation is doing. A clear message has been sent out by this government through its raft of law and order changes and the extra police and the extra PSOs: we are tough on crime and tough on perpetrators.

Ms MILLER (Bentleigh) — I rise to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012, and I would like to start my contribution by saying that I think it is important that both sides of the house support this bill. This bill is a very important one to Victorians, specifically to our children, who are our future. I think this bill represents a very big step in protecting them, families and communities. It is in our best interests to do what we can — and it is our responsibility as politicians in this Parliament — to take the appropriate steps to ensure the safety of our children. This is the government fulfilling a promise we made to the Victorian people, and I think the Minister for Corrections has done a great job in taking the relevant steps and amending this legislation to protect our children.

It is important to note also that Victoria Police members are often at the coalface of these sorts of situations. They are the ones who get called to a home or outdoor environment where there might be some episode of domestic violence or some unfortunate misconduct occurring between an older person and a younger person. Unfortunately the younger ones do not know any better; they are innocent and naive and quite trusting. The police have a lot of involvement and, having in the past been a health-care practitioner, I have also had the opportunity to be involved in this, though to a lesser degree. I know the trauma that an individual goes through, the trauma that a family goes through and the trauma the community goes through. Victoria Police, as I said, and also our doctors, nurses, social workers and allied health people all play a part in this.

It is important to talk about the objectives of the bill. The purpose of the bill is to implement the government's response to the recommendations of the protecting Victoria's vulnerable children inquiry report. It also makes a number of minor and technical amendments. It will amend section 185 of the Serious Sex Offenders (Detention and Supervision) Act 2009 in accordance with cabinet submission 688. It will require the regular review of non-publication orders made under section 184 in accordance with cabinet submission 688. It will insert a definition of 'publish' for the purpose of sections 182 and 186. It will clarify what information can be shared for the purposes of the Corrections Act 1986. It will provide automatic expiry of orders upon the death or deportation of an offender. It will require the Secretary of the Department of Justice to provide information to the registrar of births, deaths and marriages, and it will allow junior members of Victoria Police to act as informants in breach proceedings. As I said, this bill will go a long way towards protecting our children, our families and our community.

A question worth noting is: when these offenders are out in the community, do they have the right to be anonymous, or is it right that they be known? I say equally in turn to the residents of that community: do they have the right to know who is living amongst them, or do they not? Where an offender is residing is an important factor in considering whether courts should make a non-publication order. The residential location of an offender is relevant to the decision to make a non-publication order because publication may stigmatise co-residents — for example, other residents of a Department of Human Services-administered disability accommodation facility. Another example might be where an offender has breached the conditions of their order and is sentenced to time in prison. In such an instance that offender's whereabouts may not be of such a concern.

It is also important to note that clause 4 provides for the inclusion of two further instances in which a supervision order will expire. Section 25 of the principal act provides that a supervision order will expire on the first occurrence of any of the specified events. Those include the deportation or removal of the offender from Australia under the commonwealth Migration Act 1958 and the death of the offender. This amendment is intended to reduce the courts' workload by clarifying when such orders automatically expire and removing the requirement for the Secretary of the Department of Justice to apply to the court for a review of an order in the event of the death or deportation of an offender.

The Minister for Corrections, who is also the Minister for Crime Prevention, has done a remarkable job in bringing this bill to the Parliament. The intent is to further protect children, communities and families in our society. Under the amended legislation when judges are considering their decisions they will have to take a holistic view. They will have to make a decision that takes into consideration the offender's anonymity and safety, but, more importantly, also the perspective of the community. These are definitely not easy decisions and they have to be the right decisions. As I said, I think this bill is a further step towards assisting courts in making those decisions. The bill fulfils a promise to amend the serious sex offender legislation and strengthen the protection for children, families and the community generally.

These amendments to the Serious Sex Offenders (Detention and Supervision) Act 2009 will require judges to take into account new criteria — the protection of children, families and the community — when deciding whether to suppress the names and locations of serious sex offenders. When deciding whether to grant suppression orders, I think that is an important consideration.

Under these changes judges also have to take into consideration the offender's history of complying with orders and their current whereabouts. While we need to make sure that we keep a close eye on these people within our community to ensure that they do not reoffend, at the same time they should be able, under strict supervision, to go about doing what they normally do in their daily lives.

This legislation is a vital part of protecting the community against some of the worst sex offenders in the state of Victoria. I am not sure exactly how many there are out there and I would suggest there are probably more than we know about, but in relation to those we do know about I think it is our responsibility in this Parliament to pass this bill with the support of both sides of the house. The children of today are going to be the adults of the future, and it is our responsibility to do whatever we can, to the best of our ability and with the power that we have, to protect them.

As I said, the intention of the bill is to amend the Serious Sex Offenders (Detention and Supervision) Act 2009 to implement the government's response to a recommendation of the protecting Victoria's vulnerable children inquiry, and the bill also makes a number of other minor and technical amendments. Although they might seem minor in the general context, they are going to have significant major benefits for our children and our young people in Victoria. As I said, I am delighted that members on both sides of the house are going to support this important bill. I believe the government is being very responsible in amending the legislation. I commend the bill to the house.

Dr SYKES (Benalla) — I wish to make a brief contribution to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. I join in congratulating the Minister for Corrections, who is also the Minister for Crime Prevention, for bringing this bill to the Parliament, and I welcome the bipartisan support for the bill. I have listened to a number of presentations in the last half hour or so, and I would like to commend the speakers for the perspective they have brought to the debate on the bill, commencing with the member for Benambra. It was not so much what the member for Benambra said as the way he said it, and also what he did not say, that highlighted the significance of these offences against our children and young people and the difficulty of addressing the issue from a law enforcement point of view. Anything we can do to reduce the occurrence of these offences and make it easier for our law enforcement agencies has to be a step in the right direction.

As has been noted many times, regrettably the sex offenders who offend against our young people are most often known to the children and trusted by the children. That makes it very difficult to deal with these matters. I commend our front-line police and others who are involved, who are often thrown in at the deep end without necessarily the full support they need to deal with these extremely difficult situations.

It was also interesting to listen to the member for Frankston, who highlighted the importance of protecting our most vulnerable, and the balancing act that we have in our justice system of protecting the victim and also protecting the rights of the perpetrator, which is an honourable and worthy intention. However, like the member for Frankston, if there is any

uncertainty about which way the pendulum should swing I have no hesitation in saying that protecting the rights of the victim is our no. 1 priority.

If that means that on occasion the rights of the perpetrator are sacrificed, then so be it, but I believe that in a democratic justice system we generally get the balance right as long as we approach the setting of the laws with clear heads and a recognition that it is the victim who needs protection. Interestingly, the member for Bentleigh highlighted the importance of protecting our children because they are our future.

In their contributions the members for Bentleigh and Frankston touched on the aspect of this bill relating to the publication of the names of offenders. This is a real quandary for people to address at times but, again, if we go back to the underlying principle of protecting the victim and protecting potential other victims, we recognise that there are times when it is important to publish the names of offenders. We need to be mindful of situations where offenders can legally change their names with the intention, perhaps, of returning to society and continuing to offend. It is a difficult issue but it needs to be addressed.

The Minister for Corrections has followed the lead firmly set by the Premier, the Attorney-General and the Minister for Police and Emergency Services in sending a clear signal to those who commit crime that that will not be tolerated by our society. The thrust of the coalition government is to protect the community as its no. 1 priority and to protect its most vulnerable members, which in this context are children and often women as well. As has been mentioned in previous contributions, we also need to be mindful that the people who commit sex offences against children are most often known and regrettably trusted by those children.

I will touch on my own experience of coming into politics from, I guess, a traditional rural background where a person's word is their bond and a handshake is the signing of a deal — those are what I call traditional values. I have learnt in my career in politics that there are other values which go beyond the businesslike values that I have touched on, and these are people's moral values. Whilst I accept that people have the right to have different sets of moral values, there are some principles that I will stand firmly by and defend to the hilt. Those principles are espoused in the legislation being put before this Parliament by the Attorney-General and the Minister for Police and Emergency Services.

