

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-SEVENTH PARLIAMENT  
FIRST SESSION**

**Tuesday, 5 August 2014  
(Extract from book 10)**

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(from 17 March 2014)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

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

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

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

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

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

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

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

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

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



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## Tuesday, 5 August 2014

**The SPEAKER (Hon. Christine Fyffe) took the chair at 2.05 p.m. and read the prayer.**

### MALAYSIA AIRLINES FLIGHT MH17

**Dr NAPHTHINE (Premier) —** By leave, I move:

That this house offers its deep and sincere condolences to the families, friends and loved ones of the innocent victims who tragically lost their lives aboard flight MH17 on 17 July 2014.

On 17 July Malaysia Airlines flight MH17, en route from Amsterdam to Kuala Lumpur, was shot down over eastern Ukraine. To the horror of the world, all 298 people on board — 283 passengers and 15 crew — were killed. Thirty-eight of them called Australia home. Seventeen people on board MH17 came from Victoria. For the families and communities of those who were tragically killed, life will never be the same.

Men, women, children, mothers, fathers, grandfathers, sons and daughters — all had plans for their future. Some were returning to school after a holiday, some coming back to work after a long-earned break, some were about to attend the international AIDS conference here in Melbourne and some were simply going on a holiday. All of them had a future — a future denied by a senseless act of violence. Whether or not we had a personal connection to this tragedy, we have all been shocked by the brutality of a conflict in a distant land reaching out and taking so many innocent lives. It could have been one of us — travellers on a plane home. When you are at 35 000 to 40 000 feet in the air, you hardly expect this sort of outcome. As a community we are united in our sadness and sympathy for those left without their cherished family, friends or colleagues.

In particular, our hearts go out to the families and friends of the 17 victims who called Victoria home. The van den Hende family — Hans, his wife, Shaliza Dewa, and their three children — lived in Eynesbury, west of Melbourne. The children attended local schools, and the family was involved in the local community. Frankie and Liam Davison were also lost. Frankie was a much-loved teacher at Toorak College in Mount Eliza, and Liam was a driving force behind e-learning at the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. Melbourne-based couple Emiel Mahler and Elaine Teoh are deeply missed by former colleagues and friends. Albert and Maree Rizk leave a huge gap in the Sunbury community, of which they were a vital part and in which they had a very active involvement.

Marco Grippeling, a cybersecurity specialist, also from Melbourne, leaves behind a devastated family, as do Gerry and Mary Menke from Mallacoota. Gerry is remembered as a pioneer in the abalone, fishing and aquaculture industries. Mary taught piano to local students. They had four children. Gary and Mona Lee were from Glen Iris. Gary was a retired restaurateur and Mona a schoolteacher. Itamar Avnon was returning to Melbourne to resume studies at Swinburne University.

We also express our sympathies for those who were attending the AIDS 2014 conference here in Melbourne, and who are grieving at the loss of the colleagues, friends and leaders in the field. It is a testament to the strength, commitment and professionalism of the conference organisers and delegates that they continued with this major global meeting addressing such vital and lifesaving work and did so with heavy hearts but renewed resolve and determination.

As host of the AIDS 2014 conference, Victoria also shared in the grief of the loss of six conference delegates who were on board MH17. These included a former president of the International AIDS Society, Joep Lange. Joep was a leading light in the fight against AIDS and had been leading international research, seeking a cure for AIDS for over 20 years. As described by executive director Owen Ryan on the day of the crash, through the death of Mr Lange the international AIDS community had 'lost a giant'. Also lost were his wife, Jacqueline van Tongeren, an AIDS researcher in her own right; Glenn Thomas, a senior communications adviser with the World Health Organisation; and other prominent AIDS activists Pim de Kuijer, Lucie van Mens and Martine de Schutter.

As I stated in my address at the opening of the AIDS 2014 conference, our responsibility is to treasure the memories of those people who are lost by increasing our global efforts to move towards a HIV/AIDS-free world. We have a responsibility to the millions of people who are infected with HIV/AIDS across the world and the 1.6 million per year who die from this dreadful disease.

The gaping wound left by the loss of loved ones can never be fully healed without the repatriation of the victims to the place they called home. Australia and Victoria have been quick to call on the international community for the dignified recovery and repatriation of victims' remains and a full investigation into the incident. The Australian government has offered whatever support and resources are needed for those who are working closely with their international partners. Victorian authorities are also working in close

cooperation with the commonwealth to ensure the dignified repatriation of Victorian victims and their personal effects. Indeed six Victorian experts — two from Victoria Police and four from the Victorian Institute of Forensic Medicine — are part of the Australian contingent of the international recovery effort. Our thoughts are with those people who are tasked with the recovery of the remains and the investigation of this tragedy and are working in a very dangerous environment.

In Victoria we have provided counselling services in association with the Victorian Council of Churches and the Australian Red Cross, and flags were flown at half-mast during the duration of the AIDS conference. On Thursday, 24 July, St Paul's Cathedral was packed for an interfaith service, as people paid their respects and honoured the lives of the victims. It was an honour to be at that service and meet with many families who had lost loved ones. I thank particularly the families for their participation and also the representatives from all the faiths who were active participants in this multifaith service. This was a very potent expression of how deeply our community has been moved by this tragedy and of our solidarity with those who must now deal with the loss of a loved one.

The government has also provided condolence books at Parliament House, the state library and Melbourne Town Hall for members of the community to express their support and sympathy. The books are now also available at libraries, municipal offices and many offices of parliamentary members across the state. This Thursday, 7 August, there will be a national day of mourning to honour the victims of flight MH17, with a national memorial service to take place in Melbourne at St Patrick's Cathedral.

These are small gestures to assist those who are suffering so much. It is important for the broader community to express its support, sorrow and sympathy for the victims, for their friends and for the families and communities who have lost so much. We express our sorrow to all the innocent victims of Malaysia Airlines flight MH17 and offer our support to devastated families and communities. On behalf of the people of Victoria, we extend our deepest sympathies and prayers to those whose lives have been so tragically affected by this outrageous disaster.

**Mr ANDREWS** (Leader of the Opposition) — In sorrow, I join the Premier and commend him on his eloquent remarks.

A few years ago Malaysia Airlines aircraft Niner-Mike-Mike-Romeo-Delta got a new coat of

paint. She was the pride of the fleet and she wore the flagship livery. Along the hull was the slogan 'Freedom of space'. Last month 298 men, women and children lost their freedom. They were on that plane. They were torn from the air, 33 000 feet above a conflict that has torn a country apart. It is difficult to quantify the grief that has captured the world in its aftermath. It is difficult to describe it. It is a feeling that is governed by the anguish of loss, and it is a feeling that is matched with the rage of insult and injustice. It is a feeling which runs through us all every time we see the photographs of those suitcases scattered around that cornfield, dotting the landscape like headstones in a cemetery.

Those suitcases did not contain classified documents, they did not contain weapons, they did not contain the paraphernalia of war. They contained children's toys, children's clothes, beach towels, cameras; among the items of jewellery, perhaps medallions of St Christopher, the patron saint of travellers; Lonely Planet guidebooks in half-a-dozen languages perhaps; and agendas for a conference that was dedicated to eliminating from this earth a pandemic which has claimed almost 36 million lives. Those suitcases contained the paraphernalia of freedom and leisure, of charity and humanity. Those suitcases bore the ultimate mark of innocence. These suitcases were the first signals to the perpetrators that they had done something horribly, unspeakably wrong; and those suitcases were left there, to be encircled by gunmen, to be desecrated, to be dehumanised like their owners — 298 men, women and children who were pulled from the air and from their lives and from their families and friends, and all for nothing.

It was a deliberate and senseless waste that is beyond the scale of our measurement, the sort of savage act that sends mankind backwards, the sort of crime that makes the world stop turning: the cowardly murder of 298 souls in the coldest and most distant of places at the press of a button; 298 men, women and children for whom we may not establish a precise time of death; 298 men, women and children whose final moments we will never be able to record. As the Dutch foreign minister, Frans Timmermans, said:

Did they lock hands with their loved ones? Did they hold their children close to their hearts? Did they look each other in the eyes, one final time, in a wordless goodbye? We will never know.

For a time we could not be fully certain they would be repatriated and placed respectfully at eternal rest, and right now we do not know if the incident that led to their deaths will ever face or withstand a full, thorough and international investigation. We do not know the extent to which the crime scene has been compromised.

We do not know if the perpetrators will meet justice. We do not know if they suffer remorse. We do not know precisely who they are, and we do not even know if they care.

This is not the first time an airliner has been shot down. We cannot predict that it will be the last, but this is not the type of crime we should ever get used to. If we ever do, that will be a symbol of our failure, because a passenger airliner is not just a plane. It is a workplace. It is a national emblem. It is a gathering of families from the corners of the earth — as the slogan reads — amid the freedom of space, who share the same fate, and an attack upon it is an attack upon us all.

My family — Catherine and our three children — flew that route earlier this year. They too were 30 000 feet above Donetsk. Those suitcases in that field could just as easily have been anyone's should fate have determined it. So we gather here in memory of 298 men, women and children who were hostage to that fate, who left the safety of the ground at 12.14 p.m. Central European Summer Time on 17 July and never came home. They were never at fault; they did nothing wrong. The theatrics of sanctions and retaliation will not bring them home and put them around a dinner table. Our words will not do that either, but our testimony of their innocence will rest forever in our records.

I want to say to the victims, to their families, to their friends, to their neighbours, to their students, to their colleagues, to their parents, to their communities that I and all of us are sorry. On behalf of the Victorian Labor Party, I offer my sincere condolences. Those who departed us when they met their peril 6 miles in the air on the other side of the world could not have been any further away from us, but today their stories could not be any closer to our hearts.

Eighteen Victorian residents were lost on that flight. The Premier has spoken about some of their stories, and I am sure others will add to them with special detail. We wish them love and respect and dignity in their passing. They were members of our community. Thousands of friends, family members and colleagues across this state are in mourning. We offer them our support, our comfort and our care.

In total, 36 Australian citizens and residents were lost in our worst aviation disaster in over half a century. The Netherlands — truly a great friend of our state and our nation — suffered 193 casualties. That will leave a hole in its history forever. Malaysia — the bearer of the aircraft and a people who have recently endured the turmoil of the skies like perhaps no other — lost 43.

Our neighbours in Indonesia and New Zealand are in mourning, as are families in Belgium, Canada, Germany, the Philippines and the United Kingdom, and indeed across the world.

I commend the efforts of the commonwealth of Australia, the state of Victoria and her government, and the other Australian states and territories in response to this profound tragedy. We should do all that we can to assist in that effort and to ensure that the victims of the crash are repatriated and placed at rest upon their national soil. We should make sure their loved ones in mourning receive every belonging and that they get a full investigation and get every question heard and every question answered. We should mark the injustice of their loss in the records of this Parliament. We should remember it forever.

We all want the perpetrators to be found, named and permanently incarcerated. We want their sponsors to face the fury of the world. We want them to be ashamed of what they did, and we want them to be afraid. Most of all, we want to honour the victims of this tragedy and pay tribute in respect of their passing. We cannot comprehend their final moments. As the earth took them all in its arms, they must have felt very alone, but they were not. And they are not now because the world lies with them.

I am reminded of the words of John Gillespie Magee, a pilot and poet who was killed in the air in 1941. Only months before his death he completed a sonnet that was inspired by a turn in a Spitfire which took him to 33 000 feet — precisely the altitude at which MH17 fell from stable flight on 17 July:

I've topped the ... heights ...  
Where never lark, or even eagle, flew;  
... I've trod  
The high untrampled sanctity of space,  
Put out my hand and touched the face of God.

These people were innocent, and we will never forget them.

**Mr RYAN** (Minister for State Development) — I rise to support the motion which has been moved and supported so well by the Premier and the Leader of the Opposition respectively. This dreadful event gives a new meaning to the expression 'The slaughter of the innocents'. These innocent people were passing by a field of battle, a battle that was happening below them and which has its origins, like so many these days, in matters, facts and circumstance which in reality are beyond the scope, let alone the experience, of most of us. Yet on 17 July, less than 4 hours into a 13-hour flight taking these folks from Amsterdam to Kuala

Lumpur, they were shot from the sky. Tragedy struck as they were crossing the Donetsk area of Ukraine.

It is easy to be angry about these tragic events. These people were literally passing by. They were classically the innocent victims of what occurred as a result of what was going on below them. What precisely was that? Who did what to whom? Who pulled the trigger? Who did it on whose orders? Was it just the random act of some fool who determined that he or she might conduct himself or herself in this way? The fear is that we will never, ever know the answer to these things.

In the result, 298 completely innocent people died. They came from 10 nations, including Australia. Something approaching 36 or 37 Australians died and in the order of 17 or 18 Victorians were part of that tragic number. They were of course the loved ones of so many. They were sons and daughters, they were parents, they were grandparents, they were carers, they were siblings and they were friends — all of that and more — who were simply travelling in this aircraft across this field of mindless activity below. We are now in a position — as we know, activity is occurring on the ground as we speak — to do what we can to repair this appalling tragedy, and that action should take the form of bringing these people home. We need to bring these people home.

I pay tribute to Prime Minister Tony Abbott for, I think it can reasonably be said, leading the world in its approach to dealing with this horror. I also pay tribute to the Minister for Foreign Affairs, Julie Bishop. I pay tribute to the federal Leader of the Opposition, Bill Shorten, for the bipartisan support which has been offered. I also pay tribute to governments of all persuasions across Australia, as we have come together in what is now a joint effort to get to the bottom of this, if ever we can, but more particularly now to bring these people home.

Let it be said that we have tens of thousands of our own lying beneath the soil of foreign lands all over this globe as a result of deaths suffered in conflicts of different shapes and kinds; they lost their lives in the field of battle. But in this case, these innocents had nothing to do with what was occurring below them, and we must do everything we possibly can to bring them home. I pay tribute to those who are now engaged in this extraordinarily difficult task: those who are on the ground in the name of those nations that are the homes of those who have been lost and who are putting themselves in harm's way. One can but imagine what a task it now is. Today, weeks after this appalling event occurred, we have people on the ground, many of them from Australia, engaged in this extraordinarily

important task of bringing the victims home. We wish them well in the endeavours in which they are engaged, and we wish them a safe return. We hope and we pray that we can bring our people home.

In the end, what is to be drawn from this appalling event? On the one hand it is but another example of man's inhumanity to man, and one wonders where the boundaries of this sort of conduct lie if, indeed, such boundaries exist. On the other hand, as we have seen over the past couple of weeks, there is an inexhaustible capacity in the people of our nation to grieve with those who have suffered. I believe in the end our capacity as a nation for compassion for each other, for loving each other and providing practical support will win out. I support the motion before the house.

**Ms DUNCAN** (Macedon) — I commend those who have spoken before me on their touching remarks. There is little more that I can add to their contributions, but I will describe the great injustice of this tragedy — the profound loss, the confusion, the fear and the anguish. I want to talk in special detail about the lives of those who died; those who are a part of our state and our community and who remind us all of how short and precious life is.

Gary and Mona Lee were returning from a European holiday. Gary was a restaurateur and Mona a schoolteacher. Mona messaged her family before she was about to board and said she was looking forward to returning home. Gary and Mona have two daughters who live in Melbourne and work in our hospitals. We remember them.

Itamar Avnon studied at Swinburne University of Technology. Like Mona and Gary, he was holidaying in his native Netherlands and attended a friend's wedding in Israel. He was coming back to finish his business degree. He was 27 years old. We will remember him.

Marco Grippeling was also on holiday with his wife. Fate put her on an earlier flight, but Marco was taken from his friends and family. He worked in cybersecurity and was 48 years old. A friend wrote in Dutch, 'I ended Tuesday with goodbye to you, not knowing that it would be the last goodbye'. We will remember him.

Gerry and Mary Menke lived in East Gippsland and ran an abalone pearl operation, as did a former member of this place. Gerry emigrated here from Holland in 1958. Mary came here in the 1960s from New Zealand. She stopped at Mallacoota and never left. They had four

children and five grandchildren. They were celebrated small business people, and we will remember them.

Albert and Maree Rizk, parents of James and Vanessa, were from Sunbury. Albert was a director of a local real estate agency. The window of that office was filled with flowers and tributes within a day. Both were very well regarded members of their community. They were active members and volunteers with a wide circle of friends, and coming from Sunbury, this is personal. Both Albert and Maree were involved in the Sunbury Lions and the Sunbury Kangaroos. As their son, James, said, 'Our mum and dad would be so grateful for the support, but it goes to show how incredible they were as people and how many lives they have touched. We will miss them so much'. We will remember them.

Emiel Mahler, aged 27, was attending a wedding in Malaysia. He lived in Melbourne and worked in finance. He was a seasoned traveller, with friends across the earth and mastery of four languages. He died alongside his partner, Elaine, who worked with him in finance. We will remember them.

Liam Davison taught creative writing at the Chisholm Institute. He was an author who won the Victorian Premier's Literary Award. The *Age* wrote of Liam:

Almost every Saturday for 15 years, award-winning author Liam Davison clipped into his pedals and started the weekend with his mates.

The group of 50 keen cyclists would greet the sunrise with a 35-kilometre loop across the Mornington Peninsula, and enjoy a coffee together afterwards.

A sombre minute's silence marked the start of this weekend's ride in honour of the 56-year-old, who many of the riders remembered as a gentleman.

Frankie Davison, Liam's wife, taught at Toorak College in Mount Eliza. She was a passionate humanitarian who worked with disadvantaged communities in Sri Lanka. Toorak College opened its chapel the morning after the news. A former student described Mrs Davison as an incredible teacher. We will remember them, and we send our prayers to their children, Milly and Sam.

Hans van den Hende and his wife, Shaliza Dewa, and their children, Piers, Marnix and Margaux, lived outside of Melbourne. Hans was diagnosed with leukaemia in 2009. He had only just beaten the disease. Piers was 15, Marnix was 12 and Margaux was 8. They attended Bacchus Marsh Grammar School, swam for local swimming clubs and played for local football clubs. We will remember this family.

We will remember the other Australian citizens and residents: Wayne and Theresa Baker; Jill and Roger Guard; Howard and Susan Horder; Helena Sidelik; Dafne Nieveen; Mo, Evie and Otis Maslin — siblings from Western Australia, who were on the flight with their grandfather, Nick Norris; Ehel Mahady; Arjen and Yvonne Ryder; Michael and Carol Clancy; Gabriele Lauschet; Jack O'Brien; Victor Oreshkin; Philomene Tiernan; Liliane Derden; and Emma Bell. These people were family members, parents, sons, daughters, teachers, students and colleagues. Many of them were of dual nationality. Many of them were proud immigrants. Many of them were permanent residents. They are a tribute to us and our multiculturalism. We will remember them.

We will remember all of them. We offer our deepest condolences to their friends and families, and we will work our hardest to give them, in passing and in rest, the respect they deserve. May they rest in peace.

**Mr BULL** (Minister for Local Government) — I rise to support the motion, and I commend all the previous speakers. When we heard the news reports that a commercial airliner had been shot down over a European war zone, it almost instantly tied a knot in the stomach and created an overwhelming sense of disbelief. The reports that followed and footage from the site as the story of this tragedy unfolded, showing toys and personal belongings, conjured emotions of anger, grief and helplessness.

The terrible tragedy that befell the passengers and crew of flight MH17 has had a wideranging impact on so many people. I can remember sitting with my kids having breakfast on the morning of 17 July, trying to answer questions from my nine-year-old daughter, who wanted to know what had happened. Of course there were no appropriate answers to those questions. At the time all we knew was that it was a Malaysia Airlines flight travelling from Amsterdam to Kuala Lumpur; we did not know that there were so many Australian and Victorian residents on the aircraft. I never imagined it could or would affect one East Gippsland township so dramatically.

The sleepy hamlet of Mallacoota in my electorate, a world away from the crash site, has been rocked to the core. I wish to focus on the impact on this small country community, as it is very typical of the impact that has no doubt been felt in many communities around the world. Mallacoota is the state's easternmost township, right on the New South Wales border, with a population of just on 1000 people. I am sure most members, like a large number of Victorians, have visited the place at one time or another and have experienced its

atmosphere and its friendly people — a place where everyone knows everyone else. I am sure many country members in this house have very similar communities in their electorates.

The town lost two of its leaders on MH17. Mary and Gerry Menke were much-loved and respected residents, and there was not much that went on in Mallacoota that they were not involved with. If they were not supporting the local soccer club, the State Emergency Service and the school or the kinder where their grandchildren attended, or being involved in the business community, they were engaging in their other passion of travel. In fact they were on board MH17 returning from a holiday in France to celebrate Gerry's 70th birthday. They had embarked on adventures all around the world, exploring the African wilderness, diving with whale sharks on Ningaloo Reef and hiking the jungles of Borneo — all amazing experiences they brought back to share with family and friends.

Gerry was a director of the Mallacoota Abalone Fishermen's Co-op Ltd and had been a diver for well over 30 years. Mary operated the local hairdressing and beauty salon, taught piano and gave enormously of her time and talents to the local community. Gerry was from the Netherlands and was one of six siblings. He immigrated to Australia with his family when he was just nine years of age. Mary came from near Christchurch in New Zealand and was employed in an Australian pub when she met Gerry during a working holiday around the country. The family described it as a whirlwind romance; the couple was married and rarely spent a day apart after that. They were very popular and well-liked figures within this small community, which has been left reeling.

At the East Gippsland Business Awards last year I had the honour of presenting a special award for outstanding achievement. This went to the relatively new Menke family business, Mallacoota Abalone Pearls Australia. It was on this evening that I first had the chance for an extended chat with Mary and Gerry. Mary was always the life of the party, and many say that you would hear her coming before you saw her. Gerry was far more reserved. They were very proud of their business, their community and also their family. We talked at length about their unique operation, which involved growing pearls in abalone shells rather than the traditional oyster shells. Gerry spoke with a real passion about how his hobby of growing pearls in abalone shells had turned into a business, in which his extended family was also becoming heavily involved. I can recall him relaying the varying colours of the abalone pearls, which range from green and blue tones through to pink and ivory. He said that this was due to

the differing colours and types of seaweed eaten by the abalone. It was a story he had no doubt told countless times to others, but I can remember his enormous passion and enthusiasm. He spoke of how pleased he was to be establishing this business in a small country town with his family.

Mary and Gerry were valued and respected members of the community and active in the local business sector. As the family stated in their tribute to their parents:

Mary and Gerry were many things to many people: award-winning business owners, adventurous world travellers, and active members of the Mallacoota community. They were inseparable partners in everything they did, loyal friends, deeply loving siblings and children, devoted parents to four children and doting grandparents to five grandsons.

Mary and Gerry are survived by their four children — Sara, Brett, Anna and Paul — and their five grandchildren.

Events such as this bring home the fact that we are never immune to the circumstances taking place half a world away. It is disgraceful that access to this site was denied initially and that remains are still being recovered. I commend those agencies that are continuing their efforts to return those lost to their rightful place of resting. The lives of all 298 souls so tragically lost will never be forgotten. We owe it to the victims, their families, their friends and the global community to ensure that they stay in our hearts and memories forever.

**Ms GARRETT** (Brunswick) — It is with immense sorrow that I join the statements of condolence in this house for the tragic and heinous loss of so many innocent lives in the criminal horror that was the destruction of flight MH17. The breadth of devastation that has been inflicted on the loved ones of those lost is brutal and relentless. It is, as the shattered parents of those three beautiful children Mo, Evie and Otis agonisingly called it, a 'hell beyond hell'. Who among us did not weep and weep and weep reading those words, looking into the eyes of those joyous children captured by a camera, their lives ripped from them and their parents condemned to a darkness that we cannot fathom.

The global community is reeling, and our community is shaken to its core: so many lives have been lost and so many Australians have been killed so far from home, half a world away on war-torn soil. From our sporting clubs to our classrooms, from our tight-knit regional communities to our universities and businesses, we grieve for all those families and communities who have been touched by this tremendous loss. We grieve for those who dedicated their lives and considerable talents

to critical research on AIDS. We grieve for those who chose to move to Australia to raise a family, we grieve for those who passionately taught in our schools and we especially grieve for those we lost who were only beginning their precious journey in life.

Within the darkness and the horror, within the distressing aftermath of this violence, we have stood together as a community. It is the responsibility of all of us to walk alongside those who are grieving, holding their hands and their hearts in our collective embrace, sharing as best we can their unspeakably heavy burden. The words in this house today — and they have been fine — are a small part of this most solemn duty, as was the service at St Pauls Cathedral. Hundreds and hundreds of Victorians attended that service, paying their respects to and honouring the victims of this disaster. People of many faiths, backgrounds and nationalities united not only in grief but also in celebration of the lives of so many special people. This expression of faith and community replenishes our spirit and strengthens our resolve for peace, and we harbour the deepest of hope that it gives some comfort to those who are suffering so profoundly at this time.

As the catastrophic events unfolded before a horrified world, we began to learn about the wonderful individuals that we so abruptly and shockingly lost from our homes. Each and every one of these individuals made huge contributions to our community, making it a better place to live. Whether it was volunteering at the local football or soccer canteen, decades of dedicated teaching or years of service as community leaders, every person we have lost left an indelible mark on those around them. We send the thoughts of this Parliament and the communities we represent to the families of the victims, and we join them in acknowledging and celebrating their important contributions to this state.

Just as grief has reached the many corners of Victoria, one of my team members, Nic McLean, who is doing a work placement in my office for his masters degree, is grappling with the loss of his close family friends the Davisons, who were on that doomed flight. My prayers are with him, with the family and with the broader community, who are all still reeling from such devastating news.

