

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 16 September 2014

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Assembly committees

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Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.
(*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

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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.

Electoral Matters Committee — (*Assembly*): Mr Delahunty. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

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

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall. (*Council*): Mrs Coote.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Ms Kanis, Mr Kotsiras, Mr McIntosh and Mr Weller. (*Council*): Mr Viney.

Law Reform, Drugs and Crime Prevention Committee — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

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

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.

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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

**MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

Speaker:

The Hon. CHRISTINE. FYFFE (from 4 February 2014)

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)

Acting Speakers:

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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)

Leader of the Parliamentary Liberal Party and Premier:

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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

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The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
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Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield ¹	Broadmeadows	ALP	Naphtine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan ²	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
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Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane ⁸	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
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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
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James ³	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin ⁴	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer ⁵	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 18 February 2013

⁴ Resigned 27 January 2012

⁵ Elected 21 July 2012

⁶ Elected 19 February 2011

⁷ Elected 27 April 2013

⁸ Resigned 7 May 2012

⁹ LP until 6 March 2013

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Tuesday, 16 September 2014

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

CONDOLENCES

John ‘Jack’ Albert Culpin

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

Honourable members stood in their places.

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

DISTINGUISHED VISITORS

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

QUESTIONS WITHOUT NOTICE

East–west link

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

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

Honourable members interjecting.

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

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

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

Honourable members interjecting.

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

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

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

Honourable members interjecting.

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

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

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

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

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

Road and transport infrastructure

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

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

The member would also understand that a responsible government, a government that cares about Victoria, will provide the infrastructure and the transport services needed to cater for this expanding population. That is why the coalition government has provided 10 000 more train, tram and bus services each and every week for the people of Melbourne and Victoria. We have purchased 50 new trams, 40 new trains and

43 new V/Line carriages. We have improved punctuality and reliability across the system. We have improved the basic services, and the people on the Frankston line are benefiting from that punctuality. But we know there is more to be done, and that is why we are building the regional rail link.

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

Honourable members interjecting.

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

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

Honourable members interjecting.

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

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

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

East–west link

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

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

Mr Merlino interjected.

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

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

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Mill Park

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

Honourable member for Mill Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

East–west link

Questions resumed.

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

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

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

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

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

Ms Allan interjected.

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

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

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

Ms Graley interjected.

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

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

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

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

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

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

Regional and rural infrastructure

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

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

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

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

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

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

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

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

East–west link

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

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

Ms GREEN — I did.

The SPEAKER — Order! No.

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

Honourable members interjecting.

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

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

Dr NAPTHINE (Premier) — I thank the honourable member for her question. I refer to the

Herald Sun of 4 December 2010, when some commentator was quoted as saying:

I think it’s fair to say — —

Honourable members interjecting.

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

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

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

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

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

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

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

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

Mr Foley interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

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

Mr Foley interjected.

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

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

East–west link

Questions resumed.

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

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

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

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

Mr K. Smith interjected.

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

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

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

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

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

South Morang railway station. Again, the Labor government — —

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

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

Honourable members interjecting.

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

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

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

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

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

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

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

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

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

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

Road and transport infrastructure

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

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

The former Minister for Roads turned his back on Punt Road, on Stonnington council and all the residents of the adjoining suburbs who come down Punt Road, and

we will fix that problem. I congratulate the member for Pahran on the work he has done with his community to get this first-class solution for them. The *Age* posted an article about this issue on its Facebook account. In his comment on that post Sunil Pamnani said, 'About time!'. Sue Burgess said:

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

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

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

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

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

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

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

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

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

East-west link

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

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

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

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

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

debate about how Labor funded the duplication of the Calder — —

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

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

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk!

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

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

East-west link

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

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

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

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

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

There is plenty of support for the east–west link in the sector. In an article published in the *Age* of Friday, 12 September, Australian Logistics Council chief Michael Kilgariff said industry required certainty around infrastructure projects to support business confidence and facilitate investment. In the same article

Victorian Employers Chamber of Commerce and Industry executive Mark Stone said the east–west link was 'vital' to the state's transport network. He said:

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

Maurice James, managing director of Qube Holdings, said:

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

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

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

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

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

East–west link

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

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

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

Mr Merlino interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Monbulk

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

Honourable member for Monbulk withdrew from chamber.

QUESTIONS WITHOUT NOTICE

East–west link

Questions resumed.

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

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

Mr Wynne interjected.

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

the time, the Labor government embraced this recommendation from Sir Rod Eddington.

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

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

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

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

Mr Andrews interjected.

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

Mr Andrews — I withdraw.

