

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 14 October 2014**

**(Extract from book 14)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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(*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik.

**Economic Development, Infrastructure and Outer Suburban/Interface Services Committee** — (*Assembly*): Mr Burgess and Mr McGuire. (*Council*): Mrs Millar and Mr Ronalds.

**Education and Training Committee** — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmarr and Mrs Kronberg.

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

**Rural and Regional Committee** — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr D. R. J. O'Brien.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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

**Deputy Speaker:**

Mr P. WELLER (from 4 February 2014)

Mrs C. A. FYFFE (to 4 February 2014)

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Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

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The Hon. E. N. BAILLIEU (to 6 March 2013)

**Deputy Leader of the Parliamentary Liberal Party:**

The Hon. LOUISE ASHER

**Leader of The Nationals and Deputy Premier:**

The Hon. P. J. RYAN

**Deputy Leader of The Nationals:**

The Hon. P. L. WALSH

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank <sup>6</sup>	Broadmeadows	ALP
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Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
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Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane <sup>8</sup>	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
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Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
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Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 21 December 2010

<sup>2</sup> Elected 24 March 2012

<sup>3</sup> Resigned 18 February 2013

<sup>4</sup> Resigned 27 January 2012

<sup>5</sup> Elected 21 July 2012

<sup>6</sup> Elected 19 February 2011

<sup>7</sup> Elected 27 April 2013

<sup>8</sup> Resigned 7 May 2012

<sup>9</sup> LP until 6 March 2013



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## Tuesday, 14 October 2014

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

### RULINGS BY THE CHAIR

#### Parliamentary privilege

**The SPEAKER** — Order! Before calling for questions I will rule on two points of order that are outstanding from the last sitting day.

On 18 September the member for Albert Park took a point of order, stating that he had written to me under the provisions of chapter 21 of *Rulings from the Chair* and seeking advice about the time frame for responding to that correspondence. I advised the house that I would look at the matter as soon as I could. The Leader of the House took a point of order suggesting that the member for Albert Park had breached point (3) of the procedure for raising a privilege matter, as set out in Speaker Wheeler's 1978 ruling at page 149 of *Rulings from the Chair*. I will respond to both of those points of order.

However, I advise the house that I have responded to the correspondence sent to me by the member for Albert Park. In accordance with the procedure for raising a privilege matter, that correspondence and my response remain confidential, and therefore I do not intend to comment further on that matter.

The Leader of the House expressed concern that the member for Albert Park may have breached the procedure for raising privilege matters. While I acknowledge that the member for Albert Park was quite careful in his comments in the house and did not mention the details of his allegation, I advise that the matter should not have been raised in the house. Point 3 of Speaker Wheeler's ruling states that the complaining member is not permitted to say anything in the house concerning the matter, pending the Speaker's consideration. This requirement is to ensure that an allegation is considered in the first instance by the Speaker away from the floor of the house and that only matters of substance are given precedence in house.

By disclosing that an allegation had been raised with me in writing — only some hours after I had received the correspondence and certainly before I had had the opportunity to consider it — the member for Albert Park drew the house's attention to the fact that such an allegation was pending the Speaker's consideration. It was inappropriate and contrary to the Assembly's practice for dealing with privilege matters, regardless of how much detail was provided to the house. I ask all

members in future to follow the procedure for raising matters of privilege. This procedure exists to provide fairness to all parties involved, and it is compromised when matters are subject to public discussion and speculation.

### QUESTIONS WITHOUT NOTICE

#### Ambulance services

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the tragic experience of Pauline and Rohan Boyle, who last month experienced every parent's worst nightmare when their three-year-old daughter, Emmy, drowned at their Gowanbrae home, and I ask: will the Premier finally now, once and for all, in this last sitting week of the 57th Parliament, admit that there is a crisis in our ambulance service and that Victorians are dying because of it?

**Dr NAPHTHINE** (Premier) — I thank the Leader of the Opposition for his question. This is a tragic case, and my thoughts and the thoughts of all Victorians are with the parents of this young girl who tragically died in this circumstance. As the Leader of the Opposition said, it is every parent's worst nightmare to lose one of their children, particularly at such a young age.

I am advised that this matter is being investigated by the coroner, and therefore it would not be appropriate to give full details on this case. I am also advised that Ambulance Victoria and the Emergency Services Telecommunications Authority (ESTA) are investigating their roles in this circumstance. I can also advise that Ambulance Victoria has met with the family concerned and has talked to the family and listened to the family. Therefore I am perhaps limited to providing some of the basic facts rather than full details.

I am advised that an initial 000 call was received at 4.40 p.m. but that the call dropped out due to some loss of reception before the details of the case could be fully determined by the call taker. The call taker at ESTA made three attempts to call back to the scene but no voice contact was established in those call-backs. Contact was re-established at 4.42 p.m., and I am not sure whether it was a call-back process or another call in from the scene.

The caller advised that a young girl was affected and that a person qualified in first aid was already on the scene providing cardiopulmonary resuscitation (CPR). Once the details of the case were established, an ambulance was dispatched immediately, and when the case was established as a priority zero case,

Metropolitan Fire Brigade firefighters were also dispatched, as we understand that in the metropolitan area, and increasingly across regional and rural Victoria, there is a dual response in these circumstances. Firefighters are clearly trained in CPR and carry defibrillators, although I am advised that in such a case as this a defibrillator is not a relevant piece of equipment. The firefighters arrived at the scene at 4.57 p.m., which was 8 minutes after they were dispatched and 15 minutes after the second call. The ambulance arrived 17 minutes after it was dispatched. Unfortunately the girl could not be revived.

This is a tragic case, and our hearts go out to the family concerned. A number of issues have been raised by this case, and they will be fully and properly investigated by the coroner. They will also be investigated by Ambulance Victoria and ESTA. This is a sad and tragic case, and again I say to the parents, the family and friends that our thoughts and prayers are with them.

### East–west link

**Ms RYALL** (Mitcham) — My question is to the Premier. How is the Victorian coalition government’s investment in east–west link growing jobs, increasing livability and building a better Victoria, and are there any threats to this?

**Dr NAPHTHINE** (Premier) — I thank the member for Mitcham for her question and for her interest in growing jobs and growing opportunities in the economy of this great state. On 29 September this government proudly signed the contract to build east–west link stage 1. This was a great day for Melbourne and Victoria. The signing of this contract is about building a game-changing project for Melbourne and Victoria.

**Mr Wynne** interjected.

**Dr NAPHTHINE** — It is a congestion-busting project, and I welcome the member for Richmond’s support for this congestion-busting project. It is about boosting transport productivity and efficiency, which will have long-lasting quality-of-life benefits for individuals and their families and which will also grow businesses and the economy across the state.

The project is about increasing the amenity of the local area by taking traffic off Alexandra Parade. It is also about creating 3700 direct jobs. The signing of this contract allows even more information about this great project to be made available to the public of Victoria. For example, the cost of construction has been now established at \$6.8 billion. We provided for a range of

between \$6 billion to \$8 billion, but we now know it has come in at the lower end of that range. We know the federal government is putting in \$1.5 billion and the East West Connect consortium is putting in \$3.3 billion. The cost to Victorian taxpayers of the construction of this project is only \$2 billion. I can also advise the house that the \$6.8 billion cost of the project represents a 24 per cent saving on a comparison with the state benchmark for such projects. It is a cheaper project than if the state were to build it; in fact it will only cost us \$2 billion during the construction phase.

Originally the proposal was to create 3200 jobs. We now know it is going to create 3700 jobs, which means 500 more Victorians get a job. We know the East West Connect consortium has agreed to employ 150 apprentices and trainees and to employ at least 150 former automotive workers and reskill those workers. We know the contract provides for more than 90 per cent local content, with 98 per cent of the structural steel components and over 90 per cent of the electrical cables and conduits built in Victoria with Victorian jobs. We know the precast facility will be provided from a facility at Melton, and I am sure the member for Melton will welcome the 350 additional jobs.

We know that the project now provides \$70 million worth of enhanced amenity to expand and upgrade bicycle and pedestrian trails, including the north-west bike link, a 140-metre bridge over the Yarra River and a 67-metre bicycle and pedestrian bridge over Merri Creek at Trenerry Crescent so as to provide better and cycle access to Ross Straw Field. We know that the east–west link will take a significant amount of traffic off Alexandra Parade so that it can be turned into a beautiful boulevard and improve the amenity of the local area. It will also improve public transport on the north–south tram routes. You will get better public transport, better bicycle and pedestrian pathways, better local amenities, local jobs and local employment, and a boost to the local economy.

This is a game-changing project that is about reducing congestion, creating jobs, boosting the economy and creating opportunities for this great state and this great city of Melbourne.

### Ambulance services

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the extraordinary admission made by Ambulance Victoria management to Pauline and Rohan Boyle in a meeting with them following the death of their daughter, Emmy, and I quote:

The system is overrun. It's getting worse, not better.

I ask: after 89 questions on Victoria's ambulance failures and 89 denials, will the Premier finally admit that there is a crisis in our ambulance service and that Victorians are dying because of it?

**Dr NAPTHINE** (Premier) — I thank the honourable member for his question. In referring to the particular case, as I said before, our thoughts are with the family and friends of this young girl, who died tragically in this incident.

With regard to the specifics of the question on ambulance resources, I advise the house that when we came to government we inherited a situation where there were problems with the botched merger of Rural Ambulance Victoria with the Metropolitan Ambulance Service. There were problems with the need for additional paramedics and additional resources. Under this government we have increased the budget for Ambulance Victoria to \$696.5 million, which is a 23.4 per cent increase in funding. There are 539 additional paramedics — a 21 per cent increase in paramedics in the three and a half years we have been in government. There are 28 602 additional shifts. In terms of the north-western metropolitan region, there are an additional 53 paramedics in that region and a significant number of additional shifts.

**Ms Campbell** interjected.

**Dr NAPTHINE** — The interjection from the other side is about outcomes. With respect to outcomes, I advise that improvements are being made across Victoria in terms of outcomes for cardiac patients and stroke patients. We are significantly improving the response from Ambulance Victoria in terms of responding to cardiac patients, and the survival rate is increasing. That is a positive outcome from the investment in our ambulance services and the additional officers.

**Mr Andrews** — On a point of order, Speaker, on relevance, the quote was:

The system is overrun. It's getting worse, not better.

That is the quote I put to the Premier, and I ask him to draw his answer back to that quote. That is what I put to the Premier. That is what the question is about, and I ask you respectfully to draw the Premier back to answering the question that was asked.

**The SPEAKER** — Order! I believe the Premier is being very relevant to the question that was asked, and I ask the Premier to continue.

**Dr NAPTHINE** — What I am outlining is that since we came to government there has been a significant investment in additional ambulance resources. There is additional funding. There are 539 additional paramedics. There are additional shifts. There are additional ambulance vehicles and additional ambulance stations to cater for the growing needs of our community.

*Honourable members interjecting.*

**Dr NAPTHINE** — By interjection a number of members of the opposition are asking about outcomes, and I am referring to the fact —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Clayton! I ask the Leader of the Opposition to cease interjecting.

**Dr NAPTHINE** — The outcomes, as are outlined by Professor Rosenfeld in a letter to Ambulance Victoria, have indicated that in Victoria we have significantly improved outcomes in terms of cardiac patients and in terms of stroke patients. The particular case referred to in the question is an absolutely tragic case. It will be investigated thoroughly by the coroner, who is independent. It is being investigated by Ambulance Victoria and the Emergency Services Telecommunications Authority.

Our thoughts and compassion are with the family and friends of this young girl. This is an absolute tragedy. It will be fully and properly investigated. But with respect to the question, which asked about ambulance resources, I advise the house that we have —

**Mr Andrews** — On a point of order, Speaker, the quote, which I will not read out again, is an Ambulance Victoria quote to the family in a meeting held after the tragic death of this three-year-old girl. The Premier was asked about that quote — not a quote from me but a quote from Ambulance Victoria management. That was what it said about its ambulance service, and that is what the Premier should be directed to answer relevantly — to that quote, not my quote, from Ambulance Victoria about how things are getting worse, not better.

**The SPEAKER** — Order! The Premier is being relevant to the question that was asked. I cannot direct the Premier to answer in words that the Leader of the Opposition would like.

**Dr NAPTHINE** — Our role as a government is to provide the resources to Ambulance Victoria. We are

providing record levels of resources in terms of funding, in terms of paramedics, in terms of ambulance vehicles and in terms of ambulance stations. In terms of outcomes, we are delivering better outcomes through Ambulance Victoria, particularly for stroke patients and cardiac patients.

### **Regional and rural gas supply**

**Mr CRISP (Mildura)** — My question is to the Minister for Regional and Rural Development. How has the coalition government's investment in regional Victoria assisted in connecting country communities to natural gas, growing jobs and building a better Victoria, and are there any threats to that?

**Mr RYAN (Minister for Regional and Rural Development)** — I thank the member for Mildura for his question. As the house is no doubt aware, on 13 October 2010 the member for Hawthorn and I went to Avoca in the period of days prior to the election of that same year. We promised on behalf of our coalition that if we were elected to government, we would invest an amount of \$100 million over a period of the subsequent four years for the purposes of furthering the provision of natural gas across rural and regional Victoria. We did so on the basis that this is a significant cost-of-living issue, as well as an issue that is very pertinent to business. We promised that if we were elected, we would deliver the gas and undertake the expenditure of \$100 million to enable those towns that were termed the 14 priority towns to be connected. We also said that we would augment the supply of gas to Mildura. We also said that we would conduct a study to enable gas to prospectively be provided to towns along the Murray River.

Four years on, I am pleased and proud to say that we have now been able to commit to the fact that not only will the 14 priority towns be connected to natural gas but in addition another 4 towns along the Murray River will also benefit from this arrangement. Already we have in process eight contracts which will see the delivery of gas to Huntly, Avoca, Bannockburn, Winchelsea, Wandong, Heathcote Junction, Koo Wee Rup and Warburton. Already work to augment the supply of gas to Mildura by 50 per cent is almost complete. The work will be unveiled in the first half of next year.

The use of conventional pipelines was not going to be enough to enable delivery of gas to the remaining seven priority towns. Accordingly, on 30 September I was able to announce that we have entered into a contract with Brookfield Infrastructure Group Australia for the delivery of compressed natural gas to those remaining

seven priority towns. Accordingly the additional towns of Heathcote, Invermay, Lakes Entrance, Maldon, Marong, Orbost and Terang will be connected to natural gas by way of a compressed natural gas system delivered by the Brookfield group.

In addition to that, I was able to announce that along the Murray, Swan Hill, Kerang, Robinvale and Nathalia will also receive natural gas as a result of this great project being delivered. It means, therefore, that not only are we fulfilling the original commitment for the 14 priority towns but we are also delivering gas to another 4 of those towns along the Murray River. This will mean some 18 000 connections will be able to be made to residential premises and businesses across these communities. Already the gas is flowing in the lovely township of Huntly in the electorate of Bendigo East, and the other contracts are being unfolded as we speak.

On completion of this project we will have literally tens of thousands of men, women and children who will be the beneficiaries of the supply of natural gas, as well as many thousands of businesses throughout rural and regional Victoria. It will mean a cut in price of about 30 per cent for the supply of gas, and all of this is in a context where the Labor government called this whole process a hoax. The Labor government said it would never be done. Members of the current opposition talk about fire risks on the outskirts of town because of storage facilities being under attack by fire. It is appalling commentary on their behalf. This is a great outcome for rural and regional Victoria.

### **Ambulance services**

**Mr ANDREWS (Leader of the Opposition)** — My question is again to the Premier. I refer to comments made by John Brincat, a career firefighter and neighbour to Pauline and Rohan Boyle who tried to save three-year-old Emmy while they waited 23 minutes for an ambulance. He said, 'This is as serious as it gets. They would have been quicker dialling for a pizza'. Will the Premier today, on the floor of this Parliament, commit to releasing all Ambulance Victoria response time data before Victorians vote on 29 November?

**Dr NAPTHINE (Premier)** — I thank the honourable member for his question, and again I say this case is a very tragic one. I again reiterate my views and those of all members of Parliament and all Victorians in saying that our thoughts and prayers are with the parents and family of the young girl who tragically lost her life.

As I advised in response to an earlier question, this case will be fully and properly investigated by the coroner. That is the independent process; that is the proper process. In the interim there will be further investigations by Ambulance Victoria and the Emergency Services Telecommunications Authority (ESTA), which will also examine their processes and procedures with respect to this case. As I outlined in my previous answer, this case certainly does have a number of issues that warrant such investigations, and the tragic outcome certainly means that a full and proper investigation by the coroner is warranted.

As I outlined previously, there were initial calls made. An initial call was made to 000, and that call dropped out. There were attempts by ESTA to call back, and it took a couple of minutes before reconnection was established. There was already at the time somebody who was qualified to do cardiopulmonary resuscitation (CPR) at the site.

**Mr Andrews** interjected.

**Dr NAPTHINE** — I understand that is the person the Leader of the Opposition is quoting. He is a qualified firefighter who is qualified to do CPR, and he was at the site. There was a response, as is appropriate in these priority 0 cases, from both the Metropolitan Fire Brigade and the ambulance. There will be a full and proper investigation by all the agencies involved and by the coroner. With regard to data, that is a matter for Ambulance Victoria, which makes its decisions on this matter.

### **Building industry**

**Ms McLEISH** (Seymour) — My question is to the Minister for Finance. How is the Victorian coalition government building confidence in and providing certainty to Victoria's job-creating construction industry, and are there any threats to this?

**Mr CLARK** (Minister for Finance) — I thank the member for Seymour for her question. Since being elected, building confidence and certainty in the building and construction industry has been a key objective of the government after the damage that was done by previous state and commonwealth Labor governments through debacles such as the desalination plant and the abolition of the Australian building and construction commission.

Ensuring that the Victorian building and construction industry is law abiding, safe and productive is vital not only for keeping down building costs and ensuring that infrastructure is affordable but also for upholding the

rule of law and respect for the law. There should be no part of the state in which people think the law of the land does not apply to them. That is why the government introduced its building and construction industry guidelines and established the construction code compliance unit (CCCU).

Recently I was pleased to be able to release a new Victorian code of practice for the building and construction industry which consolidates and strengthens the previous code and guidelines. In particular, under the new code contractors wishing to undertake Victorian government work must commit to complying with commonwealth laws regarding secondary boycotts and importantly must report to the CCCU any requests or demands made of them by unions to take part in secondary boycotts. This means that in future secondary boycotts are not just someone else's problem. Every company that does Victorian government construction work knows that in future it will not be able to quietly change its concrete supplier or blacklist a contractor because it is told to do so by a union.

If anyone doubts the need for strong action against lawlessness in the building and construction industry, they need only look at the evidence given recently to the trade unions royal commission by Assistant Commissioner Stephen Fontana, who testified as to criminal activity in the industry being undertaken by trade union officials in the course of union activity, including links between organised crime figures and trade union officials. He also testified about the obstacles Victoria Police faces in investigating and prosecuting criminal activity within the industry and the reluctance of sources to come forward because of safety concerns and fear of reprisals.

This evidence by a senior and respected assistant commissioner means that no-one can now pretend there is not a serious problem requiring serious action. No-one can now continue to condone or be complicit in illegal conduct going on in the industry. No-one can now continue to associate themselves with those who behave as though they are above the law and are willing to resort to criminal means to achieve their ends. The culture of thuggery, intimidation and crime in the building and construction industry has to be ended.

I was asked about future threats. Concerningly there is a very clear future threat. There is a threat that someone who wants to tear up the east-west link contract also wants to tear up the construction code and abolish the strong cop on the beat, thus giving free rein to his mates at the Construction, Forestry, Mining and Energy Union (CFMEU). Victoria cannot afford a return to the

bad old days of rampant thuggery and intimidation on construction sites, adding millions of dollars to the cost of projects like the desalination plant.

We cannot afford a return to a government that takes its orders from the CFMEU instead of standing up to it. We cannot afford to have someone tear up the rule book and get rid of the inspectors, allowing unlawful action to resurge on Victorian government building sites. To do so would give open season for crime and illegality to flourish. It would do enormous damage to the Victorian economy and enormous damage to the rule of law. All of the coalition government's reforms would be lost if Labor were allowed to tear up the construction code and abolish the CCCU.

### Ambulance services

**Mr ANDREWS** (Leader of the Opposition) — My question is again to the Premier. I refer the Premier to a leaked Ambulance Victoria report which shows that ambulances responding to emergencies in Melbourne's northern and western suburbs are taking up to half an hour to arrive, and I ask: is the Premier satisfied that ambulances responding to cardiac arrests, serious car crashes and cases like that of little Emmy Boyle can take up to half an hour to arrive?

**Dr NAPHTHINE** (Premier) — I thank the honourable member for his question. Providing an ambulance service is a very important part of the role of government, and we take this matter very seriously. That is why we have increased funding to the Ambulance Victoria budget to \$696.5 million — that is, a 23 per cent increase in funding, which is \$132 million more than under the Labor government.

Since coming to government we have provided 539 additional paramedics — that is, a 22 per cent increase in the number of paramedics across Victoria. That includes 193 in metropolitan areas, 44 in Loddon Mallee, 65 in Hume, 77 in Gippsland, 36 in the Grampians and 50 across the Barwon South West region. We have also provided \$550 million for a 10-year contract to upgrade ambulance helicopters, which are important in providing services, particularly in regional and rural areas. We have provided 10 new mobile intensive care ambulance single-responder units. We have built and upgraded ambulance stations at 24 sites across Victoria and provided 55 new Ambulance Victoria vehicles.

In three and a half years we have significantly improved the response to important issues. Indeed in a letter to the chief executive officer of Ambulance Victoria, Professor Rosenfeld highlights the increased

survival rate from cardiac arrest and that Ambulance Victoria is responding in a better way and producing better outcomes with respect to serious pain. He also highlights that Ambulance Victoria is delivering better outcomes for Victorians with regard to stroke. Whether it be a cardiac arrest, a stroke or serious pain, the outcomes under Ambulance Victoria are significantly improved. This is about providing an integrated range of resources with additional resources and staff for Ambulance Victoria, but it is also about providing a significant investment in our hospitals so that our emergency departments are better able to provide for ambulances when they arrive, and that is why we are upgrading them.

The question related to the northern metropolitan areas of Melbourne. This government has rebuilt and expanded the emergency department at the Northern Hospital so that it is better able to cope with ambulances when they arrive. We are now building 32 additional beds at the Northern Hospital so we can get the flow of patients from the emergency department through. We are investing in improved emergency department facilities at Box Hill Hospital, Frankston Hospital, Geelong hospital and right across our hospital network, because you need to have more ambulance officers, more ambulance equipment and more ambulance stations, and you need to have better emergency departments and more hospital beds so that patients can be treated through that process.

What we are seeing through that process is, as Professor Rosenfeld outlined, improved outcomes for cardiac patients, improved outcomes for stroke patients and improved outcomes for people with serious pain. We know that with a growing population there needs to be more work done and that is why we as a government are committed to providing the resources to a growing ambulance service and a growing hospital service to meet the growing needs of the population.

### Public transport

**Mr KATOS** (South Barwon) — My question is to the Minister for Public Transport. How is the coalition government's investment in public transport across Melbourne and regional areas building a better Victoria, and are there any threats to this?

**Mr MULDER** (Minister for Public Transport) — We have got a good story to tell in relation to public transport compared to what we inherited when we came to government just over three and a half years ago. We have introduced 10 000 more train, tram and bus services every week across the state since 2010, and we are investing \$441 million in this year's budget for

maintenance across the network. That is about the ballast, replacing sleepers, replacing rails, replacing points and signals, replacing overhead wiring and of course improving the power upgrades that supply the network. Metro Trains Melbourne train punctuality has now exceeded 90 per cent for 29 months. In actual fact last week's figures showed 93.7 per cent.

*Honourable members interjecting.*

**Mr MULDER** — Those opposite talk about skipping stations. We run about 11 400 services a week. Last week 0.35 per cent of those were involved in those incidents — a very small figure considering the number of services that we run across the state. Yarra Trams received 86 per cent punctuality last month, giving it its best punctuality on record. V/Line had its best punctuality result for the year at 90 per cent of trains running on time. Customer satisfaction is up on Metro Trains, from 60.9 per cent in 2010 under Labor to 70.4 per cent under the coalition government. Overcrowding is down across the network. Forty-four per cent of morning trains were overcrowded under Labor in 2010, and that is down to 22 per cent. It is half what it used to be. We have budgeted for free trams in the CBD and Docklands, and travel across zones 1 and 2 will be at zone 1 prices going forward. We have invested \$115 million in the bayside rail project. We will shortly see the new X'trapolis trains running all the way down to Frankston.

In terms of level crossing removals, we have Burke Road, Glen Iris, and Main Road, St Albans, funded out of savings from the regional rail link project. There is also North Road in Ormond and of course Blackburn Road in Blackburn. The member for Shepparton lobbied heavily for another new train service, delivering a brand-new early-morning train service from Shepparton arriving at Southern Cross by 8 o'clock. The Waurn Ponds railway station opened on Sunday. This \$25.9 million project is providing 100-plus return train services a week, 292 car parking spaces and 150 informal spaces as well. What a great outcome that is.

According to a headline in the *Geelong Advertiser* on 13 October 'Now, it's all aboard from Waurn Ponds'. The article states:

It was party time as the Waurn Ponds railway station opened for business yesterday, with enthusiastic neighbours popping by to have a first look.

That follows upon the great work undertaken by the member for South Barwon.

Then of course there is the new Epsom railway station, which the member for Bendigo East said would never happen. Boy, there were some excited people at Epsom railway station! Bill Tracey first caught a train at Epsom at the age of 11 and is reported in the *Bendigo Advertiser* as saying:

It's absolutely marvellous being back — it's a very positive move.

But according to ABC News online on 11 April 2013:

The member for Bendigo East ... says she does not think the government is serious about delivering on the project.

A railway station from start to finish in 14 weeks under a coalition government — it would never happen under Labor.

**The SPEAKER** — Order! The minister's time has expired.

### Ambulance services

**Mr ANDREWS** (Leader of the Opposition) — My question is again to the Premier. I refer the Premier to the fact that this week another three new multimillion-dollar, taxpayer-funded government advertising campaigns have begun to saturate our television, radio and newspapers. I ask: how can the Premier justify spending these millions of dollars of taxpayers money when response times for our ambulance service are worse than they have ever been, the ambulance service is in crisis and Victorians are dying because of it?

**Dr NAPHTHINE** (Premier) — I thank the honourable member for his question. The first part of the Leader of the Opposition's question went to the issue of government advertising. Can I advise the house that in the final year of the Labor government, in 2009–10, the annual expenditure on government advertising was \$130.2 million. In the most recent data on government advertising under this government the expenditure on advertising was not \$130 million, it was not \$120 million and it was not \$110 million. It was \$98.4 million, which is significantly lower than in the last year under the Labor government.

Our government continues to focus on providing relevant and accurate information to the people of Victoria on important issues like road safety, workplace safety, promoting tourism in this great state of Victoria and promoting the services provided by the government of Victoria and the agencies of the government of Victoria to the people of Victoria to improve our quality of life and improve outcomes for the state. At

the same time the question also went to funding for ambulances.

**Mr Andrews** interjected.

**The SPEAKER** — Order! I ask the Leader of the Opposition to stop interjecting.

**Dr NAPHTHINE** — While this government has reduced the amount of funding on government advertising, it has increased significantly the amount of funding for Ambulance Victoria. We have increased it by \$132 million — the \$132 million that the Labor government spent on advertising.

*Honourable members interjecting.*

**The SPEAKER** — Order! It would disappoint me greatly if I had to ask the Leader of the Opposition to leave the house. I ask him to cease interjecting.

**Dr NAPHTHINE** — We as a government have increased funding for Ambulance Victoria. We believe that funding Ambulance Victoria is very important to improve opportunities and provide better health outcomes for the people of Victoria — \$696.5 million, a 23.4 per cent increase, and \$132 million more than under Labor. We are funding 539 more paramedics, and we are funding more ambulance stations and more ambulances.

We have funded a \$21.9 million cardiac initiative, which is actually improving the outcomes for people who suffer cardiac conditions in the state of Victoria. Heart disease is the biggest killer in Victoria, and we are certainly investigating the issue and funding our ambulance officers and training them so they can better respond to those cardiac patients, so they can better respond to people in real pain and so they can better respond to people suffering from stroke. We are providing more resources, more ambulances and more ambulance stations, and we are getting better outcomes in terms of key conditions such as cardiac, stroke and severe pain.

### **Economic management**

**Mr WATT** (Burwood) — My question is to the Treasurer. How is the Victorian coalition government's record investment in infrastructure helping to grow the economy and build a better Victoria, and are there any threats to this?

**Mr O'BRIEN** (Treasurer) — I thank the member for Burwood for his question and for his interest in growing Victoria's economy. This week the state's financial result for the 2013–14 year will be tabled in

Parliament. It will be very interesting to see, when that report is tabled, whether the credibility of certain commentators who staked their economic credibility on the proposition that Victoria would be in deficit in 2013–14 if not for commonwealth funding for east–west link survives this week intact.

There was further data released this morning in the form of the NAB business survey for September, and while business confidence across Australia fell by 2 points to plus 5, Victorian business confidence rose by 1 point to plus 7, the strongest business confidence figure for any state in the country. The survey results on business conditions were even more stark. Across Australia, the survey of business conditions fell by 2 points to plus 1, while in Victoria business conditions rose by 10 points to plus 12; again, the best business conditions of any state in the country.

These results reflect the fact that business in Victoria is increasingly confident that under a coalition government this is a great place to do business. These results reflect the fact that this government has cut payroll tax, WorkCover premiums and fire services property levy rates. We have abolished stamp duty on life insurance, and we are the only state with a stable AAA credit rating and the only state with a substantial budget surplus. Beyond that, we have the biggest infrastructure program this state has ever seen.

It was terrific to see the contracts for the east–west link signed, sealed and delivered. Member should not just take my word for it. Ben Davis from the Australian Workers Union, a commentator not known for being particularly supportive of this side of the house, when asked what he thought about 91 per cent local content said, 'Great news'. When you get union bosses praising a coalition government, you know that members on the other side are on their lonesome. When even the unions walk away from them, you know they are in trouble.

It does not stop there. We have also announced the signing of the agreement to widen the CityLink-Tullamarine Freeway.

**An honourable member** — More jobs.

**Mr O'BRIEN** — More jobs — 700 new jobs. It will also result in a 30 per cent increase in capacity and a 16-minute saving in peak travel time. These contracts are about growing the infrastructure that this state needs, they are about creating jobs that Victorians want and they are about making sure that the quality of life that makes this such a livable city and a livable state is preserved.

Some people have threatened to rip up contracts, but they have been put back in their box. One commentator said, 'A responsible government — a government that actually values our state's reputation and good name — does not rip up contracts'. Who was that? That was the Leader of the Opposition just two months ago — Backflip Dan. You cannot trust him. He will rip up contracts, and he will rip up this state's reputation. He will just destroy jobs.

## ASSISTANT CLERK COMMITTEES

**The SPEAKER** — Order! I wish to announce the appointment of an officer of Parliament. Under section 18 of the Parliamentary Administration Act 2005, the Clerk of the Legislative Assembly has appointed Dr Vaughn Koops to be Assistant Clerk Committees.

## BUSINESS OF THE HOUSE

### Notices of motion

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

## PETITIONS

### Following petitions presented to house:

#### Laburnum railway station

To the Legislative Assembly of Victoria:

This petition of Box Hill High School students, their parents and supporters draws to the attention of the house that many students use Laburnum railway station, and currently face problems with myki scanners and too few trains stopping there.