The destruction of flight MH17 has affected many individuals, many families and many nations around the world. We grieve for the tremendous loss that our Dutch counterparts have been burdened with, the terrible impact on the people of Malaysia and the many other nations that mourn their citizens. And as we all too well know, our country carries an enormously

heavy weight, losing so many fine individuals and such young children, like Victorians Piers, Marnix and Margaux, whose lives were cut so violently short.

Conflicts and violence grow and fester when nations and communities harbour animosity and discrimination between people from differing backgrounds. As we grieve for this loss of innocent lives, we renew our commitment in this place to protect and enhance the peaceful diversity of our multicultural society. This harmonious multiculturalism is central to our resilience, our unity and our capacity to work towards a safe and peaceful world.

I join others in paying tribute to the six delegates en route to the 20th International AIDS Conference held here in Melbourne. Their loss is being felt not only by their loved ones but by all of us who watch with such admiration the tireless efforts of those waging the ongoing fight against HIV/AIDS. In particular we acknowledge the work of Professor Lange, a passionate advocate for improved access to HIV/AIDS medicines in developing countries. It is clear from the words and deeds of those at the conference that the memories of their lost colleagues will be honoured with a steeling of resolve to continue the battle against this insidious disease.

Today we are here in this place being from different communities and different parties and having different philosophies, and we stand together as one in expressing our personal sorrow and the sorrow of the millions of people we represent at this unbelievable horror. We stand here and hope that this message of grief and love touches the hearts of those who have lost such precious people in their lives. We stand here and renew our commitment to peace, to justice, to the unending love of parents for their children and to the good in humanity triumphing over the darkness. And most importantly, we stand here and pay tribute to the souls of those whose lives were taken from them. May they be at rest.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

## CONDOLENCES

**Lorraine Clare Elliott, AM**

**Dr NAPHTHINE** (Premier) — I move:

That this house expresses its sincere sorrow at the death of Lorraine Clare Elliott, AM, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as member of the

Legislative Assembly for the electoral district of Mooroolbark from 1992 to 2002.

Many of us here in this house had the honour and privilege of knowing and working with Lorraine Elliott. Lorraine passed away on 2 July this year at Epworth hospital, surrounded by her family, after a battle with cancer, which she had dealt with some years earlier. Tragically the cancer returned with renewed vigour. She is remembered by her family and friends as a kind, generous and compassionate person, and as a dedicated mother and grandmother.

It was an honour to be a friend and colleague of Lorraine Elliott. She was an outstanding contributor to this Parliament and the broader Victorian community. At Lorraine's very beautiful funeral service at St Peter's Eastern Hill, her son Tom described her as a wonderful mother who retained her love of teaching and English. Indeed Tom reminded us that Lorraine continued to correct his grammatical mistakes even up to the very last minute of her life. She used to ring him regularly to remind him of his grammatical errors on afternoon radio.

Lorraine had a very active and distinguished career covering a broad range of areas — education, public service, the arts, community development and disability services. She began this work as an English teacher at Blackburn High School. She continued to work in many roles, including for 10 years as the member for Mooroolbark in this place from 1992 to 2002. In that time she served as a hugely enthusiastic and positive Parliamentary Secretary for the Arts. She truly loved the arts and was actively involved in the direction and development of the arts in this great state. She served as shadow Minister for Community Services and shadow Minister for the Arts from 1999 to 2002.

Her many parliamentary colleagues here today and others will recall her absolutely bright intellect, her intelligence, her absolutely outstanding bright smile and her great sense of humour, as well as her loyalty and compassion. In fact in the corridor you could see Lorraine coming with that great smile, that great bubbly enthusiasm and that passion for the issues she was pursuing at the time. As a young woman this compassion was evident in her role with the Girl Guides in the 1980s. She was the leader of a group of young Brownies, comprised mainly of refugees from the Vietnam War. She served the community in a wide range of areas, and in particular I want to highlight her leadership roles at St Vincent's Hospital as a member of the former regional board, past chair of the Regional Advisory Council, the Electoral College and the Clinical Ethics Committee. Her generosity, wise

counsel and commitment to community service and development in these roles earned her great respect.

In addition to winning the respect and admiration of her colleagues, in 2006 Lorraine Elliott was recognised for her service to the Parliament and the community with her appointment as a member of the Order of Australia. Lorraine is also remembered as a passionate advocate for women's rights and opportunities, declaring that women's issues do not exist in isolation — they concern men as well. She was always keen to advise that the community benefits enormously from a broader participation, and her participation was a living example of that broader participation by delivering positive outcomes for the Liberal Party, for the community of Mooroolbark and for the broader Victorian committee.

She is very much remembered as a committed mentor of people in public life, particularly women, and she was a friend to many in politics on both sides, because she was happy to work with people who were committed to making a difference. That was Lorraine's commitment. She is very much remembered across the arts community for her involvement in promoting the arts in Victoria, most recently in her role as board president of the Australian Centre for the Moving Image, one of Victoria's most celebrated cultural institutions. Lorraine's dedication and hard work in public life, the arts and community services has certainly made a lasting impact on public life in Victoria.

On behalf of the Victorian government and the Parliament, I extend sincere condolences to the family and friends of Lorraine Elliott, including her husband, John Kiely; her children, Tom, Caroline and Edward; and her six grandchildren. I conclude with a piece Lorraine wrote, which is reproduced on the back of the funeral order of service. It reads:

To my darling grandchildren  
Henry, Sebastian, India, Ava, Lottie, Mathilda  
I will not see you again.  
But I hope that something of me may live on in you — the  
curve of an eyebrow, the colour of your eyes, an interest, a  
passion.  
You have lit up my life.  
With love from  
Ma

I am certain Lorraine's legacy will live on in her children, her grandchildren and in the broader Victorian community, who have all benefited significantly from the generous contribution and the passionate life of Lorraine Clare Elliott.

**Mr ANDREWS** (Leader of the Opposition) — I am not one to quote former Premier Jeff Kennett that often, but the story goes that he rang Lorraine and said, ‘Congratulations, you’re the Parliamentary Secretary for the Arts. You’ll be doing most of the work. Good luck. Have a nice day’. With that phone call and with those very Kennett-like words over the phone, Lorraine Elliott was handed the reins of her greatest passion: the arts. She was handed a great responsibility too — to reinforce and improve Victoria’s reputation as the arts capital of Australia and one of the great cultural intersections of the world.

Lorraine Elliott said she had no voice — ‘I can’t sing, I can’t dance, I can’t paint or draw’ — but of course she could write, and we have just heard the Premier quote very movingly from the hand of Lorraine Elliott. Lorraine’s son Tom, who a lot of us know for lots of different reasons, most notably his role in the media, said:

She retained a love of teaching and English, and right to the very end she would correct grammatical mistakes in my work or in my speech.

Her passion for cultural pursuits was evident; she was one of their greatest ambassadors. I think she helped to embed the culture of sponsorship and support for the arts within the echelons of the Victorian public sector and the Victorian government no matter who was in power. Our culture was, and still is, unique among Australian jurisdictions. It is very difficult to quantify precisely the number of artists, singers, dancers and playwrights whose careers began and the number of musicals and awards that were born during the time Lorraine was Parliamentary Secretary for the Arts and which survive today because of her efforts. Those are very difficult numbers to quantify, but we can say that there are many and that her work helped to change the face of Victoria and make it a better state.

Lorraine Elliott was born 9 July 1943 to Harry Golder and Ailsa Trengove. After matriculating in 1960, she read education at Melbourne and Monash universities. She taught at Blackburn High School in the mid-to-late 1960s and later taught English literature at the Donvale Living and Learning Centre in the mid-1980s. An excerpt from the *Melburnian* magazine in 1996 speaks to her knowledge of the classics:

Lorraine Elliott’s obvious love of literature, both poetry and prose, enables her to weave poetic references and quotations into her conversation ...

And:

... she rapidly nominates several operatic and popular classical pieces as personal favourites, in particular the chorus

of the Hebrew slaves from Verdi’s *Nabucco* and the soul-stirring *Land of Hope and Glory*.

With such ease in making classical references, one wonders what drew her to this place.

But she did have another great passion, which the Premier has spoken of, and that was community service. In her inaugural speech she said:

Another aspect of Mooroolbark I am very pleased about is that the need of people not only to receive but to give — the voluntary principle — is still very much in evidence ... often through the churches, to many people in the community who are in need, particularly those who are sick or who have family troubles.

Lorraine Elliott practised the voluntary principle for 15 years, working with many community organisations while a young mum and serving as an honorary probation officer with the state’s corrections services. Lorraine’s interest in the civic life of our state and our nation was spurred by the American political process, a condition well known to many of us. As she rose through the ranks of the Liberal Party in her local community and in the state organisation proper, her obvious capacities earmarked her immediately for a future in public life. She was elected as the first member for Mooroolbark in 1992 and departed the Parliament just as I and so many of my colleagues arrived in 2002.

I do not have to mention the regard in which she was held in this place, across our state and, most pointedly, across the aisle, in terms of members of Parliament and also staff and others who are involved in this precinct and our activities each day; that is obvious and has been attested to by so many. Her generosity, kindness and modesty are matters of record. I had some dealings with Lorraine at different times. I will not say I knew her well, but in my dealings with her, as the Premier has alluded to, warmth, compassion and fundamental decency were evident to me and, I think, to all who were privileged to have dealings with and spend time with her.

Lorraine is survived by her daughter, two sons and three stepdaughters. We send our condolences to them and her grandchildren. We recognise Lorraine’s service to the people of Mooroolbark, the people of her party and the people of this state, including its artists, designers, actors and creators. We recognise her commitment to education, particularly that of girls and women. We commend her patronage and support of organisations like the girl guides. We thank her for being outspoken and for being a true trailblazer. We thank her for her work. May she rest in peace.

**Mr RYAN** (Minister for State Development) — On behalf of The Nationals I rise to support the motion moved by the Premier and supported by the Leader of the Opposition regarding the tragic passing of Lorraine Clare Elliott. I first came to know Lorraine when we both came up the steps of this place for the first time in 1992. We were elected that year, as was the Leader of the House and a few others who remain servants of this place.

I came to know Lorraine well. I along with a number of other backbenchers who were elected that year regularly took ourselves down to a local haunt after the coalition meetings on Tuesdays to sit around and discuss the matters of importance to the state of Victoria. We knew full well that our state was at all times in the very able hands of the Premier, Deputy Premier and those who served in the cabinet of the day, but by the same token we acknowledged that they could always be better versed in their respective roles with the benefit of additional advice. Sometimes that advice was actually offered, and many times it remained at the table. I am reminded that the usual place of gathering was Becco, but it was not the only place, and many others beckoned.

I got to know Lorraine very well. She was a person of absolutely formidable intellect. She was very empathetic with people. She understood people. She was unfailingly courteous, even in the most apparently difficult and trying of times — and, I might say, in the course of some of those conversations to which I referred. She had a great history in the arts. They were her first love, and as the Leader of the Opposition has observed, she had the capacity to bring to mind and readily speak of the different elements of various forms of the arts; it was completely natural and second nature to her. Accordingly, when she was appointed, somewhat peremptorily, into the role of Parliamentary Secretary for the Arts by the Premier of the day, she took to it like the proverbial duck to water. It was a role in which she was completely comfortable, and in that guise we saw perhaps the best of her contribution to the parliamentary system, because it was not only within this chamber but so often beyond its walls that she was able to bring such life and enthusiasm to something that she so dearly and obviously loved.

Over and above the contribution she made in that regard, she was a very strong supporter of education — education at large, but perhaps more particularly in terms of enabling women to participate in the community broadly and, very particularly, in politics. Lorraine Elliott crashed the glass ceiling. She was one of those who was ahead of her time in so many respects. She led, guided and mentored a lot of young

women into politics in a way that did her great credit and enabled this profession to be better served by the fact it included those who were assisted by her.

It was not only in and beyond the walls of this place in her official role as a parliamentarian that she made such a great contribution to the Victorian community. As the Premier has said, she was a wonderful contributor in many volunteer aspects, including in the health sphere, the primary focus perhaps being through St Vincent's Hospital, where she was involved in different guises over a period of years. She was also involved in the Australian Children's Television Foundation, the Melbourne Festival of the Arts, the Dame Nellie Melba Opera Trust and the Australian Centre for the Moving Image, of which she was president for some time. These are but some of the institutions she contributed to so ably in the course of her life. I therefore pay tribute to Lorraine Elliott. She was just a beautiful lady who did wonderful things for this state.

**Mr MERLINO** (Monbulk) — I join in paying tribute to Lorraine Elliott and celebrating the contribution she made to public life in Victoria. I did not know Lorraine Elliott well, but we moved in close orbit in the outer east for a period of time. I was a councillor for Yarra Ranges Shire Council in the period Lorraine was the member for Mooroolbark, and I moved into this place as Lorraine departed. So while I did not know Lorraine Elliott beyond brief conversations at local functions, I did know this about the member for Mooroolbark: she was very well respected in our community — as you would know more than most, Speaker. As reflected in other contributions, she was a very effective representative and an intelligent and compassionate person who was universally held in high regard, which is a rare feat for any of us in this line of work.

There are a couple of things I would like to highlight. Lorraine Elliott's contribution to her party, the Liberal Party, was both significant and admirable, displaying loyalty and commitment over a long period of time. She joined the party in 1970, working her way up through the branch structure to state council and then to vice-president of the state Liberal Party.

Lorraine Elliott's career in politics was one of putting the interests of her party first. She spent many years — decades — motivating and encouraging people. As the Premier said, she particularly encouraged women to get involved in politics and to run for preselection. This was a person who did the hard yards to build her party. This is what I particularly liked and admired about Lorraine Elliott. When the opportunity arose to put her own hand up to run as a candidate, Lorraine made it

clear that she wanted a marginal Labor seat. She chose to run for Mooroolbark. Lorraine Elliott was no high-profile candidate demanding a safe seat, which I am sure she could have received. She did not want to be accused of any cosy deal or preferential treatment. She did the right thing by her party.

For her it was not about what she could do to secure a seat in Parliament for herself, but how she could secure victory for her party and form government — on any side of politics you have got to admire and respect that. As Lorraine Elliott herself said, ‘If things are too easy, it’s not good for your character. I wanted a challenge’.

The second thing I want to mention is the fact that Lorraine Elliott dedicated her life to education. She was a teacher at Blackburn High School, a private tutor and also an educator to those less fortunate. For the period of time that Lorraine and her family lived in the United States she was involved with a disadvantaged children’s education program, and back home she was involved in adult education and supporting multicultural communities. As we have heard from both the Premier and the Leader of the Opposition, she was a teacher right to the very end. As her son, Tom, said in a recent article and at her service, she was correcting the grammar in his work and his speeches.

Her passion and deep commitment to education jump out at you when you read her inaugural speech. She spoke of her strong background in and commitment to education, particularly for girls and women. She said, ‘I will be supporting the move to have a university established in the outer east’ and that she would be working ‘to give the outer east its very own university’. There are some things that remain as relevant today as they did more than two decades ago. Lorraine Elliott understood intrinsically the power and the importance of education.

With those few words I extend my sincere condolences to Lorraine’s husband, John, her children, Tom, Caroline and Edward, her stepdaughters, her six grandchildren and her many family and friends.

**Mr WELLS** (Minister for Police and Emergency Services) — Lorraine Elliott was one of the most decent people I have ever met. She was one of those people who had a great and genuine interest in every single person she met. When I first met Lorraine it was the mid-1980s, and she was the Vice President of the Liberal Party. It was at the state council. Although many people wanted to speak to her at state council she managed to be incredibly generous with her time and her common-sense approach and always offered sound advice.

In 1991 we both attended a number of Liberal training programs in a bid to run for pre-selection, and this offered an opportunity to get to know Lorraine even better. Lorraine was incredibly proud of her three children, Caroline, Tom and Edward, and she spoke about them with great pride. In 1992 we both won our seats: Lorraine’s in Mooroolbark and mine in Wantirna. The sense of excitement of that 1992 election was tremendous. That excitement soon turned to harsh reality when, in those early days, the sitting days would regularly go past midnight and, on some occasions, until 5.00 a.m. or 6.00 a.m. It would have been so easy for us new members to complain about the length of the sitting days — but not Lorraine. Lorraine was on a mission to enjoy every single second of being in Parliament, with the biggest of smiles on her face. In 1996 Lorraine was deservedly promoted to the position of Parliamentary Secretary for the Arts — a portfolio she thrived in and really enjoyed.

Lorraine’s health was not always great. On one occasion she had to go into hospital to deal with breast cancer. The then members for Bellarine and Benambra, Gary Spry and Tony Plowman, and I went over to visit Lorraine in hospital. For some reason Lorraine thought we had a great interest in the micro detail of the operation. The three of us quickly tried to change the topic to football, but Lorraine pushed on with the details. Weeks later, when Lorraine was recovering, she would laugh out loud about our visit to the hospital on that day and how the colour of our faces turned a very pale white.

When in 2002 state Labor won many seats in the outer east, Lorraine was gracious in her defeat and, as you would expect, moved on to the next phase of her life. Thankfully our paths continued to cross on many occasions at the various functions we continued to attend.

I will finish where I started. Lorraine Elliott was one of the most decent people I have ever met. My sincere condolences to her husband, John, her children, Caroline, Tom and Edward, and their families. Lorraine will be sadly missed.

**Mr FOLEY** (Albert Park) — I join with other members here to recall Lorraine Elliott’s contribution to the people of Mooroolbark and this Parliament, particularly in her role as Parliamentary Secretary for the Arts. Unlike many of those opposite, I did not know Lorraine well, having only bumped into her in a number of arts and cultural precincts in more recent years, but it is in that regard that her legacy lives on. An analysis of her role in the key years of the late 1990s shows that much of the infrastructure of this city’s

museums, the State Library of Victoria and many other cultural centres in this state owe much to her work.

Perhaps more importantly, what goes on inside these and other cultural institutions owes even more to her role as Parliamentary Secretary for the Arts to then Premier Jeff Kennett. It was in this leadership role that she continued well past her departure from this place. It was through that role that I had some dealings with her at the Victorian College of the Arts and most recently at the Australian Centre for the Moving Image. I should also mark her important contribution to securing the future for Orchestra Victoria. She carried out an unheralded and important role in securing the future of that important cultural institution.

I see from some of the reports the library staff have provided that Lorraine was a native of 'Melbourne's leafy inner east'; that after graduating from university and spending much time teaching both here and in the United States she married John Elliott and raised three children, Tom, Caroline and Edward; and that she had a number of grandchildren. Later, after splitting up with John, she had her partnership with John Kiely, and they obviously spent many happy years together. In my limited dealings with Lorraine Elliott what came across was, as honourable members on both sides have said, her genuineness, her passion and, as the Minister for Police and Emergency Services said, her decency.

One of the phrases I picked up from reading the material regarding Lorraine Elliott was 'Never say "I can't"'. This seems to have been a continued and common phrase of hers. It was a mantra she certainly brought to her substantial commitment to the arts and culture in not only her community and this state but indeed the nation. We all offer her family and many friends, including many in this place and particularly those opposite, our deepest condolences. If we live on by our work, Lorraine Elliott's legacy will endure for a very long time.

**Mr HODGETT** (Minister for Ports) — I rise to speak on the condolence motion for Lorraine Elliott. Lorraine was a warm and friendly lady with a great sense of humour. She was a terrific friend who encouraged me in politics and assisted me enormously in my early days as a member of the Liberal Party. I would like to share just a few stories to show the make-up of this remarkable woman.

As members have heard, Lorraine served as the member for Mooroolbark from 1992 to 2002 — that is, for 10 years. She was first elected in 1992 and was re-elected in 1996 and 1999. She was the first and only member for Mooroolbark, which was a new seat in

1992 and was changed to the district of Kilsyth in 2002. Lorraine was a tireless and hard worker. In discussions the other day the then president of the Mooroolbark branch of the Liberal Party recalled Lorraine coming to her in 1992 and saying that she wanted to run for a marginal seat. As the member for Monbulk said, it was testament to Lorraine's character that she wanted to earn a seat in this place by winning a marginal seat that had been held by Labor rather than taking an easy route into this place.

I am told that Lorraine worked very hard to raise election funds of around \$20 000, which was the cost of a good campaign in those days. Oh, how we wish! Of course Lorraine was successful and won the seat in 1992. I think all of us in this place aspire to be known in our electorates as good local members. That is what Lorraine Elliott was known as: a good local member. Lorraine was well respected by people on both sides of politics. In fact in 2002 when Labor won Kilsyth Lorraine received many calls from both Liberal and Labor members expressing their disbelief at the result, thanking Lorraine for a decade of hard work in the electorate and wishing her all the very best for the future. As the member for Monbulk said, it is a sign of Lorraine's integrity, her reputation and her qualities as a person that members on both sides of the political fence held her in such high regard.

As members have heard, Lorraine was an English literature teacher by occupation, and she was always alert to both proper and poor English. No doubt her electorate staff, who are still around, became very good at presenting letters to Lorraine for her signature or further correction, as required.

As members have heard also, Lorraine loved the arts. She served as the Parliamentary Secretary for the Arts from 1996 to 1999 and then, amongst other things, as shadow Minister for the Arts from 1999 to 2002. The Leader of the Opposition was correct in saying that we all remember those calls from the Premier and Lorraine remembered the call from then Premier Kennett. It was along the lines stated by the Leader of the Opposition — that is, 'Congratulations. You're the Parliamentary Secretary for the Arts. You'll be doing most of the work. Good luck, and have a nice day'. The Leader of the Opposition sounded much better in quoting the former Premier.

My other recollection of Lorraine is of her great love of animals. I remember that she often took Rumpole, her black labrador, to local football games. Lorraine was of course the no. 1 ticketholder at the Mooroolbark Football Club, and she certainly did not miss many home games. She was always there with Rumpole.

There are many great stories about Rumpole that I will not share today. However, I will tell one story that Lorraine used to tell. Early one morning, at 5.00 or 5.30 a.m., Lorraine went out the front door to collect the newspaper. Rumpole had been very busy going up and down the street that morning. In fact he had fetched the rolled-up newspapers from a number of households up and down the street and they were now piled up on the doorstep. Lorraine said that she grabbed them and proceeded to redistribute them to their rightful homes along the street, trying to remember who in the street read the *Herald Sun* and who read the *Age*. She said that she was pretty confident she had all the lefties picked, that she knew who read which paper, and she was most satisfied with her redistribution effort. She never heard anything further about it, confirming her accurate judgement.

I will give a final example of something that showed the calibre of this lady. I was a member of the local council, along with the member for Monbulk. As mayor at the time I was asked to visit a local childcare group for young children. There were mothers there with babies or toddlers with disabilities. Lorraine was there with the group of mothers in a temporary facility. She was working hard with them to try to find a permanent place for them to meet every week and to get a little bit of funding to support the group. It is another example of nothing being too much trouble for Lorraine to take up as a cause and to work hard on to get a satisfactory outcome.

Lorraine was a great lady, a great person and a great local MP. I respected her, and I admired her. She worked hard, and she did make a difference. She will be sadly missed. I extend my sincere condolences to the entire family.

**Mr DONNELLAN** (Narre Warren North) — In sorrow I join others in mourning the loss of Lorraine Elliott, former Parliamentary Secretary for the Arts, shadow minister and former member for Mooroolbark. My experiences with Lorraine Elliott were limited, but one is stitched in my memory, and it highlights the qualities she had, which were respect for others, an ability to behave in a dignified manner in very difficult circumstances and empathy for the suffering of others.

I remember a night in October 2002 when a forum on disability services was held at the City of Casey town hall. Dale Wilson, Jude Perera, Mick Morland, Gary Rowe and Lorraine Elliott and I were in attendance. The meeting started off calmly, but the parents then proceeded into a kick-the-politician exercise. The parents, following years of frustration, were urged by some City of Casey staff members to have a go, and the

parents did have a go. That night I came to understand the difficulties of caring for children with disabilities, the limited respite available, the difficulties in accessing services and the services delivered by different levels of government requiring different criteria for access. It was a system that did not serve them well.

But the hostility directed towards us shocked me; it was very aggressive. We as members or prospective members of Parliament sat very quietly in the front row. I dared not turn around to look at our accusers, because they were incredibly aggressive. The tone the parents took was one of blaming the politicians for the difficult circumstances they found themselves in. I greatly emphasised with these parents, but to be honest, the barrage of abuse was difficult to deal with and the MC from the City of Casey had lost control of the situation. There were no facts or figures, there was no constructive criticism; it was very much a case of bash the polly, and none of us in the political class knew what to do. We sat there a little bit stunned.

Thank God for Lorraine Elliott. Joan of Arc popped out of nowhere and pacified the community. Firstly, she empathised with the parents regarding the great difficulties they were having. She understood their difficulties and their struggles, and she told them that. She called for respect from the people attending the forum and asked for a more respectful debate. Lastly, she pointed out that the current and future politicians were there to listen and understand the difficulties they were having. What she could have done was get up, bash the current government at the time — the Bracks government — and said that for four years it had done nothing, or she could have said what a wonderful job the previous Kennett government had done. But that would not have washed that night; it would have been an inappropriate way of dealing with the suffering of these parents. Lorraine Elliott understood what needed to be done that night, which was to listen to the parents, empathise with their suffering and work with them to point out to the community that the politicians also wanted to work with them. She took the dignified way. She understood that people were suffering, and she did the right thing.