As I indicated before, it is pleasing that we have bipartisan support for this bill, because it indicates that people on both sides of this house share those common values. With that in mind, I commend the bill to the house and wish it a speedy passage.

Mr WATT (Burwood) — I take some delight in rising to speak on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. We do not get enough credit from outside the chamber for the good work we do on a bipartisan basis in here. It is great to see that this particular bill has the support of those opposite, and I congratulate and thank them for that support.

I am reminded that this government was elected on a platform of law and order. This is one of the many things we are doing to improve safety and law and order throughout the state. I will not go into some of the things we have done as a government because others have already mentioned them. This particular bill amends the Serious Sex Offenders (Detention and Supervision) Act 2009 to implement the government's response to recommendation 50 of the *Report of the Protecting Victoria's Vulnerable Children Inquiry* and makes other minor and technical amendments. I want to remark on the member for Kororoit's comment that there is no extra money. People may have noted the Minister for Women's Affairs's comment that we have put an extra $336 million into protecting children, and I want to put that on record because the comment about no extra funding is not necessarily true.

As I said, the bill is the government's response to recommendation 50 of the *Report of the Protecting Victoria's Vulnerable Children Inquiry* and makes a number of amendments. It amends section 185 of the principal act in accordance with cabinet submission 688. It amends section 184 to require the regular review of non-publication orders. It inserts the definition of 'publish' for the purposes of sections 182 to 186. It clarifies the sharing of information for the purposes of the Corrections Act 1986. It provides automatic expiry of orders upon the death or deportation of an offender. It requires the Secretary to the Department of Justice to provide information to the registrar of births, deaths and marriages, and it allows junior members of Victoria Police to act as informants in breach proceedings.

I will take the opportunity to note that this bill has been examined by the Scrutiny of Acts and Regulations Committee (SARC), of which I am a member. I note that the report we have tabled today outlines the things the bill sets out to do. The report states:

> There are two additional instances specified when a supervision order expires —

which I have already mentioned, but particularly:

> … when the offender is deported or removed from Australia under the Migration Act 1958 or when the offender dies …

The report also states:

> Periodic three-year review of supervision orders under section 65 must also include review of non-publication orders.

The report also noted that there was nothing in the legislation that raised concerns for SARC.

The proposed changes to section 185 have been well received following the announcement of them by the Minister for Corrections back in April. I commend the minister for bringing this bill to the house. I know he has a strong commitment to protecting vulnerable children and others in the community who are affected by violence, whether it be family violence or any other type of violence. I put on record that, having had discussions with the minister, I understand his strong commitment to reducing crime throughout Victoria. The other proposed reforms are non-controversial and are aimed at rectifying technical issues. It is anticipated that these reforms will be supported without any particular issues.

Through the bill we will change serious sexual offender suppression order laws to further protect children and communities. I reflect on the contributions of the members for Benalla and Frankston, who talked about the balance between the rights of victims and offenders. I share their sentiments that we should be looking to balance those rights, or to tip the balance ever so slightly in favour of the victims to make sure that their rights are protected. Judges will be required to take into account the protection of children, families and communities when deciding to suppress offenders' names and whereabouts. I note that the act already requires judges to take into account the interests of victims whose identities are protected in order to guard their privacy. This is a vital change to the law, which, as I said, requires courts to take into account what is best for children, families and the community — that is, the community at large, not just those involved with a particular case and the victims.

The Baillieu coalition government believes this is exactly the kind of emphasis the community expects. When the coalition came to government, some espoused the view that community expectations were not being met. One of the things that I and most members believe is that the community would expect that the best interests of children, families and the community at large will be taken into account when determining whether to agree to a suspension order. The law will require judges to consider whether an offender has a history of complying with court orders and the whereabouts of the offender before agreeing to a suppression order. That is important. There are considerations to be made if you have a recidivist offender who is not paying attention to or is blatantly ignoring court orders.

Many of these offenders do not have a great history of complying with court orders. For the first time that will be taken into account under this legislation. It is only fair and right that that should be the case. I note that there are a number of people who are supportive of these changes to the legislation. Members have talked about one of the most high-profile supporters of change to the legislation, Derryn Hinch. I note that Mr Hinch recently said:

> The Attorney-General, Robert Clark, promised me on air the new law would be introduced by grand final day. They have kept that promise.

We as a government strive to keep all of our commitments and to do everything that we have committed to. That is what the community would expect to be the case. I will not take up too much more time, but I note that this is a good outcome for victims, a good outcome for children and a good outcome for the community at large. I commend the bill to the house.

Mr NORTHE (Morwell) — I will make a very brief contribution to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012, because I know there are other members who wish to speak on the bill. The main purpose of the bill is to ensure that communities are protected. It does this by placing restrictions on high-risk convicted sex offenders following their term of imprisonment. That particular goal was set out under the Serious Sex Offenders (Detention and Supervision) Act 2009. This bill further strengthens that act.

A key element of that strengthening is to provide that the courts have a duty of care to ensure that the community is protected, including that children, families and communities more broadly are safe. It is our responsibility as the government and as legislators to ensure that protections are in place. As the Acting Speaker and the member for Frankston have alerted us to, the protection of children and the community as whole is paramount when legislation is being considered. That is at the forefront and above everything else.

The legislation before us this evening is very important. It further strengthens the provisions with respect to serious sex offenders. Interestingly, a definition of 'publish' is provided to ensure clarity. One would have to say that the previous act failed to provide terms and conditions for the termination of orders in circumstances where the offender may have passed away or been deported or removed from Australia. There are a number of amendments to sections 25, 44 and 61 of the bill to recognise those particular aspects.

Importantly section 180 of the act has also been amended. It replaces the word 'may' with the word 'must' to highlight that the secretary must notify the registrar of births, deaths and marriages of the name and other details of offenders who seek to change their names and ensure that this is done with appropriate notification to and permission from the offender. This is an absolutely compulsory protocol and a very sensible provision of the bill.

Digressing slightly, one of the other important aspects of the bill is that it ensures that the police have the capability and resources to ensure that perpetrators are brought to justice. From a local perspective it has been very pleasing to note the substantial increase in police resources for the division 5 eastern region, which encompasses a major part of the Latrobe Valley and police stations in Moe, Morwell, Traralgon and Churchill. As an example, we have had a significant increase in police numbers in this term of Parliament. I can assure members that a number of police officers within the region are very pleased that a number of vacancies have been filled. This enables the police to get on with the job of catching perpetrators and making sure not only that the community is kept safer but also that the police themselves are feeling much more at ease, under less stress and is able to get on with their job. That is an important part of the job.

It was interesting to have a local student, Natasha, who is interested in politics and law, work in my office. I asked her to undertake an exercise of analysing this bill. I asked her to do some research for me and come to some conclusions and make statements about what she felt, from young person's perspective, about what this legislation might mean. She did a great job in relation to not only compiling some statistics but also coming up with some conclusions and a summary from her perspective. From the perspective of crime statistics, unfortunately the Latrobe Valley region has quite a high number of offending incidences. However, I am pleased to report that in a recent period of time there has been a reduction in the number of sexual crimes, including rape, and sexual non-rape crimes, which have dropped by 10 per cent. The number of other sexual crimes has dropped by 38.8 per cent since 2010. Whilst those figures are still not endorsed and not well received by the community, at least they are a step in the right direction.

One can draw parallels between those figures and the number of police on the beat who are able to get on with the task of doing their jobs. It makes their life much easier if people who are considering committing a crime have to think twice. That is a great endorsement for the police community across our particular region.

I will refer to the comments of Natasha in regard to this bill. Her conclusion, which I think sums up the bill quite well, states:

> In my opinion, sex offenders should most definitely be revealed to the general public if this may pose a potential risk on people in the community. I personally want to live in an environment where I know exactly who my neighbour is and I want to feel like people, especially young children, are not unknowingly acquainting themselves with convicted sexual predators.
>
> However, I believe there should be a process that evaluates potential risk of such individuals being placed back within the community. For instance, the circumstances would be different if someone had committed a serious offence as opposed to an individual that had a minor offence.