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

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

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

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

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

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

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

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

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

Economic management

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

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

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

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

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

Mr O'BRIEN (Treasurer) — I thank the member for Hastings for his question. Just a couple of weeks ago I was pleased to receive advice that Standard and

Poor's has reaffirmed Victoria's AAA credit rating with a stable outlook. This advice means that Victoria remains the only state in Australia with a AAA stable outlook from both Standard and Poor's and Moody's. This is great news for Victoria, and it confirms that the economic strategy followed by this Victorian coalition government is right for our state and is crucial to keeping our AAA rating. Standard and Poor's said:

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

It went on to say:

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

It also said:

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

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

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

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

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

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

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

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

Honourable members interjecting.

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

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

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

An honourable member interjected.

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

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

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

INTEGRITY LEGISLATION AMENDMENT BILL 2014

Introduction and first reading

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

Read first time.

SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014

Introduction and first reading

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

Read first time.

COURTS LEGISLATION AMENDMENT (FUNDS IN COURT) BILL 2014

Introduction and first reading

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

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

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

PETITIONS

Following petitions presented to house:

Geelong Region Innovation and Investment Fund

To the Legislative Assembly of Victoria:

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

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

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

By Ms NEVILLE (Bellarine) (80 signatures).

Vicarage Road, Leopold

To the Legislative Assembly of Victoria:

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

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

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

By Ms NEVILLE (Bellarine) (329 signatures).

Bus route 847

To the Legislative Assembly of Victoria:

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

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

By Mr PERERA (Cranbourne) (181 signatures).

Melton Highway level crossing

To the Legislative Assembly of Victoria:

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

In particular, we note that:

1. the boom gates are down for 52 minutes every 2 hours during peak times;
2. during peak hours journey times are 20 minutes longer;
3. there is an increased risk for children crossing Melton Highway to get to school.

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

By Ms HUTCHINS (Keilor) (108 signatures).

Regional local government rates

To the Legislative Assembly of Victoria:

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

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

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

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

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

By Mr WELLER (Rodney) (3300 signatures).

Tabled.

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

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

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

Casino and Gambling Legislation Amendment Bill 2014

Cemeteries and Crematoria Amendment Bill 2014

Crimes Amendment (Sexual Offences and Other Matters) Bill 2014

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

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Adult Parole Board — Report 2013–14

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

Crown Land (Reserves) Act 1978:

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

Orders under s 17B granting licences over:

Lakeside Stadium Reserve

Maryvale and Narracan Preservation Reserves

Orders under s 17D granting leases over:

Batman Park

Camperdown Public Park Reserves

Fawkner Park

Docklands Studios Melbourne Pty Ltd — Report 2013–14

Energy Safe Victoria — Report 2013–14

Essential Services Commission — Report 2013–14

Film Victoria — Report 2013–14

Financial Management Act 1994:

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

Shrine of Remembrance

Victorian Veterans Council

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

Melbourne and Olympic Parks Trust — Report 2013–14

Members of Parliament (Register of Interests) Act 1978 —
Summary of Returns June 2014 and Summary of a Variation

notified between 20 June 2014 and 12 September 2014 —
Ordered to be printed

Metropolitan Fire and Emergency Services Board — Report
2013–14

Planning and Environment Act 1987:

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

Notices of approval of amendments to the following
Planning Schemes:

Banyule — C104

Bass Coast — C131, C144

Boroondara — C213

Brimbank — GC17

Buloke — C23

Colac Otway — C75

East Gippsland — C117

Hobsons Bay — C97

Knox — C121

Maribymong — GC17

Melbourne — GC17

Melton — GC17

Southern Grampians — C34

Victoria Planning Provisions — VC120

Whitehorse — C165

Wyndham — GC17

Racing Integrity Commissioner, Office of — Report 2013–14

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

Statutory Rule under the Coroners Act 2008 — SR 119

State Sport Centres Trust — Report 2013–14

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

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

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

Victoria Grants Commission — Report year ended 31 August
2014

Victorian Curriculum and Assessment Authority — Report
2013–14

Victorian Institute of Teaching — Report 2013–14

Victorian Registration and Qualifications Authority — Report 2013–14

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

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

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

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

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

VICTORIAN REVIEW OF COUNTER-TERRORISM LEGISLATION

Report

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

Tabled.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2013–14

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

Tabled.

FIRE SERVICES COMMISSIONER

Report 2013–14

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

Tabled.

CONSUMER AFFAIRS LEGISLATION FURTHER AMENDMENT BILL 2014

Introduction and first reading

Received from Council.