I extend my sympathies to Lorraine Elliott's family — to Caroline, Tom and Edward and to her in-laws. I thank Lorraine Elliott for saving this politician's hide that night because it was getting incredibly ugly, and she did it in a dignified and appropriate manner.

**Ms VICTORIA** (Minister for the Arts) — It gives me a great deal of pleasure to rise to remember and pay my respects to a wonderful lady, Lorraine Elliott, AM. Lorraine was a friend to me, but as we have heard

today, she was also a beautiful human being. She started her career as a teacher, and like so many of us, she entered the world of politics in a roundabout way. She served in state Parliament from 1992 to 2002. I want to mention something Lorraine said in her maiden speech when she spoke of the aspirations of her constituents. She spoke about home ownership, jobs and the importance of education, especially for women and girls, and she made reference to ‘the need for people not only to receive but to give’. Lorraine was a champion for change, with a belief in equal opportunity and social justice, and throughout her life she demonstrated those sentiments with great passion.

As we have heard, she was Parliamentary Secretary for the Arts from 1996 to 1999 under former Premier Jeff Kennett, who was Minister for the Arts at the time, and the two of them shared a great vision for the arts. In an interview in 1996, following her appointment as Parliamentary Secretary for the Arts, Lorraine said:

I want to make a difference ... I want to make arts more accessible to a wider audience ... regional galleries ... suburbs.

That certainly occurred.

While Lorraine and the then Premier worked as a great team lots of significant things happened in the arts in Victoria. A memorandum of understanding was signed with the National Arts Council of Singapore, and there was a major redevelopment of our beautiful state library and effective marketing to increase attendance at the National Gallery of Victoria (NGV) and other galleries. She was very much hands-on in the development of our now world famous Melbourne Museum. Federation Square was conceived and the project was commenced, which led to decisions to establish places like the Ian Potter Centre, or the NGV Australia, as we affectionately know it, and of course the Australian Centre for the Moving Image (ACMI), of which she was eventually appointed as board president. She was also instrumental in the establishment of our leading contemporary dance company, Chunky Move, and she supported extensions to places like the Bendigo Art Gallery, and this government has continued that legacy of improvement.

After the coalition lost government, for three years she also took on the roles of shadow Minister for the Arts and shadow Minister for Community Services, and her legacy lives on in both of those portfolios. When I was asked to take on the role I did not get quite the same phone call that Lorraine did, but it was fairly similar. Of course I was excited when I got the phone call from the then opposition leader, the member for Hawthorn and shadow Minister for the Arts, asking if I would be

shadow parliamentary secretary, but I remember the first thing I said to him was, ‘If I can be half as good and half as respected as Lorraine Elliott, I will have done a good job’. I hold that to be true today. If in all of the work I have the opportunity to do in the arts I can achieve as much as Lorraine, I hope I will be remembered as fondly as she is.

Last year I asked Lorraine to take on the role of president of the board of the Australian Centre for the Moving Image. She thought about it for a while, and I know that she consulted her family and her friends. She said, ‘You know what age I am, don’t you?’. I replied, ‘Since when is age a barrier? You have the knowledge, you have the enthusiasm, and I know you can do it’. She came back to me and embraced the role with great sincerity and passion. Those who served with her on the board have expressed to me personally that she was a fearless leader and a breath of fresh air and that she will be very sorely missed by them. They praise not only her skill set but also her warmth and her dignity. I recently ran into her very good friend former Senator the Honourable Dr Kaye Patterson, whom I note is in the gallery today. Within the last six months or so Kaye said to me, ‘What have you done with Lorraine?’. I asked, ‘What do you mean?’. She said, ‘I miss our lunches. She is working so hard at ACMI. I know she is the right girl for the job, but I miss our lunches’.

That is what Lorraine was like. She wanted to put her heart and soul into everything she did; she never did anything by half. She had a deep compassion that enabled her to understand, to add value and to give wise counsel to people in all organisations with which she was connected. For the record I will list some of those organisations: the Smith Family strategy group; the Victorian Women’s Prison Council; the St Vincent’s Health board; Big Brothers Big Sisters; she was a patron of Fitted for Work, an organisation I hold dear; and the Gutsy Group, which advocates for Crohn’s disease and colitis research.

On the arts front she was a director of the Dame Nellie Melba Opera Trust; a board member of the Australian Children’s Television Foundation; a board member of the Dromkeen Children’s Literature Foundation; a board member of the Melbourne Festival; and, as I have mentioned, our president at ACMI. She also chaired the Victorian Orchestral Services Review in 2013, which led to some very major changes to orchestral services in Victoria just this year. As we have heard, Lorraine also had a great passion for literature, both poetry and prose.

The overflowing tributes following her death are testament to her dedicated service and her contribution to Victoria. I am honoured to have been given the

opportunity to acknowledge Lorraine's integrity, compassion and the public contribution she made. I would like to pass on my sincere and heartfelt condolences to Lorraine's husband, John, and her children, Caroline, Tom and Edward, and their families. We will miss Lorraine greatly.

**Ms GREEN (Yan Yean)** — It is with deep sadness that I join the condolence motion on the life of Lorraine Elliott. Only 104 women have served in this Parliament, and I know that on the other side of politics Lorraine Elliott was one who said we need many more, a view I know you, Speaker, have also articulated. The *Age* reported that Lorraine Elliott:

... was a champion for women on many fronts, declaring early in her parliamentary career that 'women's issues do not exist in isolation — they concern men too'.

Sadly, like many women who have served in this place past and present, Lorraine passed away from breast cancer. I hope we can be united across this Parliament in getting support for the search for a cure for this terrible disease. She was first diagnosed with it in 2001 and the cancer re-emerged only about six weeks prior to her death.

The *Melburnian* of October-November 1996 reported:

The Australian tendency for cynicism towards politicians could never be fairly applied to Lorraine Elliott. She is well known for her sincerity, something which certainly distinguishes her from some other politicians. It has been evident in all her work since she took up all her responsibilities in the arts.

When she lost her seat after 10 years of representing the electorate of Mooroolbark, Claire Miller reported in the *Age*:

She is known as a hardworking, accessible local member, well liked as a liberal of the small 'l' variety — what she described as the 'slightly left, warm and wet' faction.

After the election of the Kennett government in 1992 Caroline Wilson, before moving into reporting on sport, wrote an article for the *Sunday Age* headed 'Lorraine — the latest sister in the 'boys' club':

Lorraine Elliott, the woman seen by some senior Liberals as a potential leader, yesterday moved one step closer to that dream by emerging victorious from the latest challenge of her eventful 49 years.

The article, in which Lorraine was quoted, said:

'More women have to work to become involved in politics but I would hope that women would be given the same chances as men'.

... She believed that being a woman had helped her during the past arduous 16 months of doorknocking throughout her

electorate, and she also admitted that a very real sisterhood existed within the Victorian parliamentary system.

'I get on well with Carolyn Hirsch, Caroline Hogg and even Joan Kirner', Mrs Elliott said.

Others have mentioned her humility and her insistence on standing for a marginal seat. This seems to extend from her comments in this article about other ambitions:

Of her own ambitions, Mrs Elliott, who cited education, community services and the arts as her special fields of interest, said: 'I'm certainly not looking to be promoted immediately. Other people have been around a lot longer than me ...

She articulated the values and aspirations of her electorate in her inaugural speech when she said:

People want employment, the hope of a job which they will be able to keep and therefore be able to keep their families and themselves in dignity. In my electorate they want efficient and reliable rail and road transport, particularly in an area where so many people are dependent on these things to get to the city, to get to work, to get to schools and to cross the electorate to get to their homes, and they want safety of their persons and their property.

...

I have a strong background in and a strong commitment to education, particularly education of girls and women, and to the delivery of community services. In my electorate I will be supporting the move to have a university established in the outer east. I was very pleased that under the previous government Swinburne University of Technology was able to establish a campus in Mooroolbark. I think that that will provide a great future for school leavers in my electorate.

In her inaugural speech she showed that she was not blind to the problems that existed within the community in her electorate by saying:

... we have problems in Mooroolbark, as people everywhere have problems, which often manifest themselves in the family situation through domestic violence, children being placed at risk, homeless women and children, and homeless youth.

One of the many tributes that were published following Lorraine's death was from *Fitted for Work*:

We would like to pay a special tribute to Lorraine Elliott, AM, *Fitted for Work*'s first patron and generous supporter. Very sadly Lorraine, aged 71, died recently following a short illness.

Lorraine was the Liberal Party member for Mooroolbark in the Victorian Parliament ...

And she:

... made a significant contribution to *Fitted for Work* and we are very grateful to have benefited from her knowledge, years of experience across a range of interests.

She will be remembered for being passionate about life and making a difference to people in need. She championed women's rights and cared deeply about increasing life opportunities for young women. Lorraine placed great value on quality child care, health care and education. She was committed to encouraging and mentoring more women into Parliament and public life. Fitted for Work would not be where it is today without the support of people like Lorraine Elliott.

We will miss her very much and our thoughts are with Lorraine's family and friends at this very sad time.

The Sisters of Charity wrote:

St Vincent's Hospital Melbourne gives thanks for the life and generous contribution of Ms Lorraine Elliott, AM.

Lorraine's ongoing commitment to the Sisters of Charity and to social justice was exceptional.

Our thoughts and prayers are with her loving family and friends.

A further tribute, from Rosemary West, says:

Warm thanks for a long and valued friendship, with mutual respect and shared values on women's issues, green wedges and, later, family relationship.

We will always remember you with love and appreciation.

Deep sympathy to your family and friends.

I conclude with the final paragraph of the *Herald Sun* editorial on Lorraine Elliott:

The *Herald Sun* joins in paying tribute to a woman with a warm and vibrant personality who lived her life for all the right reasons in making a difference in the lives of others.

Vale Lorraine Elliott.

**Mr THOMPSON** (Sandringham) — Lorraine Elliott was marked by the qualities of high intellect, political acumen, goodwill and great dignity. The word 'elan' was used at her funeral service. Her contributions in this chamber, if one counted the years, would see the first term on the back bench, the second term on the government middle bench and the third term on the opposition front bench. Her contributions were marked, not by hyperbole or histrionics, but rather by measure and wisdom. She brought great dignity to her role as a parliamentarian.

In her inaugural speech, as in the inaugural speeches of all of us in this place, there is a reflection of the constituency which she represented and there are strong overlaps as well — the need for good schools, good health services and good infrastructure. There was a road that she spoke of that has since been built, which services the outer east of Melbourne — the extension of the Eastern Freeway to Ringwood. She spoke too of

those days in 1991–92 with their levels of unemployment, of factories that had closed down and the difficulties and challenges confronted by people who were breadwinners and unemployed, and the role of young people in trying to gain work.

A picture of her is also gleaned from understanding her early life journey as the daughter of small business shopkeepers, her father having had a strong European heritage and connection, from her early school days and her post-university time as a teacher at Blackburn High School, and interestingly also her role as an honorary probation officer. Her work as a teacher and probation officer well preceded her time in this place and in the political arena and reflected the nature of her interests, being community services on the one hand and the broader arts on the other, as a teacher of English and as a tutor of English. I did pick up from one report that she had been a tutor to the children of Jeff Kennett. One can understand how that wisdom might have been conveyed within the wider household as well — the dignity and insights that she was able to impart through her persona, and who she was as an individual and as a citizen.

In addition there is the work that she undertook through her role in the Parliament and her contribution to parliamentary debates. Oftentimes debates can be quite fiery in this place and sometimes there can be a tendency for arguments to be taken to a high extreme, but in Lorraine's case they were always measured, always sound and always wise. Within Parliament too there is another part of life; it is not just what takes place in the chamber but what takes place in the members dining room. In the days between 1992 and 1999 in particular Lorraine was a humorous, engaging and great contributor to the discussions that took place among the backbench and middle bench members of the Liberal Party.

At her funeral service there were references to the Irish poet W. B. Yeats, and a very poignant poem was part of the order of service. There was another quote from an anonymous source. I tried to track it down today, and with apologies to Anonymous I will share what I was able to glean. In part, it went something like this:

How will the value of your days be measured?

What will matter is not what you bought, but what you built,  
not what you got, but what you gave.

...

What will matter is not what you learned, but what you taught.

Lorraine, through her contribution to this place, was emblematic of a keen-minded, wise contributor, who served the people of Victoria wisely and well. My condolences are conveyed to her husband, John Kiely, who is in the gallery today, and to her children Tom, Caroline and Edward, and her grandchildren.

I also acknowledge the contribution of the Canterbury Evening Discussion Group, the women alongside whom Lorraine taught and those she mentored and assisted in building a strong group of bright, keen-minded and engaged women who might find a pathway to serve the people of Victoria in this Parliament.

**The SPEAKER** — I join the condolence motion for Lorraine Elliott for a moment or two. I met Lorraine Elliott in the Liberal Party back in the 1980s. I got to know her better when I was a commissioner at the Shire of Yarra Ranges from 1994. Lorraine was the member for Mooroolbark at that time. She was a great supporter, gave me plenty of advice and was always there when life was a little tough. I remember talking to her one day when she said, ‘How is it going?’, and I said, ‘Another meeting, another room full of men. I’ve clenched my teeth all day’. She said, ‘Don’t do that. Don’t clench your teeth. You mustn’t, or you’ll get lines. You must clench your fist or press your knees together to release the tension’.

When I decided to stand for the seat of Evelyn and was elected to this place in 1999, again Lorraine was very helpful. She always extended the hand of friendship to me. As shadow Minister for Community Services and shadow Minister for the Arts, she took me on several visits. I remember sitting in her car, which was full of so many interesting things. I think it was the messiest car I had ever been in. Either Rumpole was in it or had just been in it, so it had the perfume of Rumpole in the car. I remember as we were driving down Warrigal Road that she stopped at the lights, the nail polish came out and she touched up her nails. Then the lights changed, and we were off again, but at the next lights she finished off her nails. She was exceedingly feminine, exceedingly warm and an exceedingly good friend to everyone. Her hand was always reaching out to help anyone who needed it.

We were privileged to know Lorraine. I felt very privileged to know her. I have got glowing images of Lorraine coming in the front door after she had been to an arts centre, carrying an armful of flowers that had been presented to her. I said, ‘What are you going to do with those?’. She said, ‘What I always do’, and she shared her flowers with the staff in this building. I

always thought that was so typical of Lorraine, giving away her beautiful flowers.

To Lorraine’s family I say: you are very privileged to have had her as part of your family, and we were all very privileged to know her. Vale Lorraine Elliott.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

## ADJOURNMENT

**Dr NAPHTHINE** (Premier) — By leave, I move:

That, as a further mark of respect to the memory of the victims aboard Malaysia Airlines flight MH17 and the memory of the late Lorraine Clare Elliott, AM, the house now adjourns until 5.00 p.m. today.

**Motion agreed to.**

**House adjourned 3.49 p.m.**

**The SPEAKER took the chair at 5.00 p.m.**

## OMBUDSMAN REPORT

**The SPEAKER** — Order! I have received a letter from the Ombudsman:

Regretfully, my report into the Victorian Ombudsman’s investigation into allegations of improper conduct in the Office of Living Victoria was mistakenly loaded onto our website last night instead of this evening after the report had been tabled in Parliament.

As you know, I propose to table the report in both houses today. As soon as this error was brought to my attention, the report was removed from the website.

I have also written to the President of the Legislative Council.

I view this matter very seriously. This is the second occasion on which this has happened. I advise all members and the media that this report is not covered by parliamentary privilege until the report has been tabled. I will therefore not accept any points of order or questions regarding the report until after it has been tabled.

*Honourable members interjecting.*

**The SPEAKER** — Order! This is a serious matter, and the advice I just gave to the house was for the protection of all members.

**QUESTIONS WITHOUT NOTICE**

**World Congress of Families**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Attorney-General in his capacity as the minister responsible for the administration of the Victorian Equal Opportunity Act 2010. I refer the minister to that responsibility under that act, and I ask: how does the Attorney-General reconcile his responsibilities under the Equal Opportunity Act with his decision to formally welcome to Victoria the World Congress of Families, a group that strongly supports Vladimir Putin's antigay laws?

**Mr CLARK** (Attorney-General) — I thank the honourable member for his question. I am attending this conference as the nominated government representative to welcome international and interstate delegates to the conference, as happens in relation to many different conferences held in Victoria from time to time. We are fortunate to live in a free and democratic society where government approval is not needed in order to hold a conference.

I also make the point that attendance by a government minister at a conference does not imply support for any particular topic or for any particular speaker. I cite, for example, the fact that the Minister for Health recently attended a conference of the Australian Nursing and Midwifery Federation which was also attended by representatives of Trades Hall Council who talked about how to promote campaigns against the government. That does not imply that the Minister for Health supports Trades Hall and its campaigns against the government.

*Honourable members interjecting.*

**The SPEAKER** — Order! I am trying to bring order. I ask the member for Bendigo East and the Leader of the Opposition to cease interjecting.

**Mr CLARK** — I point out by way of further example that the leader of the federal opposition, Mr Bill Shorten, is, as I understand it, the keynote speaker at the forthcoming national conference of the Australian Christian Lobby. That is perfectly appropriate, but I would not expect that Mr Shorten is in full agreement on matters that the Australian Christian Lobby stands for. In short, this is one conference among many that government ministers attend from time to time in order to welcome interstate and international delegates to these conferences.

**World War I centenary**

**Mr DELAHUNTY** (Lowan) — My question is to the Premier. How is the Victorian coalition government working with the Victorian community to commemorate the centenary of World War I?

**Dr NAPHTHINE** (Premier) — I thank the member for Lowan for his question, particularly as in his capacity as the former Minister for Veterans' Affairs he was heavily involved, together with the member for Hawthorn, in the development of a government program to commemorate the centenary of Anzac and the centenary of World War I.

At 12.45. p.m. today a single shot was fired from Point Nepean to mark 100 years since the firing of the very first shot in World War I. One hundred years ago, on the morning of Wednesday, 5 August 1914, the German freighter SS *Pfalz* was desperately trying to escape from Port Phillip Bay. The decisive action by our troops prevented this escape. Little did anyone know or imagine at that time the enormous, horrific devastation that World War I would entail. World War I became the most horrific and tragic event in human history.

During that time over 114 000 Victorians enlisted to serve our country, and given that the Victorian population at the time was only 1.4 million people — men, women and children — that was 10 per cent of the total population of Victoria. About 40 per cent of eligible men enlisted in our armed services, and they were joined by nurses and women, who also served well.

Tragically, 19 000 lost their lives but many more suffered devastating physical and mental wounds that never healed. These losses caused untold grief to affected families and Victorian communities. It is therefore very appropriate that Victorians today commemorate the service and sacrifice of these previous generations in World War I and subsequent wars and conflicts.

Last night at the Melbourne town hall, the Leader of the Opposition and I, together with almost 2000 Victorians, gathered to replicate the town hall meeting of 6 August 1914. At that meeting 100 years ago the then Premier, Sir Alexander Peacock, moved that 'this meeting expresses its deepest sorrow at the terrible outbreak of war'. He also said 'the present generation recognised the responsibility of making good the work of generations which had preceded them', and 100 years later we need to make good the work of the generations that served us so well in World War I.

Some of the commemorative activities that we as a government and the community are working on with the RSL in a bipartisan way include the Centenary Touring Exhibition of the Shrine of Remembrance. It will tour for the next four years and includes images from the State Library of Victoria, the Australian War Memorial and private collections, as well as stories, letters and very emotive pictures from World War I of the service of our Victorians on the front line and the effects on the communities that they left behind.

Yesterday we also opened the Galleries of Remembrance in the southern undercroft of the Shrine, which has been developed at a \$45 million cost to Victorian taxpayers, and that exhibition will now display memorabilia to recognise all wars and conflicts. The highlight will be the World War I lifeboat, *Devanha*, which was used at the landing at Gallipoli on the first Anzac Day on 25 April 1915 and was also used to carry wounded from Anzac Cove and Gallipoli. This exhibition will be open to the public on Remembrance Day 2014, 80 years after the Shrine was built, so it is appropriate that 100 years after the commencement of World War I we both commemorate this tragic and terrible battle and honour the sacrifices made. Lest we forget.

#### Attorney-General comments

**Mr MERLINO** (Monbulk) — My question is to the Attorney-General. I refer to the Attorney-General's responsibility for administering the Victorian Equal Opportunity Act 2010, and I ask: how does the minister reconcile his solemn responsibilities as custodian of this act with his comment that being gay is somehow equivalent to having spina bifida or haemophilia?

**Mr CLARK** (Attorney-General) — Insofar as the question relates to my portfolio, this government has been a strong supporter of the work of the Victorian Equal Opportunity and Human Rights Commission. We ended the dysfunctional structure that had been put in place under the Labor government, we restored a solid, professional structure to the board and commissioner of the Victorian equal opportunity commission and we have backed the strong and effective work of the commission in relation to preventing discrimination and protecting all Victorians from unlawful discrimination and in upholding the principle that all people are entitled to be treated with dignity and respect, regardless of their sexuality, their gender, their race or other attributes. These are principles that this government very strongly supports.

As I said, we have reformed the work of the equal opportunity commission so it can effectively protect the

rights of Victorians and protect them from unlawful discrimination. The appointment of the chair of the Victorian Equal Opportunity and Human Rights Commission, John Searle, received bipartisan support, as it deserved. Under the leadership of John Searle and Kate Jenkins the commission is doing excellent work to uphold and protect the rights of all Victorians.

#### Regional and rural infrastructure

**Mr WELLER** (Rodney) — My question is to the Minister for Regional and Rural Development. How is the Victorian coalition government's investment in major regional and rural infrastructure projects building a better Victoria, and is the minister aware of any alternative policies?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for Rodney for his question. As the house knows, the government is investing in major regional and rural infrastructure projects that are building a better Victoria. A very good example of that is the \$220 million which was announced in our budget this year, the 2014–15 state budget, which will deliver a key country freight rail line upgrade and will build the transformational Mildura to Geelong rail standardisation link. As members know, this will bring enormous efficiency to this line — and ultimately these benefits go to the pockets of those who are producers. I might say that this is a funded promise by our government. The money is actually in the budget. It is not a hoax; it is in fact there — \$220 million.

Recently I had the great pleasure to be in Mildura with the hardworking local member for Mildura and to join him in releasing the *Murray Basin Future Freight Demand & Infrastructure Study*. This is a document that I am sure is familiar to everybody in this place. What it does is essentially identify the four alternative routes and developments which can be undertaken to achieve best outcomes in this major project with the investment of this \$220 million. The views of stakeholders are now being sought, and they will in turn form part of the rail project business case.

That business case will be completed by the end of the year. We want to start the construction of this new facility early in 2015 and complete it by 2018. This of course is in stark contrast to what we saw from the Labor government, which promised much around this but did nothing. As a result, we are now again having to come in and clean up the mess. I am delighted to see that we have announced this.

I was asked about other policies, and there does seem to be some uncertainty around the traps. The local candidate for another party in Mildura thinks this project is the absolute bee's knees, whereas — —

**Ms Allan** — On a point of order, Speaker, under standing order 58 the content of answers must be relevant to the question and also indeed relevant to the standing orders. The views of a particular non-government candidate in a government-held seat are not relevant to government business. They would be if they were in government, of course.

**The SPEAKER** — Order! The member for Bendigo East should stay with the point of order.

**Ms Allan** — I absolutely am. I am making the point that if they are a candidate, it means that they are — —

**An honourable member** interjected.

**Ms Allan** — I would be more worried about the Independent candidates for Mildura than I would be about anybody else.

**The SPEAKER** — Order! The member for Bendigo East!

**Ms Allan** — The problem here is that the minister is clearly offending against the standing orders by not referring to government business. The views of a candidate clearly show that they are not part of the government. I ask you to bring him back to answering the question and stop being scared about those Independent candidates in Mildura.

**The SPEAKER** — Order! When the member for Bendigo East diverts from how a point of order should be made, she makes it very difficult.

**Ms Asher** — On the point of order, Speaker, the Deputy Premier was asked a question which specifically asked him if he was aware of any alternative policies, and the Deputy Premier is canvassing a direct answer to the question that was asked.

**The SPEAKER** — Order! The minister was not out of order. In answering questions, many quotes are used from many sources.

**Mr RYAN** — This particular candidate reckons that this is terrific. Those who otherwise are supposed to represent the perspective of the leadership of that party are saying nothing about this project. They will not commit to it. It just goes to show that in some circles Labor still cannot get its act in order.

Mind you, this is not the only project which has been the subject of recent announcements by our government. A couple of days ago I had the great pleasure to be in the seat of Rodney in company with local members Minister Walsh and Minister Lovell as well as the member for Rodney. I was there to announce \$4.5 million, which is now being allocated to the development of a roundabout that, thank goodness, is going to be built at long last at the corner of Warren Street and the Murray Valley Highway.

I might also say that we have made the final determination that the preferred option is the construction of the new bridge on the mid-west alignment. This is great news for the region, and I might say something again — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Tarneit! I ask him to curb whatever it is that is happening, to not wave his arms around and to cease interjecting.

**Mr RYAN** — I am pleased to see that the member for Tarneit is so delighted about it, because it is the only time we have had the Labor Party congratulating this government on anything over the past three and half or four years. They are two great projects. We as a government are going to build them. We are for regional and rural Victoria. Labor is lost.

### Attorney-General comments

**Mr PAKULA** (Lyndhurst) — My question is to the Attorney-General. I refer to the Attorney-General's responsibility for administering the Victorian Equal Opportunity Act, and I ask: how does the Attorney-General reconcile his solemn responsibilities as custodian of that act with his comments that 'there is a greater risk of any particular person who is generally characterised as homosexual engaging in child abuse compared with a person characterised as heterosexual'?