This petition requests:

1. additional myki scanners ('fare payment devices') to a total of six, on the up (city-bound) platform, to allow large crowds of students to touch off quickly; and
2. express services to be altered to stop at Laburnum station, in the up (city-bound) direction, especially between 8.00 a.m. and 8.30 a.m., being the period when most students arrive, to lessen the size of crowds attempting to touch off at any given time.

**By Ms HENNESSY (Altona) (188 signatures).**

#### Northern Melbourne Institute of TAFE

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the impending sale of the Northern Melbourne Institute of TAFE's (NMIT) Greensborough campus.

In particular we note:

1. the Napthine government's \$1.2 billion in cuts to TAFE funding has had a devastating effect on NMIT which has reported a loss of \$31.7 million in 2013;
2. as a result of these funding cuts, the Napthine government has caused the sell-off of NMIT's Greensborough campus;
3. the closure of the Greensborough NMIT campus will drastically reduce educational and training opportunities for young people in Melbourne's northern suburbs.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Napthine government to halt its cuts to TAFE and to ensure that the Greensborough NMIT campus is not sold off, but rather is reopened and kept for training and educating future generations.

**By Mr BROOKS (Bundoora) (191 signatures).**

#### Medical cannabis

To the Legislative Assembly of Victoria:

The petition of

individuals suffering from serious medical conditions and whose symptoms may be alleviated through the prescription of medicinal cannabis

family members of such individuals

medical professionals

concerned citizens

draws to the attention of the house

the utility of medicinal cannabis

the suffering of individuals with serious medical conditions and their families

the necessity of alleviating symptoms and suffering where possible

The petitioners therefore request that the Legislative Assembly of Victoria legalise the prescription of cannabis for the treatment of serious medical conditions.

**By Mr LANGUILLER (Derrimut) (266 signatures).**

### Wild dogs

To the Legislative Assembly of Victoria:

The petition of residents of Victoria points out to the house that the incursion of wild dogs onto private property from Crown land is causing immense damage and distress to rural communities. The Crown must take full responsibility for its lands and must manage its feral animals, particularly wild dogs, to protect domestic livestock. Effective action will also protect native fauna from the horrific brutality of wild dog attacks. Attempts at addressing this issue so far have been either evasive or ineffectual, allowing the disaster to continue unabated. Agricultural communities can no longer endure the damage and losses occurring while the Crown neglects its responsibilities.

The petitioners therefore request that the Legislative Assembly of Victoria act immediately to establish a new management regime to take decisive action to address this crisis. Victoria needs a consistent, logical and holistic management plan to remove the scourge of wild dogs from our rural communities. New management personnel and new legislation are needed to enable effective action. We request that the Assembly demonstrate its commitment to country Victoria by accepting responsibility for this issue. The Assembly must act now to protect native fauna, domestic livestock and the future of agricultural communities.

**By Mr BULL (Gippsland East) (537 signatures).**

### School chaplaincy and religious instruction

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the support in our community for the role of chaplains and well-being workers in government schools and the overwhelming support for the provision of special religious instruction. Both of these services are accessed on a voluntary basis, with over 300 schools employing chaplains and almost 800 schools offering special religious instruction.

The petitioners therefore request that the Legislative Assembly of Victoria take note of this support and affirm the commitment by all parties and members to ensuring that both chaplaincy services and special religious instruction remain part of our school system.

**By Mr BURGESS (Hastings) (1473 signatures),  
Ms RYALL (Mitcham) (1201 signatures) and  
Mr THOMPSON (Sandringham) (1621 signatures).**

### Local government rates

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Napthine and Abbott governments' planned tax increases.

We note that many local councils have continued to increase their rates well in excess of CPI in recent years.

Petitioners therefore request that the Legislative Assembly request the Napthine government to immediately legislate to

cap council rates at CPI and force councils to justify any further increases.

**By Mr PAKULA (Lyndhurst) (33 signatures).**

### Port of Hastings development

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws the attention of the Legislative Assembly to the fact that according to the UN Declaration on the Rights of Indigenous Peoples, to which Australia is a signatory. Specifically, we ask that articles 8, 11, 12, 25, 26, 29, 31 and 32 be adhered to and that the Bunurong people be given the financial and technical assistance from state and federal governments to ensure the enjoyment of the rights promised under the declaration (article 39).

The petitioners therefore request that the Legislative Assembly take urgent steps to consult with the Bunurong people regarding the port of Hastings with a view to stopping the container port.

**By Mr WYNNE (Richmond) (48 signatures).**

### Sunbury municipality

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of the city of Hume draws to the attention of the house our concerns about the Sunbury out of Hume process.

The petitioners therefore request that the Legislative Assembly of Victoria review the current Sunbury out of Hume process for the following reasons:

1. the lack of clear and accessible information is creating increasing confusion;
2. the extreme haste with which the review process is being conducted has imposed impossible timelines that residents are expected to comply with;
3. there are significant changes to the criteria on which residents voted in the Sunbury poll on 25 October 2013;
4. the promised 'broad consultation' is blatantly biased towards Sunbury residents. The consultation meetings allow for 12 hours, including day and night meeting times, in Sunbury and 6 hours during daytime only in Diggers Rest, Tullamarine, Craigieburn and Broadmeadows.

**By Ms BEATTIE (Yuroke) (39 signatures).**

**Tabled.**

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

**Ordered that petition presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).**

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

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

Ordered that petition presented by honourable member for Mornington on 18 September be considered next day on motion of Mr MORRIS (Mornington).

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

## OFFICE OF THE PUBLIC ADVOCATE

### Report 2013–14

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

Tabled.

Ordered to be printed.

### HAZELWOOD MINE FIRE INQUIRY

#### Victorian government implementation and monitoring plan

Mr RYAN (Minister for State Development), by leave, presented report.

Tabled.

Ordered to be printed.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 13*

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 13 of 2014* on:

Cemeteries and Crematoria Amendment Bill 2014 (Council initiated)

Courts Legislation Amendment (Funds in Court) Bill 2014

Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014

Integrity Legislation Amendment Bill 2014

Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014 (house amendments)

Prevention of Cruelty to Animals Amendment (Domestic Fowl and Pigs) and Food Amendment (Free-range Eggs) Bill 2014

Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (Assembly initiated)

Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 (Council initiated)

together with appendices.

Tabled.

Ordered to be printed.

## PRIVILEGES COMMITTEE

### Right of reply: Cr Geoff Lake

Mr WALSH (Minister for Agriculture and Food Security) presented report on right of reply, together with appendices.

Tabled.

Ordered to be printed.

Right of reply: Cr David Eden, Mr Nick Eden, Ms Maureen Lim and Cr Rosemary West

Mr WALSH (Minister for Agriculture and Food Security) presented report on right of reply, together with appendices.

Tabled.

Ordered to be printed.

## MAGISTRATES COURT OF VICTORIA

### Report 2013–14

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

Tabled.

## DOCUMENTS

Tabled by Clerk:

*Agricultural Industry Development Act 1990* — Orders under s 8 (two documents)

## Auditor-General:

Emergency Response ICT Systems — Ordered to be printed

Heatwave Management: Reducing the Risk to Public Health — Ordered to be printed

Boort District Hospital — Report 2013–14

*Confiscation Act 1997:*

Asset Confiscation Operations Report 2013–14

Report 2013–14 under s 139A

Corangamite Catchment Management Authority — Report 2013–14

Coroners Court of Victoria — Report 2013–14

Coronial Council of Victoria — Report 2013–14

*Crimes (Controlled Operations) Act 2004* — Report 2013–14 of the Victorian Inspectorate under s 39

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Wye River Foreshore Reserve

*Duties Act 2000* — Reports 2013–14 of exemptions and refunds under ss 250B and 250DD (two documents)

East Gippsland Catchment Management Authority — Report 2013–14

Fed Square Pty Ltd — Report 2013–14

*Financial Management Act 1994:*

Report from the Minister for Environment and Climate Change that he had received the Report 2013–14 of the Yorta Yorta Traditional Owner Land Management Board

Reports from the Minister for Health that he had received the reports 2013–14 of the:

Tweddle Child and Family Health Service

Victorian Assisted Reproductive Treatment Authority

Victorian Pharmacy Authority

Report from the Minister for Planning that he had received the Report 2013–14 of the Heritage Council of Victoria

Health Purchasing Victoria — Report 2013–14

*Heavy Vehicle National Law Application Act 2013* — Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation

Hepburn Health Service — Report 2013–14

Heywood Rural Health — Report 2013–14

Independent Broad-based Anti-corruption Commission — Report 2013–14 — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 117 (*Gazette G38, 18 September 2014*)

Legal Practitioners' Liability Committee — Report 2013–14

Legal Services Board and Legal Services Commissioner — Report 2013–14 — Ordered to be printed

*Liquor Control Reform Act 1998* — Report 2013–14 under s 148R

Mallee Catchment Management Authority — Report 2013–14

*Members of Parliament (Register of Interests) Act 1978* — Cumulative summary of returns as at 30 September 2014 — Ordered to be printed

Metropolitan Planning Authority — Report 2013–14

Moyne Health Services — Report 2013–14

Nathalia District Hospital — Report 2013–14

National Rail Safety Regulator, Office of — Report 2013–14

*Parliamentary Salaries and Superannuation Act 1968* — Report 2013–14 under s 7C

Parks Victoria — Report 2013–14

Phillip Island Nature Parks — Report 2013–14

Places Victoria — Report 2013–14

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

Ararat — C33

Ballarat — C177

Bayside — C121

Boroondara — C150, C199

Cardinia — C187

Colac Otway — C76

Darebin — C140

Greater Bendigo — C190

Greater Shepparton — C173

Kingston — C150

Latrobe — C84

Maroondah — C92

Melbourne — C249

Moonee Valley — C120, C124

Moorabool — C72

Mornington Peninsula — C179

- Nillumbik — C51, C53
- Port Phillip — C110
- South Gippsland — C77 Part 2
- Southern Grampians — C32
- Surf Coast — C98
- Victoria Planning Provisions — V112, VC114
- Wangaratta — C60
- West Wimmera — C31
- Whittlesea — C182
- Yarra Ranges — C118
- Port Phillip and Westernport Catchment Management Authority — Report 2013–14
- Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)
- Public Prosecutions — Director, Committee and Office — Report 2013–14
- Queen Elizabeth Centre — Report 2013–14
- Radiation Advisory Committee — Report 2013–14
- Roads Corporation (VicRoads) — Report 2013–14
- Robinvale District Health Services — Report 2013–14
- Royal Botanic Gardens Board — Report 2013–14
- Statutory Rules under the following Acts:
- Confiscation Act 1997* — SR 139
- Corrections Act 1986* — SR 147
- County Court Act 1958* — SR 150
- Credit Act 1984* — SR 141
- Credit (Administration) Act 1984* — SR 140
- Crimes Act 1958* — SR 137
- Criminal Organisations Control Act 2012* — SR 138
- Environment Protection Act 1970* — SR 124
- Fences Act 1968* — SR 122
- Planning and Environment Act 1987* — SR 126
- Prevention of Cruelty to Animals Act 1986* — SR 135
- Road Safety Act 1986* — SRs 131, 132, 143, 144, 145, 146
- Seafood Safety Act 2003* — SR 136
- Sex Offenders Registration Act 2004* — SR 142
- Subordinate Legislation Act 1994* — SRs 125, 127, 128, 129, 130
- Supreme Court Act 1986* — SR 123
- Sustainable Forest (Timber) Act 2004* — SR 134
- Transport (Compliance and Miscellaneous) Act 1983* — SR 149
- Valuation of Land Act 1960* — SR 148
- Victorian Civil and Administrative Tribunal Act 1998* — SR 133
- Subordinate Legislation Act 1994:*
- Documents under s 15 in relation to Statutory Rules 118, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150
- Documents under s 16B in relation to the:
- Building Act 1993* — Approved competency units for the purposes of Part 12 of the Plumbing Regulations 2008
- Cemeteries and Crematoria Act 2003* — Altering the fees and charges of a Class A Cemetery Trust
- Education and Training Reform Act 2006* — Ministerial Order No 755
- Retail Leases Act 2003* — Ministerial determination under s 5 — Premises not constituting retail premises
- Sustainability Victoria — Report 2013–14
- Trust for Nature (Victoria) — Report 2013–14
- Victorian Building Authority — Report 2013–14
- Victorian Coastal Council — Report 2013–14
- Victorian Electoral Commission — Report 2013–14
- Victorian Environmental Assessment Council — Report 2013–14
- Victorian Equal Opportunity and Human Rights Commission — Report 2013–14 — Ordered to be printed
- Victorian Health Promotion Foundation — Report 2013–14
- Victorian Inspectorate — Report 2013–14
- Victorian Institute of Forensic Medicine — Report 2013–14 (two documents)
- Victorian Law Reform Commission — The Forfeiture Rule — Ordered to be printed
- VITS LanguageLink — Report 2013–14
- West Gippsland Catchment Management Authority — Report 2013–14
- Wimmera Catchment Management Authority — Report 2013–14

Yarram and District Health Service — Report 2013–14

Zoological Parks and Gardens Board — Report 2013–14  
(two documents).

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

*Crimes Amendment (Abolition of Defensive Homicide) Act 2014* — Remaining provision (except s 7(17)) — 1 November 2014 (*Gazette S350, 7 October 2014*)

*Crimes Amendment (Protection of Children) Act 2014* — Sections 4, 5 and 6 — 27 October 2014 (*Gazette S350, 7 October 2014*)

*Criminal Organisations Control and Other Acts Amendment Act 2014* — Division 3 of Part 2, Part 3 and Part 4 — 1 October 2014; Part 5 (except ss 154(2) and 155) — 31 October 2014 (*Gazette S330, 23 September 2014*)

*Fences Amendments Act 2014* — Whole Act — 22 September 2014 (*Gazette S317, 16 September 2014*)

*Freedom of Information and Victorian Inspectorate Acts Amendment Act 2014* — Section 28 — 7 October 2014 (*Gazette S350, 7 October 2014*)

*Privacy and Data Protection Act 2014* — Remaining provisions (except Division 2 of Part 9) — 17 September 2014 (*Gazette S317, 16 September 2014*)

*Sentencing Amendment (Emergency Workers) Act 2014* — Part 1, s 6 and Parts 5 and 6 — 29 September 2014; remaining provisions — 2 November 2014 (*Gazette S330, 23 September 2014*)

*Sentencing Amendment (Baseline Sentences) Act 2014* — Whole Act — 2 November 2014 (*Gazette S350, 7 October 2014*)

*Sustainable Forest (Timber) Amendment Act 2013* — Remaining provisions — 1 October 2014 (*Gazette S330, 23 September 2014*)

*Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014* — Sections 22 to 24, ss 32 and 33 and Division 3 of Part 2 — 30 September 2014 (*Gazette S330, 23 September 2014*); section 53 — 30 September 2014 (*Gazette S337, 30 September 2014*)

*Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014* — Whole Act — 26 October 2014 (*Gazette S330, 23 September 2014*).

## ROYAL ASSENT

Messages read advising royal assent to:

**23 September**

**Inquiries Bill 2014**

**Resources Legislation Amendment (BTEX Prohibition and Other Matters) Bill 2014**

**Sentencing Amendment (Emergency Workers) Bill 2014**

**Transfer of Land Amendment Bill 2014**

**30 September**

**Primary Industries Legislation Amendment Bill 2014**

**Sentencing Amendment (Coward's Punch Manslaughter and Other Matters) Bill 2014.**

## APPROPRIATION MESSAGES

Message read recommending appropriation for Integrity Legislation Amendment Bill 2014.

## MEMBERS STATEMENTS

### Endeavour Hills stabbings

**Mr DONNELLAN** (Narre Warren North) — The sad and tragic events in Endeavour Hills on 23 September that resulted in the death of one young man and serious injuries to two police officers greatly shocked my local community. The peace, stability and safety of the community have been very much shaken. Three families are suffering greatly. What started as a normal day for all ended in tragic circumstances. My sympathies go to all relatives, partners and the like.

I place on the record my thanks to and respect for the Endeavour Hills police and the Australian Federal Police. I do so on behalf of the community. Their bravery and professionalism in such trying circumstances was truly amazing. The calm and dignified manner in which they acted in the days following was something to behold.

Bringing back the peace and tranquillity that the Endeavour Hills community relishes will take time. Trust and goodwill between community members will only come about by working together — not isolating people but working as a team. I know there is an enormous amount of goodwill between the police and the community in seeking common solutions.

For many years the Afghan community has engaged federal and local police with concerns about the potential for radicalisation of disaffected youth. Their proactive approach deserves great respect, as does their repudiation of radical Islam. I commit myself to working — —

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

### Screen industry

**Ms ASHER** (Minister for Innovation) — Since December 2010 the Labor Party has shown its complete lack of interest in the important area of the screen industry in Victoria. There have been virtually no policy announcements, media releases, questions in Parliament or other advocacy, with three exceptions in the last six months.

In May the shadow Minister for the Arts announced that a Labor government would throw arts, film, TV, games and multimedia into a new bureaucratic monolith called Creative Victoria, and in a June media release it claimed that the film, TV and screen industry in Victoria was worth only \$185.5 million per year. Labor appears to have lazily misread an item in the 2012–13 Film Victoria annual report which refers only to the number of TV and film productions that commenced production in Victoria that year. In fact the screen industry in Victoria is said by Access Economics to be worth some \$1.4 billion per year.

Perhaps the most embarrassing foray this year has been by the shadow Minister for Innovation, who managed to get a story up in *Crikey*, of all places, on 26 September saying that under the previous Labor government digital games grants of up to \$500 000 were available through Film Victoria and claiming that the coalition had cut the maximum grant to \$90 000. I am almost embarrassed to advise the house that this change occurred on 13 October 2010, under the previous Labor government. Labor, particularly its shadow arts and innovation ministers, has no idea about the screen industry in Victoria.

### East–west link

**Mr MADDEN** (Essendon) — I want to acknowledge the absolute arrogance and the disdain that the Liberal and National parties in this government have shown for the Essendon community, particularly in relation to recent announcements about the east–west link and related proposals, many of which we have only discovered since the signing of the contracts. The Ormond Road on-ramp, which was announced after the contracts were signed, the Ormond Road off-ramp, which will destroy the Essendon Community Gardens, and the four-lane road linking Racecourse Road to Mount Alexander Road, which was not presented at any other stage until the recent announcements, will turn the area into a traffic swamp. This is on top of all the other impacts, including the acquisition of open space for construction and the use of local roads during and after construction, which will create increased levels of congestion in the local community.

There will also be impacts on the Flemington housing estate, Debneys Park and the Flemington Community Centre. Moonee Ponds Creek will never be remediated in any shape or form, based on what is being proposed at this time. Travancore Park and Ormond Road will also be impacted. This just shows the great disdain that the Liberal-Nationals coalition has for the Essendon community and Moonee Valley residents in particular. The government has also made criticisms of the Moonee Valley council in relation to any proposal it has had in opposing the east-west link development as we know it.

### Bushfire preparedness

**Mr WELLS** (Minister for Police and Emergency Services) — Last week I announced, on behalf of the Napthine government, an additional \$7.15 million in funding to bolster Victoria's aerial firefighting fleet and increase the number of aircraft for the upcoming fire season. This fire season 46 specialist aircraft will help to support firefighters on the ground, which is 4 more aircraft than were available during the previous fire season. We are absolutely committed to increasing community protection and strengthening Victoria's emergency management response this fire season. With early forecasts indicating the state will face another significant fire season, it is crucial that our fire agencies are well resourced with specialist firefighting equipment to ensure Victoria is fire ready. These aircraft will ensure that there will be a stronger and quicker initial attack on fires this summer and will mean that local communities will be better protected.

The additional funding will provide \$6.56 million for two large, fixed-wing air tankers to be based at Avalon Airport, with a carrying capacity of approximately 12 000 litres and 17 000 litres they will be able to carry water, foam or retardant. The money will also provide a fixed-wing aircraft with an on-board air attack supervisor to support the large air tankers, and there is \$588 000 for a firebombing helicopter which can carry approximately 1600 litres of water to be based in the Latrobe Valley. No matter where they live, Victorians need to understand their fire risk and be ready to act if fire breaks out. The message is simple: leave and live.

### Manufacturing employment

**Mr PAKULA** (Lyndhurst) — I want to raise an issue of deep concern to my electorate and particularly to the manufacturing workers who live in Springvale, Noble Park and Keysborough. Our local community is in the depths of a jobs crisis. I have had countless conversations with local workers and families who are doing it tough. They do not complain, but they worry

about what the future holds for them and for their kids. The south-east is the engine room of Melbourne. Almost a quarter of the people in my local area work in manufacturing. We have the highest proportion of manufacturing workers of any of the 88 Victorian electorates.

Our community deserves to know what plans are in place to deal with the job losses caused by the auto industry being allowed to collapse, what the state government is doing to help other large manufacturers, like those that build trains, to stay afloat, and what is being done to help our local kids who want to go to TAFE to get a qualification, a trade and a chance at a skilled career. The last issue is particularly relevant when TAFE funding has been slashed and TAFEs across Victoria have been closed.

Our local community is filled with hardworking, skilled, proud employees who just want a secure job they can count on. Nobody should have to wonder whether the next pay day will be their last. There are things every state government can and should do to tackle a jobs crisis, but after four years of seeing the coalition government allow this crisis to spiral out of control, my community seriously doubts whether Premier Napthine and his government have the answers or the passion to make a difference. People in my electorate deserve a government that will work hard every day to create jobs, that has a plan to do so, that will properly fund TAFEs, that will help industries in transition and that will help those who have lost their jobs to return to the workforce.

### **Victorian Public Healthcare Awards**

**Mr McCURDY** (Murray Valley) — Last night, at the Victorian Public Healthcare Awards, Murray Valley health services won two outstanding awards. Northeast Health Wangaratta won the coveted Regional Health Service of the Year award, and Yarrawonga District Health Service was named the rural health service of the year. This is an outstanding achievement and testimony to the remarkable work of both boards, their management teams and of course the hundreds of local people who work tirelessly within the health sector in the Murray Valley electorate to ensure that our people come first. Margret Bennett and Terry Welsch continue to demonstrate excellent leadership, and on behalf of our communities I wish to say thank you to them.

### **Retiring Nationals members**

**Mr McCURDY** — On behalf of all regional Victorians I would like to express my heartfelt and

sincere thanks to the retiring members of The Nationals.

The member for Shepparton has represented Shepparton and the northern region with passion and dignity, and she is to be commended for her commitment to her community. The member for Lowan is a local member who has never forgotten that being an elected representative is about the people and for the people. The member for Rodney's time in this place has been unfairly cut short through the electoral boundary redistribution, but he has been an excellent local member and will no doubt continue to serve his community via other forums.

I reserve the highest accolade for the member for Benalla, who like the others I have mentioned, has been an absolute champion for the people of his electorate and helped me in my first term to understand the rigours of the role of an elected MP. I will be proud to follow in the footsteps of the member in the areas of Myrtleford, Bright, Whitfield and everywhere in between.

These local members can move to the next stage of their lives knowing that they have supported their communities to the best of their abilities. They have made The Nationals' team and their own families proud. They can hold their heads high and say they made a real difference. Regional Victoria is a better place because of their contributions.

### **Western Port Highway**

**Mr PERERA** (Cranbourne) — Resident after resident has approached me to express their concerns with the Napthine government's brutal proposal to close the access points from Western Port Highway into Northey Road, Moreton Bay Boulevard and Carbine Way. What the Napthine government does not understand is that closing any or all three of those access routes to and from Western Port Highway will result in major grief for the users and subsequently will cause much longer travel times. Many users access these points to get to and from Lynbrook Village shopping complex and Lynbrook railway station to drop their children to and from school and to access their places of employment, medical appointments and childcare services. These points are also used to cross over from Lynbrook to Lyndhurst — and the list goes on.

Priscilla from Lynbrook wrote to me stating:

I live on Moreton Bay Boulevard in Lyndhurst, only a few steps away from the Lynbrook train station.

My children attend the Lynbrook Catholic school and Lynbrook kinder and we regularly walk via the train station underpass.

However, when the weather isn't so good I have no choice but to drive.

Due to the train line, there are no direct roads from Lyndhurst to Lynbrook, therefore I have to drive onto the Western Port, then onto the South Gippsland in order to access Lynbrook.

The turn onto South Gippsland is horrible in peak hours and can take up to 20 minutes, just waiting for busy traffic to give us way.

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

### **Country Fire Authority Clematis brigade**

**Mr BATTIN** (Gembrook) — What a fantastic time we had out in the Gembrook electorate last weekend. I had the pleasure of going to the Clematis Country Fire Authority — —

**Mr Delahunty** interjected.

**Mr BATTIN** — It is very true that every weekend is a fantastic weekend in the Gembrook electorate, but this one was very special. I went to the Clematis Country Fire Authority (CFA) for the awards presentation night, and I had the absolute pleasure of being there with Captain Jarryd Miller; his father, Shane Miller, who is also a former captain, and Mark Lane, who organised the wonderful evening.

I had the pleasure of presenting the award to Daniel Jordan for firefighter of the year. He is a young guy in the area who is committed to his local CFA and to getting involved with the community.

Steve Parkes also won an award; he won an award called the Steve Parkes Award. He has won his own award seven or eight times. I will not explain what that award is about, but I am sure that if you make a call to the Clematis CFA they will tell you why he has one that award so many times.

It was a pleasure to see the Minister for Police and Emergency Services come out to have a chat with the brigade. On Monday the coalition government announced that if it is re-elected, it will deliver a \$900 000 new station for Clematis and also a \$350 000 new medium tanker. This is fantastic for our local community because local people have been calling for this for a long time. If you look at the Clematis station, you will see what a disgusting state it is in after it was neglected for more than a decade. The community is understandably excited to hear that this coalition

government will get on with the job and continue to build for the future to protect our community.

### **Melbourne Airport rail link**

**Mr CARROLL** (Niddrie) — In the final sitting week of the 57th Parliament before the state election on 29 November I wish to put on the record on behalf of my electorate and community my concern about the lack of consultation on the government's Melbourne Airport rail link. If done properly, this would be a once-in-a-generation opportunity for my community in the north-west. It could literally transform the lives of locals who work at the airport and provide much-needed improvements to local transport infrastructure. The project could dramatically improve livability in suburbs such as Airport West, Keilor East, Keilor Park and Avondale Heights, where transport options are few and far between.

I have read the publicly available information from the government, including the *Melbourne Airport Rail Link Study* and the *Melbourne Airport Rail Link Alignment Alternatives Study* conducted by planning consultants Parsons Brinckerhoff. The Parsons Brinckerhoff brief was to identify all heavy rail options between the CBD and Melbourne Airport and to examine three alternative options that are comparable to or better than the Albion East alignment. The three alternatives to the government's Albion East route were identified as a direct tunnel, the Flemington link and the Craigieburn link.

Moonee Valley City Council has written to the Minister for Public Transport advocating for the Flemington link corridor, with train stations at Airport West and Keilor East. The Flemington link also includes provision for stations at the Maribyrnong defence site and Highpoint shopping centre. I understand the cost of the Flemington link is significantly more than the government's preferred Albion East route; however, this option has the potential for several revenue sources, including from the private sector with Westfield shopping centre at Airport West and Highpoint shopping centre in Maribyrnong, and from the federal government, the owners of the Maribyrnong defence site.

I want to highlight what was said in the *Age* newspaper on 3 March 2014:

On the routing of the airport link ... we have serious concerns ... We would urge that further consideration be given instead to building a new, direct, express rail link from the airport to the CBD.

### **Glen Huntly reservoir site redevelopment**

**Mr SOUTHWICK** (Caulfield) — I am pleased to announce that the Caulfield community will soon be able to be more active and healthy with the proposed redevelopment of the Glen Huntly reservoir site after a \$650 000 cash boost from the Napthine government as part of the community facility funding program. As I have said many times, Glen Eira has the lowest amount of open space of any municipality in Victoria, and it was great to see that the Victorian coalition government initially provided a grant of \$30 000 for the Glen Eira City Council open space strategy. Out of that strategy came the recognition that there was much-needed work to be done in redeveloping and upgrading much of the open space in my electorate.

One of those areas is the Glen Huntly reservoir site, which was an old water facility that has been left dormant for a number of years. With this money the electorate will receive a passive park, with more recreation opportunities for families and residents to utilise this much-needed facility. I would like to thank the Glen Eira City Council, including mayor Neil Pilling, for its community consultation on the project, which overwhelmingly called for the area to be transformed into a passive park for families and residents to enjoy. I look forward to working with Glen Eira City Council and the community to ensure that this win for Caulfield is delivered. I believe this park will be delivered by 2016.

### **Mitzvah Day**

**Mr SOUTHWICK** — Mitzvah Day is coming up again. I encourage all people to get on board. It is an opportunity for people to do good deeds within the community and to get out and do community service. I congratulate Judy Feiglin and her committee on all the great work they do.

### **Sunbury municipality**

**Ms BEATTIE** (Yuroke) — Today I presented a petition highlighting the serious concerns of Hume residents regarding the split of Hume City Council and the establishment of a new Sunbury council. The petition was in two parts, but as a result of incorrect wording it could not all be presented. However, that should not take away from the fact that a petition bearing more than 900 signatures of residents was tabled. They are appalled by this decision and the ramifications for all ratepayers in Hume. Ratepayers are disgusted by a process that has been short on information and plagued by a constant shifting of the

goalposts, which has meant that they were uninformed and ultimately presented with a *fait accompli*.

After their attendance at a recent meeting convened by council, some 350 residents of Hume have left this government in no doubt as to their grave concerns about the decision on the secession of Sunbury from Hume and the serious consequences this will have for ratepayers in the communities of Yuroke and Broadmeadows. Hume ratepayers should not be forced to finance a new City of Sunbury and in so doing put at risk their own rates. Most residents respect the wishes of Sunbury residents to separate; however, it should not be at the cost of the residents in the city of Hume. This is an appalling decision. The Napthine government should take a long hard look at itself, when it is imposing rate increases on those who — —

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

### **National Police Remembrance Day**

**Mr DELAHUNTY** (Lowan) — Two weeks ago National Police Remembrance Day services were held in Horsham and Hamilton. At Hamilton I was privileged to attend along with other community leaders, families and friends. This special service to remember police officers who have fallen and who have given their lives upholding law and order in our society was led by Reverend Peter Cook. The guest speaker was Pastor David Weir.

### **Country Fire Authority Hensley Park station**

**Mr DELAHUNTY** — Along with The Nationals candidate for Lowan, Emma Kealy, I officially opened the Hensley Park Fire Station and Dundas Group of fire brigades group headquarters. On this day national medals were presented for long service to volunteers, including Colin Johnstone who has been a member for 60 years, including 40 years as secretary. I also took the opportunity to hand over the keys of a new 4-wheel-drive truck to the Strathkellar brigade.

### **Bay Riders Community Centre**

**Mr DELAHUNTY** — The Bay Riders Community Centre in Harrow has received more than \$25 000, which will boost existing support and allow for 10 additional coordination hours at the centre. Neighbourhood houses and community centres provide social interaction, and educational and recreational activities for their communities in a welcoming, safe and friendly environment.

I thank the Minister for Community Services for her support.

### **Henley Park, Edenhope**

**Mr DELAHUNTY** — Edenhope's Henley Park has received \$210 000 from our \$1 billion Regional Growth Fund to improve facilities by replacing outdated infrastructure, including communal barbecues and open-air spaces, and create an accessible and functional place for residents and visitors to enjoy. Henley Park sits on the banks of beautiful Lake Wallace and is a popular rest stop for travellers on the Wimmera Highway. The majestic red gums and the large numbers of birdlife around Lake Wallace make it a perfect place for recreation and for travellers to rest and take in the beautiful surrounds.