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

SEX OFFENDERS REGISTRATION AMENDMENT BILL 2014

Introduction and first reading

Received from Council.

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

ROYAL ASSENT

Message read advising royal assent on 9 September to:

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

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

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

MEMBERS STATEMENTS

Northern suburbs transport infrastructure

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

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

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

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

Major events

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

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

year, up on \$1.4 billion, which is an excellent economic result.

Dingley golf course site

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

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

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

Sri Lankan lifesaver training

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

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

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

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

Sunbury municipality

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

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

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

North-eastern Victoria

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

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

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

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

Cranbourne electorate roads

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

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

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

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

St Catherine's Primary School, Moorabbin

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

Our Lady of the Sacred Heart College

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

Marlene Holden

Ms MILLER — Congratulations to local resident Marlene Holden, who received a Victoria Award for

30 years of service to the Moorabbin community as a school crossing supervisor. I presented the medal to Marlene at the Moorabbin Primary School assembly, and she was thrilled to receive the award. Congratulations to Marlene, who is part of what makes our community so wonderful.

East Bentleigh Primary School

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

National Council of Jewish Women of Australia

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

Albert Park electorate schools

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

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

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

Seymour electorate football and netball finals

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

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

Country Fire Authority Badger Creek brigade

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

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

Montmorency Secondary College

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

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

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

Mildura Speedway Drivers Club

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

Mildura electorate football and netball finals

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

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

Mildura Animal Shelter

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

Palliative care

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

Narre Warren South electorate schools

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

Shirley Bell

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

Fountain Gate Secondary College

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

Narre Warren South electorate football and netball finals

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

Chin community

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

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

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

South Stone Lodge nursing home

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

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

Leader of the Opposition

Mr MORRIS (Mornington) — Last Friday the Leader of the Opposition demonstrated once and for all that he does not have what it takes to lead Victoria. Leadership is about providing solutions and about acting on behalf of all Victorians. Has this leader delivered? Where is his vision? Where is his solution?

We have not seen it, because it does not exist. The vacuum at the top of Victorian Labor has been filled by Jackie Fristacky, mayor of the City of Yarra, and Lambros Tapinos, mayor of the City of Moreland. If the opposition leader gets his way, these two councils will have the final say about a critical piece of infrastructure. According to media reports, 8 of 11 Moreland councillors have allegiance to Labor, the Greens or the socialist parties. In Yarra the number is nine. The opposition leader is asking these two councils to set aside their narrow self-interest, set aside the views of a tiny group of disaffected ratepayers and stand in his place and act on behalf of all Victorians.

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

Eltham North Primary School

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

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

He is referring to Eltham North Primary School:

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

But on the afternoon of Friday, 22 August ... a text message —

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

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

The letter continues:

In previous years —

the pupil's —

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

the pupil —

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

provide —

several hundred dollars worth of ... stationery and equipment —

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

... We have informed the school of —

the pupil's —

... father's straitened circumstances.

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

Ruth Brain

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

Gallipoli student tour

Mr DELAHUNTY — Congratulations also go to four students from the Lowan electorate who will participate in the Gallipoli 2015 Anzac Day dawn service tour as part of the centenary of Anzac. Andrew King of Dimboola Memorial Secondary College, Ethan Jolly of Horsham's St Brigid's College, Jacob McGennissen of Goroke P-12 College and Taylor Kelsey Shueard of the Hamilton and Alexandra College

will participate, and former Horsham College teacher Pam Cupper will be a chaperone on the tour. This is a significant honour for all concerned, and I know they will bring back incredible memories and learnings from this trip of a lifetime.

Methamphetamine control

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

Kieran Delahunty, Jordyn Burke and John Delahunty

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

Connect Central Castlemaine

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

Drug and alcohol services

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

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

Biggest Ever Blokes BBQ

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

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

At the end of the day everyone had a great feed, had quite a few frothies, enjoyed the entertainment and most of all gained some information that might just save their lives. I look forward to the 2015 Biggest Ever Blokes BBQ in Pakenham. I hope next time I am sensible enough to not buy a toolbox bar fridge, which I would be happy to resell to anyone. Anyone like to buy

a bar fridge? It is up for sale, and we can give the money to help in the fight against prostate cancer.

JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL 2014

Second reading

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

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

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

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

being consequential to the abolition of defensive homicide provisions.