**Mr CLARK** (Attorney-General) — Insofar as the question relates to my portfolio responsibilities, I reiterate the point that I made in answer to the previous question from the member for Monbulk. This government has been acting to strengthen equal opportunity legislation in Victoria. We ended the dysfunctional structure of the Victorian Equal Opportunity and Human Rights Commission that had been put in place by the Labor government that was impeding the effective work of the commission.

We established a regular and standard board structure, where the commissioner answers to the board of the commission, and that has enabled the governance of the

equal opportunity commission to be strengthened for it to continue to do its good work to protect all Victorians from unlawful discrimination and to ensure that all people are treated with dignity and respect regardless of their sexuality, their gender, their race, their religion, or other attributes.

Again, as I said earlier, the equal opportunity commission is being led by chair John Searle. Indeed the honourable member who asked this question was one of those who rightly welcomed the appointment of John Searle as chair of the commission.

*Honourable members interjecting.*

### Major events strategy

**Mr BATTIN** (Gembrook) — My question is to the Minister for Tourism and Major Events. How is the Victorian coalition government's major event strategy helping to build a better Victoria, create jobs and generate economic benefits?

**Ms ASHER** (Minister for Tourism and Major Events) — I thank the member for Gembrook for his very important question, and I know he understands the economic benefits of our major events strategy. I have mentioned in this house on a number of occasions the economic benefits that flow from the government's major events strategy and how important they are to the Victorian economy. Indeed, according to an Ernst & Young study, major events inject \$1.4 billion into the Victorian economy and employ 3350 Victorians.

Because of the enormous role these events play in attracting visitation, it is very important to make sure we keep up the supply of major events for the state of Victoria. To that end I am delighted to advise the house today that since we were last here in this chamber the coalition government has secured, and the Premier recently announced, a new major event for regional Victoria — the Cadel Evans Great Ocean Road Race. This inaugural major cycling event will be held in early 2015, and it will showcase Geelong, the Bellarine Peninsula and the Great Ocean Road. I would like to acknowledge the contribution of the former Premier, the member for Hawthorn, in helping us to secure this particular event. This event includes both elite races and a massive participation ride for people of all ages and abilities.

I was also delighted to be present with the Premier on Sunday to announce that the Victorian coalition government has secured the Australian Formula One Grand Prix for another five years, from 2016 to 2020.

The Australian grand prix, which has been supported for many years by both sides of the political spectrum, is a very important component of our major events strategy. It brings broad benefits. In fact in 2011 the government commissioned a study into the economic impact of the event and released the results of that study.

We used the Auditor-General's preferred economic model, the computable general equilibrium model, and the Ernst & Young study showed that Victoria's real gross state product grew by between \$32 million and \$39 million, and this generated between 351 and 411 full-time equivalent jobs. On top of that, the government also released a separate report by Comperio Research into the branding value of the grand prix. That event provides a media or advertising equivalent value of over \$35 million to the state of Victoria. We see that securing this event for the state of Victoria — I might add, at a very good price — has resulted in a strengthening of the major events program.

On 3 August, Tourism Accommodation Australia welcomed the securing of this event. Its press release states:

Melbourne's major accommodation hotels today warmly welcomed the news that Melbourne had secured the Formula 1 Australian Grand Prix until 2020.

The Victoria Events Industry Council also issued a press release on 3 August, which states:

The Victoria Events Industry Council (VEIC) congratulates the state government for its decision to extend, by five years the Australian Formula 1 Grand Prix being hosted in Melbourne.

The press release goes on to say:

Major events like the grand prix also have flow-on effects to Victoria's economy, and to the 'grassroots downstream', such as accommodation, hospitality, catering, transport and taxi and retail services — these are all labour-intensive sectors.

I am delighted that the government has been able to secure the grand prix. As I said, it is a very important component of our events strategy, which is worth \$1.4 billion to the state of Victoria.

### Attorney-General comments

**Mr FOLEY** (Albert Park) — My question is also to the Attorney-General. I refer to the Attorney-General's comments that:

I believe homosexual practices form a destructive way of life ...

and:

It is a foolish practice, it is destructive and it is harmful, and that is capable of scientific and medical measurement and assessment.

I ask: how does the minister reconcile these comments with his solemn responsibilities as the custodian of the Victorian Equal Opportunity Act 1995?

**Mr CLARK** (Attorney-General) — I largely refer the honourable member to the answers that I have given previously. This government has been acting to strengthen equal opportunity protections in this state.

*Honourable members interjecting.*

**Mr CLARK** — We acted to end the dysfunctional and ineffective structure for the Victorian Equal Opportunity and Human Rights Commission that was put in place under the Labor government in order to ensure that the equal opportunity commission could effectively perform its work to protect Victorians from unlawful discrimination. That is work that has been continued effectively by the equal opportunity commission under the new commissioner, Kate Jenkins, and as I referred to earlier, under the new chairperson, John Searle.

The honourable member may also be interested, insofar as his question relates to my portfolio responsibilities, in the work being undertaken by this government for the expungement of historical homosexual convictions. This is a matter that the member for Prahran raised, and he put forward some very sound suggestions and policy proposals in that regard, which this government was pleased to take up and which the Premier and I announced earlier this year.

In my capacity as Attorney-General I am now putting together the legislation to give effect to those proposals. This will make an appropriate change — a change that the former government would not make during its term in office — to recognise that it is not appropriate for those convictions to remain on the public record. Together with the member for Prahran and others, I have been in consultation with the relevant groups in relation to the structure of that legislation. It will make very significant reform for the better. This reform is being introduced by this government, and I have ministerial responsibility for it.

### Government economic initiatives

**Ms RYALL** (Mitcham) — My question is to the Treasurer. How is the coalition government helping to grow investment and jobs for Victorian families, and are there any threats to this?

**Mr O'BRIEN** (Treasurer) — I thank the member for Mitcham for her question and for her interest in growing the economy and jobs in her electorate and throughout Victoria. Since the house last met we have ticked over into the new financial year, and the benefits of this coalition government's strong budget are coming into effect for Victorian businesses and Victorian families.

Since 1 July we have seen payroll tax cut down to 4.85 per cent. We now have the second-lowest rate of payroll tax in the country, and for payrolls between \$5 million and \$26.7 million Victoria has the lowest effective payroll tax of any state in the country. From 1 July we have reduced WorkCover premiums by a further 2 per cent — and there is the chance to pay 5 per cent less if you pay up front. From 1 July we abolished stamp duty on life insurance products, saving \$4 million a year. We have reduced the fire services property levy right across the board, and we have seen the Minister for Water's Fairer Water Bills initiative kick in, saving Melbourne's households \$100 off their water bills.

**The SPEAKER** — Order! The members for Bendigo East and Albert Park know they are not allowed to wave booklets of any kind around in the chamber.

**Mr O'BRIEN** — Of course there is more to come, with increasing concessions for first home buyers on 1 September and changes to public transport coming in on 1 January next year.

There was news from Canberra as well. On 14 July Labor's carbon tax was abolished. That is great news, particularly for Victoria because the Gillard government's own data showed that the carbon tax would hit Victoria's economy first and hardest. Some people are still in denial. One of them is the leader of the federal opposition, because he says he is going to reintroduce the carbon tax if Labor is elected. We know state Labor falls into line whenever federal Labor says jump. Some people need a bit more convincing.

*Honourable members interjecting.*

**Mr O'BRIEN** — We had one member of this house trot out to a business to try to drum up a bad-news story. He would have been very pleased when he saw a photograph of himself in the local press looking very sad at a local manufacturing business. The member for Narre Warren North visited HM Gem in Dandenong and blamed the state government for the state of the manufacturing industry. The article states:

HM Gem managing director Bruce Parker said manufacturers had struggled, mostly because of the federal government carbon tax.

Since the tax came in to affect two years ago, his nationwide company's workforce had shrunk 15 per cent to accommodate the extra \$165 000 in annual electricity bills.

...

He hoped the repeal of the tax would be swift for it would take 12–18 months for manufacturers to recover from the 'damage' caused by the carbon tax.

'A lot of people I talk to in the businesses we deal with say the carbon tax was what broke the camel's back', Mr Parker said.

I am pleased that the member for Narre Warren North got such good anti carbon tax story up in his local press. It is a shame he is always on the wrong side of every policy.

### World Congress of Families

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his statement last Friday when he said:

There is no place in my team for homophobic comments.

I ask: given these comments and the earlier answer from the Attorney-General, in which he noted he was a nominated representative of the government, will the Premier now ensure that no government representative — the Attorney-General or any other member of the government — attends the World Congress of Families?

**Dr NAPTHINE** (Premier) — I thank the Leader of the Opposition for his question. I say very, very proudly in this house that there is no place for discrimination on the basis of race, ethnicity, faith, religion or sexuality in Victoria under this government.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Monbulk will not behave in that manner again.

**Dr NAPTHINE** — That is why I am proud that this government has strengthened and enhanced the work of the Victorian Equal Opportunity and Human Rights Commission. That is why I can say in this house that I was the first Premier of Victoria to attend the Midsumma Festival. In 11 years of Labor government not one Labor Premier attended the Midsumma Festival. I am proud to say that, with the member for Prahran, I was able to announce increased sponsorship from the coalition government for the Midsumma Festival of up to \$50 000 a year for the next three years.

The Midsumma Festival, first held in 1989, is now one of the top five gay, lesbian, bisexual, transgender and intersex (GLBTI) arts and culture festivals anywhere in the world, and I was proud to attend that festival. I was pleased to be at that festival and announce that this coalition government would be introducing legislation to allow people convicted of engaging in homosexual sex to apply to have their convictions expunged, and it is the Attorney-General who is leading the writing of that legislation.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition! The member for Williamstown!

**Dr NAPTHINE** — It was a Liberal government under Sir Rupert Hamer that recognised the need to decriminalise homosexual sex in the early 1980s, and it is a coalition government that is now going to expunge the records. In 11 years Labor did nothing to expunge those records. I say that actions speak louder than words. The actions that we are taking in supporting the GLBTI community — —

**Mr Andrews** — On a point of order, Speaker, I put it to you that the Premier was asked whether he will be sending a government representative to this hate festival, and that is what he ought to answer for.

**The SPEAKER** — Order! That is not a point of order.

**Mr Andrews** — Is the government going to be there or not?

**The SPEAKER** — Order! The Leader of the Opposition knows very well that that is not a point of order.

**Dr NAPTHINE** — I am proud that this government has taken action with the 'No To Homophobia' campaign, which was rolled out by this government in 2013. I am proud that this government has strongly supported the AIDS 2014 conference here in Melbourne, Victoria, a significant conference that is making a real difference across the world in dealing with HIV/AIDS.

*Honourable members interjecting.*

**Dr NAPTHINE** — This government says there is no place for discrimination on the basis of race, on the basis of religion or on the basis of sexuality in this state under this government that I proudly lead. The Attorney-General has taken responsibility for strengthening and enhancing the work of the equal

opportunity commission to protect the rights of people in this state.

We in this state are taking the significant step of expunging the convictions of those people who have been convicted of homosexual sex in the past. I can say in this place that this government is, by its actions each and every day, showing that there is no place in this state for discrimination on the basis of race, sexuality or religion.

### Sentencing reform

**Mr THOMPSON** (Sandringham) — My question is to the Attorney-General. What measures is the Victorian coalition government taking to rebuild respect for the law in Victoria, and are there any threats to this?

**Mr CLARK** (Attorney-General) — I thank the honourable member for Sandringham for his question. Since coming to office this government has been acting to rebuild respect for the law and to reverse the soft-on-crime approach of the Labor government. I can inform the house that in less than four weeks time we will see the total abolition of suspended sentences in Victoria, ending a charade that undermined respect for the rule of law where on paper someone was being sentenced to a term of imprisonment but in fact was walking straight out of the court door free, doing high fives with their mates. That is a critical element in rebuilding respect for the law: teaching people that actions have consequences and that when they do the wrong thing, they will need to pay the price and that the community will be properly protected.

That adds to a wide range of other reforms that this government has introduced, such as putting teeth back into community-based sentencing, introducing four-year statutory minimum non-parole periods for attacks involving gross violence, legislation that has been before this house for the introduction of baseline sentences, legislation so that those convicted of large-scale commercial drug trafficking will forfeit almost everything they own, legislation for tougher sentences for attacks on police and emergency workers, and tougher penalties for serious or repeated breaches of family violence orders, reversing the cuts in those penalties that took place under the former government. We have been acting vigorously since coming to office to restore respect for the law and reverse the soft-on-crime approach of the former government.

The honourable member asked about threats to this, and unfortunately there is such a threat. When public figures condone conduct that appears to be a clear

breach of the law, it undermines respect for the law and it also undermines respect for other people and respect for other people's property. When a public figure condones conduct such as keeping, using and then destroying property known to belong to somebody else, that sends entirely the wrong message. It sends the message that it is actually okay and acceptable to do that sort of thing. What sorts of consequences does that have for police, for schools and for others who are trying to foster respect for the law and teach young people that that sort of conduct is not acceptable?

When a public figure says about someone who has deliberately kept, used and destroyed someone else's property that that person will not lose their job or suffer any other consequences because they really are a good and decent person who just did a very human thing and made the wrong call after they unexpectedly heard their voice on a tape recorder, then that completely undermines efforts to restore respect for the law and respect for other people and their property. It sets a bad sort of example for every second-rate lawyer across the state to stand up before a judge or magistrate and say, 'Your Honour, my client should not be convicted, they really are a good and decent person, they just got angry and that is why they did what they did'.

**Mr Nardella** interjected.

**Questions interrupted.**

### SUSPENSION OF MEMBER

#### Member for Melton

**The SPEAKER** — Order! Under standing order 124, the honourable member for Melton will leave the chamber for 30 minutes.

**Honourable member for Melton withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE

#### Sentencing reform

**Questions resumed.**

**Mr CLARK** (Attorney-General) — The community is sick and tired of this sort of attitude to the law. People are sick and tired of people apparently getting away with it, with no consequences, and they are sick and tired of this sort of behaviour being condoned by public figures seemingly protecting their own.

If that is not bad enough coming from any public figure, just think how it would look if such a public

figure were to become the Premier of this state. How could a government led by such a person ever expect to command respect for the law, ever expect the community to listen to them, ever expect to be taken seriously when they claim that they are being tough on crime?

### WORLD WAR I CENTENARY

**The SPEAKER** — Order! Before we move on, it is important that I ask members to take a moment to reflect on the fact that 100 years ago today, 4 hours after the declaration of a war that became World War I, the first shot rang out, not in England, Belgium or France but here in Victoria at Point Nepean. No-one on that day could possibly have imagined that four years and four months of war lay ahead before the last shot would be fired on 11 November 1918.

Sadly, the Great War, as it became known, was not the war to end all wars, as so many had hoped. Remembering that day and those who fought so bravely is not to glorify war, it is to honour them and all those who served so bravely in the many conflicts since. Without their bravery and sacrifice we would not have the freedom to be here in this Parliament. We will remember them.

### ACTING OMBUDSMAN

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

### ELECTORAL AMENDMENT BILL 2014

*Introduction and first reading*

**Mr CLARK (Attorney-General)** introduced a bill for an act to amend the Electoral Act 2002 and the Constitution Act 1975 and for other purposes.

**Read first time.**

### TRANSFER OF LAND AMENDMENT BILL 2014

*Introduction and first reading*

**Mr CLARK (Attorney-General)** introduced a bill for an act to amend the Transfer of Land Act 1958 and for other purposes.

**Read first time.**

### EMERGENCY MANAGEMENT AMENDMENT (CRITICAL INFRASTRUCTURE RESILIENCE) BILL 2014

*Introduction and first reading*

**Mr WELLS (Minister for Police and Emergency Services)** introduced a bill for an act to amend the Emergency Management Act 2013 to provide for emergency risk management arrangements for critical infrastructure resilience and to consequentially amend the Freedom of Information Act 1982 and the Terrorism (Community Protection) Act 2003 and for other purposes.

**Read first time.**

### GAMBLING AND LIQUOR LEGISLATION FURTHER AMENDMENT BILL 2014

*Introduction and first reading*

**Mr O'BRIEN (Treasurer)** introduced a bill for an act to make further amendments to the Gambling Regulation Act 2003, the Liquor Control Reform Act 1998 and the Victorian Commission for Gambling and Liquor Regulation Act 2011, to amend the Gambling and Liquor Legislation Amendment (Modernisation) Act 2014 and for other purposes.

**Read first time.**

### TOBACCO AMENDMENT BILL 2014

*Introduction and first reading*

**Ms WOOLDRIDGE (Minister for Mental Health)** introduced a bill for an act to amend the Tobacco Act 1987 to prohibit smoking in specified outdoor areas and in the vicinity of pedestrian access points to certain places, to increase the penalty for possessing certain tobacco products and to amend inspectors' powers and for other purposes.

**Read first time.**

**RESOURCES LEGISLATION  
AMENDMENT (BTEX PROHIBITION AND  
OTHER MATTERS) BILL 2014**

*Introduction and first reading*

**Mr NORTHE** (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to amend the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Mineral Resources (Sustainable Development) Act 1990 and the Petroleum Act 1998 to prohibit the use of BTEX chemicals in hydraulic fracturing and to make other amendments to those acts, to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and the Pipelines Act 2005 and for other purposes.

**Ms D'AMBROSIO** (Mill Park) — I ask the minister to provide a brief explanation of the bill.

**Mr NORTHE** (Minister for Energy and Resources) — As the description says, this is to put a legislative ban on BTEX chemicals. It also introduces enforceable undertakings as a tool that can be used when there is a breach of the act, some flexibility around the marking out of mining licence boundaries and the expansion of the inspectors' powers.

**Motion agreed to.**

**Read first time.**

**BUSINESS OF THE HOUSE**

**Notices of motion**

**The SPEAKER** — Order! Notices of motion 6 to 41 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 8.00 p.m. today.

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

***Alert Digest No. 9***

**Ms CAMPBELL** (Pascoe Vale) presented *Alert Digest No. 9 of 2014* on:

**Courts Legislation Miscellaneous Amendments  
Bill 2014**

**Crimes Amendment (Abolition of Defensive  
Homicide) Bill 2014**

**Criminal Organisations Control and Other Acts  
Amendment Bill 2014**

**Disability Amendment Bill 2014**

**Gambling Regulation and Casino Control  
Amendment Bill 2014**

**Judicial Commission Bill 2014**

**Judicial Entitlements Bill 2014**

**Justice Legislation Amendment (Firearms and  
Other Matters) Bill 2014**

**Melbourne Market Authority Amendment Bill  
2014**

**Powers of Attorney Bill 2014**

**Public Health and Wellbeing Amendment  
(Hairdressing Red Tape Reduction) Bill 2014**

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

**Statute Law Amendment (Red Tape Reduction)  
Bill 2014**

**Water Bill 2014**

**Working with Children Amendment (Ministers  
of Religion and Other Matters) Bill 2014**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

**DOCUMENTS**

**Tabled by Clerk:**

*Bushfires Royal Commission Implementation Monitor Act 2011* — Bushfires Royal Commission Implementation Monitor Report 2014 under s 21

*Conservation, Forests and Lands Act 1987* — Code of Practice for Timber Production 2014 (two documents)

*Crown Land (Reserves) Act 1978:*

Orders under s 17D granting leases over:

Cross Keys Reserve

Fitzroy Gardens Reserve

Hastings Public Park

Knox Community Gardens and Vineyard Reserve

Mordialloc-Mentone Beach Park Reserve

Mount Warrenheip Flora Reserve

Queens Park Reserve

St Vincent Gardens Reserve

Orders under s 17B granting licences over:

Alexandra Park and Alexandra Gardens

Mayors Park Reserve

Mordialloc-Mentone Beach Park Reserve

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 51 (*Gazette G26, 26 June 2014*), 52 (*Gazette G27, 3 July 2014*), 60 (*Gazette G26, 26 June 2014*)

Melbourne Cricket Ground Trust — Report year ended 31 March 2014

*Members of Parliament (Register of Interests) Act 1978* — Summary of Primary Return July 2014 and Summary of Variations Notified between 6 May 2014 and 19 June 2014 — Ordered to be printed

Ombudsman — Investigation into allegations of improper conduct in the Office of Living Victoria — Ordered to be printed

*Parliamentary Committees Act 2003* — Government response to the Rural and Regional Committee's Report on the Inquiry into the Opportunities for People to use Telecommuting and E-Business to Work Remotely in Rural and Regional Victoria

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

Alpine — C48  
 Banyule — C94 Part 1, C100  
 Bass Coast — C138  
 Baw Baw — C111  
 Bayside — C110  
 Brimbank — C41  
 Casey — C164  
 Frankston — C97  
 Glen Eira — C106, C125  
 Greater Bendigo — GC3  
 Greater Dandenong — C148  
 Greater Geelong — C285, C290  
 Greater Shepparton — C155  
 Hobsons Bay — C101  
 Hume — C182, C188, C189  
 Mansfield — C29  
 Maribymong — C129, C133  
 Maroondah — C91  
 Melbourne — C237, C239, GC16  
 Melton — C155, C157  
 Moonee Valley — C121  
 Moreland — C139, C154  
 Mornington Peninsula — C162

Mount Alexander — C71

Nillumbik — C87

Port Phillip — GC16

South Gippsland — C74, C91, GC3

Surf Coast — C83

Swan Hill — C44

Victoria Planning Provisions — VC109, VC113, VC116

Wangaratta — C50

Warrnambool — C95

Wellington — GC3

Whittlesea — C158, C176

Wyndham — C171, C172, C173

Statutory Rules under the following Acts:

*Building Act 1993* — SR 104  
*Children, Youth and Families Act 2005* — SR 91  
*Conservation, Forests and Lands Act 1987* — SR 98  
*Country Fire Authority Act 1958* — SRs 81, 94  
*County Court Act 1958* — SR 100  
*Domestic Animals Act 1994* — SR 90  
*Drugs, Poisons and Controlled Substances Act 1981* — SR 95  
*Environment Protection Act 1970* — SR 92  
*Fisheries Act 1995* — SR 96  
*Gambling Regulation Act 2003* — SR 93  
*Guardianship and Administration Act 1986* — SR 107  
*Infringements Act 2006* — SR 103  
*Magistrates' Court Act 1989* — SRs 102, 105, 106  
*Mental Health Act 2014* — SRs 77, 89  
*Metropolitan Fire Brigades Act 1958* — SR 82  
*Open Courts Act 2013* — SR 100  
*Police Regulation Act 1958* — SR 78  
*Road Safety Act 1986* — SRs 84, 85  
*Sale of Land Act 1962* — SR 73  
*Sex Work Act 1994* — SR 72  
*Subordinate Legislation Act 1994* — SRs 83, 97  
*Tobacco Act 1987* — SR 76

*Treasury Corporation of Victoria Act 1992* — SR 101

*Victorian Energy Efficiency Target Act 2007* — SR 74

*Victoria Police Act 2013* — SRs 79, 80

*Water Act 1989* — SRs 87, 88, 99

*Water Industry Act 1994* — SR 86

*Wildlife Act 1975* — SR 75

*Workplace Injury Rehabilitation and Compensation Act 2013* — SR 71

*Subordinate Legislation Act 1994* —

Documents under s 15 in relation to Statutory Rules 53, 57, 61, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106

Documents under s 16B in relation to the:

*Child Employment Act 2003* — Mandatory Code of Practice for the Employment of Children in Entertainment (2014)

*Electricity Industry Act 2000* — Energy Retail Code version 11

*Gas Industry Act 2001* — Energy Retail Code version 11

*Racing Act 1958* — Greyhound Racing Victoria — Rule Amendments

*Transport (Compliance and Miscellaneous) Act 1983*:

Determination of Fees

Driver Accreditation Application, Test, Course and Renewal Requirements

Notice specifying conditions that are to be implied in every driver agreement

*Water Act 1989*:

By-law No 2014/01 Waterways Protection — North East Catchment Management Authority

By-law No 1 Waterways Protection 2014 — Mallee Catchment Management Authority

By-law No 2 Waterways Protection 2014 — Wimmera Catchment Management Authority

By-law No 3 Waterways Protection 2014 — Goulburn Broken Catchment Management Authority

By-law No 3 Waterways Protection 2014 — West Gippsland Catchment Management Authority

By-law No 4 Waterways Protection 2014 — Corangamite Catchment Management Authority

*Workplace Injury Rehabilitation and Compensation Act 2013* — Order approving compliance codes under s 122.

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

*Corrections Amendment (Further Parole Reform) Act 2014* — Whole Act — 1 July 2014 (*Gazette S200, 24 June 2014*)

*Legal Profession Uniform Law Application Act 2014* — Part 1, Division 1 of Part 2 (except s 8), s 9, the following provisions of the Legal Profession Uniform Law as set out in Schedule 1 to that Act: Chapter 1, Chapter 8 (except Part 8.5 and ss 412(2), 414 and 415), Part 9.4 of Chapter 9, ss 467, 468 and 476, Schedules 1 and 2, clause 8 of Schedule 4 — 1 July 2014 (*Gazette S200, 24 June 2014*)

*Mental Health Act 2014* — Section 2 (other than subsection (1)) — 30 June 2014 (*Gazette S200, 24 June 2014*)

*Victoria Police Act 2013* — Whole Act — 1 July 2014 (*Gazette S200, 24 June 2014*)

*Victoria Police Amendment (Consequential and Other Matters) Act 2014* — Whole Act other than items 151.6, 160.6 and 160.7 of the Schedule — 1 July 2014; Remaining provisions — 1 September 2014 (*Gazette S200, 24 June 2014*)

*Witness Protection Amendment Act 2014* — Whole Act (except s 37) — 1 July 2014 (*Gazette S200, 24 June 2014*).