In conclusion, this bill absolutely does that. Stronger provisions introduced by the bill will ensure that the community is better informed of the whereabouts of serious sex offenders and who they are. I endorse the comments made by the member for Benalla, the member for Frankston and all other speakers who support and are strongly in favour of this bill. I commend the bill to the house.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. I do so in the context of the coalition's key aims of striking a better balance in our criminal justice system between the needs and rights of victims in relation to the rehabilitation process and the needs and rights of criminals. I note comments made in relation to particular elements of this bill. I welcome them and support what other speakers have indicated. Importantly I draw the attention of the house to the way this issue paints a picture of the coalition government striking a better balance.

We know our government has acted to abolish suspended sentences for serious crimes; we know our government has acted to increase the representation of victims groups and police officers on the Sentencing Advisory Council; we know our government has acted to end home detention; we know our government has

acted to ensure that we establish a Victims of Crime Consultative Committee; we know our government has acted to ensure that victim impact statements are heard appropriately during earlier parts of trials if an estimate is going to be provided; and we know that our government in a very short period of time has struck a much better balance than the previous government did over 11 years on the greater rights of victims to be heard in the criminal justice process compared to offenders.

History speaks for itself; the facts speak for themselves. This government abolished suspended sentences, which Victorians asked for. This government has committed to introducing minimum sentences for acts of gross violence and other things. This shows a very strong commitment that the opposition cannot understand. I have great pleasure in commending the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship).

Debate adjourned until later this day.

FIRE SERVICES PROPERTY LEVY BILL 2012

Council's suggested amendments

Message from Council relating to following suggested amendments considered:

1. Clause 3, page 5, lines 2 and 3, omit ", unless section 20 applies, calculated in accordance with section 17" and insert "as assessed and calculated in accordance with Part 2".

2. Clause 9, page 9, lines 31 to 34, omit all words and expressions on these lines and insert —

"(b) the fixed charge part of the levy is to be apportioned so that the entire fixed charge for the undertaking is levied only in respect of the largest portion of the land and every other portion of land that forms a part of the undertaking is deemed to have a fixed charge of $0.

(7) If 2 or more portions of the land comprising one undertaking under subsection (6)(b) are equally the largest, the Minister must in writing direct which of the portions of land the fixed charge is to be levied against.

(8) If any person is liable to be levied in respect of 2 or more parcels of leviable land that is farm land within the meaning of section 2(1) of the **Valuation of Land Act 1960**, or would be farm land if it were 2 hectares or more in area, and the parcels of land constitute a single farm enterprise, the person may apply to the collection agency for an exemption from the liability to pay the fixed charge part of the levy in respect of each parcel of leviable land that constitutes the single farm enterprise if —

(a) an exemption is not claimed in respect of at least one parcel of leviable land which forms part of the single farm enterprise; and

(b) in the case of a single farm enterprise which is occupied by more than one person, an exemption is not claimed in respect of more than one principal place of residence.

(9) In subsection (8), ***single farm enterprise*** means 2 or more parcels of leviable land —

(a) which —

(i) are farm land; and

(ii) are farmed as a single enterprise; and

(iii) are occupied by the same person or persons —

whether or not the parcels of land are contiguous or are located in the same municipal district; or

(b) which —

(i) as to all the properties except one, are farm land farmed as a single enterprise occupied by the same person or persons; and

(ii) as to one property contiguous with at least one of the other properties, is the principal place of residence of that person or one of those persons.

(10) An application made to a collection agency under subsection (8) must be in the form and made within the period —

(a) specified in a direction of the Minister made under section 72; or

(b) if the Minister has not made a direction for the purposes of this section, specified by the relevant collection agency.

(11) A collection agency may require an applicant for an exemption under subsection (8) to give further particulars, or to verify particulars, in respect of the person's application.

(12) A person who has made an application for, or who has been granted, an exemption under subsection (8), must advise the relevant collection agency of any change in circumstances that could affect the person's eligibility for an exemption under that subsection.".

3. Clause 17, lines 28 to 30, omit all words and expressions on those lines and insert —

"**FC** means —

(a) if section 9(6)(b) applies to the leviable land and the leviable land is not the largest portion in an undertaking, $0;

(b) if section 9(7) applies and the portion in an undertaking is not the portion in respect of which the Minister has made a direction, $0;

(c) in all other cases, the fixed charge that applies to the leviable land specified in section 11(2) as adjusted under section 11(3);".

4. Clause 34, lines 31 and 32, omit "and paid out of the account maintained".

5. Clause 34, line 33, omit "under section 37".

6. Heading to clause 37, line 16, omit "**kept in dedicated account**" and insert "**separately accounted for**".

7. Clause 37, lines 17 to 20, omit all words and expressions on these lines and insert —

"(1) A collection agency must separately account for levy amounts and levy interest collected by the collection agency under this Act.".

8. Clause 37, lines 22 and 23, omit "and paid into an account specified in subsection (1)" and insert "under this Act".

9. Clause 37, lines 26 and 27, omit "paid into an account specified in subsection (1)".

10. Clause 37, lines 30 and 31, omit "paid into the account specified in subsection (1)".

11. Clause 37, page 40, lines 1 and 2, omit "paid into an account specified in subsection (1)" and insert "collected by a collection agency".

12. Clause 37, page 40, line 4, omit "paid out of the account and".

Mr WELLS (Treasurer) — I move:

That the suggested amendments be agreed to.

I will just say a few words. During further consultation with the VFF (Victorian Farmers Federation) and local government associations that we have been in contact with they suggested putting forward a number of house amendments to slightly improve the bill. The first issue requiring amendments involves single farm enterprises. They suggested that only one fixed charge should apply to a single farm enterprise — for example, a farm might comprise seven different properties in three different shires comprising one farm. The VFF has argued very strongly there should only be one fixed charge in relation to this example — for example, you may have a lucerne paddock and two grazing paddocks all in different shires. The VFF has argued strongly that a farm with different properties should be considered to be a single farm enterprise and have only one fixed charge, even though the properties could be spread over a number of shires and have a number of different paddocks. The government agrees with that suggestion.

The second issue requiring an amendment the VFF has put to us is an example where the land of one farm, which may be 1000 hectares, is spread over two shires. In the original bill the fixed charge would apply proportionately in relation to each shire — for example, if you had 60 per cent of the farm in shire A, 60 per cent of the fixed charge would go to that shire and the other 40 per cent would go to the other shire. The local government and the VFF have said that a fair way would be that the larger proportion of the farm, whichever shire that is in, would go to the one shire, which would reduce the amount of administration.

The third issue put to us by local government is that in the original bill we suggested that there be a separate bank account for the fire services levy to be paid into and there be one set up for all of the different shires and councils across the state. We agree with local government that that is not necessary. We think that because there is enough accounting and financial rigour around the way the fire services levy will be collected, there will be enough ledgers and enough accounting processes in place for that requirement not to be necessary.

My understanding is that the opposition was briefed on this today, although admittedly at short notice. With that short contribution, I urge that these amendments be accepted.

Mr HOLDING (Lyndhurst) — The opposition does not oppose these amendments. I do want to say, though, that the Treasurer said on *7.30* on Friday night with respect to the fire services levy that this was the most significant taxation reform since the 1970s. This is a very significant taxation reform, and therefore it is important that the government get it right.

Dr Sykes interjected.

Mr HOLDING — The member for Benalla interjects, 'We have'. When this legislation was debated in this place on 13 September, with respect to the concept of the single farming enterprise, which we are being asked to consider amendments to tonight, I said in my contribution:

> The only exceptions are situations where the land is held by the same person or the same entity and that land is

> contiguous. That is the only circumstance in which the fixed charge will be waived and only paid once by that particular ratepayer. The truth is that that does not align with the practice of local government and the levying of rates. In the case of a municipal charge, that charge is levied once per single farming enterprise. As members of The Nationals know, many single farming enterprises are held over different parcels of land that do not adjoin or are not contiguous. I would say to this government: if it wants to make sure that local government is able to easily administer this levy, that the levy operates fairly and that the fixed charge is not put in place in perverse circumstances where it ought not be, it needs to change this clause now and make sure that the fixed charge component of the levy is implemented fairly.