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

### **Rosanna Road traffic management**

**Mr CARBINES** (Ivanhoe) — I rise to support the petition from the Resolve Rosanna Road Incorporated group bearing 634 signatures, which seeks to draw to the attention of the house our demand for action to be taken to resolve the traffic issues on Rosanna Road in Heidelberg and Rosanna. They involve traffic volume, congestion, trucks, noise, safety and air quality. These issues are real and they are having a negative impact on the wellbeing of local residents. As a resident of Rosanna who is raising a family, I understand these issues and I believe the east-west link, like EastLink before it, will increase traffic on Rosanna Road as motorists and truck drivers seek access to these roads. Only Labor is promising to implement a truck curfew at night on Rosanna Road to improve the amenity and the sleep of local residents who live in the Ivanhoe electorate.

Low speed limits, speed cameras, noise cameras and road safety improvements are needed on Rosanna Road. I work with local residents to make real improvements for those who live with the traffic on Rosanna Road. Labor's plan to extend rail to Mernda will also reduce commuter traffic from the north on Rosanna Road.

### **Ivanhoe electorate schools**

**Mr CARBINES** — I also comment on a petition by those who seek to reopen the Bellfield primary school, Haig Street primary school and Banksia secondary college school sites. Since the closure of those sites in Melbourne, getting access to public education has

become harder for children in Bellfield and Heidelberg. It is vital to give children access to public education in their local communities, and the Victorian government should immediately reopen these sites to the public. This petition was signed by 300 people. The government sold the school sites to the local council for \$20 million and has refused to invest any of that \$20 million in schools in the Ivanhoe electorate. Shame on the government!

### **Opposition performance**

**Mr MORRIS** (Mornington) — On 29 November Victorians face a clear choice between the Napthine government, which has delivered continued economic growth, investment in key infrastructure, the state's biggest modernisation program in our history, a diverse, highly skilled and productive workforce and a Victorian economy which last year generated one-quarter of all new jobs in this nation, and of course the alternative — the Andrews Labor Party, a Labor Party led by a failed health minister, starring the same incompetent cast that brought us the \$1.8 million-a-day desalination plant, the myki saga, the \$750 million north-south pipeline to steal water from the north of the state, the regional rail link with no signals, no crossings and no trains, the \$80 million fast rail project that ended up costing nearly \$1 billion and of course a health system crippled by a failure to invest.

As the Leader of the Opposition said, Labor just could not keep up, but now it wants another go. This is the Labor Party that thinks it is all right to steal a dictaphone and then smash it, that thinks it is okay to run a \$500 000 slush fund, that thinks it is okay to cuddle up to the Construction, Forestry, Mining and Energy Union and to have a paid-up member as its planning spokesman and that hopes most Victorians have forgotten just how incompetent it was. On 29 November Victorians will not be fooled by Labor.

### **Live Local, Shop Local**

**Ms GREEN** (Yan Yean) — I rise to commend Mitchell Shire Council on its success with its Live Local, Shop Local campaign, known as the Mitchell Crowd, being selected as one of the finalists for a national Economic Development Australia excellence award in the category of community economic development.

Mitchell Shire Council has fought off stiff competition from all over Australia to get this far, and the winner will be announced in Darwin tomorrow. I wish it all the best. Additionally, the Mitchell Crowd campaign has been selected as a finalist for the 2014 Melbourne

Design Awards. These prestigious awards recognise great design in graphic design, film, advertising and architecture. They celebrate creativity and innovation in both the traditional and the digital space.

It is great to see that on this side of Parliament we have been talking about the need to have a jobs plan — a local economic plan — but this government acknowledged only last week that it needed one. I congratulate Mitchell shire, because it recognises that it needs to strengthen its local economy by doing this work. That is being recognised locally. I particularly want to see people spending money in Wallan.

### **Yarrambat Junior Football Club**

**Ms GREEN** — I also congratulate Yarrambat Junior Football Club on its enormous effort in raising over \$20 000 for the Walker family education fund. Congratulations to all the volunteers who work so hard for Melissa, Mikayla and Josh.

### **Leader of the Opposition**

**Mr K. SMITH** (Bass) — Dan the Man has done it again! He has failed the fitness test to be a leader. As a former health minister he failed the people of Victoria — longer waiting lists, ambulance delays, sick people just getting sicker on longer waiting lists and no new hospital beds. What a failure. Now, as Leader of the Opposition, he has shown a lack of decisive action against John Setka and his corrupt pinko, commo mates at the Construction, Forestry, Mining and Energy Union (CFMEU), which would love to see an Andrews-led government so that it can again take total control of the building industry here in Victoria with its thuggish mates, threatening employees and subcontractors. Dan the Man insisted that the CFMEU come back into Trades Hall so that it could prop him up, and that is why he does nothing.

Then we have the stolen dictaphone, which passed through the hands of just about everyone at Dan's ALP head office, and he knows nothing — nothing at all — about it! He has to be joking. No-one could be that stupid — well, maybe.

Then there is Cesar Melhem, a member for Western Metropolitan Region in the Council. We know all about Cesar. He was exposed by the royal commission into corruption in the building industry as being involved in a union slush fund, where they slush around their members' money. How many more can there be? Believe it or not, Dan the Man does not know what to do about it. If he had any guts at all or a sense of moral integrity, he would have sacked Mr Melhem

immediately. Any sort of leader — and I use that word loosely when it comes to Dan the Man — —

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

### **Albert Park electorate schools**

**Mr FOLEY** (Albert Park) — Education is a big issue in the district of Albert Park, as it is across Victoria. With almost \$1 billion having been ripped out of the education system over the last four years, is it any wonder that our schools are full to bursting as families seek to get their children into the quality local schools we have in our community? Nowhere is this more so than in the case of Albert Park Primary School and Port Melbourne Primary School, where record enrolments have simply not been kept up with, thanks to underinvestment in new facilities by this government. Open spaces are regularly devoured by the placement of portables in valuable schoolyards. Is it any wonder that parents are rightly concerned about their children's futures?

In the case of Albert Park Primary School, the school council sought to bring together leaders of the community to consider multiple uses of the facilities so that the school's children could receive the music education that they are entitled to next year. On the basis of this, some weeks ago a community round table was scheduled for this Friday. Imagine the community's surprise and disappointment when at the last minute the minister's office intervened and directed the schools not to participate in this community round table to help solve the crisis, which is of this government's making. The good news is that the meeting is going ahead.

### **Retiring Nationals members**

**Mr CRISP** (Mildura) — I would like to pay tribute to the retiring members of The Nationals. I say to the member for Shepparton, our first lady, that her perspective and counsel on all matters has been invaluable and she has gained the respect of all those in this Parliament. I will miss those evening chats as we travelled to our flats across the park at the end of a parliamentary day. Also, East Melbourne's culture will be different without the sight of Ian's ute on the streets.

To the member for Benalla, I say that notices of motion will never be the same without his bush poet touch. No doubt the Speaker will not miss his end-of-question-time scoring, for which he has become renowned. The Nationals will miss the time spent in good humour with the member for Benalla being

'psychologically realigned'. His legacy will be that he plugged the pipe, and I wish him and Sally all the best.

There is also the member for Rodney, better known as the member for dairying — the voice that needs no microphone and the master of a quick-witted comment and backchat. A lot of trees have been hugged and pups trained from this end of the chamber. The winter briefing sessions in the 'swamp' have become renowned. I thank him for his time in Parliament.

The member for Lowan, a man of passion and patience, helped teach me to be a party whip and an MP. I thank him for that. His passion will be needed. I am sure Essendon would still like to have him back. For the nights spent at Chateau Delahunty with him and Judie, I thank him.

### **Keilor electorate secondary school**

**Ms HUTCHINS** (Keilor) — I rise to talk about the desperate need for a new secondary school in my electorate. Parents in the city of Melton's eastern corridor are pleading for more secondary school places to prevent their children's schooling from being disrupted. Today I have submitted for consideration a petition with over 1000 signatures calling for the urgent establishment of a new secondary school in the Caroline Springs and Taylors Hill areas to cater for the unprecedented growth that has been further unleashed, with little resourcing for infrastructure, by this government.

Not one piece of land has been purchased or set aside for a new school in that area despite the fact that four different precinct plans, which are likely to deliver an additional 30 000 homes and which will bring about 78 000 new residents to the area, have now been released. Not one piece of land has been committed for a school. The outer west requires ongoing commitment to infrastructure to keep up with growth, but this government's answer has been to rip \$900 million from the education budget. A further \$30 million was ripped out of education by the federal Abbott government. It is evident that education is not a priority.

Many local residents have expressed to me their concerns and anxiety about their children facing uncertainty when they reach year 9. With insufficient secondary school places available, many students are facing an uncertain future.

### **Carrum electorate community awards**

**Mrs BAUER** (Carrum) — It was my pleasure to launch the Carrum electorate Good News Awards in mid-July. The purpose of the awards is to highlight

wonderful things people in the Carrum electorate are doing to help others in the community. So far I have been delighted to recognise 12 community members from a variety of walks of life. Congratulations to the following people who have made Carrum an even better place to live.

David and Evelyn Neale have contributed 50 years of dedicated work to the Carrum Patterson Lakes Football Club and community. Gabrielle Vorbach-Wright of Hair@Gabbi's in Carrum volunteered her time to teach hairdressing to children living in Asian orphanages. Melinda Shelley of Seaford is dedicated to making the electorate a better place for its youngest members and their families. From Carrum Downs, Emily Bray has achievements in ballet. Carrum Primary School teacher, Marcus Mulcahy, has supported local projects and looked after the environment. Andrew Camilleri has achieved success with the Carrum Downs Bombers. Valerie James of Patterson Lakes volunteered with the Peninsula Home Hospice for 20 years. Matthew Semmens is a volunteer with the Australian Volunteer Coast Guard. Phil and Pat Yeaxlee have volunteered 30 years of service with the Seaford RSL. Joan Hosie of Carrum Downs has provided volunteering efforts with the Lyrebird Community Centre. John McKenzie of Seaford has conducted aid work for disadvantaged people.

## **SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014**

*Second reading*

**Debate resumed from 17 September; motion of Mr CLARK (Attorney-General).**

**Mr FOLEY** (Albert Park) — It is with great pleasure that I rise to kick off the opposition's contribution to debate on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. To be clear, Labor supports up to a point the purpose and aims of the bill, and as the bill supports the policy position of the Labor Party in this space, we will not be opposing it. However, I foreshadow that we will propose a series of amendments to enhance the bill. In that regard I thank staff from the office of the Clerk and the Office of the Chief Parliamentary Counsel, who as we speak continue to assist the opposition in formulating the precise nature of those amendments. I foreshadow that at an appropriate time in this debate we will seek to proceed into a consideration-in-detail stage to consider the amendments, being mindful of standing orders in doing so. While on this issue, I also thank the

Attorney-General and his staff and the department for the assistance they have lent the opposition in taking us through this bill and its many implications and complexities.

Having said that, in our view the bill has a number of deficiencies that we believe we should be able to fix by adopting a small number of amendments. I also foreshadow that during the life of the next Parliament we will monitor a series of other concerns we have about the bill. We will do so because we want to make sure that the bill delivers on both its stated objectives and the commitments that the Attorney-General has given in both his second-reading speech and in his media statements on the subject. Again, I thank the staff of office of the Clerk and the Office of the Chief Parliamentary Counsel for their assistance to the opposition in seeking to bring these matters to the table of this Parliament in the near future. At that time we think the consideration of those amendments will make this bill a better piece of legislation. In that respect, we seek the support of the government in enhancing the bill and, in our view, assisting its passage through this Parliament.

The government has left it until the last sitting week in this place, and I am led to believe concurrently in the other place, to seek the passage of this bill. That is an unusual procedural process but one in respect of which the opposition is again more than willing to offer the hand of cooperation to the government given the importance of the subject of the bill. We note that the procedure is in place, unusual as it is, to get this bill through both chambers and that will require some degree of cooperation in both houses to ensure that the best outcome is delivered. In that regard, we reaffirm our view that this is a worthy piece of legislation. Simply put, it should be more worthy given the commitments the government has made publicly and, more importantly, has given in the second-reading speech.

In that regard Labor welcomes many of the commitments and many of the aspects of the Attorney-General's, some might say, road to Damascus-like conversion to the rights of gay men and the wider lesbian, gay, bisexual, transgender and intersex (LGBTI) community. In particular, we welcome the words the Attorney-General used when he introduced the bill to expunge historical gay-sex convictions and reinforced in his media statement at the time that these offences should 'never have been a crime'. There are many in this place, including me, who have welcomed the Attorney-General's change from historical positions that some have unfairly characterised as being in opposition to LGBTI people's

rights. The words of the Attorney-General are a welcome reversal, I would suggest, both personally and for the government in a policy sense. Expungement of old gay-sex convictions has been on the agenda for reform of the historical record since the abolition of gay sex as a crime in 1981. Now, 34 years later, the opposition welcomes moves by the government to seek to right this historical injustice.

It is stating the obvious, but nonetheless it needs to be stated, that many have contributed to this historic reform. While we note that other reforms and priorities in many senses have crowded out this reform until this time, its time has come and the opportunity needs to be grasped because it is not every day that an important social policy reform comes before this Parliament. We need to ensure that the goal is delivered for this piece of legislation.

The more recent push for change in Victoria, which can be seen as part of a wider global movement in comparable jurisdictions, has in some cases been dated from around 2009. In Victoria a concerted push can be identified from about 2011, when the lingering harm of old convictions began to rise actively within the LGBTI community and the justice and human rights communities more broadly. Tom Anderson's case is discussed in a series of lectures, and I note that one of the contributors to the lecture series is in the public gallery today. In the *Righting Historical Wrongs* report, Mr Anderson's case figured prominently, as did a number of other cases, such as the case of Noel Tovey and others. I understand that the honourable member for Prahran has led the charge on Mr Tovey's behalf, as Mr Tovey's case was brought to his attention by a constituent of his. Well done to the member for Prahran for so doing.

The path to reform sometimes depends on coincidences and quirky connections, and this case may well have been one such arrangement. My understanding is that a report of the UK omnibus reforms in this area in mid-2012 started a similar process in that jurisdiction as a measure to deal with old gay sexual offences. Following this up, my understanding is that Dr Paula Gerber dealt with this in 'Wiping the slate clean — Historic convictions for gay sex must be expunged', an article which was published in the online journal *The Conversation* on 26 September 2012. This articulated many of the principles we are giving form to here today. Her article at the time cited *Liberty Victoria* on the shadow cast by old conviction records, and that article quotes long-term LGBTI activist, human rights campaigner and former human rights and equal opportunity commissioner Jamie Gardiner, who I note

is in the public gallery. The article quoted him as saying that old sex convictions:

... can have a cruel impact on the lives of older gay men prosecuted in the 1970s and before, for conduct which should never have been criminal, and has been legal for over three decades. It can unfairly constrain their employment options and the volunteer work they undertake. Criminal records for breaking bad laws should have been expunged long ago. Such discriminatory laws should not continue to poison the lives of many hundreds of gay and bisexual men.

Dr Gerber concluded that article by saying:

Fundamental principles of justice, equality and human rights dictate that action be taken so as to remove any lingering stigma.

We submit that this bill even in its current form, but certainly in the form it would be in following the amendments we hope to move at an appropriate time, delivers on that principle.

From the opposition's point of view this issue gained some momentum at the Australian Labor Party's Victorian branch LGBTI Affairs Policy Committee that some years ago affirmed the issue as one that Labor should take as an election commitment to the 2014 election. That was scheduled to go to the Labor Party 2013 state conference, but welcome it was pre-empted by the opposition leader, the member for Mulgrave, who agreed and announced at the pride march in 2013 that a Labor government would implement this reform. At the time the commitment was through a referral to the Victorian Law Reform Commission. I quote what the Leader of the Opposition said in a media release in 2013:

The pain and stigma of a criminal record has been a burden for many gay men for too long ... The time has come to clean the slate.

I return to Mr Tovey's memoir entitled *Little Black Bastard*, which the member for Prahran is on the record quoting on a number of occasions. This also arrived on the political scene as an issue at that time through the work of a member of the community — who again I note is in the public gallery today — who brought the matter to the attention of the member for Prahran. That would be Peter de Groot. Motivated by the clear injustice of Mr Tovey's teenage conviction for buggery and the unfairness of his treatment, this led to a long process here that has seen this reform emerge from within the ranks of the Liberal Party. This process has led us to the bill we have today.

Along the way substantial work has been done by a coalition of human rights and LGBTI community leaders that sought late last year a comprehensive report on what the reforms should look like, their historical

importance and comparisons with other jurisdictions. The opposition welcomes the contributions of all those involved, whether it be by associated with the gay and lesbian rights lobby, those associated with the Human Rights Law Centre or the raft of other LGBTI community organisations that have come together to demonstrate not just leadership but a collegiate approach to ensuring this significant reform.

Such work of more recent years has long historical antecedents. We can go back to the Homosexual Law Reform Coalition's campaign from the 1970s which was not just about issues of law reform to remove these offences from the statute book in the first place but which even at that time foreshadowed the kind of reforms we are here today debating. The Homosexual Law Reform Coalition's campaign against the offending laws of the time began in the 1970s with, it must be noted, the clear support of the then Premier R. J. Hamer — later Sir Dick Hamer — and his Attorney-General, Haddon Storey. The bill was brought before this chamber in the late 1970s. We note that at the time some nine Liberal MPs crossed the floor against their own government on the bill, and all but one National Party MP voted against the bill when it was brought before this place in 1980. I should also note that the Labor opposition supported the bill unanimously.

Let us hope that many years later, in the last sitting week of this Parliament in 2014, we can speedily pass this bill in a unanimous show of support for the LGBTI community as a whole, but particularly for the fate of some now substantially aged members of that community who demand our respect and support this far, 34 years, down the track.

Following the 1980 legislation and following the election of the Cain government some short years later, a number of attempts were made to continue reforms in this area, particularly reforms to the Equal Opportunity Act in 1983 to add sexual orientation to the list of unlawful grounds on which discrimination was outlawed. Again, such moves were frustrated several times when a number of Liberal Party MLCs at the time sought to vote down those arrangements. But eventually the reforms were passed and in the 1990s further reforms were prosecuted by the Kennett government.

Still further reforms under the Brumby government, led by the then Attorney-General, the Honourable Rob Hulls, saw further changes to and strengthening of those arrangements not just around the legislative framework but also to the operation of government. These were to ensure that LGBTI Victorians were dealt

with in a more appropriate way that respected their rights as human beings rather than what, sadly, has continued to be the case, their treatment as second-class citizens in their own community. Now, 37 years after the groundbreaking reforms of that time, we welcome this legislation to right those historical wrongs.

When we jump to more recent times, we see that the Human Rights Law Centre, the Victorian Gay & Lesbian Rights Lobby and other human rights and equality groups have taken up this issue and pushed for the abolition of these historical convictions. That is quite a journey. Not only has that been the case in Victoria, but we have also seen a similar arrangement in the UK, and in much more recent times we have seen the New South Wales Parliament follow the lead of this place to also seek to deal with the matter, albeit in a different manner.

In this debate about removing convictions for gay sex between consenting men, we note that it has in many ways faded as a crime, but as the Attorney-General said in his second-reading speech, it should never have been so considered in the first place. Expungement, even if it has taken 34 years, is something that the opposition welcomes. It seeks to partner with the government in working out how to proceed.

The opposition welcomes the bill. We suspect it can be done, and we will proffer shortly a view as to how it should be dealt with better. We hope the government will adopt Labor's amendments to assist in this journey of recognition of LGBTI Victorians, in particular a group of increasingly aged Victorian gay men, by removing this historical wrong. I welcome and at this stage foreshadow the work that our friends from the offices of the parliamentary counsel and the Clerk have done for us. I will turn my attention to that in the very near future when I outline how we will seek to amend the bill.

I will take some guidance from you, Acting Speaker, but I would like to highlight the areas in which the opposition is seeking to amend those errors, and perhaps at this point take the opportunity under the standing orders to advise the house that the opposition has prepared amendments to the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 and request that they be circulated.

**Opposition amendments circulated by Mr FOLEY (Albert Park) under standing orders.**

**Mr FOLEY** — The opposition has consulted widely with many of the organisations and groups to

which I have already referred, and I thank them for their input. I also thank the shadow Attorney-General, the member for Lyndhurst, for his guidance and support in prosecuting these changes.

The amendments that the opposition seeks to make to this bill fall into two broad categories but express themselves essentially in three different ways. The first is to pick up on the Attorney-General's statement in the second-reading speech and in his media comments that these historical offences should never have been considered offences in the first place. We give notice that we will seek to expand the purposes clause in the consideration-in-detail stage of the bill to reflect that principle. We will then seek to make a consequential amendment to the Equal Opportunity Act 2010 to add to the list of grounds on which discrimination cannot take place a person who has had a historical homosexual offence expunged. That is one category of the amendments the opposition is seeking to make.

The other category of amendments occurs as a consequence of the fact that we are now 34 years down the track and, sadly, many of those charged with historical homosexual offences pre-1981 are no longer with us. We seek to move a package of amendments to the bill that will provide an opportunity for those associated with persons who are no longer alive to seek to have the historical gay sex convictions of those deceased persons expunged from the record through essentially the same process — the application to the Secretary of the Department of Justice — but with slight additions, taking into account the fact that the person is no longer alive. In broad terms these are the amendments the opposition will seek to move in the consideration-in-detail stage.

I also foreshadow that there are a number of not so much concerns but issues that the opposition would like to raise as to how the operation of the bill will be monitored, subject to an appropriate application. As I understand it, the government is forecasting that the Department of Justice will have this bill operating by mid-2015, which is reasonable enough in the circumstances. The opposition would like to put on the record a number of issues that it would like the department and whoever forms the next government to monitor around that. The first goes to the fact that, should the amendments that the opposition seeks to make to the purpose clause of the bill and the related amendment to the Equal Opportunity Act be agreed to, that would give the grounds for the next Parliament to consider an appropriate parliamentary recognition of the historical injustices and to take a suitable measure — as this Parliament has done in relation to a number of other historical injustices that have been

brought to its attention and to that of the community — and make an appropriate statement of support in recognition of those injustices. It is not for this Parliament to set the framework for such a recognition in its last sitting week, but the opposition would certainly be forecasting that something along the lines of what has been done for stolen generations, for children in government care and for a whole range of others — that is, essentially an apology and a recognition of historical injustices — be considered by the next Parliament, hopefully based on this amended piece of legislation.

We also foreshadow that the provisions in new section 105F, inserted by clause 3 of the bill, around the appointment of advisers by the department be broadened so that professions other than just the legal profession could be considered upon the recommendation perhaps of LGBTI organisations or at least in consultation with them. We also have concerns about the issue of the mandatory tests as set out in section 105G. We foreshadow that a broader test around the climate of prejudice and persecution of homosexual persons or persons believed or suspected to be homosexual persons at the time of the conduct of their historical conviction be taken into account by the secretary of the department when considering the appropriate social, community, political and legal context in which such historical convictions were made.

New section 105G(4)(b) deals with the issues of written evidence regarding consent. We foreshadow that it would need to be clear that the knowledge of a person, other than the applicant, might include hearsay evidence and that circumstances, including the earlier provision about the climate of prejudice against and the persecution of homosexual persons at the time of conduct, be taken into account by the Department of Justice process. We also note that the arrangements regarding support and assistance for what may be for many people a potentially painful and difficult process should be considered by the government of the day.

These concerns are not of such import as to stop the bill proceeding. Indeed the matters the Labor opposition has put on the record for the Department of Justice and foreshadowed for the attention of government members would be matters that it believes at a suitable time should at least be part of a wider consideration either within government or within the broader LGBTI community as to how the intent and the operation of what will be a new system can be delivered in the most appropriate way.

We hope the government will agree to amend the bill in accordance with the circulated amendments that stand

in my name. If the government does so, we think it will assist the legislation to achieve the goals and the processes that the Attorney-General has foreshadowed. Perhaps even more fundamentally it will deliver on the commitment to wipe the slate clean in a more comprehensive way not only for those surviving persons who are increasingly aged men who suffer the historical injustice of still wearing those convictions against their names, but also offer the opportunity to families, friends, partners and people who have an association with those who are no longer with us to clear the name of their loved ones, family or friends.

Nevertheless the Labor opposition today welcomes the introduction of this expungement regime as a step forward for LGBTI equality and a correction of historical injustice. Ultimately we ask the government's support in processing what should be a bipartisan commitment to deliver an outcome that can only improve the lives of people who are now getting substantially on in years and should be allowed, 34 years after these offences were removed from the statute book, the dignity of having the opportunity to have the historical slate wiped clean and their good name not restored — because those people have always had a good name — but reinforced.

We hope the Victorian Parliament and the Victorian people continue down the path of establishing a human rights framework in which the opportunities for discrimination and for institutional arrangements that make people's lives miserable be removed from the statute book and the historical record. This is an opportunity for all Victorians, and particularly for LGBTI Victorians and increasingly aged gay or bisexual men, to have a historical wrong righted. At the appropriate time we would seek to move the amendments in the consideration-in-detail stage upon agreement of those opposite.

**Mr NEWTON-BROWN** (Pahran) — Exactly 150 years ago in this chamber the people elected to represent the state of Victoria made a terrible mistake. Emulating laws in the UK, this Parliament enacted in 1864 what was known as the abominable crime of buggery. In 1980 in this chamber Premier Hamer and Attorney-General Haddon Storey corrected the mistake by repealing that law and this week Premier Napthine and the Attorney-General, the member for Box Hill, are finishing the job of setting up the scheme to enable men convicted of this crime to expunge their convictions.

Those laws that criminalised homosexual acts were exceptionally cruel. As is generally accepted today by most in the community, sexual orientation is not a choice people make but is a part of their make-up. The

laws to criminalise gay people — gay men — struck at the essence of their make-up. In many countries homosexual acts continue to be criminal, but in recent decades all Australian states have decriminalised, the last being Tasmania, as late as 1997.

One of the great privileges of being a member of this Parliament is being able to pick up on an idea and effect change. A few years ago one of my constituents, Peter de Groot, gave me a copy of Noel Tovey's book *Little Black Bastard*. I read of Noel's life as an internationally acclaimed dancer and actor and also of the traumatic, tough aspects of his life, including being arrested, charged and convicted under the buggery offence. He was incarcerated in Pentridge for this crime.

Campaigns to expunge historical convictions have been running in various countries, and in 2012 the Conservative government in the UK passed legislation for an expungement scheme. It seemed to me like a very good idea, and it seemed like the right thing for Victoria to do for people such as Noel Tovey. At first it appeared that it would be simply a good symbolic gesture to recognise that these laws were wrong, but how wrong I was. When I tracked down Noel Tovey it became apparent to me over the course of numerous discussions and meetings that expunging his convictions was not just a simple symbolic gesture. Men such as Noel are living with convictions that have an impact on their lives on a daily basis — things like going for a job, travelling and police checks.

Perhaps even more insidious is the impact on the mental health of a community in which suicide rates are extraordinarily high compared to the rest of the population. As Noel said in his moving speech on stage following the Premier's announcement at the Midsumma Festival this year:

I can now die knowing that the government does not consider me a criminal any more.

Noel is in the gallery today. I pay tribute to his bravery in first writing about his convictions and then being prepared to speak publicly about them. I know that each time he tells his story to another person it takes a further toll on him, as he is reminded of a life lived under this profound injustice. Noel has had an amazing life full of achievements in the arts. He has worked with people such as Judy Garland and Vanessa Redgrave, performing all over the world. As a gay Aboriginal man who began life as a street kid in Melbourne, he has achieved so much. Through his decision to stand up, he has done a great thing for the gay community, in particular the other men who carry convictions. Some of them are also here in the chamber today, and they

too have been instrumental in working to achieve this reform by their bravery.

I pay tribute to Tom Anderson and Peter McEwan, who are in the chamber today. They have all done a great thing, not just for the gay community but for the whole Victorian community, which over the course of the last few years has collectively reflected on the injustice of these discriminatory laws of the past that have so impacted the lives of elderly gay men.

The campaign to decriminalise homosexual acts began a long time ago. Back in the late 1970s it gathered a real head of steam, and it was only around that time that lobbying intensified to an extent where support came from politicians and the wider community. As an aside, I look forward to the Australian Lesbian and Gay Archives setting up an exhibition in Queen's Hall in the first sitting week of the next Parliament to tell the story of legislative reform in this state. One of the early activists was Jamie Gardiner. He was instrumental in the campaign to decriminalise, and he has continued to fight for equality in the decades since. One of the lines in a handbill that he put out in 1977 reads:

When legislation is passed the criminal records and sentences for those convicted of offences which would cease to be offences after the act is passed should be expunged.

Well, 37 years after this flyer was produced, I am so pleased that Jamie Gardiner is in the chamber today to see the passage of this bill.

It is important that a bill as sensitive as this does what it needs to do in a thoughtful manner and in a way which achieves what we want to achieve. While the idea of expunging is simple, the execution and drafting of the legislation has been very complex. Many issues have required consideration. I pay tribute to the collaborative approach shown by leaders within the lesbian, gay, bisexual, transgender and intersex community, in particular Anna Brown from the Human Rights Law Centre, Corey Irlam from the Victorian Gay and Lesbian Rights Lobby, Matt Dixon, formerly of the Victorian AIDS Council, Paula Gerber, and of course Jamie Gardiner. I acknowledge the work of these people in helping to prepare an initial background paper which assisted me and government in framing the policy that has led to this bill.

We will be heading into uncharted waters with this bill, and I expect there will be tweaking required once the practical operation commences. A little over 2 hours before debate began amendments were circulated. Some of them appear minor, and others, such as the posthumous scheme, represent a new tranche in the proposed legislation. There has not been an opportunity

for detailed advice from the department as to how the amendments would work or whether they could result in unintended consequences.

On the quick review that I have been able to do of the amendments, it appears that there are issues which have not been considered, such as what happens if family members are in conflict as to whether or not there should be an application for an expungement. I expect that further consideration in detail will be required by the government in relation to these proposed amendments. But it is my hope, in good faith, that if agreement to all these proposed amendments cannot be achieved in this last sitting week of Parliament, that the bill may pass, and that further tweaking may occur as necessary in the course of the 58th Parliament.

In conclusion, I pay tribute to my colleagues in the Liberal Party and The Nationals. Over the course of some years I spoke to each of them individually about this issue to gauge support for this legislation. The fact that every one of them, individually and collectively, offered their support shows that true liberalism in this state is alive and well.

This legislation shows that the traditions and ideals of the Victorian Liberal Party — of support for minorities and giving a voice to all Victorians, as espoused by our founder, Sir Robert Menzies — run deep. If this bill passes we, as a Parliament, will be doing the right thing. We will be fixing as best we can the mistakes of people who sat in this chamber 150 years ago. I am proud that we have as an Attorney-General someone who, by his actions, has demonstrated that he will act to address injustice in the law, and I am proud to be led by a Premier who clearly governs for all Victorians.

**Mr WYNNE** (Richmond) — I rise to lend my voice of support to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, as I have done on many occasions in this house, to right a fundamental wrong that has been done to a group of citizens in our community.

I reflect on what has been an extraordinary journey of reform that was led by the previous government and the great reforming Attorney-General, Rob Hulls, whom I had the honour of working with for four years as his parliamentary secretary and then as a cabinet colleague going forward. Today we attest to his extraordinary work in righting fundamental injustices that have been on the statute books of this state for many years that people failed to properly recognise and that were prejudicial to the LGBTI community. Those matters have been washed away. However, that is not to say that no further reform has to be done in this space.