## MELBOURNE MARKET AUTHORITY AMENDMENT BILL 2014

### *Introduction and first reading*

**Received from Council.**

**Read first time on motion of Mr HODGETT  
(Minister for Major Projects).**

## ROYAL ASSENT

**Messages read advising royal assent to:**

**27 June**

**Treasury Legislation and Other Acts  
Amendment Bill 2014**

**1 July**

**Corrections Amendment (Smoke-Free Prisons)  
Bill 2014**

**Energy Legislation Amendment (Customer  
Metering Protections and Other Matters) Bill  
2014**

**Fines Reform Bill 2014**  
**Local Government (Brimbank City Council)**  
**Amendment Bill 2014**  
**Road Safety Amendment Bill 2014.**

### APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**Courts Legislation Miscellaneous Amendments**  
**Bill 2014**  
**Criminal Organisations Control and Other Acts**  
**Amendment Bill 2014**  
**Judicial Commission Bill 2014**  
**Judicial Entitlements Bill 2014**  
**Water Bill 2014.**

### BUSINESS OF THE HOUSE

#### Standing orders

**Ms ASHER** (Minister for Innovation) — By leave, I move:

That so much of standing orders be suspended so as to allow ministers' second-reading speeches, in relation to the bills listed on the notice paper for this sitting week, to be incorporated into *Hansard*.

**Motion agreed to.**

#### Program

**Ms ASHER** (Minister for Innovation) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 7 August 2014:

Assisted Reproductive Treatment Further Amendment Bill 2013

Consumer Affairs Legislation Amendment Bill 2014

Criminal Organisations Control and Other Acts Amendment Bill 2014

Filming Approval Bill 2014

Freedom of Information and Victorian Inspectorate Acts Amendment Bill 2014

Powers of Attorney Bill 2014

Privacy and Data Protection Bill 2014.

I will be quite brief in speaking about this motion because I am keen to find out prior to the dinner break whether we will have a government business program. I am sure all other government speakers will also be brief.

This is a reasonable program, particularly given that two of the bills have been debated extensively in the upper house. A number of members of Parliament, including members of the opposition, have requested that the Assisted Reproductive Treatment Further Amendment Bill 2013 be handled this week, and I am happy to accommodate that.

I put on the record my thanks to the opposition for agreeing so readily to the condolence motions regarding MH17, which was to be expected, and also for Lorraine Elliott. The government records its thanks to the opposition for allowing that mark of respect for Lorraine. On Wednesday we will have a grievance debate. As members of Parliament would be aware, there will be a church service for the victims of MH17, and the manager of opposition business and I have agreed that this will be subject to a pairing arrangement. That is yet to be determined, but there will be representation at that service from the most senior levels of both parties.

We have just passed a motion allowing second-reading speeches to be incorporated, which is a good reform. It is still not in the standing orders of this place, but every week we are suspending standing orders to allow more time for debate on government bills. It will be a busy week, particularly given the condolence motions earlier, but the program is reasonable, especially as two of these bills have been debated extensively in the upper house. I ask the house for its support of the government business program.

**Ms ALLAN** (Bendigo East) — In rising to contribute to the debate on the government business program that has been moved by the Leader of the House, I acknowledge the appreciation of the Leader of the House for the cooperative approach we were able to take to the condolence motions we considered earlier today. Those condolence motions were an appropriate mark of respect both for the victims of MH17 and for the former member for Mooroolbark, Lorraine Elliott. At times it was clearly difficult for some members to talk about those highly emotional matters, but it was a very appropriate mark from this Parliament, so I appreciate the comments put on the record by the Leader of the House.

The business program we have this week comprises the seven bills the Leader of the House took us through. I will make a couple of brief comments on those bills. We are pleased to see the Assisted Reproductive Treatment Further Amendment Bill 2013 come before the house this week. We were a little disappointed that we did not get to debate it during the last sitting week, but we are pleased to have it come on this week. The

members for Brunswick and Ivanhoe have done a power of work on this issue through the committee processes on our side, and we look forward to their contributions to the debate on this bill when it comes before the house.

We are disappointed that the request for a committee stage was not agreed to. Given the complexity of matters contained in this bill and the depth of feeling around these issues — there has been much media reporting of it and an extensive committee examination of these issues — we had hoped to be able to take this bill into committee to further examine these issues and delve into the legislation. It is very disappointing that the government has not agreed to our request for a committee stage. I acknowledge that the Leader of the House has, during her stewardship of that role, been very willing to consider our requests for committee stages, which is something that had not happened previously.

We have not had all the opportunities we would like, but we have had some opportunities to go into committee stage on various bills. We are disappointed that this house, the Legislative Assembly, is not going to have the opportunity to take this bill into committee stage. I do not necessarily agree with the reasons put forward to me privately by the leader of this house, but they are the reasons that have come forward — that is, this is a bill for which the responsible minister is not in this house and therefore it is not something that the government is willing to consider. That is a great shame, but when we get to the bill I am sure our members will put the case and the issues very clearly on behalf of the opposition and members of the Victorian community who are very keen to see this matter dealt with by the Parliament.

I also acknowledge the ongoing reform of the second-reading speeches. It would not be a government business program debate if I did not get to mention the reform of the second-reading speeches. I mention it every week because I want to make sure it lives on in perpetuity, because this is a great reform that has been able to be achieved. At some point in the future maybe the Leader of the House and I will get together and consider formalising this arrangement in some capacity. It is important. We know it is important. It means the member for Rodney can go home and explain to his community why the Echuca-Moama bridge is four years late in getting going, but that is for him to explain and a mess for the member for Swan Hill to fix up when he gets the job in November.

I also note that, as part of matters before the house this week, no doubt there will be some commentary about

the Ombudsman's report. I appreciate the efforts you have made, Speaker, in seeking clarification from the Ombudsman and the reading into *Hansard* a clarification around the circumstances surrounding the posting of that report online prior to it being tabled in Parliament. We appreciate your efforts on that matter. With those comments I am pleased to advise the Leader of the House that it is not her birthday this week, but we will be supporting the government business program.

**Mr TILLEY** (Benambra) — I rise in support of the government business program proposed by the Leader of the House. On that note, let us not waste any time, and get on to debating these important bills.

**Mr DELAHUNTY** (Lowan) — I just want to make a quick comment. I am pleased to support this motion moved by the Leader of the House, which is supported by the opposition. I want to refute a couple of things in relation to the member for Rodney. He has been a government member for four years, which is a pretty short time in Parliament, but he has been able to make two major announcements. One was in relation to the proposal for the Echuca hospital; it had been said that it was never going to be done.

**The SPEAKER** — Order! The member for Lowan will continue on the business program.

**Mr DELAHUNTY** — The other was in relation to the Echuca bridge; well done.

There are seven bills on the program, two of which have been debated in the upper house. It is a very worthwhile business program, and I am pleased to support it.

**Motion agreed to.**

## MEMBERS STATEMENTS

### International education

**Ms ASHER** (Minister for Innovation) — Last Thursday, 31 July 2014, in the presence of the consuls-general of Chile, China, India, Malaysia, Sri Lanka and Thailand, amongst other guests, I was pleased to officially open the coalition government's new Study Melbourne Student Centre at 599 Little Bourke Street. The new centre is a flagship initiative of the Victorian government's \$17.5 million international education strategy, which aims to position Victoria as the leading provider of international education in the Asia-Pacific region.

International education is Victoria's largest export, worth some \$4.49 billion each year and responsible for

over 30 000 jobs. Over 140 000 students from over 140 countries study in Victoria every year. Victoria has an excellent reputation for the quality of its education, but the government recognises that competition to attract international students is increasingly tough and we need to provide the best possible overall student experience.

The Study Melbourne Student Centre will provide a one-stop shop for international students across a broad range of programs to provide information on health, legal matters, accommodation, financial management, practical supports for international students, and so on. It will complement other services such as the City of Melbourne student welcome desk at Melbourne Airport and two international student information days. We are determined to do everything possible to promote our no. 1 export industry.

### Western suburbs schools

**Ms HENNESSY** (Altona) — To coincide with the start of term 3 at local schools, I have launched a new campaign calling on the government to make a commitment to deliver more schools for the west. Our local schools are doing a great job of delivering high-quality education with the resources provided to them, but as the local population of the west continues to grow we require an ongoing pipeline of investment to deliver the social infrastructure necessary for a thriving, sustainable community.

As it stands, while development continues to accelerate across Melbourne's west, there is a distinct lack of adequate investment in education infrastructure, especially at the senior level. Governments need to invest in a suite of social infrastructure that includes schools, both junior and senior, to build strong communities and to support the delivery of high-quality education for current and future students locally.

My local residents raise the issue of wanting certainty about school choices. I currently have a situation where almost 50 per cent of residents in one of the suburbs that I represent have to leave the local government area entirely in order to access secondary education. That quest for certainty is especially important for local parents of students at the senior level.

In stark contrast to the period of time in which Labor was last in government, when there was a pipeline of investment — in fact in six short months when we were in government three schools opened — we have a situation where over \$900 million has been cut under this state coalition government and \$30 billion has been cut under the commonwealth coalition government.

### Protective services officers

**Mr WELLS** (Minister for Police and Emergency Services) — Last Thursday I had the great pleasure of attending the Victoria Police Academy to announce that the Naphthine government will provide an additional 96 protective services officers (PSOs) for deployment to the rail network, meaning they will be present on 212 metropolitan rail stations and 4 regional stations in total. When in opposition the coalition government committed itself to this policy in the lead-up to the 2010 election. The extra 96 PSOs represent an investment of an additional \$48.6 million over five years, and we are more than happy to deliver them at the request of the Chief Commissioner of Police. The existing PSO recruitment and training program continues, and the first of these additional 96 PSOs will begin training in November, with the remainder to be recruited, trained and deployed over the coming months.

An additional \$19 million has been allocated for infrastructure works to support the deployment of PSOs. These additional 96 PSOs will enable the continued deployment of 2 PSOs to each of the 216 rail stations and will bring the total number of PSOs deployed across the rail network to 1036. This will mean that they will be deployed from 6.00 p.m. until the last train, 7 days a week, 365 days a year. These PSOs are making our stations safer every night and are helping commuters to feel safer in using the rail network.

### Broadmeadows electorate education services

**Mr McGUIRE** (Broadmeadows) — I am deeply concerned that the Victorian coalition is continuing its reverse Robin Hood strategy of taking from the poor to sandbag marginal seats — and the people of Broadmeadows will again be duded. After the Abbott coalition's budget was dismissed as being cruel to the poor, the coalition has again targeted Broadmeadows to transfer resources to try to save its political skin.

In merging the Kangan Institute with Bendigo TAFE, the Victorian coalition is basing the head office and CEO in Bendigo, a marginal electorate. Adding insult to injury, the institute will also be renamed Bendigo Kangan Institute. This evidence raises my concern about cuts to services to students in Broadmeadows at a vulnerable time of high unemployment and the demise of manufacturing, including the closure of the iconic Ford Motor Company plant. This reverse Robin Hood strategy repeats the tactics of the Victorian coalition first outlined by the Minister for Planning, Matthew Guy, who boasted to the media that he was a Liberal representing the people of Broadmeadows in Victoria's

upper house before transferring funding from the central activities district and government services building — projects funded under the Bracks and Brumby Labor governments totalling almost \$100 million — shunting them down the train line to Frankston and Mordialloc, sandbagging marginal seats.

The former Liberal member for Frankston has since told the Parliament that the funding was not even required in his electorate. I call on the Premier and the minister for higher education to clarify the Broadmeadows — —

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

### Malaysia Airlines flight MH17

**Dr SYKES** (Benalla) — I wish to extend my heartfelt sympathy to the family and friends of the 298 people who lost their lives when the Malaysia Airlines flight MH17 plane was shot down over Ukraine. I hope that the efforts to recover and identify the remains of the victims will be successful and that that will bring closure for the family and friends.

### Sporting shooters

**Dr SYKES** — On a brighter note, I welcome the announcement by the Liberal-Nationals coalition of \$12.5 million to go towards the promotion of events and the upgrade of facilities for shooting competitions in Victoria. In my role as Parliamentary Secretary for Primary Industries I have worked closely with many sporting shooter organisations, including Field and Game Australia and the Sporting Shooters Association of Australia, and I have attended many events, including at a number of pistol clubs, rifle ranges and of course the politician clay target shoot at Lilydale.

Locally we have many keen shooters, including James Corbett, winner of the 2013 Queen's Prize; Nick and Sally Kirley; and Catherine Skinner from Mansfield. Incidentally Catherine and James both competed in the 2014 Commonwealth Games. As well as these well-known shooters, there are many other shooters, including my friend and neighbour Norton Grimwade. I expect that there will be many applications for funding, which will be in two forms: small grants of up to \$100 000, which will be at the ratio of \$2 to \$1; and larger grants at a ratio of \$1 to \$1. The highly respected David Hawker will chair the independent advisory committee which will assess and recommend funding for future projects.

### Essendon Keilor College

**Mr CARROLL** (Niddrie) — In my inaugural speech to the Parliament on 18 April 2012 I said:

My immediate task is the implementation of the Essendon Keilor College master plan.

Since my election in March 2012 I have fought every day, both inside and outside of the Parliament, for Essendon Keilor College to be rebuilt. Unfortunately there have been four Liberal state budgets and four strikes for Essendon Keilor College. For the past four years the Naphthine government has refused to rebuild the school, even when the Minister for Education has visited the school and seen its condition for himself. In fact on 6 April 2011 the minister told the *Age* newspaper that the conditions out at Essendon Keilor College 'are disgusting; they are not safe for teachers, they are not good for those students'. In September 2011 more than 1600 local residents signed a petition, which was tabled in the Parliament, calling on the Naphthine government to rebuild the school. Just three short months later, on 3 November 2011, the *Herald Sun* published a report, based on documents obtained through freedom of information, which asserted that Essendon Keilor College was the state's most run-down school, with 1341 items requiring attention.

It is clear that only Victorian Labor can be trusted to invest in education and rebuild Essendon Keilor College. On Sunday, 13 July, I was pleased to join the Labor Leader of the Opposition and the shadow Minister for Education at the Niddrie campus of Essendon Keilor College to announce that a future Labor government will give this school the \$10 million it needs to redevelop its facilities once and for all. I call the minister to match Labor's commitment, put education right at the centre and make Essendon Keilor College the great school it can be.

### Prahran electorate schools

**Mr NEWTON-BROWN** (Prahran) — The Labor Party has refused to commit to the establishment of a world-class school in the Prahran area, despite the clear demand and support of my local community. I call on the Leader of the Opposition to match the funding commitment of \$20 million to establish our new secondary school and also commit to the long-term, ongoing operational costs. The community expects bipartisan support for this project, yet the Labor candidate for Prahran has done nothing but criticise and spread misinformation about the school. I call on the Leader of the Opposition and the Labor candidate for Prahran to support the establishment of the new Gifted Academy, recently granted planning approval by the

minister, as well as support the Melbourne Polytechnic, which opens its doors this year and has not had one word of support from either the Labor opposition or the Labor candidate for Prahran.

### **Fair Go, Sport!**

**Mr NEWTON-BROWN** — I was very pleased to be invited by Melbourne Cricket Club hockey section committee Claire Alexander to present medallions to the best and fairest players participating in a special Fair Go, Sport! round on Sunday, 3 August. The Fair Go, Sport! project, initiated by the Victorian Equal Opportunity and Human Rights Commission, aims to promote sexual and gender diversity in sport. I commend Melbourne Cricket Club Hockey for its commitment to this program, which is a valuable initiative for the lesbian, gay, bisexual, transgender and intersex community.

### **Melbourne High School**

**Mr NEWTON-BROWN** — It was a pleasure to recently speak with students at the Melbourne High School political interest group lunch. It is inspiring to talk with young people who have a passion for politics and a desire to ensure that our local area remains one of the best places to live in Victoria. Thank you to President Eddy Mizrahi for the invitation to speak, and I look forward to returning soon.

### **Footscray education precinct**

**Ms THOMSON** (Footscray) — Today the Leader of the Opposition, the Deputy Leader of the Opposition, the member for Williamstown and I were in Footscray to announce funding of \$15 million to establish an education precinct to provide for lifelong learning in the centre of Footscray.

The vision is that the precinct will provide facilities for child care and kindergarten, primary, secondary, TAFE and tertiary education, including University of the Third Age, all within one precinct. Labor will bring Footscray City Primary School, Footscray City College, Victoria University, the City of Maribyrnong, local communities and other stakeholders together to investigate the feasibility of the proposal. If feasible, a master plan will be developed which has the potential to move Footscray City College into the precinct. The concept has been welcomed by all those stakeholders. The vision is not just about physical infrastructure; it is also about innovative provision of education delivery, a concept which would be a first for Victoria.

Our vision is unlike that of Bernie Finn, a member for Western Metropolitan Region in the Council, who today said online that the plan is a cruel hoax. Labor is committed to establishing this precinct, unlike Mr Finn's party, which promised in 2010 to turn the former Sunvale Primary School site into a park for the people of Sunshine. That is a promise he and this government have reneged on. Labor is committed to funding the education precinct in Footscray and committed to education in Footscray.

### **Gaza conflict**

**Mr SOUTHWICK** (Caulfield) — As members may be aware, a letter condemning Israel's operation in Gaza was signed by MPs — mainly from the ALP and the Greens — from around the country. This letter blatantly provides comfort for Hamas, a terrorist organisation which shares a world view with al-Qaeda and the Islamic State of Iraq and Syria, with which Israel is engaged in a life-and-death struggle. This letter is bereft of context and wrong in places. In brief, the facts are as follows.

This conflict was caused solely by the firing of rockets from Gaza into Israel, menacing and paralysing most people in that country. Israel responded only after Hamas ignored several calls from Israel for calm. Israel has now discovered an elaborate network of tunnels into Israel from Gaza which were intended to be used for a mass terrorist attack which would entail the slaughter and kidnapping of civilians. The people of no country, including Israel, should be expected to live under this double threat of rockets and tunnels. The civilian casualties in Gaza are tragic but are caused by the war crimes and actions of Hamas, which has targeted Israel's civilians from among its own civilian population, using them as human shields and even demanding that they stay in harm's way when Israel warns them to evacuate.

At times like this all Australians, especially MPs, should stand with Israel, our friend, our ally and fellow democracy. We must not give comfort to Hamas, a declared terrorist organisation with an ideology that threatens us all. I invite MPs from all sides of politics to come together and show their support for Israel.

### **William Ruthven Secondary College**

**Ms HALFPENNY** (Thomastown) — I am not the next person.

**The DEPUTY SPEAKER** — Order! The member is listed as the next person, and she is using her time.

**Ms HALFPENNY** — On a point of order, Speaker, I ask the member for Caulfield to withdraw his comments. I was a signatory to that statement, and I am offended by the comments he has made in his members statement.

**The DEPUTY SPEAKER** — Order! I do not think a member can withdraw a members statement. If the member for Thomastown has a problem, she should ask the question of the Speaker in her chambers afterwards. The member is using up her time.

**Ms HALFPENNY** — How fantastic it was to see the exhibition for William Ruthven Secondary College in Queen's Hall a few weeks ago. I am pleased to say that the Labor opposition has pledged \$10 million to rebuild that school if Labor is elected in November. This pledge shows that Labor is committed to the children — our future generations — parents, teachers and students at William Ruthven Secondary College in Reservoir. Those people deserve a new school, new classrooms and a new administrative wing, and those are all part of the pledge Labor has made. I commend the principal and all those involved in the exhibition for putting on such a showcase of fantastic talent from the students as well as the demonstration of new and enlightening pedagogy that is in place at this school.

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

### **Mordialloc and Cheltenham police community forums**

**Ms WREFORD** (Mordialloc) — I recently attended the Mordialloc police community forum and the inaugural Cheltenham police community forum. These forums provide opportunities for the police to work with leaders in the community, such as school principals, members of traders' associations, local councils and other community groups. The forums are part of an initiative led by police to improve communication and listen to ideas. It is a great initiative that leads to local positive outcomes.

### **Manufacturing technology grants**

**Ms WREFORD** — Yesterday I visited CMTP in Braeside with the Minister for Manufacturing to announce a \$195 000 Investment in Manufacturing Technology grant. CMTP will put the money towards an \$800 000 technology project which will allow the company to produce more timber packaging using the same amount of wood. More efficient production means more exports and more local jobs. Well done, Chris Meade and the team.

I also recently joined the Minister for Manufacturing at Fabtronics to see that company's expansion thanks to a \$238 000 Investment in Manufacturing Technology grant. Now the company can have more space and the capacity to employ more people. Well done to Frank, Rod and the team.

### **Mordialloc electorate football grounds**

**Ms WREFORD** — Last Thursday the Minister for Sport and Recreation came to the Mordialloc electorate to officially switch on the lights at the soccer fields at Parkdale Secondary College and the oval at Glen Street Reserve in Aspendale. Besart Berisha and Kosta Barbarouses from Melbourne Victory joined the kids at Parkdale, and members of Edithvale-Aspendale Junior Football Club were at Glen Street Reserve. Well done to all involved. The lights will be of great benefit to both these ovals.

### **Brunswick Secondary College**

**Ms GARRETT** (Brunswick) — Last month I was delighted to attend Brunswick Secondary College with the Leader and Deputy Leader of the Opposition to announce Labor's \$10 million funding commitment for the upgrade, expansion and modernisation of that fantastic local school. We got to view the best of what the school has to offer, including visiting the science labs and performing arts space and being treated to a terrific rehearsal for the school's musical, which was coming up that weekend.

The principal of Brunswick Secondary College, Vivienne Tellefson, said she was elated with the news, as is everyone in the school community who has been part of this process. Labor went to the last election having made this commitment, and the plans for the school's upgrade and modernisation were included in the department's master planning process. Unfortunately the Baillieu and Napthine governments have failed repeatedly to fund the school, which has doubled its enrolments over the last 15 years, with students coming from over 50 countries and from culturally diverse backgrounds. It is a wonderful, creative and exciting school with a strong focus on academic performance and achievement. This funding will go a long way to supporting the great work the school has already done and will allow it to take even more enrolments from our growing community.

### **World War I centenary**

**Mr DELAHUNTY** (Lowan) — Today, along with the Minister for Veterans' Affairs, Damian Drum, and the chair of the Victorian Anzac Centenary Committee,

the member for Hawthorn, I joined the Governor, politicians, veterans and descendants of those who served at Point Nepean 100 years ago to commemorate the first shot fired by the British Empire in World War I.

Yesterday I was pleased to be at the Shrine of Remembrance for a wreath-laying ceremony to mark the centenary of the start of World War I, which was followed by an event to mark the completion of the shrine's Galleries of Remembrance redevelopment. This is our \$45 million commitment to honour the service and sacrifice of our veterans and in particular to commemorate the Anzac centenary. Last night I attended the Melbourne town hall commemoration, which re-enacted a historic meeting attended by thousands of people to garner support for the war and encourage men to enlist. That event included historic readings, music and theatre.

These events are part of a wide range of Anzac centenary commemoration initiatives that will highlight our rich local history and provide opportunities to better understand and appreciate Victoria's role in World War I.

### Sheepvention

**Mr DELAHUNTY** — Yesterday I was in Hamilton with the Premier, who opened Sheepvention, a two-day convention that attracts 25 000 people. Sheepvention features a mix of activities, competitions, entertainment, food and fashion; there is something for everyone. Sheepvention is another outstanding success for the region. It is led by a voluntary committee chaired by its president, Nick Sutherland.

### Southern Grampians government investment

**Mr DELAHUNTY** — At Sheepvention I launched the Southern Grampians shire's priority projects and also announced the Victorian coalition government's investment of \$60 000 from our \$1 billion Regional Growth Fund to develop a digital strategy for the Southern Grampians shire — —

**The DEPUTY SPEAKER** — Order! The member's time has expired. This is an appropriate time to break for dinner.

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

### Mr, Mrs, Miss and Teen Sri Lanka Awards

**Ms BEATTIE** (Yuroke) — It was a great pleasure to join the Consul General of Sri Lanka, Mr Upul Pushpakumara, at the 2014 Mr, Mrs, Miss and Teen Sri

Lanka Awards. It was a wonderful afternoon of fun, colour and music, and the community spirit was tangible. I would like to congratulate the organisers and participants for the energy, effort and enthusiasm they brought to the day.

This year's inaugural pageant was designed to empower the participants by providing them with a platform to develop their confidence, embrace their inner beauty and follow their passions. Outside of the traditional schooling system this kind of educational opportunity adds much value to the development of a person's character and the richness of individuals. With competitors and members from across the expatriate community in attendance, including from the Singhalese, Tamil, Muslim and Burgher communities, it was a demonstration of the unity and harmony that is at the heart of the Victorian Sri Lankan community. The contestants had clearly worked hard on developing their poise and confidence, particularly the young contestants, and those skills will serve them well in their futures, both professionally and personally.

It is one of the great honours of public life to be provided with these opportunities to join our multicultural community in Melbourne. I congratulate all those involved, especially Dilkie Perera, Virosh Perera and Sav Jainudeen, for their efforts in producing such a wonderful event. It was the epitome of all that is great in our diverse city, and I cannot thank the organisers enough for the chance to be a part of it. Once again we see members of our diverse community at their best, having left the troubles of their homeland behind to celebrate with us as a great nation.