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

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

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

The court will need to be satisfied of reasonable suspicion. In those circumstances it will be able to put in place an unexplained wealth restraining order. Once that unexplained wealth restraining order is in place, the individual in question will be, in effect, prevented from disposing of those assets which are under suspicion. Nothing else happens to those assets at that point in time. They are, in effect, frozen in amber, and then a

further process will ensue. Importantly the bill provides that, whilst those assets are frozen or are in the process of being frozen, reasonable living expenses and reasonable business expenses will be provided for. Once the unexplained wealth restraining order is in place, it will be a matter for the individual owner of that property to demonstrate to the court that on the balance of probabilities that unexplained wealth has a lawful origin.

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

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

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

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

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

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

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

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

With regard to assault, the bill also creates an offence of assaulting a registered health practitioner, including a GP, nurse, midwife, dentist, pharmacist, physiotherapist or psychologist, in the course of providing care or treatment. The maximum penalty is six months in prison under that new provision. Under the Summary Offences Act 1966 it is already an offence to assault

any of those individuals in the normal course of events. We might seek some clarification on this, but as I understand it currently the Summary Offences Act common assault has a maximum penalty of three months and aggravated assault has a maximum penalty of six months. This bill provides for a maximum of six months. I am assuming that it only applies in circumstances of common assault and not in circumstances of aggravated assault. To that end its effect is to double the maximum period of potential imprisonment in circumstances of an assault being perpetrated on a health practitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

state to confiscate items which have been obtained through criminal means.

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

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

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

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

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

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

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

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

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

There are safeguards in the bill such that an unexplained wealth restraining order can only be made against a person who is suspected of engaging in

serious criminal activity or of owning property that was not lawfully acquired. There is a significant threshold that must be met before a person can be compelled to explain the origin of his or her wealth. The laws also allow the courts to authorise reasonable living expenses while an application is assessed to determine whether or not property was lawfully or unlawfully obtained.

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

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

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

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

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

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

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

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

Mr Foley interjected.

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

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

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

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

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

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

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

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

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

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

In 2011 a joint task force between the Australian Federal Police, Victoria Police, the Australian Crime Commission (ACC), and the Australian Customs and Border Protection Service investigated somebody who

was allegedly trafficking drugs throughout Australia. As part of its investigation it was able to seize \$4.5 million worth of assets, including two residential properties, a light aircraft and three luxury vehicles.

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

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

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

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

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

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

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

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

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

Ms GARRETT (Brunswick) — It is with pleasure that I rise to make a contribution in the debate on the

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

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

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

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

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

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

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

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

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

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

A growing concern we have been grappling with in this house is the prevalence of the drug ice in our regional communities and cities and the disturbing behavioural impacts it has on its addicts and users. We hear time and again about users being admitted into emergency departments or local health facilities, wreaking merry havoc and not remembering what they have done. Users have enhanced strength while on this methamphetamine and are highly aggressive and sleep deprived. I know it is extremely frightening for people

working in our health system to be confronted with this when they are trying to treat people and address their health concerns, particularly in the chaos of emergency departments or other health services where they are dealing with multiple people who are clearly in extremis or vulnerable. This is a major issue confronting our community.

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

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

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

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

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

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

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

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

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

It is probably wise to look at why this scheme is necessary. Existing mechanisms within the Confiscation Act provide for the confiscation of property when the prosecution can establish that the property was derived from a criminal offence and that persons involved in organised crime have been able to mask the source of their wealth by a variety of means, such as placing their wealth in the hands of persons

distant from the offending and by intermingling the proceeds of lawful and unlawful activity. These tactics can frustrate and limit any attempt by the law to trace such property or wealth. The proposed unexplained wealth rule will place the burden of proof on the owner of property to show that his or her property was lawfully acquired, and the prosecution will not be required to link that property with a particular criminal activity.

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

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

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

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

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

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

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

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

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

interests and care of other people ahead of their own interests.

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

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

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

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

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

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

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

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

Over the term of this government we have seen \$800 million taken out of the health system here in Victoria, and that will be exacerbated by the cuts

coming from the federal government. We have seen \$129 million already in one year — —

Dr Sykes interjected.

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

Dr Sykes interjected.

The ACTING SPEAKER (Ms Ryall) — Order!

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

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

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

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

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

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

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

With regard to the confiscation provisions, as the Premier noted some time ago, unexplained wealth laws are a powerful tool. Obviously they need to be used

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

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

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

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

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

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

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

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

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

Whilst criminal activity may happen along a chain, this bill seeks to provide a shift in the burden of proof to the end point — that is, where property or wealth may end up. This new paradigm shifts the burden onto a person who is reasonably suspected of having acquired or

being in possession of an asset or wealth that has been derived from criminal activities. This is something that we support as an opposition. It is important that we understand that this is a more sophisticated response to criminal activities that are sophisticated in and of themselves.