I stand here proudly as somebody who has worked tirelessly with many people who are in this chamber today. I am proud to say that many of them are both my colleagues and friends. Many members of the LGBTI advisory group that advised Rob Hulls are here today. Jamie Gardiner is here today. He is an icon of the LGBTI community and a great friend of mine. I acknowledge him today. I also acknowledge Anna Brown, who in a previous life was a key legal adviser to Rob Hulls and steered through much of the enormous tranche of legal reform that was one of the great legacies of Rob Hulls, and Noel Tovey. Today is Noel's day, as it is for some other people who are with us today and whom I will also talk about.

I will not elaborate on the reform in great detail, as my colleagues the members for Albert Park and Prahran have canvassed the broad scope of what it is about. It echoes back to the Hamer government, which in 1980 decriminalised homosexual acts. It was a reform of a Liberal government, led by Sir Rupert Hamer. I recommend to people the book *Dick Hamer — The liberal Liberal* by Tim Colebatch, which is an excellent exposé of that government. There is no doubt that it was a reforming government in a whole range of areas, whether with this sort of reform or with reforms around the environment and so forth, which I have spoken about extensively in this house.

Nonetheless, this bill is righting a wrong. It is removing a stain that has endured for many people who are in the Parliament today. As we know, the bill creates a scheme under which a person convicted of a historical homosexual offence may apply to the Secretary of the Department of Justice for the conviction to be expunged. For the purposes of the bill, included in that are offences where there were findings of guilt but no conviction was recorded. As we know, historical homosexual offences are defined broadly to include sexual offences and public morality offences. The bill does not target specific offences, as many different offences have been used to criminalise homosexual activity. The bill places the onus on the applicant to show that the conviction ought to be expunged. Under new section 105G inserted by the bill the secretary must refuse an application unless satisfied that the offence is a historical homosexual offence and that on the balance of probabilities both of the following tests are satisfied:

- (i) the applicant would not have been charged with the historical homosexual offence ...

And:

- (ii) that conduct, if engaged in by the applicant at the time of making the application, would not constitute an offence under the law of Victoria.

If a person's application is refused they have the right to go to the Victorian Civil and Administrative Tribunal (VCAT) and have the matter ventilated further there. There are appropriate guidelines that guide the Secretary of the Department of Justice in deliberating on these matters, and if the secretary fails to agree with an application the applicant can appeal to VCAT, and that is important.

The member for Albert Park has circulated a number of important amendments to the bill. I am pleased the Premier is here in the chamber to listen to this contribution, because we come to this debate taking a bipartisan position about the issue. The opposition will move a range of sensible amendments. I take on board the comment by the member for Prahran that some of these are straightforward and may be adopted — hopefully — at the consideration-in-detail stage. No doubt there will be an opportunity for officers of the Department of Justice to look at some of these. We do this absolutely in a spirit of goodwill and of ensuring that we embrace as far as we possibly can the aim of not only righting the historical wrong but addressing what we believe are anomalies that ought to be part of the broader conversation we want to have with the LGBTI community about further amendments.

In doing some research for my contribution today I came across some commentary on ABC News online. The article is about a young man named Peter McEwan. At the time of his offence and subsequent conviction in 1967 Peter McEwan was a 17-year-old boy. The article states:

Peter McEwan was convicted of homosexual offences in 1967 as a 17-year-old, after police found him in the bushes with a 22-year-old man at a beach known to have been frequented by gay men.

I was surprised to see this commentary. I had not seen it before. I know Peter McEwan. I have known him for 20 years — 25 years, probably. Peter McEwan was my chief of staff when I was the Lord Mayor of Melbourne. Peter McEwan has had an extraordinary and distinguished career in the public service as a senior person — some would say an expert — in planning. In the whole time I have known Peter we talked about many issues and spoke in great detail about many personal matters, but Peter never spoke to me about this. I point him out for the chamber today to acknowledge him and say that this reform is about Peter and about Jamie. It is about many of the people here today who have lived with what many would say is the stain and the shame of being wrongfully targeted and identified. Frankly, it is high time that we as a Parliament stand and in a clear and unambiguous way say to all of them — to Noel and to Peter, as a dear and

longstanding friend of mine — that we are fundamentally righting a wrong that Peter has carried since the age of 17. That is an unfair burden for anybody to carry.

Finally, I say that the commentary in the article lends weight to just how important these sorts of reforms are. It quotes Peter as saying:

I was just utterly humiliated in front of absolutely everyone and I had not a person I could talk to and I had no emotional resources to be able to withstand it.

This was the sort of humiliation that Peter went through in his early formative years, but he got through that and has had an extraordinary career in the service of the people. More importantly, he has been a person who has stood unambiguously with the LGBTI community for so long. Today I honour Peter, and I honour Noel. We honour them because when members of Parliament work together to address and resolve a fundamental injustice in our community, we are a better and nobler place. As a Parliament we say this is a time when Peter and Noel can free themselves from the terrible and unfair burden they have carried.

I welcome this legislation, and I welcome the spirit in which this debate has occurred. I hope the government may pick up some of the amendments we have suggested.

**Dr NAPHTHINE** (Premier) — I rise to speak on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. I strongly support this bill, which will enable the expungement of historical convictions for consensual homosexual acts that would not be regarded as crimes today. This is a bill that is overdue. It is a bill that rights wrongs by both sides of politics. It is about fixing a problem that has been around for too long. I acknowledge and thank all those involved in bringing forward this legislation and campaigning for it for many years. I acknowledge the leaders of the gay, lesbian, bisexual, transgender and intersex (GLBTI) community, and I particularly acknowledge the member for Prahran for his leadership and the way in which he has pursued this matter since his election to Parliament.

In January this year I became the first Premier to attend the very important Midsumma Festival and carnival, and I was proud to be at that festival. At the time I said this was a great event in the Victorian calendar, and I am pleased to say that we as a government have supported the Midsumma Festival by increasing government sponsorship to \$50 000 per year for the next three years.

Midsumma, which was first held in 1988, is now one of the top five GLBTI cultural and arts festivals anywhere in the world. Our state is very pleased that we host such a fantastic festival which demonstrates and celebrates the rich diversity of life in Victoria. I again congratulate all those involved in the Midsumma Festival, a festival that adds value to the quality of our life in Melbourne and elsewhere in Victoria.

This year's Midsumma Festival was also important for a bigger reason. It was there that I announced that the government would introduce the important reform in the bill before the house today. We announced that we would be introducing legislation to provide for the expungement of historical convictions. I thank the Attorney-General for going through the details of the bill with his department to make sure we get this legislation right.

I understand that the opposition has proposed some amendments. We will certainly give those amendments full and proper consideration, but what we want is for this important and historic legislation that generally rights wrongs and is important to people directly affected by it to be passed by Parliament this week. I am pleased that we as a government are taking this historic and important step.

The Hamer Liberal government took the very significant step of decriminalising homosexual acts between consenting adults in Victoria in 1981. Today, some 33 years later, we are taking another historic step in making provisions for the expungement of historical convictions. Some may say it has taken too long, and I would agree with them. Some may say we should have done this earlier, both as a Parliament and a Victorian community, and I would agree with them. But that does not alter the fact that it has taken this government and the leadership of the member for Prahran to get to this point and to get this bill before the Parliament.

Some in our community have suffered and still suffer the consequences of historical convictions for consensual acts that are rightly not regarded as crimes today. There have been serious views expressed, with which I agree, that they should never have been regarded as crimes. However, at the time they were regarded as crimes. That changed in 1981, and we are now completing the task by providing for the expungement of those historical convictions.

It is now accepted that consensual sexual acts between adult men should never have been a crime. These historical convictions have caused ongoing harm and hurt to those who were prosecuted and have led to significant personal difficulties, particularly in regard to

employment and travel as well as the stain on their characters, the psychological effects and the effects on people who know they have a conviction on their record. They were convictions that should never have appeared there, and it is about time they were expunged. No Victorian — no person — should be subjected to unjust discrimination on account of their sexuality.

The reforms this bill introduces will allow people who have been convicted of offences such as buggery, gross indecency or behaving in an indecent or offensive manner by engaging in a consensual act of a homosexual nature to apply to have their conviction expunged. Once a conviction is expunged, the person must be treated as if the conviction never occurred, and that is because those acts should never have been treated as crimes in the first place.

We need to correct that wrong, expunge those convictions and allow the people who have been affected to be free of their convictions and free of the historical record so that they have at least some degree of their life living free of convictions that should never have been on their record. They will not be required to disclose a conviction for any purpose, and they will be able to swear under oath that they do not have a conviction for an expunged offence. This is important, positive legislation for Victoria. It is the right legislation for Victoria. It will right a wrong for affected people, and it is about time that wrong was righted.

I again acknowledge the enormous amount of work done by the leaders of the GLBTI community, particularly the male homosexual community, who have been firm, positive advocates for this change. They have advocated in an appropriate and considered way. Tragically their voices were not heard for many years, but I can tell them now that in this Parliament today their voices are being heard. This legislation has come about because of their work and because of the work of the member for Prahran, who has listened to their voices and brought the coalition government to the point of introducing this legislation to the Parliament.

I welcome the bipartisan support for this legislation. This legislation is right, it is overdue and it will write a longstanding wrong. I congratulate all those involved and acknowledge particularly the work of the Attorney-General in driving this change. This is a day on which the Parliament can be proud of doing something for the good of the whole community, fixing something that should have been fixed a long time ago, righting a wrong and making sure that people who have convictions on their record are able to have them

expunged and can live an appropriate life in our great community in Melbourne and in Victoria.

**Mr PAKULA** (Lyndhurst) — It gives me great pleasure to rise to speak on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. In response to the comments of the Premier I indicate that, whilst the opposition is seeking amendments to the bill, the opposition will support the bill. It is our hope that the amendments will be accepted by the government, and we certainly intend to press those amendments, but we will facilitate the passage of this bill both in this chamber and in the Legislative Council so that it can pass into law this week.

This is, as many speakers have already indicated, the righting of a historic wrong. There is no truer statement than that the offences that will be capable of expungement as a consequence of the passage of this bill should never have been offences. It is appallingly unjust that gay men and women, but gay men in particular, through their youth in years gone by, in addition to having to struggle with all the consequences, which were far greater than I think they are today — and we know the statistics about depression, suicide and mental health issues in relation to young gay people, many of whom had to hide their sexuality from their parents, from their friends and from their families and had to struggle with their own identity — had hanging over their heads the reality that they had, and have to this day, a criminal conviction. The fact that we as a Parliament are able to come together today to right that wrong should be a matter of pride for us but, more importantly, a matter of pride for those members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community who have fought so hard and struggled for so long to have this change brought into law.

Like many previous speakers, I will pay tribute to many individuals. It is worth acknowledging in a bipartisan way the job done by Sir Rupert Hamer and his government back in 1980, when these crimes were removed from the criminal law. That was an important step, and in many respects what we are doing today is a continuation of that work. However, I also want to pay tribute to the many individuals I have met along the way in the eight years I have been in Parliament, particularly in the last four years whilst I have been the shadow Attorney-General, who have brought these matters to my attention and who have prosecuted their arguments with such vigour, with such passion and so persuasively.

First and foremost amongst those people is Jamie Gardiner. In many respects, those of us who know

Jamie consider him to be the conscience of our party. He has worked not just with me but with many others for a very long time, not just in this field but in the area of law reform more generally. You would struggle to meet a more decent and deeply moral person. Jamie is one of those great people you meet in life's travels, and in politics it is always refreshing to have that kind of compass to lead you to the right outcomes. I have also worked with people like Anna Brown and been on round tables with people like Corey Irlam, all of whom have impressed upon me and our party the importance of reform in this area. I pay tribute to them as well.

I do not want to leave anybody out. In our party the LGBTI policy committee, Rainbow Labor and other round table groups have worked hard to have these changes at the forefront of our consciousness, and it is so pleasing to be here today to see them brought to fruition. I pay tribute to Rob Hulls, who as Attorney-General made important strides in this regard. Whilst I do not seek to in any way downplay the contributions of government members, the fact is that government members have had their contributions recognised by others. I want to recognise the contributions of members on this side of the house who have worked tirelessly on this matter for a long time.

To my right sits the member for Richmond, who has made this cause a passion of his for his entire time in public life. The member for Albert Park, since he took on the portfolio responsibilities he has but also as a local member of Parliament, has likewise treated this issue with absolutely passionate commitment. Sometimes members in the other place are out of sight and out of mind for us, but Ms Pulford, a member for Western Victoria Region, who has been our party's representative on the LGBTI policy committee, has been an absolutely shining beacon in her commitment to reform in this area and has worked extraordinarily closely with Jamie Gardiner for the last four years. I pay tribute to her as well.

The bill makes some important changes, and the member for Albert Park and the member for Prahran have both detailed those changes, and they are detailed in the second-reading speech. However, it is important that the house recognises that we still have a way to go to true equality for the LGBTI community. The member for Albert Park has circulated amendments, which have regard to posthumous expunging, and we are hopeful the government will accept the amendments so that the bill can be passed through both houses in a truly bipartisan way.

I note the comments of the Premier when he said that the expungement means that these historical

convictions must be treated as if they never happened. For that to be the case, we have proposed the other amendment, which relates to the Equal Opportunity Act 2012 and the fact that no-one should be able to be discriminated against as a consequence of an expunged historical conviction. This amendment needs to be made part of this bill as well. Even if this bill passes with those amendments, there are still more reforms that need to occur to bring our LGBTI community onto an equal footing with those of us who are not members of that community.

I have spoken in the Legislative Council, when I was a member there, of my commitment to and my support of marriage equality. That is a matter which must not be forgotten and must not be disregarded. It is a matter for the commonwealth at first instance, but there is a role for the states to play. It is something that we should not forget, and this Parliament should not wash its hands of. There is still a matter of adoption, and more specifically or in particular known-parent adoption, which is a matter that is supported in our party's platform and which many members of the LGBTI community have come to me about. In fact, one of my dearest friends has been in a relationship where she and her partner of almost a decade have raised a daughter together. In those circumstances, for her partner not to be able to be recognised as a parent of that child I think is an injustice that ought to be rectified.

Of course in regard to the Equal Opportunity Act itself, the Labor Party has made it clear that the changes that occurred to that act in 2011 will be remedied, will be unwound, if we are successful on 29 November. This bill is an important bill and the expungement of these convictions is an important step, but if we are to bring our LGBTI community into a position of true equality, then there is much more work that needs to be done.

**Ms KANIS (Melbourne)** — It is my great pleasure to rise in support of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. It is great to see bipartisan support for the bill, and Labor will support the bill but will also be proposing some amendments.

I have been fortunate in my time in public life to have had a number of responsibilities in relation to the lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ) community. In the time when I was a councillor at the City of Melbourne, the city was a sponsor and supporter of Midsumma Festival. In that role I spoke at the opening of the festival on a number of occasions. In January 2012 I did just that — and that year I had a four-month-old baby with me. I was just returning to public duties, and so I took him with me to

Midsumma, as I had taken him to a number of public events. As four-month-olds often are, my four-month-old was quite attached to me. When it came my turn to speak at the festival opening and to welcome the attendees, I did it with my four-month-old in my arms. I did not think anything of it. That act of speaking at the Midsumma Festival with my son in my arms was reported in the *Age*, which I was bemused by, but that was just what happened. One thing I was not ready for was the abuse that I received via email that day for having had my son at that festival. I was a little bit taken aback by that. When I look at the legislation that we have in front of us, I think that my experience of being taken aback can be nothing compared to the experience of those men who have had to live with these convictions for much of their lives. I think this legislation is very much needed.

I was surprised to see that it was only in 1981 that the legislation to decriminalise consensual homosexual acts was passed. It was about time that that happened, and indeed it is a shame that it has taken so long for the government to find a way to legislate to expunge these convictions. I reflect on some of the work I have been doing in my own electorate. I was recently at the opening of Queerspace, which is a place in Carlton where young LGBTIQ people can go to get support and guidance. I think it is still an area where within our community unfortunately young people who are exploring and coming to understand their sexuality face a lot of discrimination and concerns. Some may experience some shame almost about who they are.

It is a great move that has been made by the Labor opposition to have a shadow spokesperson for equality, because that recognises not only the great steps that we have made in relation to equality in Victoria but also that there is still a lot more to be done. I think of bullying in schools, and the real issue around young people being bullied about their sexuality. I think about the workplace and I think about the strange amendments to equal opportunity legislation made by this government which allowed for discrimination on the basis of sexuality. I think about the challenges we still face in aged care and how people can be looked after in a way that is socially and culturally appropriate to their needs as they age.

We welcome the bill before us. We welcome a scheme where a person who was convicted of a historical homosexual offence can apply to have that conviction expunged. It is important for people who were convicted of those offences because those convictions prevent people from participating in the community in the fullest possible way. Today we heard about some examples where, because of these convictions, people

were prevented from getting working with children checks and being able to volunteer in areas where they wanted to volunteer. It is good to see that these offences will be expunged from their records and that there will be no need at all to disclose them even if they are asked about it under oath, and that is a very important thing.

Labor supports these changes, and it will continue to work to put things right for people who continue to suffer as a result of outdated and discriminatory laws. We will not rest in seeking to make this bill better. Some things still need to be done. One amendment we are proposing is in relation to posthumous expungement applications, allowing for them to be made by convicted men's partners and families or their legal representatives. This would go a long way in ensuring that people's memories and the things that they leave behind truly reflect who they were. We are also seeking an amendment to the Equal Opportunity Act 2010 to make it unlawful to discriminate against a person on the basis of that person having an expunged conviction. That is a really important amendment because as we know that unfortunately there is still a lot of discrimination within our community towards the LGBTIQ community.

The advances in this bill have been made because of the hard work of a number of people on both sides of politics, and I acknowledge their work. I also acknowledge the people I have come into contact with through various lobby groups, in particular Rainbow Labor. They have been great supporters and have helped the Labor Party to develop its own policy in this regard. There are a number of people in the gallery today for whom this is a very important moment, and I would like to acknowledge their hard work in this area.

In the last days of this Parliament I hope we can work together to ensure this bill has a speedy passage through both houses of the Parliament. While I support this bill I say there is still a lot more that needs to be done in our community in relation to discrimination against and harassment of the LGBTIQ community. It is important that we do not rest on our laurels and that in particular we look after young people, who sometimes face quite difficult times when they are discovering and exploring their own sexuality.

**Ms GREEN (Yan Yean)** — It gives me great pleasure to join the debate on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. Fundamentally this bill is the right thing to do. I was still at school when the Hamer government enacted legislation to decriminalise consensual homosexual acts as part of a general modernisation of sexual offences at that time. It was

interesting that the then Attorney-General, Haddon Storey, described consensual homosexual acts as follows:

The government does not condone such acts, much less regard them as acceptable. The bill similarly sets out the limits of the criminal law ...

It was not as if we were embracing people's ability to choose how they lived their lives and who they loved. I grew up in Warrnambool and as a little girl I remember reading the court reports in the local paper and saying, 'Dad, what is buggery? Isn't that what you tell people when you say, "Go to"?' There are many other things like that that should never have been on the statute books. I am glad we have moved on, but there are many people older than me who would have been damaged because they were prosecuted for who they loved.

As I have said in this place before, I have two sons of whom I am enormously proud. I was still at school when homosexual acts were decriminalised, but I often think what it would have been like for my son Blake, who was born in 1982, if that had not happened. Despite living in a broader, accepting community, he tells me — and he does not talk about it a whole lot even though he is very much loved and supported by his community and his family — that he suffered discrimination and that it has not always been easy for him. He said to me, 'Mum, I don't want you to worry' — he was about 13 or 14 — 'but we need to talk. I know it could be a stage I'm going through, but I think I might be gay. It could be something that will change'. I remember saying to him, 'Please don't be so mature. Just be who you are'.

Despite having a loving and supportive family in relation to his sexuality, when he went to school — we then lived closer, in inner Melbourne — he did not have a great time of it. When he started in year 7 he had long blond hair. Before he started high school I said, 'Darling, do you think you might want to get a haircut?'. He said, 'Mum, you've always said I could express who I am. Why would I want to do that and look like everyone else?'. Within about five or six weeks he was begging me to take him for a haircut because of the jibes and the bullying he was getting because he had long hair.

He went to Northcote High School, which had then been co-ed for only about six years. It was still terribly dominated by males, and it was not just young females who were bullied but anyone who seemed to be a bit different. Blake really suffered because of that, but he still thrived, and I was really proud to see that he took a leadership role in being a peer support person. He was trained so that he could talk to other young people

about what their issues might be, whether sexual or otherwise. As an adult he has worked at that high school, and he said, 'Mum, you wouldn't believe it. It's chalk and cheese'. They have even had a couple of gay principals and many openly gay staff. These changes are really quite recent, but it is important for this Parliament to right the wrongs of the past.

I love hearing former Justice Michael Kirby speak publicly. I had the privilege of hearing him speak over a lunch last year at the Hilton on the Park. It is quite remarkable to hear him talk about his experiences and how he was raised. I think it was an International Women's Day event, so he was talking about the influence of women in his life. When you think about the enormous impact that someone like Michael Kirby has had on this community, to have had him potentially found guilty of a crime and sentenced for his sexuality means that we would not have had him make a contribution in the way he has.

I am really proud to have been an active member and supporter of Rainbow Labor, along with many friends who have worked in a policy sense and in a very active sense on achieving real changes within our party to recognise marriage equality and also over many years on policy that has gone to various elections. I am really proud to be on this side of the house, where we have a spokesperson on these matters. Every party should have a spokesperson on gay, lesbian, bisexual, transgender, intersex and queer (GLBTIQ) matters, and I commend the member for Albert Park for the work he has done in relation to this bill and in relation to regularly consulting with GLBTIQ communities.

I am proud to be a member of a party that has a number of openly gay candidates going to this election, including Neil Pharaoh in the seat of Prahran, Stephen Dimopoulos in the seat of Oakleigh and Harriet Shing in Eastern Victoria Region in the upper house. This legislature and both houses will be the better for having those people as members, and I wish them well on the campaign trail. Along with the member for Albert Park I commend a number of other members in this place who have worked particularly hard in relation to these matters, being the member for Richmond, the member for Brunswick and numerous others. There are many in the gallery today I would like to commend for their advocacy and leadership in relation to helping GLBTIQ people take their rightful place in the community. A very important part of that is expunging these convictions.

I return to what it was like for me as a little girl. I remember being in high school when homosexuality was decriminalised. Haddon Storey, who was then

Attorney-General, was not a bad man. He was a creature of his time. He was actually a good member of Parliament and I liked him a lot, but he was still not at the point of embracing the ability of gay people to live in the same way the rest of us do. It makes me sad that a number of people who are still in this place on the other side of Parliament have made similar comments over time, and I hope they will examine their consciences and change, as the community has done more broadly.

I was delighted in my electorate of Yan Yean when the *Herald Sun* and the Channel 7 *Sunrise* program did a program on my family — on my gay son and my straight son. A number of people in my community came up to me and said it was fantastic that a member of Parliament stands for something. These were tradespeople, teachers, shopkeepers, teenagers and retirees. Our community has come an enormously long way. I know that often the media and others will sell people short in regional areas and the outer suburbs, but I am absolutely delighted to represent the electorate of Yan Yean — a young electorate that embraces the right of GLBTIQ people to be able to live freely and be active members of the community. I know they will support me in wishing this bill a speedy passage.

**Mr ANDREWS** (Leader of the Opposition) — I am very pleased to rise in support of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. I do not want to take much of the time of the house, but I want to put on the record my strong support for these arrangements and also to speak in support of the amendments that have been moved and extensively canvassed by the member for Albert Park, whom I am honoured to have serve in my shadow cabinet with responsibility for many critical matters, not the least of which — and in some respects the most important of which — are these issues of equity, diversity and dignity. I commend him for the work he does each and every day and for the role he has played in the development of our amendments to this important bill.

I have been in this place for 12 years, and I make the point to those who have been here for less time than that — and I am sure I will be confirmed in my view by those who have been here longer — that every now and then, perhaps too rarely, we in this great chamber and this great Parliament get an opportunity to right a wrong. We get to do the right thing, to do the decent thing, to do the fair thing and to say to every single Victorian that it is never right for you to feel that you do not belong. It is never right or acceptable or tolerable for you to feel that simply by being who you are, you are doing something wrong or are not part of a society

or community where equality means everything — and equality is not negotiable. Every Victorian should have the confidence, the protection and the backing to make sure they never feel that just by being themselves they are not a whole person or not a fully-fledged, legitimate member of the Victorian community.

Equality is not just a word, it is not just a concept — for so many in our community equality is everything. The pursuit of equality is something that staggers me sometimes when I witness the determination, compassion and consistency of so many people in our Victorian community and more broadly, and the way in which people are tireless campaigners for equality and the elusive statements that we are all equal and we are all valued, and that every Victorian has an inalienable right to feel that being who they are is good enough and being who they are is fine by the rest of us, by everybody, by our institutions, our criminal code and our law. That is a special thing.

It is a special thing that we sometimes get an opportunity to right a wrong, to make a really positive statement about the future, but the confidence to be just who you are, nothing more and nothing less, is something that we should never take for granted. The protection to be who you are, nothing more and nothing less, is not something we should ever take for granted. It is important to restate the protection and the framework that says you can love whomever you want to love and that is fine by us. Today, in moving to right a wrong, we make that case very clearly. I hope that those members who have been here perhaps less time than I have will savour this debate because it is not often that we get an opportunity to do something as significant as this. Those members who have been here longer than me will hopefully agree when I say that this is a special day.

I single out Jamie Gardiner and Noel Tovey, and there are many others who have been tireless campaigners for this law reform — this is not change, it is reform, and that is something we should be very clear about — to take away the stain from so many people, their partners, their loved ones and their kids and families. There are so many who were connected with people who have carried a stain for something that was never a crime, should never have been a crime and is not a crime. To put that right is very important, it is significant, and those who have campaigned long and hard for this justice, if you like, are too many to single out, but the two names I have mentioned are leaders in the field.

I also pay tribute to Anna Brown, who worked closely with the former government and is a great champion of the equality that I have spoken about, and the

confidence to be just who you are and know that you have the protection of Victorian law and the Victorian community in doing so. Anna has played a great role and continues to do so. In some ways that does not do justice to a much longer list of people who have been strong campaigners for this reform.

I am very pleased to be able to support this bill. There is a long record of reform in this area, and I am proud to have been a senior member in a government that had a proud record of reform in this area. There is always more to do and this is the next step. It is the right thing to do, and I am pleased and proud to support it, as is every member of this house. Certainly every member of the parliamentary Labor Party has some pride today in supporting these arrangements, righting a wrong and hopefully starting from scratch to be really clear with people that equality is not a negotiable thing. Equality is critically important, and our statutes need to reflect that.

Having said that, I cannot help but make a couple of comments about the Equal Opportunity Act 2010, because there are some wrongs that need to be righted in that. When the bill was introduced we did not vote once against it because we felt like it; we voted against it once and then again, and then defeated the bill, only to have it recycled back through this Parliament. There are some significant wrongs that need to be righted in that act, and we intend to do that at a future point if we are given the opportunity to do so — if the people of this great state put their trust and their confidence in us at the election on 29 November. I make no apology for being consistent. We had an agreement, we had a framework and we had a much better set of legislative arrangements, and that was changed. I do not think that made our state fairer. I do not think that made our state more decent. I do not think that saying to employers, no matter who they are or what institution they come from, that we will make it easier for them to discriminate against anyone for any reason or no reason is the sort of equality that we as a Parliament and that we as a community should settle for.

I am singling out as one of those special occasions when all too infrequently we get to right a wrong and do the right thing that perhaps there will be a day in the next Parliament when we can deal with the worst elements of those changes that were made to the Equal Opportunity Act just a couple of years ago. That will be a special day, but that is a debate for another time. I could not let this opportunity pass without reconfirming our commitment to reversing those changes and making sure that we do not say to every Victorian employer that it is okay to discriminate against anybody, at any time for any reason or no reason. That is not the

Victoria that I am proud of, and it is not the Victoria that my colleagues or I will settle for.

I make one final comment on the amendments that have been put forward. We think the posthumous issue can be dealt with, and there may be occasions when, if you are really serious about removing the stain, the stigma and the terrible burden that so many people have carried for such a long period of time, then doing the right thing is sometimes about having some important legal remedy, such as removing or expunging a criminal record from someone. For them to know that and feel fulfilled by the statement that they have not committed a crime might also be relevant to many families and people across the community to provide that remedy after a person has passed away. They may not be here to enjoy or experience that fulfilment or the equality that I and many others have talked about in this debate, but it is about healing and about saying that we got it wrong. It is about saying that these ought never to have been considered criminal acts. They were not at the time and they are not now, and we will right this historical wrong. I hope the issue of expunging records posthumously is one that the government takes seriously and considers, and perhaps we can come to some agreement and the chamber can make a good bill even better.

There are many other amendments, and I will not go through all of them, but I put on the record our strong support and my strong support for fixing this, putting it right and making the statement that equality is not negotiable — it is for everyone, everywhere, every time. I commend the bill to the house.

**Ms THOMSON** (Footscray) — I rise to support the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 and the amendments, and I am pleased to follow the leader of the Labor Party in speaking on this bill. Equality does not mean ‘the same’. Equality does not mean we all have to think alike, act alike, follow the same beliefs and follow the same football club. It means you are equal and your differences are acknowledged. That is what is so beautiful about the human race — that is, we are able to be so different and are all unique in whatever shape or form that takes. It will be a great day in this Parliament and in the society we live in when we judge people for what they bring to the community and not for their race or religion, when we do not make those judgements based on race, religion or sexual preference. The day we judge people as individuals will be a very great day indeed, when we come to the table with no preconceived notions and judge the person for who they are.

This Parliament is filled with people who come from many very different backgrounds, whether it be about their sexuality, religion, race or background. Whether it be about being working class or having come from wealth, it does not matter. At the end of the day, the person matters. What they do and contribute to this society is what matters. To think there are people out there who have a stain on their reputation for something that is no longer illegal and should never have been illegal in the first place, and then to have taken this long to get to this point is this Parliament’s shame. That it has taken so long to expunge these convictions from the record is the Parliament’s shame.

I have been in this place long enough to know that we have brought in a great raft of reforms in relation to the recognition of same-sex rights — as far as we could take it in Victoria. If we were still in government we would have done more. There are a lot of people in the Labor Party who have worked hard and tirelessly on these issues with the community to ensure we get it right and make sure that they are equal contributors in this community and are seen as equals.

I want to talk a little bit about how my kids, who are young adults, see this issue because I think this is really telling. They do not judge their friends by their sexuality. I would not even know whether their friends were gay, straight, or whatever it might be. They are their friends. I do not know. They do not care, and I do not care. I hope that is the attitude those of older generations will take too — learn from your children, who do not judge. For those who have kids in schools with gay parents, they are not judged any more as being different. They are now just seen as parents, and this is a great result. We have to take these stigmas away; they are no longer valid. They were never valid, and we need to remove them. I hope it is of benefit to those out there who have been charged with homosexual offences to know that the community has finally come of age, that this Parliament has come of age, to recognise that we need to expunge these convictions from the record. People need to be able to know for their children’s sake, for their friends’ sake, for their relatives’ sake, that they are not criminals. It is their right to choose who they love irrespective of their sexuality. Irrespective of the relationships they make in life, they need to be judged as individuals.

For the Labor Party this bill does not go far enough, and we have heard other speakers talk about the amendments that need to be placed on the statute book. I hope the government will look at those seriously and in this last week of Parliament choose to embrace them because it is the right thing to do. Let us put politics aside; let us do the right thing.