That is exactly what the Parliament is being asked to consider tonight because the government did not get this right. The simple proposition that I again put to this house is that if the government got this so wrong, if the government got the question of land that straddles two different municipalities wrong and if the government got the proposition that we are being asked to amend tonight regarding the establishment of separate accounts into which this levy must be paid by local government wrong — and the Municipal Association of Victoria told the government that it got that wrong when it introduced the legislation — what else has the government got wrong in this legislation that is before the Parliament tonight?

We know there are instances where it appears that insurance companies will be in effect double dipping, along with local government, when the new charge comes into effect. We know that policy-holders and ultimately ratepayers face that risk, so it is important that the government reflect carefully on this significant legislative change and make sure that it gets it right.

It was told by the insurance industry that the proper way to bring this in was over a staggered 18-month period so that a proper transition process could be effected, but it did not listen to that. It was told by the Victorian Farmers Federation that the definition of the single farming enterprise needed to be addressed. It did not listen to the VFF and local government, so we are in here tonight at the 11th hour addressing the sorts of amendments that we have before us — —

An honourable member interjected.

Mr HOLDING — At the 10th hour — I exaggerate. It is important that we get this legislation right. The government did not get it right the first time. That is why we are considering these amendments now. We simply ask the house: what else in this legislation has the government not got right, because it rushed it, it botched it, it did not consult with Victorians, it did not talk to the VFF, it did not listen to the insurance industry and it did not listen to the Municipal Association of Victoria? The government took the view that it knew best and that a proper consultation process did not need to be followed.

If members on this side of the chamber, on just a cursory reading of the legislation, were able to identify these deficiencies in the legislation, then why were members of the cabinet, who I understand had two goes at looking at this legislation, not able to get it right? If cabinet members were not able to identify these deficiencies, what else in this legislation are we going to be back in here amending before the new charge takes effect on 1 July next year?

Honourable members opposite like to berate this side of the chamber and ask, 'Why did you not do it over 11 years of government? Why did you not get on with it?'. Our question to those government members is — —

The SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue his speech when the matter is next before the Chair.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Public transport: government performance

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Public Transport, and it concerns his ongoing obsession with studies and more studies as opposed to actually delivering any significant improvements on the ground in respect of public transport. On his watch we have seen over $100 million spent investigating and studying how we might improve public transport as opposed to him getting on with the job of fixing public transport. We have not seen a single track, sleeper or bit of construction of any significance being delivered across the state. Let us not hear any nonsense about the regional rail link project, which is a Labor project and one that the minister had to be dragged kicking and screaming to support.

The action I seek from the minister is simply this: that he get on with the job of delivering just one of the projects that he is intent upon further studying and investigating and that he build just one of the projects that have been on his list since he became Minister for Public Transport. If members look at the list of the planning studies he has undertaken, they will see the

Melbourne Metro tunnel, with nearly $50 million being spent; the Avalon rail link, which got $2 million and then another $3 million; the Doncaster rail study, which got $6.5 million; and the Melbourne Airport rail link — —

The DEPUTY SPEAKER — Order! I am sorry to interrupt the member, but I did not hear what action she is seeking. She is listing several things.

Ms RICHARDSON — You may not have heard, Deputy Speaker, but a little earlier I said it is that the minister build one of the projects he is continually studying. I am listing all the studies; he can pick any of them, but he needs to get on and build one of them.

Mr R. Smith interjected.

The DEPUTY SPEAKER — Order! The Minister for Environment and Climate Change! The member can continue, and I will try to identify the action she is seeking.

Mr Herbert — To fund one of the projects.

Ms RICHARDSON — Yes, to fund one of the projects — no, it is actually that he get on with the job of building one of the projects. We need to see one of the projects built. These studies have seen $100 million spent in relation to projects like the Avalon rail link, Rowville rail, Doncaster rail and Grovedale station, which has had $8.4 million spent on it and then $1 million more. We have seen $16 million spent on level crossings, but only level crossings around the minister's electorate and in New Street, Brighton, have been tackled. Over $100 million has been spent, and we have nothing to show for it.

In my electorate we could have fixed the Chandler Highway bridge many times over with $100 million. The St Albans level crossing could have been addressed with this significant level of funding. I call on the minister to build something — to pick something from the list of studies that he has undertaken and to fund and build one of these projects and get on with the job of improving public transport, as he promised to do.

Early childhood services: Forest Hill electorate

Mr ANGUS (Forest Hill) — I raise a matter of importance for the attention of the Minister for Children and Early Childhood Development. The action I seek is for the minister to come to the electorate of Forest Hill to meet with representatives from the various kindergartens in the electorate and update these representatives on the work being undertaken by the state government in this area.

The most recent census revealed that there were 2572 children aged up to four years old in the electorate of Forest Hill, which equates to some 5.1 per cent of the population of the electorate. The electorate of Forest Hill is home to 13 kindergartens, which are operated by various bodies, including management committees and parent groups. They are run by teachers, other staff members and various volunteers, including parents. The volunteers, often comprising parents, involved in the preschool area provide a great service to the community in helping to teach and look after some of the most important residents of the community.

I have had the great pleasure in the last few years of visiting a number of the kindergartens in the electorate of Forest Hill. This is always a delightful experience, particularly interacting with the children and seeing firsthand the good work being undertaken by all those involved. Many local kindergartens are faithfully managed and run by parent volunteers, who work tirelessly to ensure the smooth ongoing operation of their local kinder. This role is often in addition to looking after other young children in their own families, so it is not to be underestimated.

I congratulate the staff, parents and other volunteers involved in this sector and look forward to attending with the minister to meet with representatives from the kindergarten governing bodies and parent bodies in the electorate. I welcome the opportunity to meet with the Minister for Children and Early Childhood Development. I look forward to the minister's visit and the opportunity it will provide for her to meet with some of the residents of the electorate involved in this sector, discuss early childhood related matters of importance with them and provide an update on the work being undertaken by the state government in this area.

Road safety: tailgating

Mr TREZISE (Geelong) — I raise a matter tonight with the Minister for Police and Emergency Services, and the issue I raise relates to motorists who tailgate on our roads, specifically in this instance the Geelong–Melbourne road. The action I seek from the minister is that as a priority he ensure that tailgating motorists are targeted by Victoria Police, specifically, as I said, on the Geelong–Melbourne road. In my role as the member for Geelong I use that road on average twice a week. There would be some weeks when I do not use the road but others when I use it three or four times. On average I use it two or three times a week. Without fail, I see examples of impatient drivers who defy the speed limit and sit on the tails of other drivers. I am not exaggerating.

On Sunday I watched the Bathurst 1000 on television, and I suggest that some of the drivers travelling at 100 kilometres an hour on the Geelong–Melbourne road are travelling behind other cars at a distance that is not too far off the distances left by drivers who were sitting on the tails of their competitors in the Bathurst 1000. Jokes aside, it is a disaster waiting to happen. I do not like to say it, but in some instances it is the drivers of large trucks who are regular offenders.

In raising this matter tonight, a couple of issues come into play. They are not excuses in relation to tailgating, but they do influence driver behaviour. First and foremost is the habit of some drivers of driving slowly in the far right-hand lane and to some degree in the middle lane of the Geelong–Melbourne road. For the information of members who may not know this, the Geelong–Melbourne road is essentially a three-lane highway. The behaviour of some drivers who will not move to the left causes frustration to other road users. Perhaps this issue also needs to be addressed by Victoria Police.

The other issue, which relates to truck drivers, is the requirement that they not travel in the far right-hand lane. This is something that was introduced by the previous government and was a policy that I supported at the time. I continue to support it, because I think it benefits other motorists. However, I see the frustration of truck drivers, who are restricted to the left lane, at being caught behind those motorists I mentioned before who will not move to the left. But these nuisance drivers are no excuse for the fatally flawed practice of tailgating. The suggestion I make is for the Minister for Police and Emergency Services to ensure that as a matter of priority the issue of tailgating is addressed on the Geelong–Melbourne road.