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

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

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

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

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

The maximum penalty for that offence is six months imprisonment.

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

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

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

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

organised crime, which is of major concern to Victorians.

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

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

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

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

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

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

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

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

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

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

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

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

Mr Herbert — Caravans.

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

Honourable members interjecting.

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

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

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

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

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

In the short amount of time that I have available I will go to the amendment relating to stalking and related offences. We on this side of the house think that this is a very important amendment, and we very much

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

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

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

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

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

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

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

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

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

This statement relates to the bill we are debating and the Summary Offences Act. However, the minister's statement could not be further from the truth. This legislation is a pathetic attempt by the Napthine government to address a very serious issue, and health workers deserve a lot better. Does the Minister for Health really believe that merely increasing the penalties for common assault and adding the words 'registered health practitioners' fixes this problem in any way or makes the workplace safer for health practitioners? This is a cheap and superficial exercise in

spin to make it look like the government is doing something to address this problem. If you talk to nurses, orderlies, ambulance workers, doctors and clinicians who work in this field, they will tell you that this will not fix the problem or make them safer.

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

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

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

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

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

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

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

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

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

Additionally the bill amends a range of other acts with various aims. It clarifies the jurisdiction of the

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

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

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

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

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

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

My strongly held view in terms of where you need to spend your resources in the criminal justice system is getting to the real kingpins and the traffickers and ensuring that you have proceeds of crime legislation and the ability to absolutely strip them of their assets and their finances. Those are the ones who should be doing some serious time because ultimately they are the ones who are profiting the most. Usually they are many steps removed from the average trafficker, who is simply a mule trying to sustain his own habit and doing the dirty work for the big guys.

The big guys definitely need to be taken down at every level. Going to prison is one thing, but I am telling you that taking all their assets — everything they own; everything they have earned — hurts them equally as much, probably more in many respects. This is in addition to having effective proceeds of crime legislation that actually says to organised crime, 'We will do everything we can to target you financially as well as criminally and, if you are in that net, it's gone. Everything that you have worked for, everything that you actually care about — the proceeds of crime and money — goes back into your prevention, your education, your treatment and so forth'. There is a great ironic synergy in doing that. That is certainly something that New Zealand has picked up on, and I think it is a very effective tool because essentially what you get is a situation that is almost parasitical, where the drug user uses the proceeds of their own crime and diminishes their own ability to make more money.

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

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

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

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

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

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

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

The hospital working environment is complex and demanding and can pose significant risks to staff safety. The impact of poor occupational health and safety (OHS) is felt not only by affected staff but also by the patients they are treating. Therefore it was important for my office to examine whether public hospitals in Victoria are effectively managing OHS risk.

Public hospital staff are being put at unnecessary risk. I found significant shortcomings in the daily management of OHS in public hospitals visited during this audit. Key issues include inadequate incident reporting systems, inconsistent follow-up

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

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

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

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

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

Labor wants to make sure that people who make their fortune through serious criminal activities do not keep it. We in the opposition are supportive of efforts to confiscate the proceeds of crime. At present crooks can hide evidence of their wealth through money laundering, making it difficult for the police to confiscate what are in fact the proceeds of serious criminal activities. This bill shifts the onus so that the

holders of suspicious wealth are required to show its source is legitimate. That becomes their responsibility; it is not the responsibility of the authorities to prove otherwise. In most cases these people are unsavoury characters. They earn their money from hardworking Victorians through prank schemes, by drug trafficking, by making them drug users or in other unsavoury ways. Through the enactment of this legislation drug traffickers and other profiteering criminals will never be able to feel that their ill-gotten wealth is secure. They will lose the lot.

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

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

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

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

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

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

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

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

This bill has come to this place on the back of the recommendations of the committee's report, and it provides for a range of reforms. The bill amends the Professional Boxing and Combat Sports Act 1985 to prohibit people who have been convicted of serious crimes from holding licences under that act; allows the police commissioner to respond to requests for information under the Road Safety Camera Commissioner Act 2011; allows the disclosure of information to the Sentencing Advisory Council and

the Judicial College of Victoria under the Judicial Proceedings Reports Act 1958; clarifies the jurisdiction of the Magistrates Court in relation to community correction orders under the Sentencing Act 1991; increases protections for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010; and makes changes to the allocation of jurors under the Juries Act 2000. In effect, this bill tightens up provisions in a whole range of legislation.

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

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

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

Mr Wynne interjected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sometimes it is easy to underestimate the danger to our health professionals in undertaking their daily work,

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

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

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

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

the way that this curse is now affecting our communities.