One thing I want to mention is the apology. The notion that we need to say we have taken too long to get to this point is very important. I note that the Labor Party has given a commitment that under an Andrews government we would issue a formal apology to people who were convicted of homosexual offences under the Sentencing Act 1991. That is an important thing to do because it has taken too long to get here. The issue of a posthumous apology is also important. Again, because we have taken so long to get here, we need to ensure that the families of those men are able to hold their heads up high and know that their relatives did absolutely nothing wrong. The state did them a disservice, and it has taken too long to recognise this.

As a community we are very quick to judge people who are different. We judge people on the colour of their skin and on their religion. We make judgements about a whole range of things based on ignorance. They are not things we know or really understand, and the more you interact with these people the more you understand. What is so great about our multicultural society is that we encourage people to know and understand people of different cultures. It is important for our community to understand that the way we approach those who are different, who do not meet the majority of practices, whatever they might be — whether it be a minority religion, whether it be a sexual preference, whether it be being transgender or whatever it might be — it does not mean they are not persons of merit. On the contrary, it is so important that we as individuals extend our preparedness to judge people by the person they are and to take all those incidentals away because ultimately it is about our humanity. These are the things that bind us. We should judge people by their humanity, not on our prejudices that may have been instilled in us.

For me this is an important piece of legislation. It does not go far enough, but it is an important piece of legislation because it says the state got it wrong, and we are finally getting around to fixing it. It says that people who are in consensual relationships as adults have a right to be that without the state determining whether it is in fact legal or illegal. I have to tell the house that in this day and time a loving relationship, is a wonderful thing, and I do not care what form it takes. If you are fortunate enough to find yourself in a loving relationship it is precious. It does not matter if it is a man with a man, a woman with a woman or a man with a woman: whatever it is, it is precious. I think as a state we should recognise that loving relationships are the things that are important, not whom they are with. So long as relationships are consensual and respectful, then it does not matter.

We have spoken so much in this place about family violence and the things that divide communities. These things need to be addressed and dealt with, and that reinforces the importance of loving and respectful relationships, because we know that family violence can be between anyone. It can be inflicted against a wife by a husband, against older parents or against children. Whichever way you look at it, it is a blight on our society, so why are we damning communities and people who just want to find and be a part of a loving relationship? It is great to see that we have moved from this. It is great to see that we are finally realising that we have a responsibility as legislators to clean the books and to remove the blight and stain that was on members of the homosexual community.

**Ms DUNCAN** (Macedon) — I rise to speak in support of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. Many people on this side of the chamber have been very keen to speak on the bill. Many have said before me that this has been a long time coming, and it is hard to understand why it has taken so long. We looked at spent sentences many years ago, and there has obviously been a lot of discussion around this subject. The Victorian Law Reform Commission has previously looked at it, as have a number of other bodies, including the Human Rights Law Centre. I pay tribute to all of the groups that have contributed and that have continued to push for this legislation for a very long time.

I am very pleased that in my last week in the Parliament, even though there are a number of bills on the list which are still to be debated and which will not be debated in the last sitting week of this session, this is one of the three bills that will be passed in this sitting week. I am pleased that probably the last bill that I will speak on in this chamber is this particular bill. It reminds me a lot of how it felt — although we are not quite as tired — when we were debating the adoption law reform bill some years ago. I remember many people saying to me, ‘But when was the last time a doctor, patient or anyone was charged?’ under the crimes provisions that we were removing from the statute books. They said in many ways that removing it from the Crimes Act was symbolic. But it was historic as well as symbolic. It is also meaningful to do so; it is not just about symbolism.

If someone has a criminal record, that stays with them sometimes for their whole life. This sort of act was not made legal until 1981. As other members have said, it is surprising how late that occurred. Increasingly now with things like working with children checks people are having to apply for their criminal record checks. I

remember when some of those working with children changes were first made that a number of community people who might have been involved in activities such as running the local tennis club had get their records checked. Possibly out of fear that previous crimes would come out and be known to members of the community, many people were either reluctant to volunteer or would just never bother to apply at all. These days there is a greater focus on criminal convictions and also a greater chance, because of these other changes, that some someone's prior convictions that may be years or decades old may come to the fore. I am sure the fear of that has been of concern and has probably helped push this legislation on a little more as well. Even those who may never have feared their convictions would come out anywhere would still be carrying the feeling that their actions, which were between two consenting adults, were seen then as a crime and that a crime would still be recorded against their name. That would have implications for them, including the fear of people knowing about it. It may also have consequences in areas that we might not even think about, such as overseas travel.

I have had a number of friends who have had very minor convictions, some for this sort of activity but some also for other minor offences that they had committed as a child or young adult, and those convictions still hang over their heads. There is no doubt that these sorts of convictions do play a role in people's adult lives. In those days these sorts of activities were called gross indecency and other such names. It is hard to believe that they ever existed. As many others have said, these actions were never crimes and should never have been considered as such, but in those days they were regarded as crimes. When we look back at many things in the past we wonder how we ever got to thinking that way about things, but that was the way it was in those days. We were an incredibly closed community. We can just thank god that we have moved on in many ways from the sort of thinking that existed particularly in the 1940s, 1950s, 1960s and 1970s. Many politicians were railing against such actions. Probably many people got elected on a platform of calling for such convictions for some of these actions. It is dreadful to think that people have made their political careers on such a platform. I can think of some examples, particularly in America, of high-profile cases of people who made political careers out of really trying to and in fact many times destroying the lives of other people because they did not share their preferences or their view of the world.

This is a very good situation. I am proud to stand here today and speak in support of this bill that seeks to redress some of those things. As I have said many times

in this place when I have spoken on justice bills, the role of the courts and the legal system is always evolving, and a lot of what we do in this place is about amending existing legislation to see some of that evolution occur. In my 15 years in this place I have spoken on many justice bills and have been pleased to speak in support of many of them. From memory, most or all of them were about trying to make people's lives a little easier and better.

I hope this bill is part of that agenda. I am pleased that it has been introduced by the government, and the opposition is very proud to support it. In our time in government we made many improvements to bring our legal system up to date to recognise changes in our society and changes in people's views of the world and of what is appropriate for consenting adults to do in the privacy of their own home — or not in the privacy of their own home.

I remember there was a little park near our home when I was growing up. This was back in the 1960s and 1970s, and obviously some of the clubs where gay men and women now meet and socialise were not around. Certainly a lot of younger people would meet in that park. There was a lot of patrolling of the park and there was constant harassment by police. I am sure many people were charged because of activities that possibly occurred in that park, and younger people would have been familiar with some of the more hideous homophobic aspects of our community as these were out in full force in those days.

While many things have changed in terms of people's behaviour and people's views, the law is often a little slow to catch up with the opinions and practices that are now openly accepted in our community. We could all stand up and announce that, dare I say, some of our best friends are gay. We often stand up in this place to say similar things but it is true that most of us would see the benefit of this bill. It has been a long time coming. I am very pleased to see this historical reform brought in during my last week in Parliament, and I am very pleased to support it. Labor is proposing a number of amendments and I hope the government sees fit to adopt them.

With those few words I commend the bill to the house and wish it a very speedy passage. I hope that many people's lives will be, if not radically changed, given a greater sense of purpose. It has been a long and hard-fought campaign, and I congratulate all those people who have been part of this legislation today.

**Ms D'AMBROSIO** (Mill Park) — I am pleased to join with all the others in this place to speak in support

of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. I am indeed pleased the bill is before us in the last sitting week of this session of Parliament, particularly because across the chamber we speak very much in unison in support of this bill, and I am pleased that we have got to this point. What has pervaded the discussion on this bill is a sentiment from both sides of the chamber that such convictions should never have been possible and should never have occurred, and what better way to punctuate those comments than to fully embrace the bill that is before us?

I am also pleased because in February 2013 Labor announced its commitment to do just this — that is, to expunge homosexual convictions — and time has elapsed to the point now where both sides equally support the bill and we have the opportunity to make good on such a commitment. Certainly Labor has always believed these acts that were once considered offences should never have been considered or treated as crimes. This bill attempts to make right a terrible wrong that existed up until some 35 years ago. Whilst 35 years can seem a long time in people's memories, it is not a long time, considering the many progressive changes that have happened in society. Yet sadly it has taken this much time to move from having declared such convictions to be wrong to expunging from the public record those historical convictions that have been in place.

This is about lifting the veil and the weight from the shoulders of people who have lived with these convictions now for decades. What better way to deal with that than to say unequivocally that they should never have occurred in the first place? Whilst we can all say that it has been too long in coming, it has come and we need to embrace the opportunity that is before us to put on the public record that each and every one of us believes that these convictions should never have been made. Consensual homosexual acts should never have been considered anything that was akin to a crime or an offence against the public.

I wish to acknowledge a number of key people who greatly contributed to bringing the bill to where it is now. I acknowledge the terrific work undertaken by the member for Albert Park, who has been a fine advocate and supporter of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community in his electorate. He has championed Labor's policy. He got Labor members to a position of saying, 'Well, yes, this should be a policy of a future government. It's the right thing to do, it's been too long in coming and we should adopt this' — and we did. He worked hard to make it possible

for us to now be in a position where we can debate this bill.

I also acknowledge the member for Lyndhurst for his terrific work and stewardship from the perspective of his role as shadow Attorney-General. Jaala Pulford, a member for Western Victoria Region in the other place, deserves a special mention for the work that she has done on the ground.

Rainbow Labor is a body that many of us in the Labor Party have cause to be proud of. Rainbow Labor has stood publicly and proudly in its commitment to progress the lot and the lives of members of the LGBTI community. It has done it with great pride and with my support and the full support of my colleagues behind me.

Jamie Gardiner has been another champion of the bill presented here today. The discourse that has occurred over the last two to three years to bring about this bill is very heartening. It is also heartening to consider the impact it is having interstate. The lead-up to the introduction of this bill has stimulated the New South Wales government to make a move and declare its intention to follow suit in terms of expunging historical homosexual convictions. This legislation is an important benchmark against which we will all be tested.

I want to quickly step through some of the functions of the bill. It creates a scheme under which a person who has a conviction can seek to have that conviction expunged. They would need to actively apply to the Secretary of the Department of Justice for that. Any refusal by the secretary of the department can be appealed at the Victorian Civil and Administrative Tribunal. Once an expungement is achieved, the conviction will be treated at law as if it were never imposed in the first place. That is so fundamental to the sentiment of this bill and to its deliberate purpose — that is, to declare that these convictions should never have occurred in the first place.

Victoria Police and the Office of Public Prosecutions will be required to remove or change any electronic records of the expunged conviction so that it cannot be linked to an individual. Again, this declares to people who were subject to those historical convictions that those convictions should never have been there in the first place. It will be an offence if the expungement is breached and official records or information are communicated in any way.

In the short time I have left I wish to talk about the amendments that the member for Albert Park has

circulated and will be seeking to have debated in the consideration-in-detail stage. These are important amendments which will enhance the intention of the bill. Our position has been stated quite clearly by the member for Albert Park: the bill should also provide for posthumous expungement applications to be made by the partners or families of convicted men, or their legal representatives. For many people who are no longer with us, the records are still there. Their past convictions will not be expunged by the bill because they are not here to actively apply for it. If we want to do this right, we need to do it fully. The amendments that have been put forward, including that very important one, will make this bill complete. We should not leave this important area of public policy in an incomplete state. Anything short of supporting these amendments would unfortunately leave a lingering gap in the government's legislative response. We need to make it very clear that these convictions should never have occurred at all.

I support the amendments that have been circulated by the member for Albert Park. Let us make the bill complete. Let us also make it very clear that advisers should come from a range of professions, not just the legal profession, when it comes to posthumously seeking expungement. There are a number of other amendments which I will not talk about, other than to say that I sincerely support this bill and the proposed amendments.

**Ms GARRETT** (Brunswick) — It gives me a real sense of solemn pride to join members of this house in debating this legislation, the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. As I have advised the house on a number of occasions during various debates, in my life before this place I worked as a discrimination lawyer. I saw firsthand the profound impact of discriminatory conduct, be it an individual situation or systemic and repeated discriminatory conduct against a group of persons. The damage that discrimination does to those affected and more broadly to their families and the community is lasting, profound and quite often devastating.

In terms of how people are treated in this community, there is nothing worse than if the very thing that makes you who you are is used against you in the most deep and hurtful of ways, as is the case with this historical approach to a huge and valuable part of our society, our fellow human beings. For the very reason of who they were, they attracted not only derision and hatred but also criminal penalty, including jail sentences. We should reflect very clearly on that as a house. To have who you are defined as a crime by the broader

community, the courts and the Parliament is hurtful and hateful in the extreme.

Today we are debating righting a very serious wrong that was done to people who clearly deserved much better from their community, their lawmakers and their parliaments. We know that a wide range of offences were used to prosecute homosexual activity and that as far back as 1980 — although when looked at in history, it is shamefully recent — there was legislation enacted to decriminalise consensual homosexual acts. That was not done with particularly great compassion or a non-discriminatory approach, but it was done.

Today we seek justice for the people who were convicted of crimes under that range of offences. I am most pleased to be part of this historic moment, as the Leader of the Opposition has said. It is important to recognise these moments when they come, and this is one of those moments. While we reflect on that, we know that dealing with this issue goes a significant way to addressing hurts of the past and creating a more just and equal society but that that journey is by no means over. It was in this same Parliament with these same people and under this same government that we have seen a wind back of discrimination legislation for the first time in decades. We have seen the lawmakers of this state make it easier for people to be discriminated against, including on the basis of their sexuality.

As I said, we know the hurt, we know the damage and we know the pain that is inflicted by that approach — of punishing people simply for being who they are — and all of the attendant devastation that goes with that. This is an important step. I am pleased that people who have had to live with the ignominy and distress of having convictions for being who they are will have that injustice redressed. However, as previous speakers have pointed out, we need and Labor seeks for us to go further in this place to ensure that this legislative framework applies to those who have passed on from this world but have done so with the millstone of a conviction still around their necks.

For the legacy that has left for their memory and for their family members and friends who remain we should act as lawmakers to address that most significant wrong as well. We should go further in relation to discrimination laws in this state and amend the Equal Opportunity Act 2010 to make it unlawful to discriminate against a person on the basis of that person having an expunged conviction. This is a significant point that needs to be addressed, and we ask the government to include that amendment.

There are many people — as there always are when there is change and reform and wrongs are righted — who have spent their lives championing change. We have heard about many of them this evening. Many members on this side of the house have paid very significant tribute to Jamie Gardiner, whom I have worked with over many years in the party and as a local councillor and now as a state member of Parliament. Jamie and his team of people have assiduously pushed for reform and a recognition that these sorts of discriminatory approaches, pieces of legislation and actions of the community must be addressed.

The way we deal with legislation and the manner in which the courts approach these issues in this important place — it is not the only place, because we have to effect the change as a community — and the manner in which we deal with people more broadly is the bedrock of how that change unfolds in the community. What we say in this place as representatives of the many and diverse electorates that we represent is critical to how the rest of the community make their decisions about how they treat people. If we in this place are not treating people in the way we would like to be treated, that has a huge impact on our community.

Today we are having a historic debate. We support this bill, which, as I said, goes a long way to redressing some of the most significant wrongs that have been inflicted on members of our community. We should all remember how we feel during this debate and how important these legislative changes are to our fellow human beings, and we should resolve with great conviction that the unfinished work in discrimination law must go on. This week the 57th Parliament will rise and a new Parliament will be sworn in in a matter of weeks. That new Parliament — —

**Ms Beattie** interjected.

**Ms GARRETT** — It will be sad that the member for Yuroke will not be here. That new Parliament needs to remember days like this. These are significant days. These are the days that change people's lives and change the community for the better. They are days in which we stand for human rights and for dignity and justice for all Victorians, regardless of race, sex, sexuality or economic position. This is our noble purpose here, and the work is not done. As I said, it is with pleasure that I speak on this legislation. I join the many voices in expressing my horror at what my fellow Victorians have been put through and have had to carry in the decades since. I reaffirm my commitment and my resolve to stamping out inequality and injustice, particularly where it is based on the very core of who you are, which is at the heart of all the work that we do.

**Mr NARDELLA** (Melton) — I rise to support the bill before the house, the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. Prejudice and discrimination are something that I and other members of this house, certainly from the Labor Party, are absolutely against. Regardless of who a person is or their sexual orientation or other things to do with that individual, they should not be subject to prejudice and discrimination by any other person.

Doing the right thing in the way we treat other human beings and how we act between ourselves as a community and towards bettering others within our society is absolutely imperative in terms of our being viewed and judged in the future as a civilised society. Unfortunately as human beings and as conservative societies in the past, we have not done the right thing. We have engaged in discrimination, and at times brought in legislation and determined that people have broken the law because of the discrimination and prejudice of those times.

That did not stop people from loving each other; it did not stop people from feeling what they felt within themselves; it did not mean that they did not act and do the things that people did at the time. What the police and society at that time did was to outlaw and make illegal homosexual acts by people who loved each other, and that was who they were. Everyone here does what they do because that is who they are, but at that time the law said, 'No, this is illegal if you are a homosexual'.

It is really interesting to see historically what the understanding of a homosexual act was. It was mainly to do with men; but that did not mean that women were not in such relationships. I think I remember reading — and this is going way back — that it was inconceivable to Queen Victoria that a woman could love and be with another woman. The law, in essence, discriminated against males and convicted them because of who they were. That was wrong then and is certainly wrong now. This legislation is about righting that wrong.

As I said earlier, having such laws at that time did not stop people from loving each other. Even today there are people within this Parliament who have discriminated against staff members because of their sexual orientation — and that is just recently — and that is against the law. Luckily, what people in this Parliament do because of their sexual orientation is no longer against the law. Those prejudices, that discrimination and the way one acts against another person — and I use the word 'against' in a very negative way — should not exist in this day and age.

That is why I am in Parliament — to make sure we right the wrongs and make sure that people can live their lives in the way they wish with the person they love. As I get older I realise that life is getting shorter and the people you love, be it your family or your partner — are precious. Homosexuality should not be criminalised, and it is important that we undertake legislative reform to right past wrongs.

In the past people had to hide who they really were because of discrimination against their perceived unlawful behaviour, so they had secret lives. Some famous people in Australia and worldwide had to live secret lives just to survive. There are quite a number of very sad stories about people who had been together and shared their lives for decades. People who had brought up their families together in same-sex relationships were split up when they got older and were not able to look after each other. They were split up and not allowed to continue sharing their lives because of that discrimination.

Some very famous people internationally, for example, former United States President, J. Edgar Hoover, were homosexual. I am not criticising his life and the things he did but he was one of those people who had to hide his sexual orientation. In Australia a number of very important people have had in their own way to hide their sexuality. That should never be the case.

I want to briefly touch on the amendment before the house which relates to convictions against people who have now passed away. Their partners and families should be given the opportunity to apply for — and hopefully there will not be many people in this situation — posthumous expungement of convictions against their family members who are now deceased. The next step in this journey should be taken by the Parliament today. We should not have to wait for the election of the next Parliament or some other time for this to occur. It is appropriate that the partners and families of deceased loved ones who were convicted of gay sex are able to have those convictions expunged. That is not a hard ask. It is the right thing to do. What we are here for — certainly I am — is to do the right thing by people regardless of who they love.

**Mr McGUIRE** (Broadmeadows) — One crime on the Victorian statutes carried an adjective. That description was ‘abominable’ and it was expunged decades ago. Today, in the final week of the 57th Parliament, we have the opportunity to right another historical wrong. The history of reforming homosexual law initially began in Canada. The Prime Minister of the late 1960s and 1970s, Pierre Trudeau, famously declared that ‘there’s no place for the state in the

bedrooms of the nation’. In Australia, South Australia led the way after its conscience had been shaken by a shocking tragedy one night in 1972 when three vice squad detectives on the prowl threw a gay man, Dr George Duncan, into the River Torrens, unaware that he could not swim. Another factor in changing South Australia’s attitudes was the fact that Premier Don Dunstan, while very popular, was widely — and rightly — thought to be gay.

In Victoria, police did not patrol the bedrooms of the state. The real issue for gay men was police entrapment. Graham Carbery’s *Towards Homosexual Equality in the Australian Criminal Law — A Brief History*, published online, recounts that in the summer of 1976–77 alone, police arrested more than 100 men for homosexual offences at Black Rock Beach, a well-known meeting place for homosexual men, using entrapment methods. The controversy this provoked led the then Premier of Victoria, Dick Hamer, to declare his support for legalising homosexuality. I am grateful to reference the outstanding, first-rate biography of the late Dick Hamer entitled *The liberal Liberal* by Tim Colebatch, the erstwhile reporter for the *Age*, who has had a long and distinguished career in journalism.

I think it is important to put on the record how this issue has evolved and where we stand today. This bill proposes to amend the Sentencing Act 1991 to allow for the expunging of historical homosexual convictions. A wide range of offences have been used to prosecute homosexual activity, in particular sexual offences such as buggery and gross indecency as well as public morality offences such as loitering for homosexual purposes and behaving in an indecent or offensive manner.

As I recall, it was in 1980 that the Hamer Liberal government enacted legislation to decriminalise consensual homosexual acts as part of its modernisation of sexual offences in general. The then Attorney-General, Haddon Storey, addressed consensual homosexual acts as follows:

The government does not condone such acts, much less regard them as acceptable. The bill simply sets out the limits of the criminal law.

Convictions for consensual homosexual activity have remained on the record despite not being against the law for more than three decades. We have now come to the point where we have an opportunity to right this historical wrong. In February 2013 Labor announced its intention to expunge historical homosexual convictions. The coalition government committed to this in January 2014. This has been the evolution of how we have taken a more enlightened view on this matter of human

relations. Other jurisdictions, including the UK and New Zealand, also have processes in place for historical homosexual convictions to be expunged. The New South Wales government announced its intention to introduce its own legislation shortly after the Victorian bill was introduced.

The bill creates a scheme under which a person convicted of a historical homosexual offence may apply to the Secretary of the Department of Justice for the conviction to be expunged. These are the mechanics. For the purposes of this bill, convictions include findings of guilt where no conviction was recorded. Historical homosexual offences are defined broadly to include sexual offences and public morality offences. The bill does not target specific offences, and many different offences have been used to criminalise homosexual activity.

The bill places the onus on the applicant to show that the conviction ought to be expunged, and once a conviction has been expunged it will be treated by the law as though it were never imposed. I think that is a critical proposition. We have now, as a community, said this should not have happened — ‘You should not have been penalised for it, and it will not be on your record anymore’. Successful applicants will not have to disclose expunged convictions in the future, including under oath or affirmation, and an expunged conviction cannot be proper grounds for refusing or revoking an appointment, status or privilege or for removing a person from any post. This goes to the issue of equality that all of my Labor colleagues have dealt with, as have many members of the government side. This is about judging people according to their character, merit and performance rather than their sexual preference, the colour of their skin, their religion or any other matter.

Victoria Police and the Office of Public Prosecutions will be required to remove or alter any secondary electronic record of any expunged conviction so that it cannot be found or identified as being associated with an individual. Other records must be annotated to make it clear that they relate to an expunged conviction. These are the mechanics of how this will work. It will be an offence for a person with access to any official records to indicate facts relating to an expunged conviction. A person whose conviction is expunged will not have a right to compensation of any kind merely on account of the expunging itself.

The Labor Party has indicated its position, and we hope the government will agree to amend the bill in accordance with the requests that have been outlined by the lead speakers, the member for Lyndhurst, the member for Albert Park and the Leader of the

Opposition, who have defined our position. If the government does not address our concerns, a future Labor government will revisit them. We want to make sure it is placed on the record that Labor welcomes the introduction of this regime of expunging as a step forward in equality and the correction of a historical injustice.

We will support this bill’s passage through the Parliament. For all of those who have fought for this for decades, it is an incredible time to be present in the gallery today to hear the contributions and to get the personal acknowledgement. There is a quote by Edmund Burke that is fitting for this moment. He said:

There is a sort of enthusiasm in all projectors, absolutely necessary for their affairs, which makes them proof against the most fatiguing delays, the most mortifying disappointments, the most shocking insults; and, what is severer than all, the presumptuous judgement of the ignorant upon their designs.

For those who have fought the fight, stood tall, been proud and kept hope alive, I hope it is some consolation that today in the Victorian Parliament both sides are committed to getting this legislation through the Parliament, making this a historic time when we come together. Too often politics is seen by many people as just two dogs barking and as not going to the issues they think are important, but this is one of those rare occasions when across the chamber and in both houses we can say we will right a historical wrong this day and for the future. The Labor Party is committed to taking this further should it be given the privilege of becoming the next government of Victoria after 29 November. I commend the bill and the proposed amendments to the house.

**Ms BEATTIE (Yuroke)** — It gives me great pleasure to speak on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014, which is probably the last bill I will speak on in this Parliament. It gives me great satisfaction to see this bill come before the house. Although we on this side of the house support the bill, we do not think it goes far enough. The first amendment circulated by the shadow minister assisting the Leader of the Opposition on equality, the member for Albert Park, says:

... after “expunged” insert “on the basis that it is generally accepted that consensual sex of a homosexual nature between adults should never have been a crime”.

I applaud the shadow minister for his efforts to have those words inserted into clause 1.

We have talked a bit about history. I could read through the mechanics of the bill, but I do not think the house

will be educated if I just read the words of the bill. Discrimination against people on the basis of their sexuality has occurred for many years. Who will forget the great Oscar Wilde, who back in the 1890s was jailed for gross indecency, as it was called. After he was released from Reading jail he never returned to his native Ireland. He left for France after having been imprisoned for two years, never to return to Ireland or England, such was the hurt and shame that he suffered. Now of course Oscar Wilde is one of the great gay icons.

I was privileged to be in New York in late June, where people were madly excited about a parade. Being nearly July, I thought it must have been a 4 July parade, but it was the gay pride march. It was one of the greatest celebrations I have ever seen in my life. It was people celebrating their sexuality and their diversity, which we should celebrate. Diversity should never be a thing we hide. Whether it is the multicultural community or the gay community, nobody should be discriminated against because of their race, religion or sexuality.

It may be easy to think discrimination ended with Oscar Wilde, but sadly it did not. I want to reflect on one of the disgraceful things that happened in this state. There are some of us — as I look around the chamber, probably many of us — who remember the terrible incident at the Tasty nightclub. In 1994, 463 people were detained for 7 hours. Gay and transgender patrons would go to the Tasty nightclub to dance and celebrate. For 7 hours they were strip-searched and forced to stand in the nude. They were cavity-searched and in some cases brutalised. Two people were charged with drug offences, but later all charges were dropped.

That humiliation and degradation of gay people occurred at the hands of Victoria Police. Not only do we have to bring bills like this before the house; we must ensure that all sections of the community are educated so that this sort of discrimination never happens again. It was in 1994, only 20 years ago, that the police thought that sort of behaviour was acceptable to the community. It was certainly considered acceptable by the police force.

This is a good bill. I commend the government for bringing it forward, but it does not go far enough. Gone are the days when people could not leave their superannuation to their same-sex partner. Their superannuation would go into the ether, to the government trustee or wherever. These things have happened in our lifetime, so we must be ever vigilant that people are not discriminated against.

I do not see the passage of this bill as an end to the sorts of discrimination we find unacceptable; I see it as a beginning. It is a first step towards what a great society like ours should expect — that everybody in society should be treated based on what sort of human being they are and what sort of contribution they make to the community and should not be judged on their sexuality, their race, their religion, their colour or, dare I say it, whether they are short or tall. I do not mean to make light of those sorts of things.

As I said, the events at the Tasty nightclub happened in 1994, only 20 short years ago, so we must be ever vigilant that these things do not happen again. I commend all those in the gay, lesbian, bisexual, transgender and intersex community for staying the course. It is not easy when you are off to the side but you know that your partner's life and your life are as important as anybody else's. I commend them for staying the course to this first step. It is only a first step, and there will be many more. My congratulations go to everyone. I particularly wish the shadow minister well in his endeavours in moving his amendments. I particularly praise him for his first amendment, which says, 'Consensual sex of a homosexual nature between adults should never have been a crime'.

**Mr BROOKS (Bundoora)** — It is a pleasure to be able to rise to make a contribution to debate on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. This is a very important bill which, as the Leader of the Opposition stated earlier, signifies a very significant and historical day in this Parliament. It is not often that we get to right a wrong, as the leader said earlier.

I wish also at the outset to commend the efforts of those in this place who have been involved in bringing this legislation — and also the amendment that has been put by this side of the house — to the chamber, because it goes a long way to righting many of the wrongs that have been perpetrated by the state, if you like, over a significant period of time on people, based on nothing more than their sexual orientation.

This bill has the distinct purpose of amending the Sentencing Act 1991 to establish a scheme under which convictions for certain offences related to conduct engaged in or for the purposes of, in connection with, sexual activity of a homosexual nature may be expunged. It is a very simple purpose of this bill, yet one that no doubt involves a high level of complex analysis of historical criminal convictions. It would be no easy task, but nonetheless it is a very important one.

The important thing here for us to remember is that, if we truly believe that everyone in Victoria is created equal and that we live in a fair, tolerant and diverse society — which I am sure all members of this place do — then not only is it a duty for us to ensure that the laws that affect people currently reflect those values, but also that we seek to redress convictions that under law today and our existing values would not have been levied on people in the past.

As previous speakers have mentioned, the Hamer government reformed the area of homosexual law many years ago to ensure that there was a better level of equality. Still we have a long way to go in creating a more equal society, but that was a very large step. The convictions that people still carry in many cases no doubt form a barrier to their participation in society in a fulsome way. My attention was drawn to the recent report of the Human Rights Law Centre, *Righting Historical Wrongs*, which is an excellent overview of this particular area. There is a case study included there which I thought would be worth reading into the record, because it explains the impact the convictions of the type we are talking about in this debate can have on people. It is important for us remember that legislation that we deal with in this place often has a significant impact on people's lives.

This case study appears on page 27 of that report and is titled 'Case study: men living in fear of being exposed'. It states:

Steve —

this is obviously not the person's real name —

was employed some years ago in the public service. Now his employer is undergoing a major restructure and he is required to reapply for his job. A criminal history check is required for all applicants, including existing employees.

Steve is extremely concerned that after years of service his employer will now find out about his conviction. He does not want to disclose his conviction to his employer, or undertake a criminal history check, and is very concerned that if his conviction was revealed to his employer it would affect his employment or somehow become known to others or made public. Steve is deeply ashamed of his past, horrified at the thought of his niece or other family members finding out about his past conviction, and frightened about the future. Steve would desperately like to find a way of removing the mark against his name but fears his past conviction may be disclosed in the process.

That is an excellent illustration of the way in which those convictions can have a debilitating impact on people's lives — that someone could be so anxious and fearful of something that came about with really no moral justification. It was a conviction that was placed on someone for something that should never have been

a crime. So it is a good thing today that this bill is before the house. It is a bill that is long overdue, and when we look at the common-sense nature of it we wonder why it would not have been introduced a long time ago.

This bill will see people who wish to have their convictions expunged applying to the Secretary of the Department of Justice. Importantly, the decisions of the secretary will be able to be appealed to the Victorian Civil and Administrative Tribunal. That is a very important step in the process to ensure that there is a level of independent oversight in the decision-making process. The government has indicated that this scheme will be ready to begin receiving applications by the middle of next year, so there is not too long to wait.

The report I referred to before by the Human Rights Law Centre points out that a similar scheme that was brought into operation in the United Kingdom received a relatively small number of applications. Some of the reasons for that are discussed in the report, but even if there are only a few applications in Victoria it is nonetheless an important and vital avenue for people to be able to seek to have that stain removed from their name and all records relating to that conviction removed from the record.