### Ouyen Lake

**Mr CRISP** (Mildura) — Congratulations to the Ouyen Lake Committee and the local community for their hard work and diligence in finding a site, preparing a business case and gaining \$500 000 in government funding for a recreational lake for the Ouyen and Mallee Track community. GWMWater has shown its support for the project by committing \$700 000 to provide a supply pipeline to the lake, and the Ouyen community has shown that it is prepared to put its shoulder to the wheel with a commitment of \$700 000 in cash and in-kind support to construct the lake. I look forward to the lake's completion for the summer of 2015–16.

### Sea Lake and District Hospital

**Mr CRISP** — It was my pleasure to accompany the Minister for Health to Sea Lake to make a funding announcement for the renovation of the Sea Lake and

District Hospital. The community has been active in working to meet its needs, and these funds will see the hospital adapt to the change in community needs.

### **Lloyd's Newsagency**

**Mr CRISP** — The Sea Lake newsagency recently celebrated 100 years of service to the community. A large gathering of locals, ex-employees and friends celebrated the morning with the owner, Keva Lloyd, and his family. It is not often that you hear about 100 years of service to a community.

### **St Mary's Primary School, Sea Lake**

**Mr CRISP** — To continue the Sea Lake theme, I was able to assist with tree planting at St Mary's Primary School, where a practical, country attitude shone through with both native trees and fruit trees being planted.

### **Beulah Weir**

**Mr CRISP** — The expanded Beulah Weir pool is now complete with the installation of the upstream retaining gates. These were installed by the Yarriambiack Shire Council and funded through the Regional Growth Fund and local support.

### **Greensborough College**

**Mr BROOKS** (Bundoora) — The Napthine government should be ashamed of its failure to invest in new and improved school facilities. The government's own education department's documents clearly state that school capital funding has been slashed by the Napthine government, and the government has also failed to invest in school maintenance. Despite the Auditor-General's criticism that school maintenance was underfunded by hundreds of millions of dollars, there has been no funding allocated this year to meet this urgent need.

The Napthine government's neglect is clearly on display in my community, where not one school received maintenance funding last year. Not one school has been upgraded. Not one new classroom, school library, science lab, art room or toilet has been built or upgraded by this government in my electorate's schools. The result is that some schools are falling apart.

Greensborough College is a great school with dedicated staff and an exciting and caring approach to education, but its facilities are woeful. The flooring is so bad that in one incident schoolbags disappeared through a hole in the floor. The heating broke down and the

government refused to fix it until the media highlighted the plight of kids who were taking blankets to school to stay warm.

I am proud to say that Labor has committed to rebuilding this school. Two years ago the Leader of the Opposition came to the school to listen to the concerns of parents and staff. Three weeks ago he returned with a \$10 million pledge to start the rebuilding of Greensborough College. I challenge the Premier to visit Greensborough College, to walk around the old school buildings and to say that he is honestly happy for these schools — —

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

### ***Thoroughly Modern Millie***

**Mr WATT** (Burwood) — On 2 August I attended a joint production by Presbyterian Ladies College and Scotch College of *Thoroughly Modern Millie*. The participating students gave magnificent performances, and I acknowledge Nathan Hotchkin van Neuren, who played Jimmy Smith; Caitlyn Hoy, who played Muzzy van Hossmere; Everett Joy, who played Trevor Graydon III; Sarah Oldfield, who played Mrs Meers; Maddy Campbell, who played Miss Dorothy Brown; John Huang, who played Ching Ho; and Shay Ng, who played Bun Foo.

Jess Raper performed the title role of Millie Dillmount and was absolutely magnificent. It is not all that fair that I single out one particular performance because all the performers did a magnificent job, but I want to pay particular tribute to Jess Raper. I do not say this often, but I think Jess Raper will be a star in the future, because she was absolutely magnificent in the performance I saw on Saturday night. I pay tribute to all of the students who participated, both from Presbyterian Ladies College, which is in my electorate of Burwood, and from Scotch College, but particularly Jess Raper — a magnificent job.

### **Lyndale Secondary College**

**Mr PANDAZOPOULOS** (Dandenong) — I raise again in this house the need for a rebuild of Lyndale Secondary College. I raised the issue in the house a couple of months ago. It has received a lot of media comment in the local community and amongst people, including students, at the school. The government's response has been extremely poor. Just to recap, after years of neglect by conservative governments, when Labor was in government it started a big school rebuilding program. We rebuilt many schools in the

Dandenong electorate. Those like Lyndale Secondary College that had not been rebuilt by the time of the last election had been master planned. Lyndale has been waiting to see any sort of positive move by this government to at least start the process of rebuilding the school in different stages.

Since the issue has been raised in the public arena, the government's response has been poor, as I said. I ask the Minister for Education if he would like to join me in visiting Lyndale Secondary College. I also invite the shadow Minister for Education, the member for Monbulk, to join us so that we can look at the conditions at the school. It is about time this government committed the resources needed to start the rebuilding of Lyndale Secondary College. It has already gone through a program with its school community around what the school's building needs are. The only thing it really needs is the go-ahead from this government, which neglects Labor electorates when it is in government.

### **Epworth Geelong**

**Mr KATOS** (South Barwon) — On 8 July I was delighted to join the Premier and the Minister for Health at the site of the new Epworth Geelong hospital at Waurn Ponds. Construction is well underway, and the hospital is scheduled to open in July 2016, with 900 jobs created during construction. The hospital will also employ 580 staff. It will provide clinical training for undergraduate and postgraduate medical, nursing and allied health students. The Victorian coalition government has helped meet the project's infrastructure costs, with \$2.85 million provided through the \$1 billion Regional Growth Fund.

### **Brida Dalton and Dorothy Platts**

**Mr KATOS** — On 21 July I was delighted to attend a morning tea at the aged-care facility at Opal South Valley in Highton to celebrate the 100th birthdays of Brida Dalton, who was born on 19 July 1914, and Dorothy Platts, for whom we were slightly early as she was born on 25 July 2014.

Brida Dalton has four children, nine grandchildren and three great-grandchildren. She moved with her husband from Camperdown to Geelong in 1934. She has served on various senior citizens and community committees.

Dorothy Platts moved with her husband from the United Kingdom to Geelong in 1962. She has four grandchildren and six great-grandchildren. She is an accomplished pianist who studied at the London

College of Music, and she continues to entertain her fellow residents and visitors.

### **Waurn Ponds railway station**

**Mr KATOS** — I was pleased to join the Minister for Public Transport last Thursday to announce the official naming of the Waurn Ponds railway station and an additional 92 car parks, adding to the 200 already promised. There will also be a gravelled area for overflow parking for approximately 150 vehicles. This honours yet another 2010 election commitment.

### **Ramadan**

**Ms KANIS** (Melbourne) — On Friday, 11 July, I was privileged to attend a Ramadan Iftar dinner in Carlton. I was delighted to be welcomed with such warmth and generosity by the Muslim community in Carlton. It was great to share the break of the fast with the women and their children. My son and I enjoyed a great feast there that afternoon.

### **Flemington Eid festival**

**Ms KANIS** — It was also a great delight to be able last weekend to once again enjoy the Flemington Eid festival. The festival brings together the Muslim and non-Muslim communities in Flemington to celebrate all that is great about our multicultural state in Victoria.

## **CRIMINAL ORGANISATIONS CONTROL AND OTHER ACTS AMENDMENT BILL 2014**

### *Second reading*

### **Debate resumed from 26 June; motion of Mr CLARK (Attorney-General).**

**Mr PAKULA** (Lyndhurst) — It gives me pleasure to rise to speak on the Criminal Organisations Control and Other Acts Amendment Bill 2014 and to indicate that the opposition will not be opposing this bill. The bill addresses a range of matters, most significantly the confiscation regime that has operated in this state for almost two decades. It makes some amendments with regard to declared criminal organisations, committal hearings, the investigative powers under the Major Crimes (Investigative Powers) Act 2004 and the operation of the Children's Court. It is fair to say that the two most significant elements of the bill relate to the confiscation regime in this state and declared criminal organisations.

With regard to confiscation, for some time it has been the case that for serious drug offenders there has been

the possibility, and in fact the likelihood, that assets that have been purchased with the proceeds of those very serious crimes would be confiscated. That regime has been in place for many years, and it has operated to deprive a number of serious drug offenders of the benefits of their ill-gotten gains. It has also been the case that the form of the legislation has led to some difficulties for authorities in terms of tracing the provenance of certain assets held by convicted serious drug offenders. For example, it is not unusual for offenders to have effectively laundered money in order to camouflage the basis of their wealth and to make it appear that a home or an expensive motor vehicle has in fact been purchased with legitimate proceeds rather than the proceeds of crime, or indeed to create the impression that property has been in their possession or in the possession of their family for some time.

The amendments made by the bill will mean that in future such attempts will be futile. It will be possible and appropriate for the authorities to relieve serious drug offenders of their assets whether or not they have been purchased with the proceeds of the offences they have committed. As a consequence of the bill before the house, in circumstances where serious drug offenders have lavish homes, opulent properties or expensive motor vehicles, they will no longer be able to retain those. The opposition considers that that is as it ought to be.

It might well be the case that certain offenders lose property that may not have been purchased with the proceeds of crime. It may be that those offenders lose property that has been in their family from before the time when they committed offences. The opposition's message to those offenders is that is the price you pay for being a convicted serious drug offender. If in those circumstances property that has not been purchased with the proceeds of crime is forfeited to the state, that is too bad.

However, it is important that we do not create a situation, particularly in relation to dependants, where young children or spouses of offenders who have done nothing wrong themselves are out on the street unable to find shelter or are rendered homeless as a consequence of the actions of their partner or their parent. We do not want a situation where people lose all mobility and no longer have a motor vehicle or any other way of getting around.

During the discussion with the Department of Justice and the minister's office the opposition sought assurances that there would be provisions for the dependants of these offenders not to be rendered homeless and not to be without a motor vehicle. The

department pointed out that the bill and the second-reading speech make it clear that dependants will not be left homeless. They will be able to have a reasonably priced family home and a reasonably priced motor vehicle either retained or purchased from the proceeds of any sale by government of the more extravagant property or motor vehicle that the offender might have.

With regard to that element of the legislation, the opposition maintains that it is important that these serious drug offenders who wreak so much havoc, particularly on our young people, are not able to benefit from their ill-gotten gains and are not able to continue to get about in expensive cars or live in luxurious homes. But it is equally important that any dependants of theirs not be left out on the street, and the opposition is satisfied that the bill before the house makes sufficient provision for that.

With regard to declared criminal organisations, colloquially described as outlaw motorcycle gangs — and the opposition recognises that the legislation does not specify that — when the last piece of legislation was introduced the government made a great play about all the safeguards inserted in that act to ensure that only very serious offences and very serious activity could lead to a declaration or control order against those gangs. It is also true to say that in the bill before the house there has been some watering down, a diminution, of those safeguards. We now have a situation where, for example, rather than an indictable offence punishable by 10 years imprisonment being the threshold for a control order, that is now 5 years imprisonment. What is described as a serious criminal activity is no longer as serious a criminal activity as it was up to this point in time.

In interrogating this matter with the department, part of the explanation provided to the opposition was that the government had been somewhat conservative in its initial drafting of this legislation given that some challenges were on foot in other states with regard to their legislation but that the government now had a greater degree of confidence that the regime in place in Victoria would stand up to a challenge. As a consequence the government said it was able to make these provisions somewhat less stringent as they relate to the activities of the police force and other authorities.

What is important, though, is that the type of organisation that can be the subject of these control orders has not by the introduction of this bill been altered, according to the representatives of the government consulted by the opposition. This was an important question for us to ask because there are

provisions in this bill that in effect relate to the question of organisations patching over members of other organisations and as a consequence seeking to avoid the provisions of the act as they apply.

There has been concern that organisations that may not in any respect be criminal organisations — for example, the Ulysses Club, which is a motorcycle club for older riders — may somehow fall foul of this legislation because they have accepted members from an organisation that had previously been declared. As they got older some riders joined with their organisation.

In discussions with the department it was stated very clearly that the types of organisations covered by the Criminal Organisations Control Act 2012 will not be affected by the amendments, despite the range of relevant offences being expanded, because the overarching test which will be applied by the Supreme Court of Victoria for an organisation to become a declared organisation has not changed — that is, the court must be satisfied that the organisation itself poses a serious risk to community safety and order.

The government assured the opposition that just because an organisation may accept some members who have come from a declared organisation or just because an organisation may have members who committed an offence punishable by five years imprisonment — and all of us know there are some fairly low-level offences that fall within that definition — that will not lead to that organisation being declared, because the organisation itself must pose a serious threat to public safety and order.

As described by the government, that would be the case even where the new test for a control order against an individual might apply or where on the balance of probabilities an organisation might be facilitating or supporting criminal activity. There are a number of changes to the way organisations might be subject to these control orders, or how individuals and organisations might be declared, but the opposition is satisfied by the undertakings provided by the government that organisations not intended to be covered by this supposed outlawed motorcycle gang provision will not become subject to it almost by default.

With regard to committal hearings, the Criminal Procedure Act 2009 is amended by this bill on the question of whether or not a court will grant leave to cross-examine a witness in a committal hearing. The bill provides that the court needs to be satisfied that an issue has been identified, that its relevance has been identified and that cross-examination is justified. That

test will apply even if an informant consents to cross-examination. The stated purpose of these provisions is to simplify the committal hearing process in order to streamline those hearings to reduce delays in courts and to effectively stop a committal hearing being used as a dry run for cross-examination at trial. I think in these matters the proof of the pudding will ultimately be in the eating: you do not want a situation where more matters go to full trial because of the absence of cross-examination during the committal stage.

One of the concerns the opposition raised during the briefing process was whether or not it might not be the case that the absence of cross-examination during committal hearings may lead to more matters going to trial. The advice of the government and the department is that that is neither the intention nor in any respect the likely outcome of the amendments that have been proposed in the bill. Again I think that will be a case of suck it and see.

There are some amendments with regard to traffic camera offences and particularly the way that service of documents can be properly effected. There are some changes with regard to Children's Court hearings, particularly with regard to issues of mental impairment. They will enable the Children's Court to hear and determine children's cases under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and apply provisions of the act to Children's Court hearings with some appropriate modifications.

Interestingly, in the second-reading speech the government has made it clear that many of the changes in the bill, particularly those relating to the jurisdiction of the Children's Court, are a consequence of a decision made by Justice Lasry in the case of *CL (a minor) v. Tim Lee and Others* in November 2010, in which he found that the Children's Court did not have jurisdiction in fitness-to-plead matters. I must say it is somewhat surprising and difficult to understand why, if a decision was made by Justice Lasry in November 2010, it has taken until August 2014 for the government to introduce a bill to rectify a problem identified by him almost four years ago.

There are also some changes to the Major Crime (Investigative Powers) Act 2004 which relate to the use of evidence in major crime investigations. The bill before the house makes it clear that coercive powers will extend to the prosecution of organised crime offences, not just to their investigation. It makes it clear that the effect on a witness's reputation will no longer be a consideration in determining whether to make a written notice under section 20. It determines that the making of a notice will be mandatory where failure to

do so would reasonably be expected to prejudice the safety of a person, the fair trial of a person or the effectiveness of an investigation, or where it would be contrary to the public interest, and the court will have a discretion to issue a notice where failure to do so may lead to any of those outcomes in a particular case.

There is also some clarification of the powers of the chief examiner and a number of other minor amendments. There are some changes to the provisions with regard to alcohol exclusion orders. I have spoken in the past about alcohol exclusion orders and particularly the fact that they do not only apply to the service of alcohol. However, after the passage of this bill the application to vary an alcohol exclusion order has to be made to the Magistrates Court, regardless of which court initially made the order. There are also a number of other miscellaneous amendments to a range of acts as a consequence of this bill.

I say in conclusion that the opposition is supportive of measures that make it easier for authorities to confiscate the assets of those who make their fortune through serious criminal activity, particularly serious drug offences. It is important that those offenders realise that crime does not pay and that if they are caught they will lose the lot, or as near to the lot as is reasonable in the circumstances. It is also important to put on the record that in many circumstances the creation of a safer community is not simply a matter of legislation that makes it easier to lock people up or legislation that makes it easier to confiscate the assets of crime; that it is about appropriate resources deployed in the right places, the way our court system functions, the way legal aid functions and the way police are resourced to ensure their ability to carry out the jobs they have been employed to do rather than doing clerical or babysitting work as they too often have been doing over the past four years.

It is about ensuring that we are absolutely focused not just on a higher rate of incarceration or arrest but also on bringing down the incidence of crime and of reoffending, two objectives that I think this government has paid scant attention to over the last four years. And it is about ensuring that when we talk about community safety we understand that we are talking about the safety of everybody. We are talking about the safety of women in their homes, we are talking about the safety of young people who feel victimised, we are talking about the safety of ethnic and religious minorities who might feel vilified or discriminated against.

We are talking about making ours a safer and more welcoming community for everyone and ensuring that no matter who you are you can go about your business free of offence, free of vilification and free of prejudice and discrimination and that you feel safe no matter who

you are or in what part of this state you reside. With those words, I commend the bill to the house.

**Mr SOUTHWICK** (Caulfield) — I rise to speak on the Criminal Organisations Control and Other Acts Amendment Bill 2014. It is not often that I agree with the member for Lyndhurst but I say at the outset that I agree with his concluding comments about the need for us to care about ensuring that all Victorians are safe in any environment, whether it be in their homes, on their streets or on public transport. That is the obligation of any government, no matter its persuasion. We came into office in 2010 with a very strong law and order policy that has seen us deliver 1700 police on our streets and 940 protective services officers to patrol every train station. When we are talking about safety, and the member for Lyndhurst mentioned a range of issues, these are the ways we are delivering on safety. When people go home of a night they know there will be protective services officers at their train stations to escort them to their cars and they know they can travel on the public transport system because there are protective services officers in place.

This bill goes to the heart of crime. We can put police officers on our streets and we can ensure that they are armed with the necessary powers, but at the end of the day we have to hold the drug lords to account. The way we do this is by taking away the wealth they have amassed from their illegal trade. If you take away their money, you take away their opportunity and you take away their trade. That is the key element in the bill before us today. It is about going to the very heart of what these drug dealers are doing.

We have heard many examples of what drugs do to our community. As a member of the Law Reform, Drugs and Crime Prevention Committee, which is currently inquiring into the supply and use of methamphetamines in our community, it has been shocking to hear what drugs are doing to our community. Many members of Parliament will have read on countless occasions of the families, the young children and, most importantly, the innocent people who have been affected. At the end of the day most of these people are being affected by these drug dealers. It is the dealers who are responsible for the problems we have in our community and it is the dealers who need to be held to account. The best way to do that is to take away their cash, because we have heard that in many instances even when the drugs are confiscated that does not do it. But when you take away their cash, you take away their trade.

This bill looks at improving and clarifying the operation of existing civil forfeiture and hardship provisions to implement a serious drug offender regime. It also looks at asset confiscation as an effective tool for combating serious crime. It threatens the profitability of serious

crime and reduces the capital available to invest in future criminal activity, which is very important. As part of this process for the many people who have been arrested, charged and convicted and hopefully sent away for their activities, because we are dealing with significant situations, it is about taking away the cash. Quite often this money is held in relatives' accounts or in friends' accounts, it can be shipped offshore or held in the assets of their homes. It is about taking that money and ensuring that the proceeds of their trade are taken from drug offenders.

The serious drug offender regime applies to offenders convicted of large, commercial drug trafficking or cultivation offences or related conspiracy and aiding and abetting offences. When sentencing a person for a serious offence, the court must declare that a person is a serious drug offender. When a person is declared to be a serious drug offender, all their property is liable to be forfeited. The property will be forfeit regardless of whether it was legitimately acquired or derived from or tainted by serious drug offences. This will ensure that someone who has spent their life involved in criminal activity does not claim that their house was paid for through legal proceeds when they have spent the last 10 years of their life supplying to most of the community. It is about wrapping it all up and taking away the cash.

There have been a number of reports in the media signalling this very important change to the legislation. One was in the *Herald Sun* of 24 June under the headline 'Every last cent — new laws to strip convicted drug lords of almost everything they own'. The Attorney-General, who has brought this bill before the house, is reported as having said:

Any financial gain drug traffickers may have stood to make will be effectively wiped out ...

These laws will send a strong message to would-be drug traffickers that crime will not pay in Victoria. Not only will they go to jail for a long time, but they will lose almost everything they own.

This is a very important part. It is not only about ensuring that those who profit from crime and serious drug offences pay for that but also about signalling to the community that this behaviour is unacceptable. If other community members are thinking that they might enter into illegal activities such as this, then they need to know that the full force of the law will be brought to bear. We have the resources. We have the policing in our state thanks to the government investing in more police on our streets. This means that once we go about policing and find these perpetrators, we know that we can prosecute them to the full extent of the law and strip them of their cash. Ultimately we will send a message to the community that crime does not pay. That is the

key thing we need to ensure that our community understands.

As I said, from my experience in this place, from my previous experience working with youth at risk and from talking to many young people, it is clear that drugs are a tragic problem in our community for many different reasons. Many people who you would not expect to get involved in drugs are involved in drugs. As I said earlier, at the moment the issue of ice is a classic example of where a drug that might be tried once or twice in a party situation ends up getting a young person hooked and unfortunately sends that person into a downward spiral that affects them, affects their families, affects their friends and pretty much ruins their lives and the lives of so many people around them.

We need to do whatever we can to remove this harmful and tragic problem in our community. We will probably never be able to get rid of all the drugs that are in our community. There will always be a new drug that will come out, take to the streets and attract people to try it. But at the end of the day we need to do the very best we can to ensure that community members feel safe and protected, and that our young people in particular feel safe and protected. The best way to do that is with all the harm minimisation studies we can adopt and all the counselling and support measures we can provide — I acknowledge that we need to do all those things for the young people who are affected by drugs — but ultimately what we need to do is remove the supply of drugs and eliminate the people who are pushing drugs to our young people. The best way to do that is to take away the cash. That is the core of what this bill does, and it goes to the heart of what we are talking about today.

This is very important, and I commend the Attorney-General on the hard work he has done to ensure that we toughen up our laws. I look forward to seeing further laws introduced to ensure that we even look at things like unexplained wealth and other things in the future because that is very important. If we can do all we can in this house to take away the cash and take trade away from the drug lords, we can let them know that it is unacceptable in our community and that it will not be tolerated under any circumstances. I commend the bill to the house.

**Debate adjourned on motion of Mr WYNNE (Richmond).**

**Debate adjourned until later this day.**

**POWERS OF ATTORNEY BILL 2014***Second reading***Debate resumed from 26 June; motion of Mr CLARK (Attorney-General).**

**Mr BROOKS** (Bundoora) — It is a pleasure to rise to contribute to debate on this important Powers of Attorney Bill 2014. This bill has come into this place following a substantial amount of work done by members of Parliament and also by the Victorian Law Reform Commission, the latter in its work as part of a review of guardianship, and the parliamentary Law Reform Committee back in 2010 in the final report on its inquiry into powers of attorney. That was a parliamentary inquiry which examined a vast amount of submissions, and it was ably chaired at that time by a member for Eastern Victoria Region in the other place, Johan Scheffer. It was an excellent collaborative effort by members of that committee. All the members of that committee worked hard to produce a good report, and it is good to see that it has led to this legislation, which this side of the house certainly does not oppose. I should also mention that the Attorney-General, the member for Box Hill, was then the deputy chair of that committee.

The Powers of Attorney Bill does a number of things that were recommended in that parliamentary committee report. There are a series of substantial recommendations that it does not address, and I will come to that later in my contribution, but it does a number of things that will strengthen the laws governing the powers of attorney. It is important to state up front that the committee found that there were some problems with the operation of powers of attorney at the present time. Confusion exists about the powers of attorney and also about the different powers that can be exercised under each of those different types of powers of attorney.

Very concerning evidence was received by the committee at that time about the abuse of powers of attorney. When you think about the people who are the principals, or you might want to refer to them as donors, who would be conferring the powers of attorney, you realise that of necessity they are people who are in very vulnerable situations. They are people who, at the point of execution of the power of attorney, have lost capacity. We are talking about people — sometimes older people with dementia or people with disabilities — who for whatever reason have lost capacity, particularly in terms of enduring powers of attorney. We would argue that it is those people who most need the protection of the law. I am sure all

members would agree with that. For that reason it is important to get these laws right.

On the other side, it is obvious that powers of attorney are extremely empowering and important tools for people as they contemplate the circumstances that might arise if they were to lose capacity, and so they are a very important part of how society works. One could argue that they should be used more often and that there should be a greater awareness of the things that powers of attorney can do and the usefulness of powers of attorney. Promoting the benefits of powers of attorney is probably one of the roles that members of Parliament could play.

The bill does a number of very positive things. It provides a definition of ‘capacity’, which is a central question in relation to powers of attorney. This bill picks up the recommendations of the Law Reform Committee and sets out very clearly what capacity means. I think it is very important that people understand the information and that the donor understands the information relevant to the decision and the effect of the decision; that they are able to retain that information to the extent necessary to make the decision; that they are able to use or weigh the information as part of the process of decision-making; and that they are able to communicate their decision, their views and needs as to the decision in some way, including by speech, gestures or other means. That was one of the very clear recommendations of the Law Reform Committee made at that earlier time. It is good to see that has been picked up as part of this legislation.