Southern 80 ski race: funding

Mr WELLER (Rodney) — I wish to raise a matter for the Minister for Tourism and Major Events, and I ask her to consider supporting and providing funding to the Southern 80, a significant tourism event in the Rodney electorate. The Southern 80 is a world-class ski racing event and has been a significant sporting event on the Echuca and district events calendar since the mid-1960s. The event is organised by the hardworking committee of the Moama Water Sports Club and is the biggest waterskiing event in Australia.

The race is usually run each February. Last year it generated $24.7 million in income for the local community, as determined by a Campaspe Shire Council survey following the 2011 event. Next year will be the 48th running of the Southern 80, which will see approximately 50 000 spectators line the banks of the mighty Murray River to watch the event. The study by the Campaspe shire also indicated that 71 per cent of attendees were from outside the shire and that the average length of stay for overnight visitors to the event was 2.9 nights.

Organisers have been looking to improve the event, and their immediate aim is to shift the focus of the event to attract a family-oriented market. An overhaul of the finish line looks set to attract more families, with the inclusion of items such as face painting for kids, a jumping castle and farm animals. Organisers believe these inclusions will complement the ever-present thrills and spills of the ski racing event that has proved a popular attraction for thousands of spectators each year. The local tourism body, Echuca Moama Tourism, believes that changing to a whole-family market will enhance what is already on offer at this longstanding event.

In 2011, following the change of date for the event due to the extensive local flooding of the Murray River, Echuca Moama Tourism assisted with the strategic redirection of the Southern 80 event to reach out to a broader and less restrictive demographic. The Southern 80 has grown significantly over the years and is becoming bigger and faster on the water, with events for every competitor, from the under-10-year-old ‘tadpoles’ to the over-40-year-old veterans class. The tourism minister’s support for this important local event will not only help the long-term future of the event but also boost local and state tourism.

Ambulance Victoria: Sunshine station

Mr NOONAN (Williamstown) — I wish to raise a matter tonight for the Minister for Health. The action I seek from the minister is for him to immediately approve funding to allow the existing buildings at the Sunshine ambulance station, located on the corner of Westmoreland and Ballarat roads, to be demolished and replaced with a new building. The situation with the building that houses the Sunshine ambulance station is both dire and unsafe, and I do not make that claim lightly.

I visited the Sunshine station last month and witnessed a massive hole in the roof out in the garage area, which was apparently the result of the rain damage caused on Christmas Day last year. There were two other parts of the ceiling with significant water staining, suggesting serious problems with the integrity of the roofing. I also witnessed substantial structural cracks throughout the building and was advised that on one occasion the grout

between the bricks and the hallway area had simply come loose and dropped out onto the office furniture and floor. Unbelievably, two of the four garage doors at the station are now fused shut, resulting in the ambulances having to reverse out of the garage. How can it be acceptable to have an ambulance station in which the garage doors do not open? We are talking about emergency service vehicles here!

Having viewed firsthand the state of the building, I was advised that the workplace had previously been visited by a WorkSafe inspector, resulting in no less than eight provisional improvement notices being issued under section 111 of the Occupational Health and Safety Act 2004. The inspection report issued on 31 July 2012 by WorkSafe indicates that the following matters were investigated: emergency exit lights not working; possibility of fire within the staffroom; testing and tagging of leads and appliances; smoke alarm in garage; shower and change rooms cold and damp; gaps around the window within the staffroom; lack of sufficient arrangements for staff after completing 14-hour shifts; due to cracks in the walls, concern about the structural integrity of the building; hole in the roof of garage from water damage; manual handling of garage bifold doors; slippery garage floor when wet; and security of employees in the car park.

This is a very sorry state of affairs, and it points to a failure by both Ambulance Victoria and the Baillieu government to maintain a safe place of work for our ambulance staff. There is no doubt that the building needs to be replaced. This was confirmed in a MacLeod Consulting report dated 27 February 2012, which states:

> To ensure the building is stable and of minimal maintenance in the future we recommend demolishing the existing and replacing it with a new building built to the current building standards in Australia.

It is time the Baillieu government heeded this advice and got on with the job of rebuilding the Sunshine ambulance station.

Bentleigh electorate: energy efficiency initiatives

Ms MILLER (Bentleigh) — I direct my request to the hardworking Minister for Energy and Resources. The action I seek is that the minister visit the Bentleigh electorate to meet members of the community who are working hard to ensure that their schools, churches and clubs are energy efficient. The minister will have the opportunity of meeting with the wonderful community at St Peter's Primary School, the primary school I attended, which installed 16 solar panels on a north-facing roof, with each of the panels providing a cost-effective and highly efficient energy output. I am proud to see the students and residents of the Bentleigh community setting such a wonderful example for other schools and organisations. With these innovative changes the St Peter's Primary School community is making a huge difference to our environment and future. Thanks to the addition of the solar panels, St Peter's Primary School was able to install 28 new air conditioners without noticing an increase in its power bill.

The coalition government's innovations and incentives are seeing Victorians being given the opportunity to reduce the amount of greenhouse gas being released by millions of tonnes while saving on energy bills. In this way the cost of living burden on Victorians is being eased while the environment is being protected. For example, in 2012 the greenhouse gas savings target under the Energy Saver Incentive scheme doubled, from 2.7 million tonnes to 5.4 million tonnes per annum for three years. The coalition government is committed to easing the burden of the cost of living and has announced that from the middle of 2013 flexible pricing plans will be offered which will enable people to have greater control over their energy spending. Currently most people are charged a flat rate for their energy usage, but I am aware that my constituents would like to discuss the peak, shoulder and off-peak options to be offered in 2013.

Reverend Peel of the Bentleigh Uniting Church has noted that since installing solar panels his church has saved approximately $2500 a year in energy bills. Updates are posted online for parishioners. The most recent update reads:

> Last week, our photovoltaic machine on the roof of the activities room logged its 25 000 kilowatt hours. The 25 000 kilowatt hours we have generated has saved over 30 tonnes of carbon dioxide equivalent (black balloons) from polluting Victoria.

The Switch On program, launched by the coalition government, will allow people to easily navigate the energy billing system, access suitable incentives and manage their household power. Energy-saving online tools allow families to control their usage and reduce their cost of living pressures.

I invite the minister to visit the Bentleigh electorate, specifically St Peter's Primary School, to discuss the advantages of solar power, flexible pricing, government incentives and the Switch On program.

Racing: Ballarat Cup

Ms KNIGHT (Ballarat West) — I wish to raise a matter for the attention of the Minister for Racing. The action I seek is for the minister to approve the shifting of the running of the Ballarat Cup from a Sunday meeting to a Saturday meeting, commencing in 2013. The Ballarat Turf Club, along with key stakeholders in the Ballarat community, is advocating strongly for the Ballarat Cup to run on a Saturday. I wish to add my voice in support of this change.

The Ballarat Turf Club believes in the importance of growing wagering returns, and shifting to a Saturday afternoon meeting would achieve this. This is supported by evidence from other stand-alone provincial meetings conducted on Saturdays. The Ballarat Turf Club also believes that a stand-alone Saturday fixture, coupled with increased prize money, will result in Ballarat achieving a much higher level of turnover. It is important to note that in the opinion of the Ballarat Turf Club a change to Saturday would lead to substantially increased attendances.

From consultations with Commerce Ballarat it is clear that its position is that a Saturday race meeting would be better for local business, both from the increased numbers of people being in Ballarat and using those businesses and from the perspective of businesses participating in attendance at the cup meeting. I believe staff would also exhibit a higher level of productivity on Mondays if their celebrations were conducted on Saturdays and not on Sundays.

An honourable member interjected.

Ms KNIGHT — Don't say that about Ballarat West people! Ballarat Regional Tourism also concurs with the general view about our cup being run on Saturday afternoons, believing that in terms of tourism it is easier to package up a weekend when the main event is on a Saturday. The economic benefits of attracting more tourists to Ballarat are obvious, and we need more event weekends that can attract more visitors to Ballarat. For all the reasons I have stated, I appeal to the Minister for Racing to intervene and declare that the 2013 Ballarat Cup will be run on a Saturday.