The Labor Party has moved amendments to this bill to further improve it, in particular concerning the ability for people to apply to have convictions removed posthumously. That is an important one, as is the ability for people to apply on behalf of others. Guardians or relatives of people who have a disability or people who are infirm can apply on their behalf to have those convictions removed. I think that is another important aspect of this bill that provides people with a level of justice after many years.

As I said, this is a historic day. This is a good bill. I commend it to the house with the amendments that have been moved by our shadow minister.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Opposition substituted amendments circulated by Mr FOLEY (Albert Park) under standing orders.**

**Ms HALFPENNY (Thomastown)** — I rise to speak in full support of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 and the opposition's amendments. I will go through the bill and the amendments, although I will deal with the amendments in only a general sense because they have just been circulated. I would like to quickly explain, as other members have, the purpose of the bill we are debating here today. Basically the bill

proposes amending the Sentencing Act 1991 to allow for the expungement of historical homosexual convictions.

In the past a range of offences were used to prosecute homosexual activity, in particular sexual offences such as buggery and gross indecency and public morality offences such as loitering for homosexual purposes and behaving in an indecent or offensive manner. People now understand how terrible, unjust and ridiculous such legislation was. It is not for the state or the legislature to decide on such issues; it is up to individual human beings to determine their sexual activities and whom they choose to love. Under the Hamer Liberal government legislation was initially introduced and passed to ensure that homosexuality was not a criminal act. However, in doing so it left a very big gap, which is what I would now like to talk about and what this bill proposes to correct.

I will quote from a Human Rights Law Centre background paper entitled *Righting Historical Wrongs*, which was produced for the very purpose of guiding the government and decision-makers on legislation to expunge criminal records on this issue. The introduction says:

Many laws have been repealed in Australia that, in hindsight, are understood to have targeted and marginalised certain communities: the systematic denial of fundamental rights and freedoms for Aboriginal people, women, and non 'white' Australians, to name a few. The criminalisation of homosexuality is a deeply shameful but significant part of Australian history. It is a story that, in many ways, is yet to be told. Part of telling the story of criminalisation and coming to terms with the past is dealing with the unfinished business of historical gay sex convictions.

This legislation will do that. Having criminal convictions for such offences was unjust. Pain and humiliation was inflicted on people who were convicted of such crimes. That was of course bad enough, but in addition these people's criminal records continued on into the future and affected their lives when it came to them looking for employment, seeking to travel to other countries and doing things such as taking on volunteer work.

As we know, we now have requirements. Many people have to have criminal record checks if they are looking and applying for certain types of employment, and the same goes for volunteering in certain areas of work, whether that is in sports organisations or other organisations. With children there is also the requirement to have working with children checks. These convictions may have an effect in determinations when looking at the records of people. Of course they have absolutely nothing to do with things such as the

protection of children or whether a person will be a good employee or an employee who will follow the law; these convictions were just persecution — hunting people down because others in society thought they were not living in the right way. It was absolute prejudice. As the introduction to the background paper suggests, it was just one of the many terrible taints on Australian society when it comes to prejudice, discrimination and persecution.

Labor is very supportive of this legislation in that these convictions are expunged — that is, they are removed in electronic and any other form so that for a person whose background is being looked into, these convictions will be completely erased. They will have no bearing on a person's record in the future and no bearing in terms of anything to do with their applications for employment or other things they may do where their record may be inquired into.

In terms of the legislation, which only looks at expunging historical criminal records, there are a number of things that were raised by the opposition around this and that are also addressed in the background paper by the Human Rights Law Centre. One is the fact that, yes, it is great that people may apply to have these convictions expunged from the record, but what about those who have already passed away? What if their families or friends want to have their record expunged to ensure justice for them even though, unfortunately, they have already passed away? This is one area Labor is looking at in terms of seeking amendments, and it is addressed in the amendments that we will discuss very soon.

There is also the proposal that there ought to be within equal opportunity legislation a provision that prevents and makes unlawful discrimination against a person who has had one of these offences expunged from their record so that they cannot be again discriminated against if somebody knows there has been an expungement. There are also issues around whether there should be apologies made to those people who have had to go through this most awful and terrible system and have been accused of all sorts of things when really they did nothing wrong and were just living their lives like the rest of us, with the same aspirations and the same care.

In terms of those who have lobbied and campaigned in relation to this issue, I have to say that I do not know most of them personally. I do not know those who fought for this issue — the lesbian, gay, bisexual, transgender and intersex community, the libertarians and the human rights activists. In fact I was not aware until recently of this most terrible wrong, and I am sorry

that I had not informed myself. I would like to thank all those who have lobbied, protested and campaigned to achieve the righting of this terrible wrong, an injustice that may have been committed in the past but the effects and consequences of which no doubt still affect many of those who are here with us today. I hope this goes some way — some small step — towards righting this terrible wrong. I commend all those who have done so much to get us to where we are today.

**Mr SCOTT** (Preston) — It gives me pleasure to rise to speak on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 for a number of reasons — firstly, because it is a piece of legislation which has at its core something the Labor Party strongly supports, which is the expungement of historical homosexual convictions and secondly, because there is a series of amendments with essentially two parts which have been agreed to, if my understanding of the debate and discussion between the parties is correct.

Those amendments relate to, firstly, provisions in the Equal Opportunity Act 2010 that will ensure that there is in effect a new right created preventing discrimination on the basis of a person having previously had a historical homosexual conviction that has now been expunged and, secondly, the creation of a process to allow a representative of a deceased person to have expunged from the record a homosexual conviction recorded against the deceased. As a member of this place, I place on the record my appreciation to the member for Albert Park, who is in the house currently, for working on those particular amendments, which I believe add to this piece of legislation and add significant rights to which I am happy to add my strong support.

The injustice of prior convictions for people essentially expressing their sexuality and their love for others is a deep stain on our community, and I say that unequivocally. Over many years there has been a slow shift in awareness, and there have been many people who have contributed to the struggle for human rights in this area. We all take some responsibility in this house, but there has been a slow acknowledgement in the Parliament of the need to undo these wrongs. It behoves all of us who hold elected office to look deep into ourselves and to look at the actions that have been taken by the community over many years to ensure that the law reflects inclusiveness. I do not use the word ‘tolerance’, because I think that is the wrong word. ‘Tolerance’ has a negative connotation. I would much prefer to refer to the ‘diverse’ community in which we live, where a person’s sexuality is not how we measure them, where people’s rights are not limited because of

sexual preferences between consenting adults and where we as a society celebrate the diversity in which we are lucky enough to live.

As part of a modern community, I know that getting results from the work of many to advance the cause of human rights in this area has been decades in coming and is, of course, overdue. All those decades of bigotry and the harm that has been caused to people through that bigotry cannot easily be undone, but this law and particularly the amendments that have been circulated are steps in that direction. The nature of the damage that can be and has been done to people through the laws that existed in the past is illustrated by the famous case of Alan Turing — one of the great minds of the human race, not just of this century. Although that was in another jurisdiction, it is essentially the same principle. Modern computing and a whole series of things we take for granted stem from the brilliant mind of Alan Turing.

Alan Turing was the victim of a property crime. During the investigation of that property crime it became apparent to the police — it is my understanding that he freely confessed it — that he was in a homosexual consensual relationship with another adult. That led to his conviction, which then led to his chemical castration. A short period later, I think it was a few years later, Alan Turing died and an inquest found that he had committed suicide. The world lost one of its great minds; a person whose capacities and abilities are still felt throughout our lives. The principles in computing developed by Alan Turing underlie much of the technology that we use in the way society functions to this day.

Sadly, his case is not something that was restricted to one individual. The shame, the stain, unfairly brought on people through such convictions because of their expressions of what would now be considered legal and unremarkable expressions of human sexuality between consenting adults has led to untold damage to people. This bill is a small step in ensuring that we as a Parliament recognise that and that we do what we can to undo, in the limited way now possible, the damage that has been done. On behalf of my constituents — I am sure the vast majority of my constituents — I support this legislation, when once that would not have been true. I am sure in 2014 the vast majority of the constituents I am lucky enough to represent would support this bill if it were put to them and would support the principles under which there should not be criminalisation of consensual sexuality between adults.

I hope this bill brings some comfort and some form of dignity to persons who have suffered as a result of the actions of previous parliaments — not just in this

jurisdiction, because of course many laws have come to us from other jurisdictions over time — and that it ensures that we as a community realise that discrimination and the damage done by discrimination is something that touches everyone in the community. It is a simple principle but one that is worthy of repetition that we should treat others as we wish to be treated ourselves. We should not only reject the bigotry of the past but ensure that we take some steps to remove the present impact of that bigotry, and that is something worth doing.

I note a principle I fully support is contained in the amendments foreshadowed by the shadow minister, the member for Albert Park, to allow families, friends or appropriate representatives of deceased persons — and I understand there are limitations on who can do so, but, for example, it would allow domestic partners — to make representations to be appropriately designated as representatives of deceased persons to ensure that those convictions are expunged, because it is not just the person who has been convicted who is hurt, it is often those around them. It is often something that is an unnecessary and unwarranted stain on the memory of that individual. I wholeheartedly support the amendments circulated by the member for Albert Park and agreed to by the government, because it is important that as a Parliament collectively we ensure that those memories are appropriately guarded and treasured and that no longer is the value of a person cast into doubt for criminal convictions which we as a community would not have any truck with in this day and age.

With those comments I commend the work of the shadow minister on making such sensible amendments which deal with issues that I am sure will be dear to the hearts of all constituents of all members of Parliament. I commend the bill to the house.

**Mr CLARK** (Attorney-General) — I thank all members for their contributions to this debate and in particular I thank all members for the bipartisan approach that has been adopted towards this very significant reform. I particularly acknowledge the contribution of the member for Prahran, not only in his remarks during the course of the debate today but also for all the enormous effort, work and intellect he has applied to this issue in raising it, making the case and helping to bring this legislation to the Parliament.

I particularly acknowledge the bipartisan and cooperative approach that has been adopted to the formulation of and reaching agreement on some of the amendments that have been foreshadowed by the member for Albert Park. My understanding is that the

first draft of the amendments was completed by parliamentary counsel during the course of this morning or early afternoon. The first draft was provided to the government at about 1.30 p.m. today. Since that time there have been a series of very intense discussions between the member for Albert Park and myself, and with others on both sides of the chamber. I particularly acknowledge the invaluable contribution that has been made by officers of the Department of Justice in providing expert advice to both sides of the house in relation to the various issues relating to the drafting of the bill. I also acknowledge the work that has been undertaken by parliamentary counsel in turning around drafts of the bill and coming up with amendments that have now been accepted by both sides of the house.

I will say a few words about those amendments in closing the second-reading debate. They basically deal with three issues. The member for Albert Park has referred to the issues in the course of his remarks. The first amendment adds words to the purposes clause of the bill to include in the bill reference to the basis on which the legislation is being brought to the Parliament, namely that it is generally accepted that consensual sex of a homosexual nature between adults should never have been a crime. As the member for Albert Park referred to, that was something expressed by the government in bringing this legislation to the Parliament. The opposition proposes that that basis be set out in the legislation. The government accepts that that is a worthwhile measure.

The second set of amendments relates to the issue of posthumous expungement. There is not an issue of principle in relation to that, but a number of practical difficulties and considerations arise. They were difficulties consideration of which led the government not to include the measure at least in the initial bill for this reform that was brought to the Parliament. The opposition is keen to have posthumous expungement made possible under the bill, and the bulk of the discussions during the course of the afternoon have been around the form of words that might seek to minimise some of the risks that are involved. I will refer to some of the risks in broad terms. Some have been addressed by the amendments. The other risks remain, but in order to secure the passage of the bill and in light of the fact that if issues emerge they can be addressed in subsequent amendments, the government is willing to accept the amendments that the opposition is going to move.

Just to flag the issues in broad terms, there may in some circumstances be an issue as to whether the deceased would in fact have wanted to see expungement. In the vast majority of cases that may well be a reasonable

assumption, but after a person is deceased that might not be completely clear. There was an issue in the original draft of the amendments about a proposed very wide range of applicants who could make application for posthumous expungement. I accept the opposition had adopted a definition from the Equal Opportunity Act 2010 for that purpose. The potentially wide range of applicants could have led to competing views. It was not clear exactly who would have had a position of authority to make the application, and in particular there would be a potential for different views among the range of relatives who might be in a position to make an application.

There is also an issue, which is an issue that remains, about the fact that an applicant would have access to the records relating to the convictions of the deceased person. Again in many instances that might not be an issue, but perhaps in some cases it may be. It also needs to be recognised that it may be more difficult to make out the grounds for expungement in the case of a posthumous application and in particular to be satisfied that the tests for expungement have been met. However, I think the opposition accepts that is the case. Nonetheless its view is that it is appropriate for the opportunity to be available to make an application if those tests can be satisfied.

The discussions have proceeded on a very cooperative basis between the government and opposition and have resulted in agreement on changes that pick up on an approach that is adopted by reference to the provisions in the Coroners Act 2008, which provides for a series of persons who in that context are treated as senior next of kin and in this context are treated as the appropriate representative of the deceased person. Instead of having the potential for a range of persons, any of whom could at any time make application for expungement on behalf of the deceased person, there will be a sequence, or series, as to who is available, and if the person immediately before their death had a spouse or domestic partner, they would be the appropriate representative to make an application. If that were not the case, you would go sequentially through the other categories. That will ensure that there is one person with the authority to make an application in the name of or on behalf of the deceased at any one time.

That addresses some of the issues I have referred to, although some of the other matters I have referred to still remain as issues. As I said previously, while there are risks, hopefully those risks will not eventuate often, if at all. There is also the potential to fine-tune or modify the legislation to address those risks if they subsequently emerge. On that basis the government is

prepared to accept the amendments the opposition is proposing to move.

The third area of amendment is to include an expunged homosexual conviction as an attribute within the Equal Opportunity Act, which attracts protection against discrimination for that attribute. Whether or not there is significant potential for discrimination on the grounds of an expunged homosexual conviction may perhaps be arguable. On one view it might be unlikely, but nonetheless the matter is put beyond doubt if that is included in the Equal Opportunity Act. Of course that does not affect the operation of the Equal Opportunity Act in relation to the other attributes that are already listed in the act, so the government is also happy to accept that amendment.

In concluding my remarks, it is pleasing that through cooperation and bipartisanship an agreed position has been reached in relation to these amendments. That will allow this bill to be passed and to hopefully pass the other place expeditiously so it can be placed on the statute book and bring about a very worthwhile reform. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Consideration in detail*

**The DEPUTY SPEAKER** — Order! Before calling on members to speak to clause 1, I call the member for Albert Park to move a motion, by leave, to extend the scope of the bill.

**Mr FOLEY** (Albert Park) — By leave, I move:

That the scope of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 be extended to enable consideration of amendments and new clauses to provide for the inclusion of expunged homosexual conviction in the list of attributes on the basis of which discrimination is prohibited under the Equal Opportunity Act 2010.

**Motion agreed to.**

**Clause 1**

**Mr FOLEY** (Albert Park) — I move:

1. Clause 1, page 2, line 2, after “expunged” insert “on the basis that it is generally accepted that consensual sex of a homosexual nature between adults should never have been a crime”.

Just by way of indulgence, I thank the Attorney-General, his staff and officers of his department for getting us through this afternoon. I

appreciate the comments he made in summing up. Having said that, amendment 1 standing in my name seeks to insert after 'expunged' the words 'on the basis that it is generally accepted that consensual sex of a homosexual nature between adults should never have been a crime'. As we have indicated in the second-reading debate and as has been reinforced not just by the Attorney-General in this place but by a number of speakers on both sides of the house — I note in particular the comments made by the Premier and the Leader of the Opposition — this reinforces not only the view that these historical homosexual convictions should be expunged but the in-principle position that they should never have been considered an offence in the first instance.

This particular amendment seeks to reinforce that bipartisan reflection on the reasons we are pursuing this bill here today in the purposes clause of the bill and therefore provides the opportunity to inform the subsequent operation of the bill and any administrative regime that flows from it. I might leave my comments there on this particular clause.

**Mr WYNNE** (Richmond) — I would also like to confirm the spirit in which we close this Parliament and the cooperation that has been provided across the chamber in relation to ensuring that this bill, with the reasoned and sensible amendments proposed by my colleague the member for Albert Park, have been picked up by the Attorney-General. We recognise there are a number of elements of the provisions that may in fact be challenging. For example, there is some potential challenge with the provisions relating to posthumous expungement. Obviously opposition members have talked that through in their discussions, but nonetheless I think members from both sides of the Parliament see that as an opportunity to see how this actually plays out over time. As the Attorney-General has indicated in regard to the coalition, I say that if the opposition has the honour at the end of the year to assume office again, it would take that same spirit into any future reform that might attend to these amendments that are before the house today.

In relation to clause 1 of the bill, we believe it is important to provide a clear and unambiguous statement by Parliament that it is accepted that consensual sex of a homosexual nature between adults should never have been a crime. It is very important and far more than just a symbolic gesture. It goes to the heart of what underpins this bill: that we are expunging a historic wrong that has been done to a group of people on the basis of their sexuality. This is not acceptable in any contemporary context.

I point again to the contribution I made in the second-reading debate, when I indicated that one of the people who is in the chamber had provided commentary to ABC News online. That person is someone whom I have known extremely well. In fact he was my chief of staff when I was at Melbourne Town Hall. That person is Peter McEwan. In the entire time I have known him — and I have known him for many years — he has never revealed to me that he had been subject to a homosexual conviction, which is now being expunged. He spoke to that in a very moving interview that he provided to ABC News online, where he talked of the humiliation and isolation he suffered as a young man, or in fact a 17-year-old boy. He was still at school when he was charged and convicted of these offences.

I think he would say he was humiliated and vilified in the then tabloid newspaper, the *Truth*, where his name and I think possibly even his photo appeared — but certainly he was identified in that newspaper. You can imagine the grief and the suffering that he as a 17-year old boy and his family had to deal with. They were exposed to this form of vilification by a newspaper on the basis of something that was regarded as a crime at that time but which should never have been acknowledged as a crime.

The amendment that the member for Albert Park has moved is more than a symbolic gesture. It is saying clearly and unambiguously to the community more widely that consensual sex of a homosexual nature between adults should never have been a crime. For this Parliament right across the chamber to say unambiguously to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community via this statement at the commencement of the first clause of this bill is an important gesture and one that really underpins the flavour of how this bill goes forward.

**Amendment agreed to; amended clause agreed to; clause 2 agreed to.**

### Clause 3

**Mr FOLEY** (Albert Park) — I move:

2. Clause 3, after line 8 insert —

“*applicant* means —

- (a) a person referred to in section 105B(1) who may make an application under that subsection; or
- (b) if a person referred to in section 105B(1) is unable to make an application under that subsection because of a disability within the meaning of the **Equal Opportunity Act**

2010, the person's litigation guardian or guardian with the meaning of the **Guardianship and Administration Act 1986**; or

- (c) a person referred to in section 105B(2) who may make an application under that subsection in respect of an entitled person who is deceased;”.

3. Clause 3, after line 10 insert —

“**appropriate representative**, of a person who was convicted of a historical homosexual offence and is deceased, means —

- (a) if the person, immediately before death had a spouse or domestic partner — the spouse or domestic partner of the person; or
- (b) if the person immediately before death did not have a spouse or domestic partner or if the spouse or domestic partner is not available — a son or daughter of the person of or over the age of 18 years; or
- (c) if a spouse, domestic partner, son or daughter is not available — a parent of the person; or
- (d) if a spouse, domestic partner, son, daughter or parent is not available — a sibling of the person of or over the age of 18 years;
- (e) if a spouse, domestic partner, son, daughter, parent or sibling is not available — a person named in the will of the person as an executor; or
- (f) if a spouse, domestic partner, son, daughter, parent, sibling or executor is not available — a person who, immediately before the death, was a personal representative of the person;
- (g) if a spouse, domestic partner, son, daughter, parent, sibling, executor or personal representative is not available — a person determined to be the appropriate representative under subsection (3);”.

4. Clause 3, page 4, after line 5 insert —

“**domestic partner**, of an entitled person who is deceased, means —

- (a) a person who was at the date of death of the entitled person in a registered domestic relationship with the entitled person; or
- (b) an adult person to whom the entitled person was not married but with whom the entitled person was in a relationship as a couple where one or each of them provided personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they were living under the same roof, but does not include a person who

provided domestic support and personal care to the entitled person —

- (i) for fee or reward; or
- (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

**entitled person** means —

- (a) a person referred to in section 105B(1); or
- (b) a person who was convicted of a historical homosexual offence and is deceased;”.

5. Clause 3, page 6, after line 4 insert —

“(2) For the purposes of the definition of **domestic partner** in subsection (1) —

- (a) **registered domestic relationship** has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who were not in a registered domestic relationship were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
- (c) a person was not a domestic partner of another person only because they were co-tenants.

(3) For the purposes of paragraph (g) of the definition of **appropriate representative**, a person is the appropriate representative if the Secretary determines that the person should be taken to be the appropriate representative of the deceased person because of the closeness of the person's relationship with the deceased person immediately before his or her death.”.

6. Clause 3, page 6, line 5, omit “(2)” and insert “(4)”.

7. Clause 3, page 6, after line 25 insert —

“(2) In addition, an appropriate representative of a person who was convicted of a historical homosexual offence and is deceased may apply to the Secretary for the person's conviction to be expunged.”.

8. Clause 3, page 6, line 26, omit “(2)” and insert “(3)”.

9. Clause 3, page 6, line 31, after “applicant” insert “is an entitled person who is not deceased but”.

10. Clause 3, page 7, line 12, omit “(3)” and insert “(4)”.

11. Clause 3, page 7, line 14, omit “applicant” and insert “entitled person”.

12. Clause 3, page 7, line 15, omit “applicant” and insert “entitled person”.
13. Clause 3, page 7, line 20, omit “applicant” and insert “entitled person”.
14. Clause 3, page 7, line 21, omit “applicant” and insert “entitled person”.
15. Clause 3, page 7, line 27, omit “applicant” and insert “entitled person”.
16. Clause 3, page 8, line 2, omit “applicant” and insert “entitled person”.
17. Clause 3, page 8, line 8, omit “(4)” and insert “(5)”.
18. Clause 3, page 8, line 11, omit “applicant” and insert “entitled person”.
19. Clause 3, page 8, line 21, omit “(5)” and insert “(6)”.
20. Clause 3, page 8, line 28, omit “(6)” and insert “(7)”.
21. Clause 3, page 9, line 13, omit “105B(5)” and insert “105B(6)”.
22. Clause 3, page 9, line 32, omit “105B(5)” and insert “105B(6)”.
23. Clause 3, page 10, line 25, omit “105B(4)(b)” and insert “105B(5)(b)”.
24. Clause 3, page 11, line 13, omit “105B(5)” and insert “105B(6)”.
25. Clause 3, page 12, line 25, omit “applicant” and insert “entitled person”.
26. Clause 3, page 12, line 26, omit “applicant” and insert “entitled person”.
27. Clause 3, page 12, line 29, omit “applicant” and insert “entitled person”.
28. Clause 3, page 13, line 2, omit “applicant at the time of making” and insert “entitled person at the time of the making of”.
29. Clause 3, page 13, line 12, omit “applicant” and insert “entitled person”.
30. Clause 3, page 13, line 26, omit “applicant” and insert “entitled person”.

These particular amendments, which now appear as a group, largely reflect the consequential changes that members have put in place regarding the arrangements in the bill.

The vast bulk of the amendments as set out in the material that members have before them are to do with renumbering clauses, identifying pages, lines and omissions, and tidying up the legislation. I will not cover those particular provisions. Instead I will deal with the more substantive issues in amendments 2 to 30

to clauses 3 onwards, standing in my name. These amendments, as distributed at the start of the day, relate to the arrangements in new section 105 of the bill for the application to the Secretary of the Department of Justice for convictions of historical homosexual offences to be expunged and how representatives of persons convicted of historical homosexual offences who have passed away can take the opportunity to access those procedures. They also provide for the Department of Justice secretary to consider those applications.

As the Attorney-General referred to in his summing up, the first and obviously most significant of those amendments deals with the provision of appropriate representatives and inserts slightly amended provisions from the Coroners Act 2008 in clause 3 after line 10 to define the descending cascade of persons whom the department secretary should hear from in the unlikely but possible circumstances of a debate between different categories of persons — for example, the partner of a deceased person as against, say, an adult child of a deceased person. This gives guidance to the department secretary as to how such difficult matters should be proceeded with in a logical manner and presumably tested through the provisions of the Coroners Act.

We then move on to definitions around domestic partners and what that might mean, particularly given that many same-sex relationships have not had the protection, as we hoped they might have had, of the Marriage Act 1961. The particular entitlements of domestic partners of persons who are deceased are defined. In clause 3, page 4, after line 5 in the amendment standing my name it defines an adult person who was not married but with whom the entitled person was in a relationship as a couple, giving them particular rights in reference to the expungement process in the case of posthumous application.

It then proceeds in a similar way through recognition of relationships that might be reflective of the Domestic Relationships Act 1994 and a range of other consequential but not insignificant provisions that take us through from my amendment 2 to my amendment 30.

**Amendments agreed to; amended clause agreed to; clause 4 agreed to.**

**Heading to part preceding clause 5**

**Mr FOLEY** (Albert Park) — I move:

31. Part heading preceding clause 5, omit “**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1998**” and insert “**OTHER ACTS**”.

This is a necessary consequential amendment that will provide for the package of reforms that the Attorney-General has referred to in his summing up, which reflect the agreed position. We understand that both sides of the chamber agree to this, and it is on this basis that we seek the support of the house for this amendment.

**Amendment agreed to; amended heading agreed to.**

**Part 3 new division 1 heading**

**Mr FOLEY** (Albert Park) — I move:

32. Page 35, after line 2 insert the following heading —

“**Division 1 — Amendment of Victorian Civil and Administrative Tribunal Act 1998**”.

This gives effect to the same understandings that I have referred to previously.

**Amendment agreed to; new heading agreed to; clause 5 agreed to.**

**Part 3 new division 2 heading**

**Mr FOLEY** (Albert Park) — I move:

33. Page 27, after line 12 insert the following heading —

“**Division 2 — Amendment of Equal Opportunity Act 2010**”.

On page 4 of the materials circulated in my name as amendments for this consideration-in-detail stage to consider, amendment 33 inserts at page 37 after line 12 the following heading: ‘Division 2 — Amendment of Equal Opportunity Act 2010’, which is the necessary heading to give us the opportunity to move to some of the amendments that the Attorney-General and others have spoken about, and on which both sides of the house agree, to give the Equal Opportunity Act coverage of provisions relating to the subsequent expungement, which we will move on to in amendment 34.

**Amendment agreed to; new heading agreed to; clause 6 agreed to.**

**New clauses**

**Mr FOLEY** (Albert Park) — I move:

34. Insert the following new clauses to follow clause 5 and heading proposed by amendment 33 —

**‘AA Definitions**

In section 4(1) of the **Equal Opportunity Act 2010** insert the following definition —

“*expunged homosexual conviction* means an *expunged conviction* within the meaning of Part 8 of the **Sentencing Act 1991**.”.

**BB Attributes**

After section 6(p) of the **Equal Opportunity Act 2010** insert —

“(pa) an expunged homosexual conviction;”.’.

In the amendments circulated in my name, new clauses AA and BB, as set out in amendment 34, give effect to the expansion of the provisions of the Equal Opportunity Act 2010 to ensure that it would be unlawful to discriminate against a person on the basis of their having successfully achieved the expungement of a homosexual conviction, and consequential definitions as to how that is set out in part 8 of the Sentencing Act 1991, the main act which this bill amends. New clause BB, ‘Attributes’, gives form to section 6(p) of the Equal Opportunity Act, whereby we are inserting the specific reference to that expunged homosexual conviction as one of the attributes on which it would now be unlawful to discriminate against a person.

**Mr WYNNE** (Richmond) — This is an important amendment that has been agreed to by both sides of the house. It brings into play not only the amendments to the Sentencing Act 1991, as indicated by my colleague, the member for Albert Park, but also wraps it into the Equal Opportunity Act 2010 to make it unlawful for somebody to be discriminated against on the basis of an expungement of a homosexual conviction. That is important because the Equal Opportunity Act — while it has been amended, on occasion quite controversially, and fiercely debated in this house — is seen by many people as a cornerstone of civic society in this state.

The Equal Opportunity Act has a long history. It has been expanded upon and modified over successive governments. Nonetheless, it is very much seen by the community as an important reference point as to the view of how a society treats its citizens. It is important to have a robust and clear amendment that sits within the Equal Opportunity Act that specifically goes to and addresses, by way of definition and attributes, the

expungement of homosexual convictions. We would argue that this sets a very important marker within the Equal Opportunity Act. On that basis we are pleased that the government has accepted this amendment.

**New clauses agreed to.**

**Long title**

**Mr FOLEY** (Albert Park) — I move:

35. Long title, after “1998” insert “and the **Equal Opportunity Act 2010**”.

I would again like to thank the Attorney-General for the constructive way in which he has approached this matter. I thank the officers of the Department of Justice, who he was kind enough to make available to the opposition to assist us in the processes this afternoon and tonight. I thank the Office of the Chief Parliamentary Counsel for its efforts. I also thank the Clerk and his hardworking staff, particularly the Deputy Clerk.

**Amendment agreed to; amended long title agreed to.**

**Bill agreed to with amendments, including amended long title.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**DRUGS, POISONS AND CONTROLLED  
SUBSTANCES AMENDMENT (CLINICAL  
TRIALS) BILL 2014**

*Introduction and first reading*

**Received from Council.**

**Read first time on motion of Ms WOOLDRIDGE  
(Minister for Mental Health).**

**FAMILY VIOLENCE PROTECTION  
AMENDMENT BILL 2014**

*Second reading*

**Debate resumed from 18 September; motion of  
Mr CLARK (Attorney-General).**

**Ms GREEN** (Yan Yean) — I join the debate and lead the opposition’s contribution on the Family Violence Protection Amendment Bill 2014 now that it

has returned from the Legislative Council. Although the opposition was not briefed on the amendments made in the Council, I have a fair understanding of them. It is indicative of this government’s approach that it has introduced its own house amendments, when I believe they would have not been necessary had it spoken with the sector in the first place. That is more of what we have had during the term of this government in relation to family violence, which is a national emergency.

Looking at the figures, it is clear that family violence is the leading contributor to death and disability of women of child-bearing age, which is 15 to 45 years. Sadly in this state in the past year 29 women and 8 children died as a result of family violence. One woman dies every week at the hands of her current or former partner, and 1 in 4 children witnesses violence against a parent. I commend the Police Association for its advocacy in relation to family violence and its concerns about the amount of work being undertaken by its members. I sincerely commend the association on its approach to the way it discusses the problem of family violence. It is a very positive step that over the last 10 or 12 years not only have community attitudes shifted a great deal in relation to the wrong that is perpetrated on women and children through family violence, but now the Police Association is one of the leading champions in saying we need to do something and we need to do it soon.

The Police Association secretary, Detective Senior Sergeant Ron Iddles, who has been in the role only this year, has said that his members spend more than 180 000 hours a year, or 25 000 shifts, just attending to family violence incidents. I was delighted to welcome the association representatives to the Yan Yean electorate. It was not at my invitation but on the association’s initiative due to its concerns in relation to family violence and the growth in related crimes, particularly in the outer suburbs, where there are not enough police resources.