Another key component of this bill is the introduction of supportive attorneys, and that is a positive move — the ability for people to appoint supportive attorneys who are able to, as the second-reading speech notes, promote autonomy and dignity for people with a disability who have the capacity to make various decisions for themselves, provided they have the right support. That is a very sound move and one that should be welcomed by all people, because there are many situations in which people could make use of supportive attorneys. It will empower many people with a range of disabilities who are still able to make decisions for themselves. This will empower them to make those sorts of decisions.

The Law Reform Committee also recommended that principles be developed to apply to people who are given power of attorney. The bill before us provides for those principles. Consideration of those principles leads us to determine that these are principles the Parliament should support. They are sensible principles that ensure that a person with power of attorney acts in a way that

is least restrictive to the principal and provides appropriate support. I will use the words of the legislation because you have to be careful that the wording is correct. The attorney must:

- (a) give all practicable and appropriate effect to the principal's wishes; and
- (b) take any steps that are reasonably available to encourage the principal to participate in decision making ...
- (c) act in a way that promotes the personal and social wellbeing of the principal, including by —
  - (i) recognising the inherent dignity of the principal; and
  - (ii) having regard to the principal's existing supportive relationships, religion, values and cultural and linguistic environment; and
  - (iii) respecting the confidentiality of confidential information relating to the principal.

These are all things that were recommended by the Law Reform Committee, and they have been picked up by the legislation.

Importantly there is also the inclusion of offences in relation to people who abuse their role when acting with a power of attorney. This is a key part of this law reform, and I commend this part of the bill to the house. Those people who abuse their power of attorney to dishonestly obtain financial advantage and those who dishonestly attain or revoke a power of attorney are now subject to legal sanction. This is a good thing, which I am sure many members of the Law Reform Committee were happy to support.

One major part of the Law Reform Committee report — that is, recommendations 66 to 78 — has not been picked up by this legislation. Those recommendations deal with the creation of a register of powers of attorney. The committee received a substantial amount of evidence that there is often confusion because power of attorney documents are private documents between the parties. It is often difficult for someone working in a bank, for example, to determine over the counter whether or not a power of attorney is valid. The committee received evidence from a number of organisations that a register that respected the confidentiality of the parties could be accessed by a number of institutions — for example, banks, other financial institutions and health organisations — to ensure the validity of a power of attorney and also to check what powers were available under the power of attorney. In my view this would help minimise the potential for abuse of powers of attorney.

A number of recommendations were made by the Law Reform Committee. The committee considered the option of mandatory or voluntary registration. The committee decided to recommend mandatory registration and that the register sit with the Victorian Registry of Births, Deaths and Marriages. That was seen as a cost-effective way for people to register power of attorney arrangements and to ensure that the level of abuse of those arrangements was minimised. This evidence was received by the committee from well-regarded organisations. The Office of the Public Advocate put to the committee quite clearly that it thought that a system of enduring power of attorney registration, similar to that used in the United Kingdom, should be adopted in Victoria and that the enduring power of attorney should only be operative once it has been registered, providing another level of protection.

The same sort of recommendation was put forward by the Law Institute of Victoria. Victoria Legal Aid put forward a proposal that there be a national register. Most of the witnesses put to the committee that there should be at least some harmonisation or accessibility of these registers around the country. The Australian Bankers Association similarly made a recommendation that there be a system of registration of powers of attorney, particularly enduring powers of attorney. National Seniors Australia and other organisations and individuals also put to the committee that there should be a registration system for powers of attorney. The framework for powers of attorney being developed through this piece of legislation, whilst it is a positive piece of legislation, could have been enhanced by the inclusion of a register of powers of attorney.

We are talking about people in vulnerable situations, and it is incumbent upon us as members of Parliament to look at provisions — particularly those provisions contained in the Law Reform Committee report — that provide the maximum level of protection for those people who would otherwise be open to abuse. It is hard for us to imagine how someone could take advantage in a financial fashion of an elderly relative or someone they are entrusted to care for. However, the advice the Law Reform Committee received was that this does occur and that it occurs often, and the recommendations the committee put forward were aimed squarely at trying to reduce that abuse.

This is a good bill. It is good that it is a stand-alone piece of legislation. It was a core recommendation of the Law Reform Committee that this area of law be brought together under one piece of legislation. It does a number of good things, including setting out the principles that underpin enduring powers of attorney. However, a series of recommendations — one of the

key areas of reform being the establishment of a register — have been left out. The Attorney-General's second-reading speech does not cover the reasons for that. During debate on this issue in the Parliament it would be good to hear what those reasons are. There may well be sound reasons for those recommendations not being picked up. We on this side of the house are not aware of those reasons, and it would assist the debate if we knew what they were. However, the bill is not opposed by this side of the house. It is a positive step forward, and I hope there are further steps forward in the future. I commend the bill to the house.

**Mr NEWTON-BROWN** (Pahran) — I rise to speak in favour of the Powers of Attorney Bill 2014. This bill is yet another example of and an addition to the prolific output of bills by this government and the Attorney-General over the last three and a half years. The bill grew out of a reform process that began some years ago. The Victorian parliamentary Law Reform Committee conducted an inquiry, and the report was tabled in the Parliament in August 2010. The government accepted the majority of the recommendations contained in the report; the government's response was tabled in February 2011. The bill also reflects a number of recommendations in the Victorian Law Reform Commission report entitled *Guardianship — Final Report 24*, which was tabled in Parliament in April 2012. These two reports were used to inform the Attorney-General and the government of a number of matters in need of reform.

Along with these two reports, significant consultation with key stakeholders occurred earlier this year, including with the Office of the Public Advocate, the State Trustees, the Victorian Civil and Administrative Tribunal (VCAT), the Law Institute of Victoria, the Federation of Community Legal Centres, Seniors Rights Victoria, Carers Victoria, the Council on the Ageing and the Australian Bankers Association. There has been significant consultation and there is significant support from all sectors for the significant reforms in this bill.

The bill implements the majority of recommendations from the Victorian parliamentary Law Reform Committee report and includes the following matters as recommended by the committee: the presumption of decision-making capacity and definition of that capacity; consistent formal requirements for the making and revocation of enduring powers of attorney; clear specification in the bill as to when an enduring power of attorney commences; the duties of enduring attorneys are clearly set out, particularly for financial matters; additional protective powers for VCAT, including the power to authorise and retrospectively

validate conflict transactions; enabling VCAT to order compensation for any loss caused by the enduring attorney contravening the act; and new indictable offences punishable by five years imprisonment for dishonestly obtaining or using an enduring power of attorney to gain financial advantage.

The bill also reflects a number of recommendations of the Victorian Law Reform Commission report entitled *Guardianship — Final Report 24*. In particular the bill allows for a new kind of appointment of a person to be known as a supportive attorney to support a person with impaired decision-making ability to make and give effect to their decisions. This is a very important new legal mechanism. It is a first in Australia and recognises that some people with impaired decision-making abilities do not necessarily need to have a guardian or administrator; they are able to make their own decisions but just need a little bit of support to do that.

Under the parts of the bill dealing with supportive attorney appointments there is a definition of 'decision-making capacity' in which it is recognised that a person has decision-making capacity if it is possible for the person to make a decision with practicable and appropriate support. This allows the person described in the bill as the principal to appoint a person of their choice to support them and give effect to their decisions. That person is known as a supportive attorney. Often it will be that the support will come from family members and trusted carers, and this proposed legal framework will only apply to appointments which are made under the Powers of Attorney Bill 2014. A formal appointment will not be appropriate for all decisions that need to be made, and many day-to-day decisions will continue to be made without informal assistance.

A supportive attorney's role in effect will be to support and give effect to decisions of the principal. The appointment does not need to be limited to personal or financial decisions; the person can decide which decisions they want support with. For example, the principal may authorise a supportive attorney to exercise powers, including the power to access, collect or obtain information; to communicate or assist the principal to communicate supported decisions and to do anything that is reasonably necessary to give effect to supported decisions.

Importantly the supportive attorney will not be able to make decisions on behalf of the principal. This is where the role is very different. A decision made by the principal with the support of a supportive attorney must be a decision of the principal. The supportive attorney must not use the authority they have been given to

assist the principal to conduct an illegal activity or to coerce or intimidate in any way. Examples of the types of assistance that could be given include collecting copies of health records, accessing income and banking information, communicating the principal's support needs in relation to accommodation, discussing health needs with the principal's doctor, attending appointments with the principal's doctor or notifying a real estate agent of the principal's decision to vacate a rental property.

The supportive attorney framework will allow a person to make it very clear who they want to support them. This is important for people who are able to cope with the assistance of a supportive attorney. Importantly this bill will give status to the decisions made using this arrangement so that effect can be given to the will of the person via the supportive attorney. The bill also provides a framework to give the supportive attorney some guidance about their roles and obligations. It also provides greater certainty for third parties about the nature and extent of a supportive decision-making arrangement. It also allows for greater monitoring and safeguards, much more so than under the informal support arrangements which are currently standard practice. The requirements for the appointment of a supportive attorney is that they must be 18 years or older. At any time a principal can revoke the supportive attorney's appointment should the principal so choose.

Turning to the general purposes of the bill, the bill consolidates the current legislative processes around non-enduring and enduring powers of attorney. It does not consolidate enduring powers of attorney for medical treatment, which will continue to be regulated under the Medical Treatment Act 1988. The bill makes only minor amendments to the law in relation to non-enduring powers of attorney. Basically the aims of the bill are to simplify and consolidate certain aspects of Victoria's powers of attorney laws and to create the role of the supportive attorney, which I have already covered in my contribution.

The bill seeks to address a number of problems and is very much a response to the challenges we are facing in Victoria in relation to an ageing population, particularly given the prevalence of disability in the community and of dementia, which is expected to grow by 278 per cent between 2010 and 2050. By streamlining and simplifying the process for making an enduring power of attorney it is expected that more people will be able to access this means of managing their affairs as they see fit. The bill will increase the use and understanding of powers of attorney and hopefully lead to an increased uptake so that more people can benefit from

the greater structure this role can place around their personal affairs. I commend the bill to the house.

**Ms KANIS** (Melbourne) — I rise to speak on the Powers of Attorney Bill 2014. I can say from the outset that Labor does not oppose this bill. Indeed this bill had its genesis in a report of the Law Reform Committee of this place on its inquiry into powers of attorney in August 2010. What that inquiry found is something that I think most of us know — that powers of attorney are very powerful tools. They empower people to plan for their future, and importantly in a society where we have an increasingly ageing population we find the need for powers of attorney is much greater. Also in a society where there are advances in medical treatments, powers of attorney become more and more important.

Unfortunately many people do not give much thought to what will happen to them if they can no longer make decisions for themselves as a result of accident or illness. It is the case that many people, at some stage in their lives, will need someone else to make a decision for them. Powers of attorney are a really valuable way for those decisions to be made. Unfortunately something that the inquiry in 2010 found was that there was a great deal of misunderstanding in the community about powers of attorney. People did not know what they were or indeed how to obtain one or set one up. What was also happening was that often powers of attorney were set up, but they were not set up in the proper way and were therefore not accepted by the relevant agencies. There was also, to a lesser extent, instances of abuse of powers of attorney, where people who held the power abused that power and did not act in the best interests of the principal.

Labor is committed to ensuring that powers of attorney suit the needs of all Victorians. In my time as a member of Parliament I have had two very distressing cases come through the door of my electorate office. One was from a constituent whose parents — who were not particularly elderly; they were in their 60s — both suffered a medical emergency while they were overseas. My constituent had great difficulties in getting her parents back to Australia, and indeed once she got her parents back home there was a great deal of difficulty in getting the parents into proper accommodation. One of the issues was that no-one had power of attorney to act in the interests of her parents, so this delayed her ability to put her parents into proper and adequate care. It really brought home to me the importance of being able to plan for these events properly and in advance.

Another matter that has come through my electorate office door relates to a constituent who acts on a

voluntary basis to support people in their decision-making. One of the problems is that often people who have capacity can find it very difficult to navigate around all of the bureaucracy that is needed to enable them to make informed decisions. That is why the supportive attorney as described in this bill is a very good thing. It enables people to be supported to make their own decisions and to be able to make those decisions in an informed manner. I think that as a society what we want for ourselves and for our families is for people to make their own decisions and for them to be supported in that. The supportive attorney role will not only improve the protections for people but will also really improve their ability to make their own decisions.

Another thing this bill tries to do is define what decision-making capacity is. It looks at how that will actually be defined. The bill says that it will be defined based on whether a person can understand the information that is relevant to the decision, and the effect of the decision, and that they can retain that information to the extent necessary to make the decision, can use or weigh that information as part of the process of making the decision and communicate the decisions and the person's use and needs as to the decision in some way, including by speech, gestures or by some other means. I think that shows that decision-making can sometimes be a very complex thing and that being able to have someone to assist you in that decision-making is very important.

Indeed in times when you are no longer able to make that decision, I think it is of great comfort to know that someone whom you have appointed to make that decision can do so in ways you feel you are comfortable with. I think decisions are just that, in that often there is more than one option, and no option is necessarily right or wrong, but a decision does need to be made. I know that a lot of people get comfort from making a power of attorney and knowing that those decisions will be made in a way that is relevant and respectful to their own social and cultural background and beliefs. One of the really important things to realise when making a power of attorney is that the power to make decisions for you not be given to a stranger but to someone who knows what your values matrix is in your decision-making.

One issue I will be closely monitoring in relation to this bill is concern about the powers that are to be given to the Victorian Civil and Administrative Tribunal (VCAT). One power is to relieve attorneys who fail to apply certain principles. VCAT is to be given considerable powers in that regard, which I do not quibble about. If we are to give VCAT those powers,

we need to ensure that the tribunal has the resources to be able to deal with this increased responsibility. Over the last few years VCAT has not been provided with the funding it has needed. Members of the opposition will be monitoring the impact of these additional responsibilities and whether VCAT can deal with important life-and-death matters, such as those which arise in matters relating to powers of attorney, in a timely and efficient way. When someone is unable to make a decision, we do not want to delay how that decision is made. We also want to ensure that the person with the power of attorney acts in a responsible way. It is one of those times when court delays can have a very serious impact. Members of the opposition will be monitoring that issue.

On the whole, opposition members welcome these reforms, and it is good to see them being provided in such a comprehensive manner. I hope that an education program will be provided on how powers of attorney can be used so that more people in our community use powers of attorney and use them properly so that people's wishes can be exercised in times when they are unable to make those decisions themselves.

**Mr THOMPSON** (Sandringham) — The realm of powers of attorney provides a spotlight and focus on some very important issues that affect members of the community. Regrettably too few members of the community take the opportunity to have a power of attorney prepared on their behalf, as it might relate to a specific issue that requires to be addressed in the context of prospective incapacity or in relation to medical treatment.

The bill before the house endeavours to provide improvements to the law relating to powers of attorney, and there are also some groundbreaking reforms in the bill.

More immediately, clause 1 of the bill states:

The purposes of this Act are to —

- (a) consolidate and provide for certain aspects of the law relating to powers of attorney, including the following —
  - (i) the principles to be applied by persons acting under enduring powers of attorney or under the provisions of this Act relating to enduring powers of attorney; and
  - (ii) the powers and duties of attorneys under enduring powers of attorney; and
  - (iii) the protection of persons whose affairs are being dealt with under enduring powers of attorney; and

- (b) to provide for the meaning of the capacity of persons to make decisions for matters to which enduring powers of attorney and supportive attorney documents appointments relate; and
- (c) to provide for the appointment of a supportive attorney as one who supports the person making the appointment to make and give effect to the person's own decisions ...

and a number of other miscellaneous and related provisions.

Oftentimes a person approaching old age may not in advance anticipate the circumstances where the role of a power of attorney might be of importance. If someone is required to go into aged care and loses capacity for a period of time, the absence of an enduring power of attorney may impede, without application for specific powers of administration, certain steps to be undertaken in relation to the sale of real estate or the acquisition of a new dwelling or unit that might be commensurate with a person's requirements.

Under the existing law enduring powers of attorney for medical treatment are governed by another piece of legislation, but there is also an area of law that people need to give some regard to in order to work out what might best suit them in their own ageing circumstances, what medical treatment might be apposite for them and what medical treatment they might choose to decline. At present people can appoint a trusted person to make decisions of that nature on their behalf.

During my days of legal practice I once acted on the part of a person who had entrusted his accountant with a power of attorney specifically to invest in real estate on his behalf. My client was a resident of and worked in South Africa in IT. He was a little disappointed when he came back to Australia. He worked out that the value of real estate that had been acquired on his behalf was some fair sum — perhaps \$60 000 at the time; in today's terms it might be nearer \$250 000 — above the fair market value for the property. Litigation was embarked upon, and I am pleased to report to the house that my client was ultimately successful in being reimbursed the money that had been expended above the market value. This aspect in relation to power of attorney ensures that a wise person is appointed to execute the task for which the power of attorney is prepared and executed.

In terms of the bill itself, I will comment on a number of specific details. The bill introduces a new meaning of decision-making capacity. There will be a presumption of capacity and a requirement to provide information in a way that is appropriate to the person's circumstances. Capacity raises an interesting question. If someone is frail and may be of uncertain intellectual prowess at a

particular time, do they have the capacity to make a decision? An issue in the realm of will making that occupies the minds of many people concerns whether a person had testamentary capacity to make a will at the time it was made. In this case the bill endeavours to amplify and give a new meaning to the term 'decision-making capacity'.

The bill also introduces a principle-based approach to exercising a power under an enduring power of attorney. The bill requires a person exercising a power, carrying out a function or performing a duty for a principal under an enduring power of attorney to do so in a way that is least restrictive of the principal's freedom of decision and action as is possible in the circumstances and ensures that the principal is given practicable and appropriate support to enable them to participate in decisions affecting them as much as possible in the circumstances.

In relation to enduring powers of attorney, the bill implements key recommendations of the Victorian parliamentary Law Reform Committee for a new act that consolidates legislation regarding what are currently general powers of attorney, enduring powers of attorney and enduring powers of guardianship. The bill provides that a person may create an enduring power of attorney for financial matters or personal matters or both as defined in the bill. Eligibility requirements for the appointment of enduring attorneys will be tightened to provide better protection against abuse.

The bill requires the making of all enduring powers of attorney to be witnessed by two witnesses, one of whom will be authorised to witness affidavits or is a medical practitioner. This will provide a higher level of safeguard. Sometimes do-it-yourself kits are available, which on the one hand are very valuable, as they can reduce the cost of document preparation. On the other hand, the cost of litigation in resolving matters where a legal document may not have been properly executed or properly witnessed, or if there is a flaw in the way that it has been completed, can be an impediment to the power of attorney's potential use for its intended purpose, hence it is important that documents be executed appropriately.

The bill clearly sets out the duties of enduring attorneys, which include to act honestly, diligently and in good faith; exercise reasonable skill and care; not use the position for profit — a matter to which I alluded earlier — and avoid conflicts of interest; keep accurate records and accounts of all dealings and transactions; and not disclose confidential information without authorisation. The bill creates new provisions

prohibiting conflict transactions unless authorised and regulates the giving of gifts by an enduring attorney of the principal's property.

It is also noted that there are some specific offences to address circumstances of abuse. The bill provides that a person must not dishonestly obtain an enduring power of attorney to obtain financial advantage or to cause loss to the principal or another person.

The bill provides for the appointment of supportive attorneys, and this is a very important role of the bill. The role of a supportive attorney will be to assist a person with impaired decision-making ability to make and give effect to decisions. The supportive attorney proposal recognises that some people with impaired decision-making ability do not need a guardian or administrator and are able to make their own decisions with support. That is a matter that has received some keen-minded consideration from the Law Reform Committee. It is a recommendation that is derived from its report, and it is one which has a groundbreaking status in the Australian context.

The question arises as to what extent the bill reflects the recommendations of the Victorian Law Reform Commission report. That can be answered by noting that the bill allows for a new kind of appointment for a person to be known as a supportive attorney in order to support a person with impaired decision-making ability to make and give effect to his or her own decisions. This important new legal mechanism, which is a legislative first in Australia, recognises that some people with impaired decision-making ability do not need a guardian or administrator but are able to make their own decisions with support. I think it is worth repeating that point to add emphasis to the strategic role of this new power of attorney that may provide an option for people who need assistance with decision-making but do not wish to embark upon an enduring power of attorney or specific power of attorney. These people may like to exercise this option of supportive power of attorney. I am pleased to commend the bill to the house.

**Ms BEATTIE** (Yuroke) — I rise to make a contribution to debate on the Powers of Attorney Bill 2014. This bill has its genesis in an inquiry by the Law Reform Committee, which reported in 2010 under the Labor government. I am pleased to say that this government has followed through with the recommendations of that report. There were something like 90 recommendations made by that committee, and it is pleasing to see that many of those have been followed through with. I pay tribute to that committee

and its chair, Mr Johann Scheffer, a member for Eastern Victoria Region in the other place.

Most people do not give much thought to what will happen to them when they are no longer able to make decisions for themselves, whether that be due to accident, illness or dementia. I think it was the late great comedian Bob Hope who, when a journalist asked him if he would like to be cremated or buried when he died, he replied, 'Surprise me'. I think a lot of people take that attitude; a lot of people do not really think about what is going to happen to themselves or to others when they pass on, but somebody has to make decisions about very important matters such as finances, health care or lifestyle when it does happen, and a power of attorney is one way you can help people in such a situation.

We all like to think that a person who is entrusted with a power of attorney does take that position responsibly and with a great deal of care. However, we must protect against those who seek to abuse it, as in the case of one of the member for Sandringham's clients. We are certainly committed, as I am sure all members of this house are committed, to ensuring that the power of attorney suits the person's needs and that the law is not abused in any way. The bill creates a new role of supportive attorney, and that improves protection for principals against the abuse of power by attorneys. As I said, the bill was first canvassed in 2002, and the Law Reform Committee found that while most powers of attorney arrangements work well, there is sometimes abuse — particularly financial abuse — of older people. Again, as with many other crimes, it is often those closest to the victims who perpetuate the abuse. That law reform report was tabled, the majority of recommendations were accepted and the bill is now before the house.

The report found that most abuses of powers of attorney are perpetuated, as I said, by a family member, which is an absolute breach of trust. What is very important is that this bill proposes to define an individual's decision-making capacity by the following criteria: the person's ability to understand what information is relevant to the decision and the effect of the decision; whether the information can be retained by them to the extent necessary to make a decision; whether the person is able to use or weigh that information as part of the process of making the decision; and whether a person can communicate the decision and the person's views and needs as to the decision in some way, including by speech, gestures or other means.

The bill also outlines several factors that must be taken into consideration when assessing capacity. They are

the fact that a person may have a decision-making capacity for some matters and not for others. They may be able to decide on some form of care for themselves, but they might find that financial matters are beyond them. We have recently seen a change to the use of credit cards which requires people to enter a PIN instead of signing their name but some older people are still permitted to sign because they cannot remember their PINs. Incapacity may be defined as being temporary and not permanent, and incapacity should not be assumed based on somebody's appearance. An elderly person may be a little unkempt or uncaring of their appearance but we should not assume that they are incapacitated.

Incapacity should also not be assumed because the person makes a decision that in the opinion of others is unwise, because it might be a very wise decision for them. A person has decision-making capacity for a matter if it is possible for the person to make a decision in the matter with practical and appropriate support. They might just need a little guidance to help them along.

An attorney must formally accept their appointment and this must be witnessed. The bill allows for an enduring power of attorney to specify when it commences, and if a commencement date is not specified, it commences immediately. More importantly, if the principal loses capacity, the bill allows for commencement to occur immediately in spite of a written specification to the contrary.

Clause 63 provides that an attorney under an enduring power of attorney must do some basic things. These are really important. They must act honestly, diligently and in good faith, and they must exercise reasonable skill and care. They must not use their position for profit unless it is specifically authorised and they must avoid acting where there may be a conflict of interest. They must not disclose confidential information gained under their authorised use of their power of attorney, and they must keep accurate records and accounts of all financial and material dealings and transactions.

These are good, common-sense, basic things but they are really important. They go to the heart of trust in the matter. Of course the Victorian Civil and Administrative Tribunal will have a responsible role. We on this side of the house would like to see the Victorian Civil and Administrative Tribunal given some more money as it takes on these extra responsibilities, and we will be playing a monitoring role in those matters.

All in all the bill is a good one. It should be incumbent upon each and every one of us not only to make a will but also to have an enduring power of attorney. As I look around the chamber I see many baby boomers and I think of the ageing population and that it will become more and more necessary to draw on powers of attorney. Again I remind people that to act as a power of attorney is indeed a privilege. It is a position with which a person is entrusted and it must be used wisely. With those few words, I wish the bill a speedy passage.

**Mrs POWELL** (Shepparton) — I am really pleased to speak on the Powers of Attorney Bill 2014. It is a great pleasure to know that both sides of this house are supporting this important piece of legislation for absolutely the right reasons.

The bill has a number of purposes but the main purpose of the bill is to signify and consolidate Victoria's powers of attorney legislation. We have heard from a number of speakers about the complexity of powers of attorney and how people are not able to understand them. Usually the time when they are most needing to know and understand these powers is when they are at their most vulnerable and families have to make decisions about people who are incapacitated in either the short term or for the long term. By making the powers of attorney legislation less complex and more simple for families — and indeed for those who need to appoint an attorney — to work through is one of the great attributes of this bill.

The bill creates the new and important role of a supportive attorney, which I will speak about later. An important aspect of the bill is that it increases protection against abuse. As members of Parliament we may have heard stories or had people coming into our offices who have been put at risk or who have not been protected because a family member who, because of self-interest, has witnessed a statutory declaration or something they should not have. This bill sets out a number of guidelines to make sure that that does not happen.