Manufacturing: Burwood electorate

Mr WATT (Burwood) — My adjournment matter is for the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva. The action I seek is for the minister to visit my electorate to observe and to hear about the issues and aspirations of local manufacturers.

The so-called death of manufacturing has been vastly exaggerated, with recent figures showing a jump in the number of Victorians employed in the manufacturing industry. Despite a string of reports of job losses over recent times, Victorian manufacturing has emerged as the nation's strongest, with quarterly labour force data from the Australian Bureau of Statistics showing there were 13 100 more Victorians working in manufacturing than there were at the same time last year, 10 000 of those being full time. In spite of the claims to the contrary by those opposite, according to the ABS, in August 2012 there were 308 200 Victorians in manufacturing jobs, compared with 295 100 at the same time last year. The number of full-time jobs has gone from 248 000 to 258 000. This is a startling result, considering the difficult circumstances in which manufacturing has to operate today.

Our manufacturers labour under the constant and unrelenting burdens placed on them by the policies of the federal Labor-Greens government, including the introduction of the carbon tax — one business in Burwood is paying nearly 7 per cent of its annual turnover in carbon tax — along with increased industrial action, the high dollar and other mounting local and international pressures. In spite of all that I have mentioned, out from under the shadows of the resources boom come Victorian manufacturers and the talented workforce they employ.

It is vital to have a state government that openly encourages the aspirations of businesses and celebrates the industriousness of its workforce, not one that demonstrates financial envy or promotes wealth distribution. It is vital to have a government that knows not only when to intervene but most of all when to get out of the way to allow those who strive for success to succeed. Manufacturing requires real solutions, not platitudes and sound grabs. You cannot simply run around shrieking about the lack of a jobs plan when the very actions of the federal government are about implementing policies that are an existential threat to manufacturing businesses and workers in Victoria. There is no point bewailing the perceived lack of achievement from the government when reality shines through with increasing evidence of the vitality and perseverance of our manufacturing sector.

Whilst others bemoan their political fortunes and real influence on events, the Baillieu government is getting on with the job of supporting manufacturers with strategies such as the $58 million manufacturing strategy. Like all members on this side of the house, I am working to maintain Victoria's fortunate position as the beating heart of Australia's creativity and success. I

look forward to the minister joining me to speak to local manufacturers in my electorate.

Para–Rattray roads, Montmorency: safety

Mr HERBERT (Eltham) — My issue is for the Minister for Roads. The action I seek is for the minister to immediately investigate a dangerous section of Para Road near Rattray Road in Montmorency, and to advise me of what safety improvements can be made. As part of a local Arrive Alive campaign, I recently surveyed local residents about dangerous roads and received more than 100 responses. Of all the road dangers reported, three intersections were identified as the most dangerous, attracting multiple reports. Of these, the intersection considered most dangerous, attracting the most reports, was the intersection of Para and Rattray roads in Montmorency.

In reporting the Para–Rattray road intersection to me, one resident, Ms Cheryl Simpson, wrote:

> The visibility is poor — it is very busy and very fast for drivers and very dangerous especially for pedestrians trying to get over to the football field and the park and also to cross the road to the bus stop.
>
> …
>
> … Something needs to be done now before it is too late.

I wrote to the Minister for Roads on 14 June 2012 to advise him of the road dangers most reported by my residents. I have spoken in this house previously about my disappointment with the minister's response. The minister did not seek individual advice from his department on a single one of these reported road dangers. The minister has not personally assessed a single one, he has not visited a single one and his response did not individually address a single one. The substance of the response was to advise me which were council roads and which were VicRoads responsibility — a fob-off.

Consequently on 14 August I once again raised the issue with the minister and asked him to personally look at these dangerous roads and to personally do something about assessing them and advising what action could be taken. Once again the minister fobbed it off. The minister let out a huge yawn and fobbed off the concerns. He refused to even get VicRoads to investigate the intersections and metaphorically said to residents, 'Don't you worry about that'.

After such a contemptuous response to residents' concerns by the minister, members might wonder why I would raise one of these roads again in this house. I am sorry to tell the house that I am advised that last week the disabled daughter of Ms Cheryl Simpson, one of the residents who reported the Para–Rattray road intersection as dangerous and whom I mentioned earlier, was hit by a car in Para Road and is lucky to be alive. She underwent 4 hours of surgery and is still being treated at the Austin Hospital almost a week later. I am not suggesting that any action by the minister could have prevented this tragic accident. The point I am making is simply that these roads are dangerous, and the danger is based not on some hypothetical scenario that may never occur; they are real road dangers reported by real residents who have had real experiences of near misses and serious accidents at these locations.

The minister needs to take heed of this. He needs to ensure that the likelihood of further life-threatening accidents at this location is minimised, or at the very least get the intersection investigated, get an analysis done and get VicRoads to do something about it, not fob it off as someone else's job.

Yamaha WR450F Australian 4-Day Enduro: funding

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the Minister for Sport and Recreation. The action I seek is for the minister to provide funding to support the 2012 Yamaha WR450F Australian 4-Day Enduro to be held in Buln Buln, just outside Warragul in my electorate of Narracan. The event is to be held from 24 to 27 October this year. The event is being held at the Buln Buln Sports Club, and more than 200 teams from around Australia are expected to compete. It is held on a rotational basis around Australia and is the highest level of competition for off-road bike racing in Australia. It is also the second largest motorcycle enduro race on the planet.

Not only will this event give Australia's best riders the opportunity to compete and qualify for the 2013 international six-day event but it will also host a number of well-known riders who are successful on the international circuit, including Europe's no. 1 rider, Alex Salvini, who will be competing alongside the other competitors.

Hosting this event locally is a great result for many local towns which will receive visitors from across Victoria and Australia. Spectators and competitors will have the ability to experience not only great racing and a competitive time trial competition at the event but also the great hospitality that will be on offer in the surrounding towns, such as Warragul, Drouin, Neerim South, Trafalgar and Yarragon. Many of these towns will play host to the riders, their support staff and

enduro enthusiasts, and they will benefit from the increased business the visitors will bring to the region. I am sure hosting this event will mean many riders will return to our great region in the future to ride other tracks and trails that are already extremely popular with four-wheel-drive enthusiasts and off-road riders.

This is a great event to be held in my electorate of Narracan and the town of Buln Buln, and I ask the Minister for Sport and Recreation to support this event by funding it in any way he can.

Mr R. Smith — On a point of order, Deputy Speaker, I refer to the contribution by the member for Northcote. I refer you, Deputy Speaker, to *Rulings from the Chair* which state that only one matter for one minister can be raised. It is incumbent on members during the adjournment debate to raise a matter for a minister to act on. It is not in the realm of responsibility of the minister to pick from a list of projects given to them by the member to take action on, so I would submit to you, Deputy Speaker, that the adjournment matter is out of order, and I suggest that you rule it out of order.

Ms Richardson — On the point of order, Deputy Speaker, there is only a single matter that I am asking the minister to act upon, and that is to fund a major infrastructure project concerning public transport in the state. There is a list of projects on his website that he is investigating and studies that he is undertaking. I am calling on the minister to fund just one of those projects as opposed to continually studying them.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! It was confusing. It would have been easier if the member for Northcote had highlighted one particular action, but referring back to what she said, I do not support the point of order, because I believe the member was requesting an action and there is more than one way to achieve that action, although it was very hard to make a clear decision when she had so many topics in her matter. I will rule it in at this time, but I ask the member to in future restrict her adjournment requests to one action.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Rodney has spoken about the Southern 80 waterskiing event and has asked for funding from the government to support that event. He has spoken about this event being held in February 2013 and it being the 48th event. I visited the electorate of Rodney in March last year and was taken for a sedate ride in one of those speedboats — I would only allow a sedate ride — in the lead-up to the 2011 Southern 80 event. I am pleased to announce that as a result of the member's representations the government, through Tourism Victoria's event program, will provide $15 000 to assist with the 2013 Southern 80. The event, which is held along the banks of the Murray River, with the finishing line in Echuca, is one of the largest waterskiing events in Australia, as the member outlined to the house.