Family violence awareness campaigns have a place, but their value has a ceiling if the system is broken. When family violence is committed against women and children it diminishes us all. It is our problem, and it is a crime. We have to admit that if women and their children were being systematically tortured by total strangers, we would be quicker to act. We would do more. The government has spent more than \$400 million on rolling out protective services officers (PSOs) on our public transport system. It is a public transport system where, I would hazard a guess and say there might be one death a year as a result of a violent incident involving one person with another. Any death

anywhere is one death too many, and yet with family violence we have that every week.

The government expects congratulations and a pat on the back for what it has done this week, having been dragged kicking and screaming, announcing \$150 million over four years, which is less than a third of what it has spent in rolling out the PSOs. It is really important to get some perspective here. There have been four years of wasted opportunity in relation to family violence. The government keeps saying that it is doing a great job and spending a lot of money. However, this is not about inputs; it is about outcomes — and the outcomes are that 29 women and 8 children have died as a result of family violence in the last year, so whatever is being done is not enough.

The Premier has failed to recognise that family violence is the biggest law and order issue in this state, and he is not alone. In the first two years of this government the Minister for Crime Prevention kept saying, ‘No, it is not my responsibility. I am the Minister for Crime Prevention, but it is not my responsibility. That is the responsibility of the Minister for Women’s Affairs’. The member for Altona, who is seated next to me at the front table, has served on the Public Accounts and Estimates Committee for most of the term of this Parliament. She and other opposition members of the committee have asked repeated questions of numerous ministers, and they have always said, ‘Oh no, it is not our responsibility; it is the responsibility of the Minister for Women’s Affairs’, or successively the Minister for Community Services. No matter what has been said in the many words that have been spoken about this, there has not been a whole-of-government approach in any way, shape or form. It is just too little, too late.

When Labor was in office it recognised that this is a dreadful problem and that we needed to act. The 2004 VicHealth report identified the burden of the disease of family violence, and the actions of Christine Nixon as the Chief Commissioner of Police initiated a great change across government. When Labor left office it had introduced family violence protection notices and created a ministerial council, which included the Attorney-General, the Minister for Police and Emergency Services, the Minister for Housing, who was then also Minister for Aboriginal Affairs, the Minister for Community Services, the Minister for Women’s Affairs and, as a standing member, the Chief Commissioner of Police.

When this government took office, it junked that 10-year plan. We were only halfway through that plan; it had only just been initiated. We then had two years of waiting for this government to come up with its plan.

The plan it had junked was not simply a plan of the previous government; it had been owned, initiated and put together by the community. More than 200 organisations had had input into that plan and it was junked by this government which took two years to then bring out its own plan. During that time there were savage cuts to the public sector and to those who had carriage and responsibility for family violence policy and for implementing and driving change.

Once I took over the shadow portfolio of women, and building on the portfolio of health promotion and on the work of the member for Altona prior to that, the Leader of the Opposition asked me to undertake a series of consultations across the state. At the outset we thought there might have been a handful of round tables — a handful of Labor Cares forums — but we were inundated. By the end of that year the opposition leader determined that we needed to create a portfolio and he created the first portfolio for the prevention of family violence. I have heard jibes from members on the other side who have said, ‘You do not have crime prevention’. If ever there was a portfolio that was about crime prevention, it is the prevention of family violence portfolio. It is the greatest law and order issue facing this state, but it is not being recognised by the other side.

I mentioned earlier that under Labor’s approach we had a ministerial council on family violence. Now we find that this government has discovered that just this week. No matter what members of this government say, they have not had a whole-of-government approach to family violence. If they had, they would not have junked that ministerial council; they would have continued it. There would not have been four years of lost opportunities to try to protect women and children and look at doing things differently.

The opposition will do something differently. We will not stand for victims continuing to come forward, only to face endless waiting lists, underfunded support networks, a police force that is under pressure and intervention orders that mean nothing. More of the same policies will mean more of the same tragedies. The incidence of family violence has exploded under this coalition government over the past four years, and only now, on the eve of an election, does it make promises to do something about it. Who could trust the government? It has botched its pre-election promise to introduce GPS tracking of arsonists; that has not happened. How could it possibly be believed on family violence?

Only Labor will hold a royal commission into family violence to find answers about its prevention and the

repair of a broken system. A Victorian Labor government will implement all of its recommendations. We will introduce legislation for that royal commission in our first 100 days if we have the privilege of winning the election. A royal commission is, after all, the most powerful body of inquiry in our system and this crisis is so urgent that it deserves no less. Thousands of workers and volunteers work tirelessly to support those who face family violence. They have saved countless lives. This royal commission will listen to them and honour their efforts.

Victorian police statistics show that reporting of family violence-related offences continues to rise. During 2013–14, 65 393 family violence incidents were reported to Victoria Police, an 8 per cent increase on the year before and up from 40 892 in the 2010–11 financial year. In that period, police issued 17 101 family violence intervention orders and family violence safety notices, an increase of 10.3 per cent. As I said earlier, upon coming to government the coalition scrapped A Right to Respect, Labor's 10-year framework for government and community action to prevent violence against women.

The Napthine government and its predecessor, the Baillieu government, has further undermined work to prevent family violence by cutting funding and jobs at the Department of Justice and has decimated the women's policy business unit within the Department of Community Services. Not one individual, not one staff member who had responsibility for the prevention of family violence, remained even prior to this government finally announcing that it had a plan. In the consultations the opposition undertook statewide and sector-wide, in region after region, we heard that leadership had totally disappeared and with it a system that was on its way to being a system that responded to victims and protected those who need to be protected. It was actually attracting international attention. People were coming from all over the world to look at our system, only to discover that the new government had junked it simply because it was not its system.

I spoke at a debate last night, a fantastic initiative by the Victorian Women's Trust and the Melbourne branch of the Women's Network, and the audience pleaded for politics to be taken out of this issue and good practice to be recognised. One thing the Minister for Community Services sought of me was that Labor support Services Connect. The last thing we will be doing is supporting Services Connect, which simply means 'get big or get out' if you are a community service sector agency. I have no doubt that get big or get out means the system is gender blind. It is blind to the gender bias that female

victims and the most vulnerable suffer within our criminal justice system and our support services.

We have already seen the so-called decommissioning — what I would call gutting — of mental health support services, which are also the responsibility of the Minister for Community Services under the mental health portfolio. Many fantastic mental health agencies have been doing a wonderful job of supporting women who are victims of family violence or sexual abuse — some of it institutional sexual abuse — to get back on their feet, get their life skills back, get their confidence back and even return to the workforce. Some of these agencies provide supported accommodation, but now the governance and staffing structures are being thrown up in the air. For what? Just for some ideological bent and a focus on inputs — 'Let's pat ourselves on the back for how much money we've spent' — rather than looking at the actual needs of the clients and at what the outcomes are.

We hear from the Premier and every other minister a constant self-congratulatory mantra; we do not see them looking at the outcomes. We should all be judged on outcomes. Spending money is really good, but only if it is effective, and that should be the measurement. It is not good just because the government says it is. The outcomes at the moment are that last year 29 women and 8 children died as a result of family violence, so the system is not working.

The sector is not wrong. I have never heard commentary so scathing as what occurred when the government's budget was brought down in May this year, and it came from a generally well-mannered, hardworking sector that gets on with the job of supporting those who need help in dealing with family violence. I was the vice-president of the Community and Public Sector Union between 1993 and 1996, during the terrible Kennett years when lots of cuts were happening across the board, yet this was the strongest criticism I had ever heard from family violence stakeholders. The government's budget, in respect of its proposed expenditure on family violence, was described as grossly inadequate. Fiona McCormack from Domestic Violence Victoria said:

The murders of these women and children have taken place while Victoria's been on the stewardship of Denis Napthine.

We're asking him to meet with the families of victims and explain to them ... why this figures so little in the government's priorities.

It's an absolute disgrace.

Annette Gillespie, the chief executive of the Women's Domestic Violence Crisis Service, said Dr Napthine

and senior ministers should think about handing back their white ribbons. She said, 'I am incredibly disappointed. It's a pittance'. Rodney Vlasis, the acting chief executive of the Men's Referral Service, said the budget was a missed opportunity. He asked, 'Where is the government's heart? Where is the government's leadership?'.

This week, at the 11th hour, the government has made some announcements. There is little more than a press release on the internet thus far — I understand that there may be another document, but it does not appear to be freely available — and one of the things the government's press release proposes is that teachers will assist children who have been impacted by family violence. That might be well and good, but under this government the education system has been cut to the bone, and welfare support in regional offices is now non-existent. For schools in my area in the northern suburbs of Melbourne, the welfare team is located in Bendigo, and when schools have had critical incidents, whether or not they are family violence related, they have sometimes had to wait up to three days to get a call back. That is about allowing schools to manage themselves, is it not! How can we trust an announcement that says, 'Outreach teachers to work with children fleeing family violence'?

During statewide community consultation I discovered that in Gippsland in eastern Victoria, from Pakenham to Mallacoota, there is not one children's counsellor. In one in three reports of family violence there is a child present, but there is not one counsellor for that huge, disadvantaged region of the state. Many electorates in the region are held by Nationals members of Parliament, and indicators of disadvantage always seem to go backwards when The Nationals are in government. They just do not seem to care. It is absolutely indicative that there is no children's counsellor in that region. It is critically important to support a child who has been witness to or a victim of violence in order to bring down their adrenaline level, to provide them with a safe environment, to make them feel safe again and to ensure that in the future they will not be a victim or, perish the thought, a perpetrator. If there is no children's counsellor in a region, what is the likelihood of that outcome? In the north-east of the state there is a 12-month waiting list for children's counselling following family violence.

In relation to men's behaviour change, anything that will improve and direct men to change their behaviour or will be available when men take the initiative to change their behaviour should be supported, but in this state at the moment we have three to six-month waiting lists for court-mandated men's behaviour change

programs. What is the likelihood that a man who wants to change his behaviour can get counselling prior to becoming violent when there are waiting lists like that?

Labor has said there needs to be a royal commission, but assistance is also needed for the Magistrates Court. In my tours of the state I have noticed that the Magistrates Court is incredibly ill equipped to deal with these matters, which are coming before regional courts with great regularity. I was in Kyneton with the Labor candidate for Macedon, Mary-Anne Thomas, and I met with victims and community legal support providers. The waiting room at that Kyneton court is a park. There is no safety for women who have to wait there. There is no separation from a tempest of wind and rain, and there is absolutely no safety or protection for women fleeing family violence.

Earlier this year, not far from the Sunshine Magistrates Court precinct, a horrific incident resulted in the death of Fiona Warzywoda, and there are a number of courts in this state where a similar tragedy could happen. It is no good that the government has announced at the 11th hour before the election that it will provide additional support staff at the Magistrates Court when it will not be able to guarantee the safety of those staff, let alone the safety of those who come to the court for support.

Chris Atmore from the Federation of Community Legal Centres has been critical and is concerned about some of the provisions in the bill before the house. The sector is saying that some of the provisions are simply a response to cuts to legal aid and that intervention orders becoming final may mean that perpetrators are never actually required to appear and account for their actions. This is not a solution; it is simply trying to deal with the cuts the government has made.

While some of the changes that have come within this bill are welcomed — and any changes that are going to make women and children safer should be welcomed — there needs to be root and branch review of the system, and nothing short of a royal commission will do that.

I urge the government to join with the opposition in saying that this is what is absolutely needed, because more of the same policy will simply mean more of the same tragedy. I commend the government for having the courage to actually propose, in the end, some house amendments, which have been adopted in the upper house. That has been after the fact, and I think that if the government had bothered to consult with the sector prior to this we actually would have had a bill that could have been debated more expeditiously, which could have meant that the government may have got

further through its legislative program than it is likely to. With those comments, I commend the bill to the house.

**Mr WELLER (Rodney)** — I rise this evening to speak on the Family Violence Protection Amendment Bill 2014. One thing that the member for Yan Yean and I agree on is that the victims and the stakeholder groups agree that politics should be out of this sort of debate, and I will endeavour to keep it out in making my contribution. The bill amends the Family Violence Protection Act 2008 to extend the operation of family violence safety notices; to establish a new process for interim family violence intervention orders to become final orders without further hearing; to allow publication by the adult victim, or another person with their consent, of a report about contravention of a family violence safety notice or a family violence intervention order; and to provide the court with discretion to make a publication order in respect of matters involving a child.

The reforms align with the coalition government's commitments made in the document entitled *Victoria's Action Plan to Address Violence against Women and Children* to maintain victim safety, hold perpetrators to account and to deliver effective justice responses. To keep the publication restriction provisions in the intervention order legislation aligned, the bill also amends the Personal Safety Intervention Orders Act 2010 to provide courts with the discretion to make a publication order in respect of matters involving a child and to update the definition of publish.

The member for Yan Yean spoke about consultation. The Department of Justice consulted with Victoria Police, the Children's Court, the Magistrates Court, Victoria Legal Aid and relevant government departments during both the development of the family violence safety notices and interim order reforms and the drafting of the amendments in the bill. The Department of Justice also undertook a preliminary consultation in late 2013 with broader family violence stakeholders during the development of the family violence safety notices and interim order reforms through its family violence stakeholder reference group. The Department of Justice will engage in further consultation with stakeholders, as necessary, on the implementation and timing of the commencement of the reforms. The Department of Justice will consult with stakeholders to determine an appropriate date for the reforms in the bill to start. It is anticipated that the reforms will start in two stages: family violence safety notices and publication restriction reforms first, followed by the interim order reforms.

A family violence safety notice is a temporary notice issued by police that protects a person and any children from a family member who is using family violence. A police officer can apply to another officer who is a sergeant for a family violence safety notice if the affected family member needs immediate protection before a family violence intervention order application can be determined by a court. Currently a police officer can only apply for a family violence safety notice if a court is not open. A family violence safety notice is considered to be an application by the police for a family violence intervention order and a summons for the respondent to attend court for the first time in relation to the family violence intervention order application, which is known as a mention date. Currently the mention date must be within 120 hours of the family violence safety notice being served on the respondent, or if it is a public holiday, the first working day after that.

The bill extends the family violence safety notice system in two ways. The first is by allowing family violence safety notices to be issued at any time and by requiring the mention date to be within five working days of the respondent being served with the notice. The bill allows a police officer to apply to a sergeant for a family violence safety notice regardless of whether a court is open. This will mean that family violence safety notices can be issued 24 hours a day, 7 days a week and not just when a court is not open. The bill extends the time period for first mention date for a family violence intervention order application commenced by a family violence safety notice from 120 hours to 5 working days. This will mean, for example, that if a family violence safety notice is served on a respondent on Friday, the first mention date must be by the following Friday, rather than by the Wednesday — so it is being extended by two days in this case. If a notice includes a condition excluding the respondent from the affected family member's home, the bill provides that the mention date must be soon as practicable within that five working day period.

Why are we making these changes? Removing the restriction on police being able to issue family violence safety notices only when a court is open will promote consistency in the handling of family violence incidents. Extending the maximum period of operation of family violence safety notices will give affected family members and respondents more time to obtain advice and make decisions before attending court. These family violence safety notice amendments will together provide swifter protection for more affected family members by enabling police to take immediate action wherever family violence incidents occur in Victoria. That is what this bill is about.

The family violence safety notice amendments will also improve the operation of the family violence intervention order system for police and courts. It is more efficient for the police to commence family violence intervention order applications by family violence safety notices, which are also resolved with fewer court hearings. Courts will be better able to manage their listings as a result of the police making fewer family violence intervention order applications during court hours and through the longer period of operation of family violence safety notices.

An interim family violence intervention order is a temporary order that protects a person and any children from a family member who is using family violence. An interim order is often made on the application of the police or a protected person in the absence of the respondent and becomes binding when it is served on that respondent or when it is continuing the protection put in place by a police-issued family violence safety notice. A court may make an interim order where a family violence intervention order application has been made and the protected person needs immediate protection before the application can be determined by the court. Under the current process if an interim order is made, the matter returns to court for final determination of the family violence intervention order application. Once again we are getting a quicker response; and we are getting protection for those people affected by family violence in the home.

The bill establishes a new process for some interim orders to become final family violence intervention orders without a further court hearing. This can occur when the court includes a finalisation condition in the interim order. The finalisation condition will result in an interim order automatically becoming a final order 28 days after the interim order is served on the respondent unless one of the following occurs within that period: the respondent contests the family violence intervention order application; the protected person seeks to withdraw the family violence intervention order application; an application is made to vary or revoke the interim order or the court varies the interim order on its own motion. If any of the above occur, the matter will return to court for final determination of the family violence intervention order application. Generally the interim order will continue until this occurs.

Family violence is something that both sides of this house want to reduce, and we are working hard to achieve that. This bill does that by introducing quicker response times that will help protect victims of family violence. Family violence safety notices and family violence intervention orders will be able to be made

more quickly to protect affected family members. I commend the bill to the house.

**Mr PALLAS** (Tarneit) — I too rise to speak on the Family Violence Protection Amendment Bill 2014 and the amendments made in the other place. Firstly, I note that the bill proposes to amend the Family Violence Protection Act 2008 to enable family violence safety notices to be issued outside of court hours. The questions attached to the timeliness and the definition of court hours are clarified with respect to the matters that are currently the subject of debate in this place. Secondly, the bill enables certain family violence intervention orders to become final orders without a further court hearing. The bill also allows for the publication of reports about family violence, charges and convictions without obtaining an order. The default commencement date of the legislation is identified as 18 September 2015, which ensures that justice agencies will have sufficient time to complete all the implementation activities.

This legislation deals with a scourge that affects our community and one that quite rightly is increasingly becoming a matter of public comment and concern. In my own electorate of Tarneit, recent figures for the local government area of Wyndham show that it has one of the worst family violence rates in metropolitan Melbourne. I do not say that to be critical in any way of my community but to recognise its huge population growth and demand for local government area services. The efficient work of police in that area has identified that in the 2011–12 year a staggering 1536 family violence incidents were reported to police, compared to 669 incidents in 2007–08. Increasingly the issue of domestic violence is seen to be an issue that can affect anyone. Incidents of domestic violence occur regardless of age, class, income, country of origin and indeed religious or cultural background. It is a scourge that afflicts our entire community, and it is one that quite rightly has the attention of this house and is being responded to with this legislation.

The steps provided for in this legislation benefit from the broader regime put in place by the Labor government, including the original Family Violence Protection Act 2008, a stand-alone family violence act which provided a targeted and cohesive response to the issue of family violence. It was groundbreaking legislation which sought to do a number of things: to provide a comprehensive definition of family violence, to extend the definition of a family member, to broaden the use of holding power provisions and to ensure an enhanced system of family violence intervention orders. It changed the way evidence was given in a court, it gave police greater powers of search and seizure and it

strengthened the provisions for the protection of children, the interests of whom, together with the victims, if they be beyond that scope, are a paramount consideration in the servicing of the act.

The family violence safety notices in the new act follow several years of extensive consultation. The Victorian Law Reform Commission recommended that the Magistrates Court implement a system of interim intervention orders for after-hours situations rather than using the existing practice of police completing a complaint form and seeking a warrant to arrest the alleged perpetrator. Such a process placed an unnecessary burden on the police in terms of the principal objective — that is, ensuring that the threat to the family members was effectively removed as quickly and efficiently as possible. Even the now Attorney-General during debate in 2008 suggested that it would probably be better if a workable system of on-the-spot applications to a magistrate could be put in place rather than applications being issued simply by authorisation within the police force.

In practice the family violence safety notices are for situations where a police officer believes that until an application for a protection order can be decided by a court a notice is necessary to protect a child or to preserve property. When police issue such notices they may attach certain conditions to the order, including conditions that exclude someone from his or her home. Evaluation of the family violence safety notices showed that they were an effective tool for police in responding to after-hours family violence incidents, leading to increased safety for victims and holding perpetrators accountable for their behaviour. The data released showed that in a 15-month period police issued some 3909 family violence safety notices, and in 84 per cent of cases the alleged perpetrators were removed from the home. Following the evaluation of the trial in 2010, family violence safety notices remained a permanent fixture and, might I say, an important tool for police to respond to family violence matters and incidents with. There has been a significant shift for the better in community attitudes. It is a recognition that these incidents are unacceptable and that hardening of the community's attitude to the insidious nature of family violence has been occurring over the past decade. It is now accepted by a majority in the community that family violence is unacceptable and abhorrent, and that is part of the ongoing responsibilities we have.

Victoria Police has been successful in bringing about significant cultural change within its ranks. Family violence went from being referred to as 'just a domestic', to use the language of bygone years, to being treated as the crime that it is. Police command

and the Police Association have acknowledged the revolution within Victoria Police and have deemed family violence the no. 1 law and order issue facing Victorians. Finally and appropriately, we have a recognition of the insidious nature of this crime, and it is getting the attention of both the legislature and the police, with the police enabled and empowered by these legislative tools to ensure safety in our homes.

Labor believes that a sensitive and effective response by police and by courts can be the difference between a family violence victim who endures years of harm and intimidation and a victim who is able to recover from the crime and live a safe and fulfilling life. The bill introduces the ability for a court to attach a finalisation order to an interim order, having the effect of the interim order becoming a final order if the respondent does not challenge the order within 28 days of being personally served. A finalisation order will be made where the court, police and the affected family agree it is appropriate. It is therefore not intended to apply to offenders for whom court oversight should be maintained — for example, where there is a history of dangerous behaviour. Such orders cannot be made in cases where the respondent is a child, where the respondent has a cognitive impairment or where the order would be inconsistent with a family law order. The opposition is of the view that this is a shortcut; it is more about demand management and less about enhancing the threefold purpose of the Family Violence Protection Act 2008 to maximise safety for women and children, to prevent and reduce family violence and to promote the accountability of perpetrators.

It is apparent that the government has attempted to address some of the concerns that were identified in the drafting of the bill. However, significant concerns remain, particularly where there will be missed opportunities for risk assessment of women and children, all too often including the stories we hear day to day of real harm affecting real families in our community. Often intervention by the justice system can be motivation for a perpetrator to get help and deal with their offending behaviour. After the bill was released the problems were pointed out, and we see that the government is now frantically backpedalling, but it is nonetheless making changes to improve the content of the bill.

**Ms THOMSON** (Footscray) — I rise to support the Family Violence Protection Amendment Bill 2014 and the amendments that have come from the upper house. As the member for Tarneit indicated in his contribution, and as others before him did, it is unfortunate that not enough consultation was done in the first place — when this bill first came to the house and when

women's groups suggested that there needed to be changes. Those groups were ignored, but now, with the changes that have occurred and the amendments from the Legislative Council, we are seeing some of those issues addressed.

This is a fundamentally important issue for this chamber and for this Parliament to get right because it is an area that affects the lives of most people. If it is not your own family that feels the effects of family violence, you do not have to go too far to find someone you know who has been impacted on by family violence in one way or another. The shocking statistic is that there were 65 393 recorded incidents of family violence reported to Victoria Police in 2013–14. Almost 30 000 charges were laid, suggesting that this is an incredibly large and complex issue that the community, governments and parliaments need to address. This is not an issue that is going away. It is an issue that requires a whole lot of work to be done in prevention to try to reduce the number of people who commit family violence. We need to have men and boys educated in why violence is not a response. We need women to understand what they are entitled to. We need to protect children to ensure that they are not the victims.

In the complicated society we have now, elder abuse is another issue we need to address. It is an incredibly complex issue that is not going to be fixed overnight, and it is not going to be fixed with one piece of legislation. We saw a massive number of world-leading legislative changes brought in by the previous government to progress the issue of domestic violence and to ensure that we were protecting the most vulnerable families and putting in a legislative framework that made it very clear that family violence is unacceptable.

I stress again that this is not just about beating someone to a pulp. This is also about emotional abuse, and it is about financial abuse and depriving women of access to finances. It is a very broad definition of what family violence is and what it needs to be in order to protect women, children and families. This legislation should not have needed to be amended. It should have been possible to bring the legislation to the house in its original form, taking into account what a number of women's groups and people such as Rosie Batty have raised in relation to the legislation before the house. However, the arrogance of this government meant it said, 'We have got it right. We do not need to take these things on board. It is all fine'. As a last ditch effort amendments were made in the Legislative Council. It is great that the government finally listened to those who know best about the impact of this legislation and

amended the legislation accordingly. I am pleased that at the 11th hour the government saw fit to actually do something to amend the legislation.

The member for Tarneit mentioned the statistics in relation to Wyndham. I have been doing a lot of work with the Indian community on the issues of family violence and the complexities of that community, which has seen a ballooning of the population from 40 000 in about 2002 to 200 000 or more now. That has meant there are newly arrived people with very complex issues such as isolation and a lack of knowledge and understanding about what the laws might be and where to go to for help and support. In many cases that has meant it is far more complex and difficult for them to deal with it. Again, talking about prevention, education and ensuring that these families have access to knowledge and understanding is vitally important.

Labor members have been very clear about what they think the next steps are in relation to family violence. We believe great inroads have been made around the ways in which family violence was tackled in the past, and particularly the way the police dealt with family violence. There is now a standout difference in the way call-outs to family violence or family disputes are handled. Whereas once the police would say a situation was a domestic and walk away, they are now treating such situations very seriously. They are intervening, taking action and protecting those who are vulnerable within their homes. We have seen a change to the way that men are dealt with as perpetrators, and where possible there is an attempt to lead them down a path of recognising why it is unacceptable and changing their behaviour patterns, but also instilling a far more strenuous regime of responsibility and penalties around issues of family violence — and that is important too.

Labor is committed to a royal commission for a reason, and that is that we have not got it right yet. We have not got all the departments working properly together on this issue. We have not fully identified the gaps and how they may be filled. We have not actually understood the complexity of these issues in a way that does away with the silo approach of government. We have got a lot more work to do, and it is not just going to be about government and what government does. It is going to be about how the community responds and how we support communities, and it will be much broader than simply being about government departments, how they respond and how the police respond.

The Labor Party is not just relying on a royal commission. We have already announced that if we are

elected, there will be a trial of security upgrades for families identified as being at risk, including duress emergency alarms and having CCTV installed in homes. It will allow women and children to live safely in their homes, and we would hope it will also act as a deterrent to the breaching of intervention orders. We have heard of horrific cases involving the breaching of intervention orders. Women who are in immediate danger and are unable to call 000 will be able to activate emergency alarms. The card captures GPS, audio and visual data that is live streamed to call centres, which notify police and ambulances. Those are all important initiatives.

Labor will also tackle family violence by auditing the Magistrates Courts to assess the risk of danger to women arriving at and departing court. I know about that aspect intimately because in Sunshine, which is in my electorate, there was the recent incident of a woman attending the court, going to her lawyer's office and then being killed by her spouse. These are the things that we must attempt to stop.

I am pleased that the government has taken on board some of the criticisms about the pieces of legislation that it has brought into this house and that it has brought amendments through the upper house to this chamber. It is good that the government has done that. It would have been nice if it had properly consulted with the opposition, which it has failed to do, and on such an important issue. This is a time for proper consultation and involvement with the opposition. This is the kind of legislation where we could reach mutual agreement and get the best possible legislative outcome, if only the government were prepared to engage. On that score it has failed. It has decided to play politics rather than care about those who are most vulnerable and at risk of domestic violence, and that is a shame. As the opposition, we would have been more than happy to work collaboratively with the government on this legislation. With that, I commend the bill to the house.

**Mr HERBERT** (Eltham) — It is a pleasure to speak on the Family Violence Protection Amendment Bill 2014. The bill amends the Family Violence Protection Act 2008, which is an act that was brought in by Labor when in government, and it is an act we are very proud of in this house. It was groundbreaking legislation, which I will speak about shortly.

We all know that family violence is rapidly becoming, if it is not already, the no. 1 issue in terms of law enforcement and societal concern in this state and this country. The norms of behaviour in many households are no longer acceptable, where domestic violence is a family matter, not a legal matter and not a criminal

matter. We in this place all want to make sure that there are proper laws and proper protections in place to protect the victim, and to protect the women and children who are principally the victims of family violence. We also want to make sure, as in other aspects of life, that the many thousands of women and children who are the victims of domestic violence are not only afforded protection but are afforded the protection to get on with their lives, get over the ordeal that many of them have suffered over many years, lead productive lives, receive justice and also have security and safety.

We think this is such a significant issue in our society that we have announced there will be a royal commission into family violence should a Labor government be elected. We understand the complexities of this issue. It is always difficult for governments and parliaments in the interface between what happens in the privacy of one's bedroom or one's home and the laws and role of the state. It is a complex issue. It requires a holistic approach. It requires an understanding of the various factors that lead to domestic violence, and in particular the sorts of factors and policy parameters that governments need to address if they are really going to stop the insidious events that occur in homes, in suburbs and in areas throughout Victoria and Australia. That is why we support a royal commission on this issue.

This bill amends the 2008 legislation that Labor brought in, which was groundbreaking legislation that set the scene for making domestic violence and family violence a criminal act in this state — not a family issue, not an issue in the home, but an issue of law, protection and legislation. The bill enables family violence safety notices to be issued outside court hours. It enables certain interim family violence intervention orders to become final orders without further court hearings, which is important in preventing many people becoming victims through the court system. It allows for the publication of reports about family violence charges and convictions without obtaining an order.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

## Disability services

**Ms GRALEY** (Narre Warren South) — Tonight I want to raise an issue for the urgent attention of the Minister for Community Services. I do so with some

reluctance, but this woman is at her wits' end. The urgent action I require, before the end of October, is that Mrs Debbie Hawley's daughter, Samantha, be allocated sufficient funding by the Department of Human Services so that she can be showered and clothed each day and attend Outlook during the week.

I met with Debbie at my office. She is a loving mother, but as she told me about her predicament she could not hold back the tears. Her daughter, Samantha, is 22 years old and has cerebral palsy. Debbie has spent her life caring for her, but as she gets older her own capacity to lift her and care for her has significantly declined. Recently, Samantha's dad had a hernia operation and he can no longer lift her; hence a hoist is now required at all times to lift her. Neither parent has a wheelchair accessible vehicle, so taxis are a must to transport Samantha.

What do Samantha and her family face because of a lack of funding? The family already has a deficit of \$11 000 with the Department of Human Services. They need help with clearing that debt and making sure they do not get into debt again, so they require adequate resources going forward. They need more money and more support for Samantha. What happens when Debbie rings the Department of Human Services? She told me in tears that she is told that there is no money, no budget.

The costs of providing Samantha with the care she needs have continued to increase. For in-home caring, which she must have, her individual support package was calculated at \$77.65 per day; the daily cost is now \$103.22. For the weekend it was \$110 but is now \$170. Debbie cannot keep pace with these fee increases because there is no money to do so. The money has all been used up with basic care such that Samantha can no longer go to Outlook and cannot even afford a taxi to visit her dad.

Windermere is trying to put together a new individual support package but it cannot guarantee success. I note that Wallara, which provides day care services for Samantha, is a terrific organisation, and I thank its staff for all they do. But it is increasing its rates too! This is a terrifyingly sad and bewildering prospect for the Hawley family. Let us face it, as Debbie herself says, 'It's not fair on my daughter, and it's not fair on me'. I ask the minister to act as a matter of urgency to fix this unacceptable problem. Samantha deserves better. Debbie and her family deserve the very best this state can provide.

## Country Fire Authority Carrum Downs brigade

**Mrs BAUER** (Carrum) — I raise an issue for the Minister for Police and Emergency Services, and the action I seek is for the minister to visit the proposed site for a new station for the Carrum Downs Country Fire Authority (CFA) brigade and give an update on negotiations between the government, Frankston City Council and the CFA to secure the site.