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

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

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

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

allowance will be made for reasonable living and business expenses, and this then provides the opportunity to have a look at the situation and test the validity of the claims of the person who holds the assets.

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

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

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

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

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

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

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

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

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

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

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

Quorum formed.

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

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

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

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

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

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

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

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

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

I know jails are not sexy; they do not get a lot of coverage. However, at the moment we have some serious issues in our corrections system. This government crows about the number of police that are being recruited. It says, 'We're being tough on crime. There are more police out there. We have a safer community' — this despite all the evidence showing crime rates and recidivism rates increasing. According to the government it is a case of saying, 'It doesn't matter. We don't look at events; we're only looking at

messaging'. Our prisons and courts are overflowing. The corrections system is not able to bring prisoners in for their day in court. We are seeing victims turned away, having spent sleepless nights freaking out and worrying the night before attending court. Then they find out the accused cannot be brought to the court and are sent away. This does not help the victims or the courts at all. It is deferred justice; it is a total mess. However, it appears to give this government great confidence to know that its messaging is being well received by some tabloid newspapers.

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

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

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

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

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

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

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

Like the member for Broadmeadows before me, I find it difficult to talk about this without mentioning the ice epidemic that has been in the news, in our consciousness and at the forefront of our minds recently — as it should be. It is an issue that we really should be talking about. I want to take this opportunity to refer to the inquiry into the supply and use of methamphetamines, particularly 'ice', in Victoria. I would like to take this opportunity to thank all the members of that committee for the work they did. I would also like to thank the people who contributed to the inquiry and the report, particularly users and those who support ice addicts and work in the field every

single day. It would have been a very difficult thing to do. I believe the inquiry has provided a unique insight into the impacts of ice and how people become addicted to this terribly insidious and pervasive drug. It is an absolutely addictive drug that is so easy to get. It is creating challenges in our community like we have never seen before.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms HUTCHINS (Keilor) — I rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014, and I note that Labor does not oppose the bill. The bill makes many changes, and I will quickly run through some of them. It amends the Confiscation Act 1997 to establish an unexplained

wealth confiscation scheme, which is an issue I will come back to. It amends the Sentencing Act 1991 to clarify the Magistrates Court's jurisdiction relating to community correction orders, and it amends the Summary Offences Act 1966 to create an offence of assaulting a registered health practitioner, about which the previous speaker on this side of the house spoke eloquently and in detail.

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

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

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

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

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

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

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

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

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

hypothecation would need to be carefully designed to avoid unexpected adverse consequences, such as activities funded from the hypothecation being prone to fluctuating levels of revenue to support that activity.

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

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

Motion agreed to.

Read second time.

Consideration in detail

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

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

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

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

Motion agreed to.

Clause 1 agreed to.

Clause 2

Mr CLARK (Attorney-General) — I move:

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

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

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

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

I express my appreciation for the indication of support for these amendments that was given by the member

for Lyndhurst on behalf of the opposition during the course of the second-reading debate.

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

Clause 8

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

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

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

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

Clause agreed to; clauses 9 to 15 agreed to.

Clause 16

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

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

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

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

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

Clause agreed to; clauses 17 to 31 agreed to.

Clause 32

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

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

And at subsection (4) it indicates:

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

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

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

Clause agreed to; clauses 33 to 49 agreed to.

Clause 50

Mr PAKULA (Lyndhurst) — Again, this is a question of clarification. The provisions of clause 50 seem on their face to represent common sense — that is, the notion that a potential juror who has been required to stand aside by the Crown must not be empanelled on the jury in the trial and must return to

the jury pool. In those circumstances I would like the Attorney-General to indicate what mischief the provision seeks to right. Have there been circumstances in which jurors who have been required to stand aside by the Crown have in fact been empanelled on a jury, or is this just a precautionary measure to resolve what might be seen as a loophole in the law?

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

Clause agreed to; clauses 51 to 68 agreed to.

New heading to division 4, part 10

Mr CLARK (Attorney-General) — I move:

- Page 86, after line 34 insert the following heading —
“**Division 4— Amendment of Crimes Act 1958**”.

Amendment agreed to; new heading agreed to.

Heading to division 4, part 10

Mr CLARK (Attorney-General) — I move:

- Division heading preceding clause 69, omit “**Division 4**” and insert “**Division 5**”.