It is important to understand the economic reasons for which this funding persists. It is important to advise not only the member for Rodney but also the member for Eltham that the reason these events are funded in regional Victoria is that they attract tourists and economic development. A study done by the Shire of Campaspe revealed that the 2012 event attracted approximately 60 000 spectators and over 1000 competitors. As the member for Rodney said, that study also revealed that 71 per cent of the attendees were from outside the region and stayed an average of 2.9 nights, generating $24.7 million for the region. That is the reason the event will be funded again. Additionally, the event was broadcast on SBS to a national television audience as part of the program *Speedweek*, which significantly profiled the Murray region. The funding provided will be used for a range of television, radio and print advertising.

I congratulate the member for Rodney. The Southern 80 waterski event will be held in the week before the 2013 Riverboats Music Festival, which the member raised in the house in August. He was also successful in receiving funding for that event.

Mr O'BRIEN (Minister for Energy and Resources) — I thank the member for Bentleigh for raising this important issue with me. I would be delighted to accept her invitation to visit St Peter's Primary School in her electorate. It is great to see a number of community organisations, including schools, taking a lot of care with their energy bills and their energy usage and taking very positive action to try to reduce the impact of electricity usage on both their finances and the environment.

Many people in Victoria are now facing the problems posed by the carbon tax — one of the more pointless reasons to raise electricity prices that has been foisted on us by the federal Labor government, a government which, as we see tonight, is still in disarray. The second Speaker in the House of Representatives has now gone, and it is onto the third. It remains to be seen whether the government will last its full term. In contrast with the

actions of the federal Labor government to deliberately raise the price of electricity for Victorians, the Baillieu-Ryan coalition government has been taking action to reduce pressure on electricity prices.

The government has not only maintained but doubled the Victorian energy saver incentive from 2.7 million tonnes of greenhouse gases a year to 5.4 million tonnes a year over three years. That is equivalent to taking every single registered car in Victoria off the road for 18 months. That will have a significant impact on reducing our greenhouse gas emissions, and it took a coalition government to say, 'It is not just households that create greenhouse gases; it is businesses as well. Why not expand the program to allow businesses to participate?'.

Despite having doubled the target for this year from 2.7 million tonnes to 5.4 million tonnes, I can advise the house that only nine months into the year we have already reached the target for this year. That is three months early. We are kicking goals with cutting greenhouse gases but doing it in an energy-efficient way — by putting energy-efficient appliances into people's homes and into businesses, reducing their wastage of electricity and therefore cutting their bills. There is a way to reduce greenhouse gas emissions without spiking up bills: it is called the coalition way, and it is unlike the Labor way of putting a carbon tax on everything.

I am also pleased to announce that the government has successfully launched the Switch On campaign. This is a campaign to explain to Victorians how they can take better control of their own power usage, giving them practical advice — not frippery, not black balloon advertisements, but practical advice — about how they can take measures to reduce their electricity usage, reduce their wastage and cut their bills.

Recently I was very pleased to announce that the Victorian government will be moving from the middle of next year to introduce flexible pricing options for electricity to Victorian households. For too many years Victorian families have had to pay for the smart meter bungles of members opposite. They ran a program that was completely mismanaged. The Auditor-General found that the scheme was a dog and that the costs had blown out from $800 million to over $2 billion, all of which is being paid for through the electricity bills of Victorian families and businesses.

The Baillieu government is putting that program back on track. We are reining in the costs, we are bringing forward the benefits and we are turning around the mess the Labor Party left us. We are going to put those smart meters to work for Victorian families and for Victorian businesses. We are going to use them in a way that will assist Victorians in taking better control of their power bills, notwithstanding the federal Labor government's efforts to increase power bills through the carbon tax.

I would be delighted to attend with the member for Bentleigh to explain how this government has reined in Labor's feed-in tariffs, which is a $41 million a year subsidy, of those who can afford solar panels by those who cannot afford them. That $41 million is being paid for by public housing tenants, by pensioners and by people who could not think about putting thousands of dollars worth of equipment on their roof. The Labor Party was quite happy to see those vulnerable Victorian subsidise the well-off. We on this side of the house believe in equity. We are the party of equity; we are the party of fairness. That is why we have reformed those unfair solar feed-in tariffs. I would be delighted to join the member for Bentleigh and explain the good work the coalition government is doing to help reduce cost of living pressures on Victorians.

Mr MULDER (Minister for Roads) — The member for Eltham raised an issue with me in relation to Para Road, near Rattray Road, in Montmorency. The member had written to me in the past about this dangerous road. In my response I advised him that that section of road is the responsibility partly of the local council and partly of VicRoads. The member also advised that I check with my department because I do not always go to my department to get this type of information. I can assure the member for Eltham that the matter is always handed on to the department when it is raised in the adjournment debate or elsewhere. The department conducts the investigation and provides me with advice.

I suggest to the member for Eltham that perhaps a good outcome in this case would be if I were to get the regional manager at VicRoads to sit down with his council and with him to see what can be resolved in relation to this issue. It is a fact that the member for Eltham wrote to me on this matter, and I note that he was elected as the member for Eltham in 2002. I suggest that he bring along with him all his correspondence from the period between 2002 and 2010 in relation to how many times he has written to former ministers for roads on behalf of his constituents asking for this dangerous road to be fixed up. I think it might pretty much be an empty sheet. I invite the member to bring his correspondence along. I am sure he has those records sitting in his office. He should bring them along as well as the responses from former ministers for roads.

As I said, we have not been in government all that long, but we are doing all we can. In fact this evening we announced in the order of $45 million worth of additional spending on upgrades to roads throughout the state. This is an additional boost to road funding to make our road networks safer. I suggest that if the member for Eltham would like to have that meeting, I will arrange it for him. He can sit down with the regional manager of VicRoads and with representatives of his local council. He can bring along all his correspondence and all the history of the work he has done for his constituents in relation to that road. I would say the correspondence would pretty much amount to nothing. Nevertheless I will do for the member for Eltham what the former roads ministers did not do.

The member for Northcote raised an issue with me in relation to a number of matters. 'More action and no more plans' is basically what the member for Northcote asked me for. I note that the Northcote railway station opened in 1889, and I wonder what sorts of improvements were carried out at the Northcote station between 2006 and 2010 under her direction as the local member. I would suggest very little was done.

In actual fact the big spend will come with the protective services officers for Northcote station. That is where the real spend will come from, and I would like the member for Northcote to compare her efforts with the efforts of the coalition government in terms of improvements to infrastructure and safety on her railway stations. I would welcome the protective services officers with open arms.

The member for Northcote says not much has happened in relation to improvements to the public transport network. What about the 1000-odd additional train services? What about the 2000-odd new bus services that have been provided? What about Metro Trains Melbourne's six months of punctuality — six months of trains running on time — compared to water bottles and a public transport network that was in an absolutely dilapidated, run-down state when we came to government? It has taken the Baillieu government to get that system back on track and get six months of performance in a row.

The fact of the matter is members of the opposition do not believe in planning. They used to announce projects, put sums of money into them and hope it all worked out. Look at myki and the regional rail link where there were no signals and no trains. Each and every project I have looked at in my portfolio was in absolute tatters when I took over. Labor could not handle money, and it could not handle major projects. The member for Northcote said that nothing has happened in terms of upgrades. What about the Glen Waverley line when we shut it down? There was a massive improvement right along that line. Next week we will come out and make announcements in relation to not one, not two but another major upgrade to the timetable. These are things the former Labor government could have done. It had the opportunity, it had the time and it had the money, but it could not do it. Yet a new government — the Baillieu coalition government — with limited resources is delivering.

We are delivering where the former Labor government, which had the money, could not deliver, and we will continue to deliver. Yes, we are planning Rowville. Yes, we are planning Doncaster. Yes, we are planning Melbourne Airport, and yes, we are planning Avalon Airport. Would that not be great for Victoria — two airports, both international airports without curfews, versus New South Wales?