I first raised the issue in this house in February this year when I asked the Minister for Police and Emergency Services to look into options for construction of a new CFA station in Carrum Downs following a meeting with the Parliamentary Secretary for Police and Emergency Services, the member for Caulfield, and CFA southern regional director Peter Schmidt. From information provided by the region we learnt that the current Carrum Downs CFA station is inadequate for the accommodation of modern vehicles and the number of members in the brigade. The brigade is faced with occupational health and safety issues around the size of the motor room and facilities. The region has completed remedial works on sewerage, general drainage, water supply systems and amenities to sustain occupancy for the very short term.

Service delivery planning identifies the need to move the station to the north while still needing to maintain a local community presence and the capability to extend service coverage to Dandenong South, where growth poses a major industrial risk. Planning for the future identifies that the most appropriate type of new station to service the demand is a 3A-type station to accommodate 24/7 staff in a CFA integrated brigade model.

There have been ongoing discussions between the council and the CFA with regard to the new station. An \$8.2 million upgrade of the intersection was also announced in May. I have been in constant contact with CFA regional and local representatives throughout the year and was pleased to have the minister visit in August to be updated on the progress.

Providing a new home for this brigade is vital and would be fitting recognition of the fantastic service its members provide. The Carrum Downs brigade this year celebrates its 70th birthday and is part of the CFA region 8 southern metropolitan area, which covers the cities of Frankston and Greater Dandenong and the Bass Coast shire. Formed in 1944, the brigade moved to its current site at 658 Dandenong-Frankston Road, Carrum Downs, in 1971. That building is now totally inadequate for the brigade's requirements.

The Carrum Downs fire brigade is a fully volunteer brigade. It has around 67 members and attends, on average, 450 fires and incidents per year. I look forward to the minister's response.

### **Fishermans Bend development**

**Mr FOLEY** (Albert Park) — The adjournment matter I raise is for the Minister for Planning. The action I seek is that he ensure that neither he nor the agency to which he has delegated his capital city planning powers — the Metropolitan Planning Authority — rubberstamps or approves the current development application in Lorimer Street in the Lorimer precinct of the Fishermans Bend inner urban renewal area before the November state election.

The request about which I seek the minister's particular attention is that he subdue his plans for a forest of towers sprawling from the city and Southbank to the bay and that he make sure that this is a matter that is a test of the people in the electoral district of Albert Park. I do so because the particular application before the minister and his agency reflects all the worst aspects of the botched system of planning that he has managed to establish in his four years of failed occupation of the portfolio. This particular application has morphed from being a 30-storey application when it was lodged just a few months ago to now being a 73-storey application for 900 apartments and 700-plus car parks. This monster has, in the planning sense, emerged in the blink of an eye, and this has occurred because the Minister for Planning does not believe in planning. He believes in the market — an unregulated, unguided market with no constraints — and in guiding the invisible hand of developer interests above all other interests, particularly those of the surrounding community. In this he is wrong.

The minister's recently announced Fishermans Bend structure plan, which allowed this monster to proceed, is no plan at all. It is more of an advertising brochure: no height limits, no overlays for the early delivery of services or outcomes, no open space, no community facilities and no prospect of those facilities being delivered any time soon because of his botched handling of the developer contribution system. He has now passed 7000 apartments, and the number is rising. That is the number of apartments he has managed to push through in recent times.

The minister's intentions were revealed to the world in an ill-advised tweet — which he has attempted to delete — in which he asked the twittersphere to consider that every apartment in the Fishermans Bend precinct was one less apartment building in a quiet

suburban neighbourhood, and he asked all Victorians to remember that when they voted. The minister can rest assured that the people in the electoral district of Albert Park will be making sure they consider that — as the minister tramps over their livability and amenity in the local community — when it comes to their being asked to vote.

### **Golden Dawn**

**Mr KOTSIRAS** (Bulleen) — I wish to raise a matter for the attention of the Minister for Consumer Affairs. I ask that the minister investigate a particular group that has been established called Voithame Tin Ellada, or Helping Greece, to raise money for the needy in Greece during the current economic crisis in that country. I have been advised that this organisation was established by a group of Victorians of Greek descent who wanted to raise funds and clothes to send to Greece.

Unfortunately over the last few months this group has been hijacked by Golden Dawn, which is a right-wing political party in Greece, and it has set up office in Sydney. It has taken over this group to raise funds and to funnel them through Golden Dawn in Greece. I ask the Minister for Consumer Affairs to find out whether this group has the necessary permits, whether it has met all the necessary requirements to be able to raise funds, where the money is going, whose account it is going into and what criteria are being used to distribute this money to people in Greece.

It is important that all of us in this place ensure that Victoria remains the multicultural capital of Australia. The last thing I want is to see Golden Dawn established in Melbourne or elsewhere in Victoria, which would be a threat to the harmony and peace of our multicultural community. Golden Dawn a right-wing group. It is not wanted in Greece. Unfortunately because of the economic hardship members of the public have lost faith in politicians in Europe. We saw evidence of this at the last European elections, where a number of right-wing parties were elected to the European Parliament. People are turning to these types of parties because they have lost faith in their system and their politicians.

Australia is a proud multicultural nation. We have worked hard to ensure that all members of our community are able to work and live together in peace and harmony. It would be a pity if this group were allowed to flourish and grow in Melbourne and elsewhere in Victoria, to the detriment of the Victorian community. I have done what I can to ensure that this group is stopped. I hope that in the next Parliament

fellow colleagues will continue this work to make sure that Victoria remains the multicultural capital of Australia and that we say no to racism and no to these types of right-wing groups, which do not represent Victoria and Australia and which are really the antithesis of what we as Australians believe in.

### **Broadmeadows electorate**

**Mr McGUIRE** (Broadmeadows) — My adjournment matter is for the Premier. The action I seek is that the Victorian coalition reinvest in Broadmeadows the funding and resources it has stripped from the state's poorest community before this government's term expires. Unemployment in Broadmeadows will soon hit double digits. Youth joblessness is perilously high. Australia's social contract is unravelling at a precarious time. The cruel cynicism of coalition politics has contributed to these consequences. A fair go has been a defining value since Federation, but it has been jeopardised in only one parliamentary term under Australia's most dogmatic right-wing government and Victoria's most unstable modern administration.

Broadmeadows is the iconic flashpoint. Home of the heavy lifters, whose muscle and nous powered an economic engine room that underwrote Victoria's prosperity for generations, it has been hardest hit by the Abbott coalition's budget and the Baillieu-Napthine regime's reverse Robin Hood strategy of redistributing funds from Victoria's poorest community to sandbag marginal seats. These calculated strategies need to be known and understood because they highlight political bias, systemic failure and repeated historic neglect.

When the coalition won government in Victoria it axed almost \$100 million worth of shovel-ready infrastructure projects in Broadmeadows: the central activities district and railway station redevelopment and a vital government services building. Instead of investing in a booming growth area, it redistributed the money to sandbag marginal seats.

The Victorian coalition cut \$25 million from Kangan Institute and then merged it with Bendigo TAFE, again trying to win marginal seats instead of honouring its pledge to govern for all. Now it wants to take \$25 million out of the City of Hume to subsidise a breakaway Sunbury council in a decision that is unprecedented, unfair and unsustainable. Again, the poorest and most vulnerable families in the state are being punished for the coalition's political purposes. These funds and resources must be reinvested as a matter of urgency or the coalition will be condemned for its callous disregard and forfeit its right to govern.

Broadmeadows matters because it symbolises hope. Families from more than 140 countries have displayed the imagination to dream of a better future and the courage to cross the world to pursue it, as my family did before them. Only the accents, not the aspirations, have changed. More than twice as many Muslim families than any other Victorian electorate live side by side with Christian refugees from Iraq. All now call Australia home. They deserve a fair go.

Way back in February I wrote to the Premier and the Prime Minister offering to set up a collaboration to use the global learning village to harness lifelong learning and do a 'local jobs for local people' project. We have had no positive interaction since. There has been neglect and a callous disregard shown for people who came here to invest in this country and who will be the making of this country if they are given a fair go. We should not be ignoring them at this perilous time.

### **Lowan electorate community projects**

**Mr DELAHUNTY** (Lowan) — This is my final adjournment matter after over 15 years in this Parliament. The matter I raise is for the attention of the Minister for Regional and Rural Development, who is also the Deputy Premier and a fantastic Leader of The Nationals. The action I seek is for funding to be provided to assist communities in my electorate of Lowan.

Since its creation in 2011 the Regional Growth Fund has delivered more than \$430 million across 1500 projects, generating over \$1.7 billion of total investment. The fund's investment in community-led projects has driven jobs, investment and innovation in rural and regional Victoria. There are at least two projects that would welcome funding from this program. The greater Hamilton signage project aims to reinvent the region's branding to help attract visitors, investment and new residents. Hamilton and the surrounding small towns are well-known for their agriculture, education, tourism and manufacturing industries. The existing signage was installed more than 20 years ago, and with help from our government this project will greatly enhance and give the region a fresh new look.

Funding from the Regional Growth Fund could also assist in the marketing and promotion of the 2015 Nhill Air Show, which marks the 75th anniversary of the Nhill Aerodrome becoming a Royal Australian Air Force base. The event will showcase Nhill's rich aviation history, increase tourism, generate economic benefits for the region and attract thousands of people from across the Wimmera and the rest of Victoria. It

will be a historic and educational event. During the Second World War, 10 000 air force personnel trained at Nhill Aerodrome, which was the Royal Air Force training centre.

The Regional Growth Fund is one of the great funding programs introduced by the coalition. As I said, it was established in 2011 and has delivered \$430 million to 1500 projects. It has generated enormous economic benefit, created a lot of jobs right across rural Victoria and has improved the livability of regional Victoria since it was established. I give credit to the Deputy Premier and Minister for Regional and Rural Development for initiating this program. It has delivered enormous benefits for Victoria, and I trust that we will be able to produce another \$500 million to ensure that this project continues in the next government.

### **Midland Highway, Meredith, illuminated speed signs**

**Mr HOWARD** (Ballarat East) — I have a matter to raise with the Minister for Roads. The action I seek is the installation of flashing speed signs ahead of the school crossing in front of Meredith Primary School. I have recently spoken with the president of the school council, Stefania Parkinson. She believes that flashing speed signs should be installed ahead of all school crossings, and along with many other members of the Meredith school community she believes this is particularly the case for Meredith Primary School where the crossing is on the Midland Highway which is of course the main road to Ballarat and Geelong.

I note that finally, after 3 years and 10 months in office, the minister has installed such signs further down the Midland Highway at Buninyong, which is something I had been calling for since 2011. It is disappointing that despite similar signs having been erected in Sebastopol for the Magpie Primary School crossing many years ago the minister found it necessary to conduct trials into the value of the flashing speed signs. These trials took nearly two years to complete and still did not give a positive answer for Buninyong. However, it is marvellous to see what an election can do, especially when I have publicly raised this issue as the local member and the Labor opposition has committed to delivering, as we did in May.

Flashing speed signs will be of great value to the people of Buninyong as motorists will see them as they travel down the Midland Highway into the town. Labor has also committed to installing signs in Napoleons, where the new school built by Labor and situated on the Ballarat-Colac Road has a path leading to a crossing

place but has no formal school crossing. Labor has committed to complete the crossing and install flashing signs ahead of the crossing. We have also committed to installing pedestrian lights in Ballan's main street, if elected.

The coalition government has failed to show any commitment to the safety of pedestrians, whether they be schoolchildren or members of the general public. Our school students as well as our older members of the community deserve better. While I give credit to the minister for finally delivering the Buninyong school crossing, I now ask him to commit to installing flashing speed lights ahead of the school crossing on the Midland Highway at Meredith.

### **Sandringham electorate planning zones**

**Mr THOMPSON** (Sandringham) — The matter I wish to raise is for the attention of the Minister for Planning, and the action I seek is for the minister to visit the Sandringham electorate and meet with residents from Highett and Cheltenham in particular to review their concerns in relation to the application of residential growth zones and its impact on existing streets and the application of general residential zones to some areas.

Concerns have been raised at recent listening posts, with residents stating 'our enjoyment of our properties and the reasons we chose to live in this locale have been put in jeopardy and this is already causing great anxiety and stress to all of us'. Other concerns include a lack of community infrastructure to accommodate growth, insufficient allowance for on-site parking, permanent second car street parking, jammed up roads you would struggle to get a billycart down, a loss of cul-de-sac lifestyle for children and loss of property value for properties that have been already renovated in areas which were marked for redevelopment.

One resident stated, 'We bought here to live here; this was our forever home', but that there are now concerns within the family that they will have no choice but to move. There is also a view that other parts of the city of Bayside have the capacity for growth and that there is a prospect in relation to some commercial land that it might be able to accommodate increased density on a more structured basis.

The City of Kingston wrote to me in response to a concern raised by another constituent in relation to an area where there has already been some growth. I might add that there is a lack of alignment along the boundaries between Kingston and Bayside — they

have different height objectives. This person from the Kingston council noted:

Available parking in this group of streets is currently quite limited in the evenings. The existing and proposed planning provisions require one or two on-site spaces per dwelling. Council works hard to ensure that these provisions are not diluted during the planning process; however this is sometimes not achieved. Many of the new households have more vehicles than can be accommodated on site and this has led to relatively high on-street parking levels. There is currently a mismatch between the objective of the planning schemes to have somewhat denser housing closer to transport and activity centres and associated reduced car requirements, and the actual car ownership levels of the people who move into these areas.

These examples represent the range of general concerns. I would greatly value it if the minister could visit my electorate, visit the streets and speak with some of the people who have raised these concerns at street corner meetings and by correspondence.

### Northern Hospital

**Ms HALFPENNY** (Thomastown) — I seek to raise a matter regarding the emergency department of the Northern Hospital with the Minister for Health. The action I seek is an explanation as to what the minister will do to address the lack of resources at the Northern Hospital, which is causing a blowout in waiting times in the emergency department.

A frustrated resident of Epping in the electorate of Thomastown has agreed to let me talk of his experience because he is concerned about services in the northern suburbs, not just for his own sake but for the sake of others living in the area. The only bit of investment made by this government in the north was to fund some extensions to the Northern Hospital. This included increasing the capacity of the emergency department. But it seems this injection of funds has done absolutely nothing to help. There has been money spent, but it has not provided a positive outcome for residents of the northern suburbs. It is yet again input without thought, resulting in no output.

One of my constituents, Mr Land, was unfortunate enough to have had two emergency trips to the Northern Hospital within a week. On the first occasion he arrived at 7.20 p.m. on the evening of Sunday, 28 September, with what was later diagnosed as a badly broken big toe. He was discharged at 3.35 a.m. on Monday, 29 September. He received a total of 29 minutes treatment for more than 8 hours 15 minutes of waiting, whilst observing that a number of other patients waiting in obvious pain had given up and left after 5 hours or more.

On the second visit requiring emergency surgery Mr Land arrived at the hospital at 1.00 p.m. on 2 October. He first saw a doctor at 7.56 p.m. and was told he required surgery. Mr Land was then shifted on a trolley to different wards seven times while waiting for the surgeon. He first saw the surgeon at 7.12 a.m. the next day, having endured a night of sleeplessness and distress, not knowing what was going to happen to him.

This is in stark contrast to his experience the previous year, before the investment occurred, when he was required to undergo the same operation — all organised in a little over 8 hours. As he says, the population is increasing in the northern suburbs but hospital services are decreasing. I repeat the request of the Minister for Health, and in the words of Mr Land, I ask what is going to be done about the resource issue at the Northern Hospital — and no spin, please, as it is easy to see through these days.

### Jordan Reserve, Chadstone, lighting

**Mr WATT** (Burwood) — My adjournment matter is for the Minister for Sport and Recreation. The action I seek is for the minister to make available funds to assist with the installation of adequate lighting at Jordan Reserve, Chadstone, in my electorate of Burwood. Jordan Reserve is home to the Chadstone Football Club, the Synners, formerly Syndal Tally-Ho, and the Chadstone Synners Disability Team. I want to thank Steve Allsopp from the Chadstone Football Club and Bill Garland from the Chadstone Synners Disability Team for bringing to my attention the need for improved facilities — a need that has existed for quite some time at the Jordan Reserve.

Earlier this year I trained with the Synners to see firsthand the difficulty the club faces in achieving the standard required for Australian Rules footballers when they are forced to train without adequate lighting. I must say that this year, following my training session with the Chadstone Football Club, the combined seniors and reserves have had four times more wins than in any of the previous three years. I may not have had much to do with their on-field performance, but if the boys allow me, I will take credit for some of those wins. I am extremely proud to be associated with both football clubs, but particularly the Chadstone Synners Disability Team. The team plays in the Football Integration Development Association (FIDA), which is a great competition with a great bunch of players, and I am honoured to be associated with that team, which has done very well over the years. If any member in this house does not know of their teams in the FIDA competition, I encourage them strongly to get to know them. There are some great teams in the competition.

Previously the government has provided funding to upgrade security at Jordan Reserve, following my conversations with the clubs. I now call on the minister to assist in making sure the facility can be used to its full potential by providing funds for improved lighting down at Jordan Reserve.

### Responses

**Dr NAPHTHINE** (Premier) — The member for Broadmeadows raised issues about this government's support for the northern suburbs. The member for Broadmeadows has continually raised these matters, and we have responded in full to the member for Broadmeadows, but he continues to make political points rather than work hard for his electorate. Indeed I refer the member for Broadmeadows to a detailed response I provided to him earlier this year.

For your information, Deputy Speaker, I will go through a few of the issues that were raised in that correspondence about what this government is doing for the people of Broadmeadows, who were treated with contempt and neglect under 11 years of the previous government and by a local member who did not have the decency to even live in his electorate. That is the contempt with which the Labor Party treated Broadmeadows in the past.

Let me talk about just some of the initiatives that this government has provided for Melbourne's north. I will go through them in dot point form because there are so many of them. It has allocated \$56 million towards the \$160 million redevelopment of Valley Park in Westmeadows, a very important project. The member for Broadmeadows nods. It is a great project undertaken by a coalition government that cares about the people in Westmeadows and in Broadmeadows and does not treat them with neglect and contempt as they were treated under 11 years of the Labor government.

The government has allocated \$30 million towards the Victoria Police Operational Tactics and Safety Training facility in Craigieburn, a \$110 million facility for a training centre in Melbourne's north, providing jobs in the local community and training for our police and emergency services workers. The government has also allocated \$29 million for an expanded inpatient facility at the Northern Hospital which is being built at the moment and which will provide an extra 32 beds, plus \$24.5 million for an emergency department and new special care nursery that was opened in January. Again, these are significant investments in the Northern Hospital to meet the growing needs of that community.

I remind people that when we came to government the Northern Hospital was grossly under-resourced and grossly undercapitalised for that growing community because the Labor government did not listen to the local community and treated it with contempt. It has been a Liberal coalition government that has responded to that community. I pay credit particularly to local member Craig Ondarchie, a member for Northern Metropolitan Region in the Council, who has worked really hard for and stood up for the local community because he cares for it. He is the one who has campaigned for the significant investment in the Northern Hospital.

There is \$17 million to establish a new Children's Court at the Broadmeadows court; \$10.4 million for a Broadmeadows youth foyer to work with vulnerable young people to keep them engaged in school and give them an opportunity in life — those young people who were neglected and ignored by the previous Labor government but picked up by this government by delivering on the Broadmeadows youth foyer; \$9 million to construct a new Hume Valley special school in Broadmeadows, a great project — —

**Mr McGuire** interjected.

**Dr NAPHTHINE** — The member is endorsing that project. Students who are disadvantaged by disabilities are being looked after by this government but were ignored by the Labor government. I do not think you could get anything worse than that. This government is getting on with that job. There is also \$3 million towards the Hume regional aquatic centre in Craigieburn; \$2.84 million towards the new \$8.32 million Meadows Primary School, including funding for the development and early learning centre; \$1.15 million towards the development of the new Hume Regional Tennis and Community Centre at Craigieburn, partnering with the Hume City Council, Stockland and Tennis Australia; and an \$800 000 contribution to the Broadmeadows community hub, housing a range of local community organisations.

I advise that one of the other great things we have done for the Broadmeadows area is to put protective services officers (PSOs) on the stations right along the Craigieburn line, making it safer for people to travel on that line after hours. The PSOs are doing a great job at Broadmeadows, Craigieburn and right along that line. Deputy Speaker, as somebody who uses that line on a regular basis, I know that people appreciate the PSOs on the line, just as they appreciate that this government has delivered 1700 additional police, including in the Broadmeadows area. These are additional police deal with a whole range of issues including family violence

issues, drug issues and the safety of the community in the Broadmeadows area.

The government has also been involved in upgrading the M80, a significant project in Melbourne's north. One of the other major projects we have been involved in is the relocation of Melbourne's fruit, vegetable and flower market from Footscray Road out to Epping. Deputy Speaker, you would be aware that that project was completely and utterly mismanaged by the previous government. It has been put back on track by this government with a lot of hard work, a lot of blood, sweat and tears, and a lot of additional funding. We inherited a huge problem from the previous government, and we had to fix it. The Auditor-General himself said what a dog of a project this was under the Labor government. It was an absolutely disgraceful project that has been fixed by this government.

It does not stop there. As at 1 January 2015 the people of Broadmeadows will benefit from this government's initiative to allow people to travel from zone 2 into zone 1 for a zone 1 fare — a massive saving for the families of Broadmeadows. I am sure that the member for Broadmeadows would applaud this government for delivering those savings to his family and his community.

I am sure that as the member for Broadmeadows has gone around his community and talked to people about their water bills he would welcome the fact that they are now getting bills with a special line item saying there is a \$100 saving under our Fairer Water Bills initiative. The coalition government is delivering lower water bills for the families in Broadmeadows. I am sure that he would welcome that, which is in contrast to what occurred under the previous government, which just ramped up the water bills through its desalination plant. People are forced to pay \$1.8 million each and every day for a desalination plant that has not delivered one drop of water to the people of Broadmeadows and the rest of Melbourne.

What the people of Broadmeadows are getting out of this government is a \$100 saving on their water bills. They are also getting savings because we have restructured and improved that terrible contract entered into by the Labor government. We have not torn the contract up; we have restructured it to get a better deal for the families of Broadmeadows. They are getting a better deal in terms of what they would have had to pay for the desalination plant, plus they are getting a \$100 saving each year for the next four years.

Families with pensioners and concession card holders in Broadmeadows would be welcoming the fact that

under this government they are getting a year-round energy concession. They are getting not just a winter energy concession of 17.5 per cent; they are getting a year-round energy concession. I am sure that the families of Broadmeadows who are pensioners, those families who are doing it tough, would appreciate that the Liberal coalition government is delivering that benefit for them. It was never delivered under the Labor government, which talked about social justice but never delivered social justice outcomes to the struggling pensioners of Broadmeadows.

I am sure that the young working families in Broadmeadows would welcome the fact that when we came to government we delivered a 50 per cent reduction in ambulance subscriptions so those families could afford an ambulance subscription into the future. They would understand that following the recommendations of the bushfires royal commission we have restructured the fire services levy, which was unfair and inequitable and which the royal commission said was unfair and inequitable. We have restructured it so it is fairer, more equitable and cheaper for families across Victoria, particularly in Broadmeadows.

On top of that, the member for Broadmeadows would be pleased to know that pensioners in his electorate will for the first time in their lives, under a Liberal-Nationals coalition government, be getting a concession on their fire services levy. It was never delivered under a Labor government but is being delivered under a caring, listening and responding Liberal-Nationals government.

Young people aspiring to buy their first home in the Broadmeadows area would welcome the fact that under this government they have had a 50 per cent reduction in stamp duty for that purchase. In this year's budget the member for Broadmeadows would have cheered and applauded the fact that this government is building the airport rail link, an absolutely vital piece of infrastructure for Broadmeadows and Tullamarine and something that the community has been calling for for 44 years. The member for Broadmeadows, I am sure, would also have welcomed the investment of this government in building the Melbourne rail link and the airport rail link, which will provide both jobs and opportunities for the people of his electorate and that vital rail link to the airport.

I am sure that the member for Broadmeadows would also welcome the fact that our budget, because of the hard work of members like Craig Ondarchie, Matthew Guy, Bernie Finn and Andrew Elsbury in the Council, who represent areas in Melbourne's north and north-west and stand up for those communities we are now building, is funding the widening of the

Tullamarine Freeway for the many people from Broadmeadows who seek to use the Tullamarine Freeway to get in and out of Melbourne. Because we care about those people and understand their need for efficient transport, we are getting on with the job of arranging with Transurban an \$850 million project that will create 700 jobs and widen the Tullamarine Freeway and CityLink to provide better access to the northern suburbs for families in the northern suburbs. They will be able to join up with east-west link, stages 1 and 2, under this government as well as getting jobs through those projects.

I also know that the member for Broadmeadows would be very pleased that this government has fixed the regional rail link project, which is now under budget, over scoped and ahead of schedule. The regional rail link, which is almost completed, will provide opportunities for us to increase services even more on the Craigieburn rail line, which services Broadmeadows. There will be more services carrying more people more often at lower fares because people will be travelling from the zone 2 into zone 1 on a zone 1 fare. This is on top of the 10 000 extra tram, train and bus services being provided right across the system as we speak. The member for Broadmeadows would welcome the fact that his local community is already benefiting from those extra bus and train services and from protective services officers on railway stations.

These are only some of the things we are doing for Broadmeadows because we know that one of the concerns of the Broadmeadows community is jobs — and jobs for the future. That is why this government, with the federal government, has developed the Melbourne's North Innovation and Investment Fund to invest in key new job opportunities and growth opportunities for Melbourne's north.

Given the time I will not go through all those jobs. I will just list a few of the jobs created because of the hard work of a Liberal-Nationals government that cares about Broadmeadows and works to grow and develop opportunities there. I again recognise the enormous work done by Craig Ondarchie and Matthew Guy, members for Northern Metropolitan Region in the Council, and Bernie Finn and Andrew Elsbury, members for Western Metropolitan Region in the Council, who genuinely live in, listen to and deliver for their communities. Let me list some of those jobs. They include those at PMI Imageworks — 110 jobs; Koko Black — 102 jobs; New Age Caravans — 85 jobs; Baxters Food Australia — 65 jobs; Westfalia Automotive Australia — 55 jobs; Sparkling Beverages — 33 jobs; Lakeside Packaging — 32 jobs; and Top Cat installations — 20 jobs. They are only the

tip of the iceberg when it comes to the new jobs that have been created in that region.

The member for Broadmeadows also talked about Kangan TAFE, which has gone from strength to strength under this government. The Bendigo Kangan Institute is one of the great new vocational education providers in the northern suburbs and right across Victoria. It recently announced, with assistance from this government, nearly \$100 million of investment in new infrastructure to continue to grow and develop its services. This is on top of the significant increase in funding for vocational education and training under this government, increasing from \$800 million to \$1.2 billion. This has increased enrolments by over 50 per cent per annum and increased services for those in most need, whether they be unemployed, people from culturally and linguistically diverse backgrounds, people from Aboriginal or Torres Strait Islander backgrounds or people from regional and rural Victoria. These are people who are flocking in droves to undertake programs in our vocational education and training sector, and the Bendigo Kangan TAFE is one of the leaders in providing vocational education and training in the north of Melbourne and in Bendigo.

I am sorry to have taken up so much time. There is so much more I could say. The member for Broadmeadows, if he knew his community and visited it occasionally, would understand that we are delivering for his community, whether that be in terms of increased transport services, investing in schools, investing in vocational education and training, targeting growth opportunities in jobs, targeting community safety, improving opportunities for the disadvantaged in that community or supporting people in making sure they can cope with the cost of living in this great state.

I am sure the member for Broadmeadows would appreciate from that brief summary I have outlined that this government is genuinely listening to people right across Victoria, particularly people in the northern suburbs of Melbourne, and delivering the services they need so they have an opportunity to enjoy living in the most livable city in the world in the greatest country in the world.

**Mr RYAN** (Minister for State Development) — In the limited time available to me I would like to respond to the matter raised with me by the member for Lowan. The member has raised with me a matter related to the \$1 billion Regional Growth Fund and prospective support for two key community projects in the member's electorate.

The first project, as the member has outlined, is support for the 2015 Nhill Air Show. This is an issue particularly close to my heart since I live in Sale. It is

the home of a Royal Australian Air Force (RAAF) base that was established in 1943, and we well understand as a community the importance of the RAAF being associated with our city of Sale and by segue the importance of the air industry in its various respects and accordingly the importance that it represents for the wonderful township of Nhill. Next year will mark the 75th anniversary of the venue for the Nhill Air Show becoming a Royal Australian Air Force base. The show will be a great opportunity to showcase the town's strong aviation history. The support requested under the Regional Growth Fund would be used to assist with the marketing and promotion of this important event. That event by definition would boost tourism in the area. It sounds like an excellent local project, but of course I will have the matter assessed on the usual bases and will be able to speak to it more particularly over the course of the coming weeks.

The second project the member raised with me is about the new welcoming signage in the greater Hamilton district. This region is a beautiful part of Victoria and has much to offer the state, and this issue of signage is all-important, particularly for the many small towns which comprise the greater Hamilton district. That signage would provide a unified brand across those communities, and under the Regional Growth Fund we have already been able to endorse several of these projects. This is another one that has much to recommend it, and the member can be assured that it will receive the appropriate consideration under the relevant terms by which these applications are duly considered.

**Mr WELLS** (Minister for Police and Emergency Services) — I thank the member of Carrum for raising her concerns in regard to the need for a new Country Fire Authority (CFA) fire station at Carrum Downs. The Napthine government is very proud of the work CFA volunteers do in looking after 3.3 million Victorians and more than 1 million properties with its more than 55 000 volunteers. There is no doubt that the volunteers are the backbone of our emergency services.

The Carrum Downs brigade plays an important role in Melbourne's growing south-east, and the government acknowledges the important work this particular brigade does to protect the community. It is a busy brigade that turns out to around 450 calls each year. The member has made a number of representations to me as minister on behalf of the Carrum Downs CFA brigade. I visited the brigade in August with the member to listen to the concerns of the brigade members firsthand.

I recognise that Carrum Downs is an important growth area in the south-east and that the emergency services are an important part of that. So far we have committed

\$2.29 billion to the CFA, including the \$457 million in the last budget, which is \$58 million more than was committed in the last Labor government budget. We are also on track to deliver 250 CFA station upgrades by next month. I thank the member for raising this issue with me, and I would be more than happy to visit the proposed site for the Carrum Downs CFA with the member for Carrum in the near future.

**Mr R. SMITH** (Minister for Environment and Climate Change) — I will pass on the issues raised by members in this house to the relevant ministers.

The member for Narre Warren South raised a matter for the Minister for Community Services regarding funding and support for the care of one of her constituents.

The member for Albert Park raised a matter for the Minister for Planning, as did the member for Sandringham, who has asked the minister to meet with his residents in Highett and Cheltenham to discuss the impacts of recent planning changes.

The member for Ballarat East raised a matter for the Minister for Roads regarding the installation of flashing speed signs at Meredith Primary School.

The member for Thomastown raised a matter for the Minister for Health regarding the emergency department at Northern Hospital.

The very hardworking member for Burwood raised a matter for the Minister for Sport and Recreation. The member for Burwood has been a fierce advocate for his sporting organisations, and in fact all of the organisations in his community, and I commend him for his work over the last four years in this place. He has done an outstanding job for his community, and I am sure that the Minister for Sport and Recreation will be happy to deal with this particular issue.

Finally, the member for Bulleen raised a matter for the Minister for Consumer Affairs regarding an organisation that is purporting to raise money for Greece. With your indulgence, Deputy Speaker, this is probably the final adjournment matter the member for Bulleen will raise in this place. I take the opportunity to thank him very much for his support, particularly to me over the last eight years, and for his contribution to this Parliament and to the Liberal Party more broadly. I wish him well into the future.

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

**House adjourned 10.53 p.m.**