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

New clauses

Mr CLARK (Attorney-General) — I move:

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

‘AA New section 465AA inserted

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

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

- This section applies if a magistrate has issued a warrant under section 465 in relation to a building, receptacle, place or vehicle (*warrant premises*).
- The Magistrates’ Court may, on the application of a police officer of or above the rank of senior sergeant, make an order

- requiring a specified person to provide any information or assistance that is reasonable and necessary to allow a police officer to do one or more of the things specified in subsection (3).
- (3) The things are —
- (a) access data held in, or accessible from, a computer or data storage device that —
- (i) is on warrant premises; or
- (ii) has been seized under the warrant and is at a place other than warrant premises;
- (b) copy to another data storage device data held in, or accessible from, a computer, or data storage device, described in paragraph (a);
- (c) convert into documentary form or another form intelligible to a police officer —
- (i) data held in, or accessible from, a computer, or data storage device, described in paragraph (a); or
- (ii) data held in a data storage device to which the data was copied as described in paragraph (b).
- (4) An application may be made under subsection (2) at the same time as an application is made for the warrant under section 465 or at any time after the issue of the warrant.
- (5) The Magistrates' Court may make the order if satisfied that —
- (a) there are reasonable grounds for suspecting that data held in, or accessible from, a computer, or data storage device, described in subsection (3)(a) will afford evidence as to the commission of an indictable offence; and
- (b) the specified person is —
- (i) reasonably suspected of having committed an indictable offence in relation to which the warrant was issued; or
- (ii) the owner or lessee of the computer or device; or
- (iii) an employee of the owner or lessee of the computer or device; or
- (iv) a person engaged under a contract for services by the owner or lessee of the computer or device; or
- (v) a person who uses or has used the computer or device; or
- (vi) a person who is or was a system administrator for the computer network of which the computer or device forms or formed a part; and
- (c) the specified person has relevant knowledge of —
- (i) the computer or device or a computer network of which the computer or device forms or formed a part; or
- (ii) measures applied to protect data held in, or accessible from, the computer or device.
- (6) A person is not excused from complying with an order on the ground that complying with it may result in information being provided that might incriminate the person.
- (7) If —
- (a) the computer or data storage device that is the subject of the order is seized under the warrant; and
- (b) the order was granted on the basis of an application made before the seizure —
- the order does not have effect on or after the completion of the execution of the warrant.
- Note**
- An application for another order under this section relating to the computer or data storage device may be made after the completion of the execution of the warrant.
- (8) If the computer or data storage device is not on warrant premises, the order must —
- (a) specify the period within which the person must provide the information or assistance; and
- (b) specify the place at which the person must provide the information or assistance; and
- (c) specify the conditions (if any) to which the requirement to provide the information or assistance is subject.
- (9) A person commits an offence if —
- (a) the person has relevant knowledge of —
- (i) the computer or data storage device or a computer network of which the computer or data storage device forms or formed a part; or
- (ii) measures applied to protect data held in, or accessible from, the computer or data storage device; and

- (b) the person is informed by a police officer —
- (i) of the order made under this section and of its terms; and
- (ii) that it is an indictable offence punishable by imprisonment to fail to comply with the order; and
- (c) the person fails to comply with the order without reasonable excuse.
- (10) A person who commits an offence against subsection (9) is liable to level 6 imprisonment (5 years maximum).
- (11) In this section *access, data, data held in a computer* and *data storage device* have the meanings given by section 247A(1).”.

BB New section 621A inserted

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

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

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

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

New clauses agreed to.

Bill agreed to with amendments.

Third reading

Motion agreed to.

Read third time.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES FURTHER AMENDMENT
BILL 2014**

Second reading

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

Ms ALLAN (Bendigo East) — I rise as the lead speaker for the parliamentary Labor Party on the Drugs,

Poisons and Controlled Substances Further Amendment Bill 2014. Normally this sort of bill is in the domain of a health minister and the shadow health minister to address the issues to be covered. However, this legislation was introduced by the Minister for Agriculture and Food Security because it deals with the supply and manufacture of the bait colloquially known as 1080.

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

Mr Delahunty interjected.

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

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

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

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

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

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

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

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

working in those communities but also that they have the resources to deliver the services.

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

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

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

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

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

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

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

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

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

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

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

line. This is part of what we call the nil tenure approach.

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

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

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

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

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

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

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

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

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

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

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

An honourable member interjected.

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

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

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

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

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

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

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

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

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

Stephanie Ryan Nationals Maiden Plate. The member for Benalla has missed out on that one today, but there will be plenty of opportunities to catch the races in the future.

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

An honourable member interjected.