However, according to the member for Northcote we should not be making those plans; we should not be doing it. Labor is talking Victoria down and talking the public transport system down. It had the time and the money. It had everything at its fingertips and absolutely blew it. We are making investments of $225 million into Metro for maintaining our rail network and over $170 million into V/Line. There will be new trains for country Victoria and new trains for Melbourne. The investment is being made, the money is being spent and the results are there to see. I say to the member for Northcote, 'Hang your head in shame because you are stuck back in 1889, the year in which your local station was built'.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to a matter raised by the member for Narracan, who has requested the government's support for the 2012 Yamaha WR450F Australian 4-Day Enduro motorcycle event to be held in his electorate from 24 to 27 October this year.

I would like to begin my contribution tonight by commending the member for Narracan for the great work he is doing for his electorate. He is very passionate about his electorate. He does a lot of great work down there, particularly in boosting the profile of his electorate and also working with my department in relation to matters of sport and recreation. I also have to commend him because he also does a lot of work in the veterans area, particularly in relation to Kokoda efforts. I know he was up in the Ferntree Gully area when we opened the new Kokoda memorial. He was up there, and he does a lot of good work.

As we know, sport plays a vital role in regional communities such as in the small town of Buln Buln, which the member spoke about here tonight. My understanding is that the population there is about 600 people, but they punch above their weight in relation to a lot of the events they put on. I am informed by the member that this event is expected to attract about 300 riders, and one of them is Europe's top rider, Alex Salvini. Each of these riders brings along a support crew, which not only provides a stimulus for the local economy but, importantly, provides a perfect opportunity for the town to showcase the local sporting facilities and the beautiful region in the member for Narracan's electorate. He spoke about the fact that this also increases opportunities for the hospitality, accommodation and eating facilities that are there, and he spoke about many of the towns supporting this event. I am pleased to announce that this event will receive $20 000 through the Victorian government's Significant Sporting Events program to make the Yamaha WR450F Australian 4-Day Enduro one of the best ever.

The Significant Sporting Events program is about attracting new events to or assisting to retain events in Victoria. It also gives the opportunity to enhance the skills of officials and volunteers. About 580 000 volunteers support sport and recreation in Victoria, and some of these people will be on show in Buln Buln. Importantly this program is also about increasing economic stimulus through encouraging visitation to Victoria. The member for Narracan said that a lot of people will be coming from interstate and international locations to this significant event. By providing opportunities through the Significant Sporting Events program not only are we enabling people to get involved and benefit from sport and recreation but also, importantly, the economy will be boosted by this activity.

I again congratulate the member for Narracan on his fantastic efforts in putting forward this great project. Through the Significant Sporting Events program we can work together with many members across the state to make sure we develop and support a wide range of events such as the Yamaha WR450F Australian 4-Day Enduro event. We will make sure we maintain Victoria as the sporting capital of Australia.

Dr NAPTHINE (Minister for Racing) — The member for Ballarat West raised with me the desire of the Ballarat Turf Club to change the Ballarat Cup to a Saturday stand-alone fixture in the future. Currently the Ballarat Cup is run on a Sunday. It is the final day of the Spring Racing Carnival, which is a great carnival of racing — and great for the economy of Victoria — featuring racing throughout the state, particularly at our major regional centres such as Ballarat, Bendigo and Geelong, as well as at Moonee Valley, Caulfield and Flemington.

I was able to attend the Ballarat Cup last year, and I backed the winner, Domesky. It certainly was a great race day which I understand attracted an excellent crowd and achieved a record turnover. It is a significant proposal for the racing club to suggest that the Ballarat Cup be moved from a successful Sunday meeting to a Saturday meeting. I have met with people from the racing club, and I understand their desire to do that in terms of racing turnover, but there are other implications in terms of the racing calendar and in terms of other sporting events in the Ballarat community. The decision to move the Ballarat Cup from a Sunday meeting to a Saturday meeting is one that requires broad consultation across the community before any further proposal is put forward.

It is interesting that this proposal with respect to racing comes from a Labor member. For 11 years we had Labor in government, and its record shows that it closed country racetracks and took away country race meetings. Fortunately for country Victoria and country racing there was a change of government. Members of the current government went to the election in 2010 with some policies about growing country racing as opposed to the Labor policy of closing down country racing. Indeed we went to the election with the policy of returning race meetings to country Victoria.

This is not an easy task because, as the member would know and as the previous Minister for Racing, Mr Hulls, used to regularly advise the house, Racing Victoria Ltd is independent and cannot be directed by the Minister for Racing. However, what Racing Victoria does need is for the Minister for Racing work cooperatively with it and with Country Racing Victoria. That is how we have been able to persuade Racing Victoria and Country Racing Victoria to return country race meetings to Towong, Avoca and the Latrobe Valley Racing Club and to extend the distance of the Bendigo Cup so it could become a race that can make horses eligible for the Melbourne Cup. These are things that we have done.

We were also pleased to work with Country Racing Victoria and Racing Victoria to hold the very first regional stand-alone Saturday race meeting in Bendigo in March of this year. As Minister for Racing I am pleased to have worked with the Ballarat Turf Club to fund, through our Regional Racing Infrastructure Fund, $79.5 million to grow and develop jobs and opportunities in racing, through providing things such

as — and I will try to recall the funding we have provided to Ballarat; it has been extensive — new starting stalls; a new mower system for its tracks; new facilities for broadcasters; the opening of a new uphill training track; the opening of new facilities for trainers, including Malua Racing; funding through the Raceday Attraction program, another Baillieu government initiative to boost racing in regional Victoria; its tradies day; and the Gold Nugget race day, which was held recently.

I am committed to working with the Ballarat Turf Club to grow and develop its racing opportunities. Indeed only a few years ago the Ballarat Turf Club proposed a different day for its cup day. About three years ago it proposed to hold the Ballarat Cup on what was traditionally its Gold Nugget race day. The club has a race meeting on Thursday of this week, as the member for Ballarat West would well know. That was traditionally its Gold Nugget race day. The club wanted to move the Ballarat Cup to the Gold Nugget race day so it would be a lead-up race to the Caulfield and Melbourne cups. It thought that would be the best way to grow opportunities for the Ballarat Cup.

An honourable member interjected.

Dr NAPTHINE — I am happy to continue. The Gold Nugget meeting has now been shifted to September. We provided assistance to the club's great Gold Nugget race day program, but I understand that since those proposals of several years ago there have been some changes in the administration of the committee at the Ballarat Turf Club. The new CEO is doing a fantastic job, as is the committee. I am happy to work cooperatively with the Ballarat Turf Club to try to get the best outcomes in terms of racing, jobs and the economic development of Ballarat and also for racing across regional and rural Victoria.

In contrast to the previous government, the previous Minister for Racing and the Labor Party, who did not care about country racing and were was only interested in closing country racetracks and taking away country race meetings, I am interested in working cooperatively with local racing clubs and with Country Racing Victoria and Racing Victoria. I remind the member again that Racing Victoria was established under the previous Labor government as a completely independent body.

I am prepared to work with these organisations to get the best outcome for Ballarat. That may require further discussion with the broader Ballarat community and with Ballarat City Council after the local government elections because we want to make sure that the whole community is involved in this discussion.

This is a significant proposal and decision with respect to the Ballarat community and racing. We all need to work together to try to get the best outcomes for racing in Ballarat, for the community of Ballarat and for racing across Victoria. I am committed to doing this.

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Forest Hill raised a matter for the Minister for Children and Early Childhood Development requesting the minister meet with representatives from local kindergarten communities.

The member for Geelong raised an issue for the Minister for Police and Emergency Services asking him to concentrate police resources on tailgating motorists, particularly on the Geelong–Melbourne road.

The member for Williamstown raised a matter for the Minister for Health regarding funding for the demolition of the Sunshine ambulance depot.

The member for Burwood raised a matter for the Minister for Manufacturing, Exports and Trade asking him to visit the member's electorate and listen to local manufacturers.

I will ensure that those issues are passed on to the relevant ministers.

The DEPUTY SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 10.54 p.m.