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

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Country Fire Authority Mosquito Creek brigade

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

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

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

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

Warburton bike trails

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

The Warburton Valley is already serviced by the very popular Lilydale to Warburton rail trail. It is a wonderful trail that is extremely popular with both locals and tourists. The 40-kilometre trail winds through open space, farmland and treed areas, and is flanked by the hills of the Upper Yarra. It is a wonderful feature, passing through many towns

including Mount Evelyn, Wandin, Seville, Woori Yallock, Launching Place, Yarra Junction, Wesburn, Millgrove, and ending at Warburton. Also in the area is the O'Shannassy Aqueduct trail, which rises above the floor of the Upper Yarra Valley and follows the historic open channelled O'Shannassy Aqueduct. It is also a picturesque ride, passing through forested areas and stretching for some 30 kilometres. It passes wonderful vegetation including mature fern gullies, creeks and plantations, and offers spectacular views of the valley below.

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

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

Olympia housing initiative

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

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

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

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

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

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

Sandringham electorate small business

Mr THOMPSON (Sandringham) — The matter I raise tonight is for the attention of the Treasurer. The

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

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

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

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

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

Ann Nichol House

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

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

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

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

the period of March to June 2015, which was a stipulation of the contract back when the commonwealth contributed funding? What does that mean for residents?

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

Murray Valley electorate councils

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

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

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

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

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

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

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

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

Albert Park truck curfew

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

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

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

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

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

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

Level crossings

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

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

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

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

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

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

Courtney Gardens Primary School

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

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

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

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

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

Templestowe Valley Primary School

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

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

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

Responses

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

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

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

Mr O'BRIEN (Treasurer) — I thank the member for Bendigo East for raising a matter regarding the Country Fire Authority (CFA) Mosquito Creek brigade.

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

Mr Foley — You have not done it.

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

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

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

Ms Allan interjected.

The DEPUTY SPEAKER — Order!

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

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

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

Mr Foley interjected.

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

Ms Graley interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Narre Warren South

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

Honourable member for Narre Warren South withdrew from chamber.

ADJOURNMENT

Responses

Debate resumed.

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

Bendigo Truss Plant owner Geoff Holland said his business was expecting to save more than \$10 000 under the new model.

Mr Holland said his fire services levy had been high in previous years because he was fully insured and was paying a loading based on being in a higher risk regional area.

'In 2012 it was close to \$16 000, and this year we're expecting to pay \$4500 to \$5000', he said.

'It's a welcome change to have that reduction'.

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

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

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

Mr Nardella interjected.

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

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

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

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

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

Honourable members interjecting.

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

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

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

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

Mr O'BRIEN — The member raised matters directed at members opposite generally, not at a specific person. These have to be directed at a specific

person, not a collective. That is a longstanding practice in this place. I am happy to stand down while — —

Honourable members interjecting.

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

Ms Neville interjected.

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

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

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

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

Mr Foley interjected.

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

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

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

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

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

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

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

Honourable members interjecting.

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

Mr BULL — The member for Murray Valley asked me to visit the shire of Moira, the rural city of Wangaratta and the shire of Alpine, which are in his electorate. The councils for these local government areas face the challenges of having a constituency that is spread out over a very large area. They benefit enormously from the Regional Growth Fund, the country roads and bridges program and many other

programs that we support our rural and regional councils by providing. I would be delighted to head up there with the member for Murray Valley.

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

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

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Minister for Environment and Climate Change, without the assistance of other members.

Mr R. SMITH — The member for Seymour raised an issue regarding bike trails in Warburton, and he asked me to go out and have a look at the opportunities that would be available to extend bike trails there and to link the current bike trails with the mountain bike trails. Having grown up and gone to school in the area, I know it is a fantastically beautiful region, and it certainly would be enhanced if some work were done linking bike trails in the area, which would give many people the opportunity to enjoy the beautiful surrounds. It would be my pleasure to visit the member for Seymour, have a look at the bike trails in her electorate and see what opportunities are available.

The member for Bellarine asked me to review legal issues around Ann Nichol House, and I would be happy to look again at the issues that are relevant to my portfolio in that regard.

The member for Narre Warren South raised an issue in regard to the Cranbourne botanic gardens — not botanical, but botanic — which this government removed entrance fees for. There is clearly an issue and a misunderstanding, and I undertake to the member that I will contact the CEO of the botanic gardens tomorrow to get an understanding of what the issue is. I will certainly make sure that the issue has been represented properly in this place, and I undertake to return to her with a response in that regard.

The member for Ivanhoe raised a matter for the Minister for Housing, and the member for Albert Park raised a matter for the Minister for Roads. I will ensure

that the matters raised by those members will be referred to the respective ministers.

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

House adjourned 10.54 p.m.