As I said, a power of attorney is usually needed when people and families are at their most vulnerable. Whether it is a very quick incapacitation — they have had an accident, they are hospitalised or they have an illness — whether it is a very serious incapacitation that impairs their judgement or whether they have mental health issues, there can be a number of reasons a person is not able to make their own decisions and must rely on others to make decisions in their best interests. We all hope that when people are needing support and looking to others to make decisions for them the person with the capacity will act in the best interests of the incapacitated person who wants to make the decision.

The bill introduces the new role of supportive attorney who can assist and support a person with impaired decision-making capacities to look after their own affairs if it is possible for that person to make their own decisions with support. A number of people can make that decision. A doctor can say that with support a person can make a decision. They may be incapacitated but they can still make a decision, and that is important for their self-esteem and self-confidence. It is also important that we allow those who can make their own decisions to do so and not give over to somebody else that power of attorney. Having a supportive attorney is a really important step to making sure that those who for whatever reason are not able to make decisions have someone there to assist them.

The appointment of a supportive attorney can also make it possible for a person with a disability to continue to exercise their legal rights and responsibilities. The bill gives them equality and provides recognition that they are capable of making decisions. I have been a member of a number of committees whose members have dealt with people with a disability. One of the things they have said time and again is that they may need some support but they want to make decisions on their own behalf. We should not assume that people who have a disability are not able to make decisions and control their own lives, but we should make sure that the lives they live are the best they can be. The bill allows for equality and recognition that people with a disability can make their own decisions with some assistance, and it is important that we allow them to do so.

The member for Yuroke spoke about medical powers of attorney as well as financial powers of attorney. Some people are able to look after their own affairs, but they may not be able to make decisions about financial matters in their own interest without support. With the necessary support, they can still control their lives.

The bill clarifies the appointments made by a person on their own behalf. It also clarifies appointments that the Victorian Civil and Administrative Tribunal makes when a person is not capable of making appointments. It clarifies the different definitions of attorneys and guardians. This is a complex area, and it can be very confusing as to whether a person has been given a power of attorney or has been made a guardian.

The bill also clarifies who is making the decision on behalf of the person who cannot make the decision for themselves. As I said, that may be because a person has had an accident and is in hospital for a long time. Some of their affairs and property may need to be kept in order. At times there may be something they need to

deal with. It might, for example, be to do with property or financial matters. Their affairs need to be kept going while they are not able to make decisions themselves, so from time to time there may be a need for somebody to have a power of attorney to look after the person's affairs in their best interests.

The bill has had a long genesis. A number of reports have provided the recommendations that have been needed. The Victorian parliamentary Law Reform Committee made a number of recommendations. The member for Yuroke referred to 90 recommendations, which is a huge number. A lot of work was done by the Law Reform Committee in its inquiry into powers of attorney. It tabled its report in Parliament in August 2010, and the majority of its recommendations have been accepted and are included in this bill. The bill also reflects a number of recommendations made by the Victorian Law Reform Commission in its final report on this matter, entitled *Guardianship — Final Report 24* and tabled in Parliament in April 2012.

As I said, there must be consultation with the community, legal people, families and all sorts of other people to make sure that our reforms of powers of attorney will protect the person needing to appoint an attorney and their family. We must also make sure that decisions are made in the best interests of those who are most vulnerable. The bill aims to protect the right of a person to make their own decisions wherever possible. It makes it clear that unless there is evidence that a person cannot make their own decisions it will be presumed that they can.

Again, it is not about letting families whose members want to take over somebody else's life and affairs do so if there is no evidence that a person cannot look after their own affairs and is not in control of them. It is about protecting people when somebody else in the family has said they are not capable. Again, unless there is evidence to suggest that a person is not capable, it will be presumed that that person can make decisions in their own best interests.

The bill also provides safeguards against the abuse of powers of attorney and provides new offences for that abuse. It puts people on notice that those who need to be protected must be protected. Some people are not aware of decisions made on their behalf; they are kept out of the decision-making process. This bill provides some safeguards in such circumstances.

The member for Sandringham spoke about an enduring power of attorney, which is a voluntary appointment made if a person loses the capacity to make decisions. The bill sets out safeguards with principles and duties

for people who have an enduring power of attorney to give legal effect to the wishes of the person who has lost the capacity to make their own decisions. That is a most important part of the bill. A person should be entitled to make decisions about themselves, their life and their affairs unless they have lost the capacity to do so. We need to make sure that every effort is made to ensure that those making decisions on behalf of a person who has lost their capacity to make decisions do so in the best interests of the person.

I congratulate the Attorney-General. I commend the bill to the house and wish it a speedy passage.

**Mr PAKULA** (Lyndhurst) — It gives me pleasure to rise to speak on the Powers of Attorney Bill 2014 and to indicate that I concur with almost all the remarks of the member for Shepparton. I do not believe that is only because this evening she and I have both basked in the glow of Mick Malthouse down in meeting room 1.

This is an important piece of legislation. All of us in this place now probably feel relatively young, fit and in full command of our faculties. The fact is that none of us knows when that may cease to be the case. Only a couple of months ago I visited an old and dear friend of mine who, although he has only just turned 50, is now in a situation in which, due to a genetic condition also suffered by other members of his family, before very long he will probably be unable to make decisions for himself. Seeing him so recently was quite a jolt and shock to the system. It is always surprising and confronting when you see relatively young people who have always been dynamic and very active members of the community reduced to a situation where all of a sudden they are no longer completely in control of all their faculties. It is fair to say that in such situations the capacity to execute a power of attorney provides an opportunity for people to be cared for, whether it be financially or in a healthcare situation.

The Victorian parliamentary Law Reform Committee looked at this matter back in 2010. It is probably fair to say that most power of attorney arrangements work well, but there are certainly instances of people having been abused by their attorneys. Sadly, financial abuse of older people is particularly prevalent. Anyone who has been to Justice Connect, which was formerly known as the Public Interest Law Clearing House, and talked to the lawyers working in seniors law would know that the incidence of abuse of elders, whether it be financial or other kinds of abuse, is rife. Justice Connect is constantly seeking further resources so that the people there can continue to support older Victorians who may be suffering that kind of abuse.

It is worth noting that the Victorian parliamentary Law Reform Committee report was tabled back in August 2010. It is now four years on and this bill is being brought before the house. I do not for a moment underestimate the complexity of trying to codify the powers of attorney provisions that have up to now been effectively provided by common law, but four years is a very long time between the tabling of a report and the introduction of legislation to give effect to its recommendations.

Going to that question of codification, it is a significant challenge to try to get down in a piece of legislation the factors that give rise to a question about whether someone has decision-making capacity or not, but in this bill there has been an attempt to do just that. Some of the provisions that the bill puts in place to help determine whether an individual has decision-making capacity are questions of whether they understand information relevant to the decision, the effect of it, whether they can retain information, whether they can use or weigh information and whether they can communicate decisions and views.

The bill also outlines a number of other factors that might be taken into consideration in assessing decision-making capacity: the fact that incapacity might be temporary and not permanent, the fact that someone might have decision-making capacity for some matters but not for other matters, and importantly, that decision-making capacity ought not be assumed based on the way someone might appear. There are a lot of factors that need to be taken into account, and the bill attempts to put down what those factors ought to be.

Just as importantly, the bill makes it clear that the attorney in these circumstances must act in all circumstances in the best interest of the principal, that they have to act honestly and diligently and in good faith, and that they have to exercise reasonable skill and care. They are not there to make a profit; that is not why they have been given the power. They are there to act in the best interests of the principal, and where there might be a conflict of interest, they need to avoid acting. They are not to disclose confidential information, and they are obligated to keep accurate records. Those statutory obligations do not set aside the common-law obligations that exist today; they are in addition to them.

A number of other speakers have already indicated that the bill also creates a new role of supportive attorney. That is an important role because supportive attorneys can carry out what we might consider to be more day-to-day functions, like collecting information, communicating information about the principal or a

supported decision of the principal, and the like. The bill also clarifies the relative standing of financial attorneys and others and makes it clear that in the case of there being a conflict between a financial attorney and a personal attorney — that is, where the two disagree over a matter — it is the view of the personal attorney that prevails.

It is also worth noting that the bill empowers the Victorian Civil and Administrative Tribunal (VCAT) with a range of additional powers and authorities with regard to powers of attorney. At the moment it seems that every week in this house there is another piece of legislation that either provides VCAT with more powers or imposes more obligations and responsibilities on that tribunal. This Parliament needs to be exceedingly careful that it does not completely overwork VCAT and that it does not forget VCAT was created to be an accessible and low-cost tribunal for the resolution of a whole range of matters. If VCAT is going to be continually provided with additional powers, then it must be provided with additional resources in order for that tribunal to be able to acquit those powers. It cannot be the case that the only way the government finds necessary funding to provide VCAT with those resources is to continually raise VCAT fees. It was meant to be a low-cost tribunal. It was designed that way, and it must remain accessible. With those few words, I commend the bill to the house.

**Mr ANGUS** (Forest Hill) — I am pleased to rise this evening to speak in support of the Powers of Attorney Bill 2014. I am also pleased to hear that the opposition is supporting the bill. The purposes of the bill as outlined in clause 1(a) are to consolidate and provide for certain aspects of the law relating to powers of attorney, including the following: firstly, the principles to be applied by persons acting under enduring powers of attorney or under the provisions of this act relating to enduring powers of attorney; secondly, the powers and duties of attorneys under enduring powers of attorney; and thirdly, the protection of persons whose affairs are being dealt with under enduring powers of attorney.

Clause 1(b) provides for the meaning of the capacity of persons to make decisions on matters to which enduring powers of attorney and supportive attorney appointments relate. Clause 1(c) provides for the appointment of a supportive attorney as one who supports the person making the appointment to make and give effect to the person's own decisions. I will come back to that provision later on in my contribution. Subclauses (d), (e) and (f) make various other amendments to acts as required.

This bill is needed, particularly in light of the challenges the Victorian community faces in relation to our ageing population. As a result of that there is an increasing prevalence of disability in the community, particularly dementia. Dementia in Victoria is estimated to grow significantly over the next 30 or so years. In 2012–13, 57 per cent of the public advocate's clients were aged more than 65 years and 42 per cent of its clients had dementia. It is a very significant and growing issue, and legislation such as this will assist the broader community to deal with the challenges that will inevitably flow from the deterioration in the broader community's health over time.

By streamlining and simplifying the process of making an enduring power of attorney, this bill is intended to increase the use of and improve the understanding and recognition of powers of attorney by Victorians. That is a very good thing. An increased uptake of enduring powers of attorney, particularly amongst older Victorians, will benefit individuals by empowering them to make considered decisions about their future needs, particularly in the event of their losing capacity to make financial and personal decisions. Over time this will also reduce the burden on the Office of the Public Advocate, State Trustees and the Victorian Civil and Administrative Tribunal (VCAT), with less people seeking VCAT-appointed guardians and administrators. That is a very important aspect of this piece of legislation.

The overall objectives of the bill are to simplify and consolidate where possible Victoria's power of attorney laws, both for general powers of attorney and enduring powers of attorney under the Instruments Act 1958 and for the enduring powers of guardianship under the Guardianship and Administration Act 1986, consolidating them into one act. As a number of other speakers have mentioned, this area can be very complex. In my previous occupation I had various dealings on both sides of the fence — there were clients who had powers of attorney in place and from time to time one of the partners in the practice would be given power of attorney over a particular client. There are a lot of complexities in the law surrounding this, which is why this bill is such a great reform in facilitating more Victorians to use, understand and recognise powers of attorney.

The bill will provide guidance on assessing a person's decision-making capacity under an enduring power of attorney. It will protect a person's affairs that have been dealt with under an enduring power of attorney by introducing new measures to safeguard against the abuse of enduring powers of attorney. That is a very important improvement as well. The bill also allows for

the appointment of a supportive attorney to assist a person with impaired decision-making capacity.

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

**Business interrupted under sessional orders.**

## ADJOURNMENT

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

That the house now adjourns.

### Automotive industry transition training

**Mr HERBERT** (Eltham) — I wish to raise an issue for the Minister for Higher Education and Skills. The action I seek is for the minister to guarantee that workers in the automotive supply chain manufacturing sector will receive full career transition advice, case management and effective retraining. On 1 May the government was forced to provide a \$30 million package over two years to support training for redundant automotive supply chain workers. However, given this government's record in the training industry — it has ripped \$1.2 billion out of TAFE, repeatedly slashed training course subsidies and constantly changed eligibility rules — is it any wonder that workers in this industry are suspicious of how serious the government's commitment to retraining is?

Frankly, when we look at the details of the request for tender for the career and transition advice services, the government's response appears to be inadequate. The time frame for the request for tender is very short — just 22 days for the provision of a tender for vitally important and highly specific services. There are approximately 140 auto supply chain businesses employing over 16 000 staff, mainly in the south-east of Melbourne, the northern suburbs and Geelong, Ballarat and Bendigo. You would think the government would take a bit more care in some of its marginal seats.

The department estimates that 20 per cent of these workers may take up career transition services. Even on this conservative estimate — and who is to say that there will not be many more workers taking up the services? — it is estimated that the successful tenderer would need a bare minimum of 22 full-time qualified staff to provide these services over the two years of the contract. To add to the situation, the minister's department estimates that 46 per cent of these workers

are low skilled and many will have low English literacy and numeracy skills, making career transition difficult.

There is a great fear that the process undertaken by the government for this career transition will be a tick-and-flick approach to training shifted across to career advice, making it virtually impossible for these workers to get the proper advice and services they need. The minister needs to guarantee that the request for tender will allow for a sufficient number of service providers to deliver a full and effective service to these workers, that the service providers are sufficiently qualified and have the capacity to deliver the services, and that specific support will be provided for workers with low English language and low literacy skills. The minister needs to guarantee that the tender will allow for the provision of full, comprehensive and effective face-to-face career transition services.

It gets even worse than that. Given the changes the government has just made with the two-course commencement rule, which will make many workers ineligible, this government needs to guarantee that all workers, even those who have started or done two courses perhaps years ago as part of their training, will still get some free training.

### Australian Master of the Amateurs Championship

**Mr THOMPSON** (Sandringham) — If Melbourne is the sports capital of the world, the electorate of Sandringham might be close to being the epicentre of the sporting capital of the nation, and perhaps of the world, if measured by elite events held within the electorate or by gold medallists, test cricketers or Brownlow medallists who reside or have resided within its boundaries.

In the United States if you wanted to see a horse race, you might head to Kentucky. If you wanted to see gridiron, you might go to Chicago. If you wanted to see a game of tennis, you might head off to Flushing Meadows. If you wanted to see a car race, Indianapolis might be where you would head. For sailing it might be Rhode Island or San Diego. If you wanted to see a game of golf, you might go to Augusta.

In Melbourne, rather than travelling hundreds of miles across the nation as you do in the United States, you can go to the MCG for world cricket and world-class football. You can go to the tennis centre for the Australian Open tennis championships. You can go to Albert Park for the Australian Formula One Grand Prix. You can go to Royal Melbourne Golf Club for golf or perhaps even to Kingston Heath Golf Club or Victoria

Golf Club to be part of an elite sport. You can go to the Sandringham Yacht Club for sailing and a range of other sports, and you have the cycling along the Beach Road corridor.

The matter I raise is for the attention of the Minister for Tourism and Major Events. The action I seek is funding support for the Australian Master of the Amateurs Championship to help market the 2015 event. Australia has produced well above its playing weight in world-class golfers and also amateur golfers going back in time. It has produced golfers such as Doug Bachli and Peter Thomson, two outstanding amateurs, one of whom went on to win five British Opens. In the present context, the world master of the amateurs championship provides a great training ground for Australian amateur golfers. In 2013 there were some 108 elite amateur golfers from Australia and throughout the world who competed in an event at Royal Melbourne.

The tourism program and the sporting program go hand in hand. At a time when most Melburnians have cleared out to the coast, the great golf courses of Melbourne are available to conduct international events that bring in an entourage of reporters, photographers, families, friends and sports personnel. What I seek is support on the part of the government for the Australian Master of Amateurs Championship, which is to be held at Royal Melbourne in January 2015.

### St Mary's House of Welcome

**Mr BROOKS** (Bundoora) — I raise a matter for the attention of the Minister for Mental Health. The action I seek is that the minister immediately restore community mental health funding to St Mary's House of Welcome in Fitzroy. Many members on both sides of the house would be well aware of St Mary's, which provides important services to people experiencing poverty, homelessness and mental health issues. Some of the services that St Mary's provides are daily meals — breakfast and lunch — with table service by dedicated volunteers in the dining room; access to free showers and toiletries; emergency relief, such as food hampers, clothing and accommodation; and importantly, companionship and a reduction in social isolation, not to mention a range of other important services.

According to the staff at St Mary's, they served over 60 000 meals to people experiencing poverty, homelessness or mental health issues and undertook 7000 interventions in the form of referrals for emergency relief, financial advocacy, and drug and alcohol support. This is a vital service in the centre of Melbourne. I have recently been contacted by St Mary's, as I am sure many other people have, about

the cut in funding to community mental health and how this will impact on its services. The service has already lost four staff because of these cuts, and now I understand it is going to have to shut down its Saturday service. This is a service that sees up to 100 people come in for lunch and use things such as the showers and gain referrals to important other services.

I call on the minister to restore this important community mental health funding. Members of Parliament are invited to St Mary's House of Welcome once a year during Anti-Poverty Week, when members are able to help serve food. Members from both sides of this house do that. It makes me sick to think that members in this place would go there, put their arm around the people who are experiencing poverty and homelessness for photo opportunities and at the same time rip away the funding that these people need for that important service. It is an absolute outrage. Members of the Napthine government should be hanging their heads in shame. I join with the member for Richmond, who has provided strong advocacy on this issue, and the shadow Minister for Community Services, Ms Mikakos, a member for Northern Metropolitan Region in the other place, in calling on the government to restore this funding or, to put it bluntly, simply give the money back that deserves to go to these people, who are the most vulnerable people in our society. Shame on the Napthine government.

### Problem gambling

**Ms WREFORD** (Mordialloc) — I raise a matter for the Minister for Liquor and Gaming Regulation. The action I seek is for the minister to provide me with an update on how the features and functions of gaming machines are regulated in Victoria. Gambling is a legitimate recreational activity and the majority of those who gamble do so responsibly. Nevertheless, like others in my community and more broadly, I am concerned about problem gambling and the potentially addictive nature of gambling, particularly on electronic gaming machines. I note the government has established the independent Victorian Responsible Gambling Foundation that undertakes important work to address this public health issue through prevention, early intervention and support for those affected by gambling. I also note that the government has made very significant, sensible and successful reform to liquor and gaming regulation over the past three and a half years, and I have spoken on many bills on this matter.

Previous research by the Victorian Competition and Efficiency Commission has shown us that the social and economic cost of Victorian problem gambling is

between \$1.5 billion and \$2.8 billion every year, so it is an issue. However, for a long time everyone has blamed the gambler instead of looking at the design of the machines. Some have asked whether potentially addictive features have been programmed in and whether the machines are safe. If the programming is unsafe, can it be rectified? If there are addictive features, rather than imposing nanny state style restrictions we could rectify the programming of these machines so that the adult population could safely use the product as they choose to.

I note that the Greens have introduced a bill to implement a \$1 bet limit. I call on the Greens to postpone that bill until further research has been completed or there is a proper assessment of harm minimisation options. As a Liberal I strongly support people's right to make choices free from unnecessary risk. Ideally, at some point though, I would like to see a Victorian-based report or research project on addictive features and harm minimisation. If there are addictive features, I would love to see a bipartisan approach to harm minimisation. It would be far better to make the product safe and then let people choose whether they want to use that product. However, we need to go one step at a time. The first step is to see what is already in place. I ask the minister to advise what consumer protection measures are in place or are proposed to regulate the features, functions and use of —

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

### **Petrol theft**

**Mr NOONAN** (Williamstown) — I raise a matter for the Minister for Police and Emergency Services. The simple action I seek from the minister is for him to meet with the Australasian Association of Convenience Stores to explain why his government has abandoned the 1500 small business petrol station operators who face mounting losses due to petrol theft. The Liberal Party, the self-proclaimed champions of small business, should be ashamed that I have to use this adjournment matter to ask the police minister to do his job. There have been countless occasions on which government MPs have boasted in this chamber about their small business credentials and put down my colleagues for not supporting small business. I say to those government MPs: here is your moment of truth.

I appeal to government MPs to help the thousands of honest, hardworking and law-abiding retailers across metropolitan Melbourne and country Victoria who find themselves in an untenable position due to a shift in policy on petrol drive-offs. This policy change occurred

on 1 July last year, when Victoria Police announced that it would no longer investigate petrol drive-offs unless there was sufficient information to indicate criminality. This new policy makes it almost impossible for petrol station operators to have matters investigated by police. To make matters worse, the public has become aware of this policy shift and operators are becoming increasingly powerless to act. According to the Australasian Association of Convenience Stores, petrol theft in Victoria is costing upwards of \$10 million annually.

In March I wrote to the minister on behalf of the many family-run business operators seeking his assistance. After I waited three months for a response, the minister stated that the problem of petrol theft was an operational matter for the Chief Commissioner of Police. What a cop-out that response is. These are small business people, apparently the backbone of the Liberal Party, yet the minister brushes them aside. These people deserve the government's help. They do not deserve to be brushed off.

Petrol theft impacts on every motorist in Victoria. The \$10 million in unpaid-for petrol each year hits every motorist's hip pocket. We are all paying for this crime in higher prices at the bowser, yet the government says that it is not its problem. The money has to be recovered from somewhere. Rather than assist, the government is now forcing these operators to recover their costs through a civil process, which is both lengthy and costly. Meanwhile, petrol drive-offs continue and police complain that they do not have the resources to investigate. We now have the ridiculous situation where a person who steals a chocolate bar or a newspaper from a petrol station is more likely to be investigated for stealing than a person who puts \$100 worth of fuel in their car and drives off without paying. The minister must do his job. He must sit down with the association and find a way through this mess.

### **Myrtleford Memorial Square**

**Dr SYKES** (Benalla) — My adjournment matter is for the attention of the Minister for Regional and Rural Development, the Deputy Premier. I invite him to meet with local people from the Myrtleford community and to favourably consider a funding application for the upgrade of the Myrtleford Memorial Square. It is fitting that I make this request today as we commemorate the 100th anniversary of the firing of the first shot in World War I. It is also fitting that I make this request as I have a personal interest in this project.

This memorial will include new paving, lighting and landscaping to complement the commemorative bronze

sculpture of Albert Lowerson, a favourite son of the area who won a Victoria Cross (VC) for valour. Interestingly, the \$1 billion Regional Growth Fund has put \$150 000 towards a similar project in Euroa. That project honours three Victoria Cross winners from the Euroa district: Lieutenant Frederick Harold Tubb, Corporal Alexander Stewart Burton and Lieutenant Colonel Leslie Cecil Maygar. It would be wonderful if the Myrtleford project could be supported, as I know that, guided by Bryan Meehan, significant community fundraising has been undertaken and significant community input has occurred to make this dream a reality.

I also invite the minister to consider a larger concept which is still being developed, and that is a military history trail extending from the Puckapunyal military camp, including the Seymour Vietnam Veterans walk, the three VC winners at Euroa and the numerous honour boards on the walls of halls in our many small communities. In the small community of Balmattum where only a hall is left, if you look at the honour board, you will see at least six McKernans and many other multiples of family names. Similarly at Myhree there are eight Hancock brothers who served in World War I; six of them came back but regrettably two did not. Interestingly, in Myhree 10 Hancock brothers and cousins served in World War II, so there were very significant contributions to the war efforts from our area.

On the proposed military trail there is also the Benalla Aviation Museum. Benalla was a training aerodrome for pilots during World War II. There was an immigration camp at Benalla, and there was also the Bonegilla immigration camp where tens of thousands of people came to our area post war, and prisoner of war camps in the Murchison and Tatura areas. Also between Trawool and Bonegilla was the march of the Lark Force and the Gull Force, the men of the 2/22nd and 2/21st battalions, who went to Ambon and Rabaul.

### **Hallam Road, Hampton Park**

**Ms GRALEY** (Narre Warren South) — My adjournment matter is for the attention of the Minister for Roads, and it concerns the Hallam Road upgrade project. The action I seek is that the minister commit to making the road safe whilst works that are well past their expected completion date are eventually finished. I know this is an issue for residents, commuters and businesses in my area. They are feeling most displeased and very worried at the moment. The works northbound towards Narre Warren along Hallam Road near Pound Road are an absolute mess. Three lanes of traffic crossing Pound Road have been reduced to two lanes,

then to one lane and then back to two lanes, all within 36 metres. This concoction of confusion is not helped by inadequate signage and there being no white lines painted on the road. Most concerning is that at one point the asphalt abruptly stops without warning and turns straight into gravel with a number of large potholes.

If you are going to leave a project half finished, you should at least make it safe. To drive that section of the road at night is an accident waiting to happen. It is very difficult to see the edge of the road without any white lines on a clear night, let alone if it is raining, as it has been recently. Surely whilst these works are progressively being carried out, care and consideration should be given to the safety of road users. A solid white line must be put down to ensure that drivers are aware of the multiple lane changes and do not end up running off the road.

I have met with David Russell, who brought this matter to my attention. Mr Russell frequently uses this section of the road and is appalled by the state of the works and how they are progressing, or more to the point how they are not progressing. Mr Russell wrote to VicRoads regarding his concerns and was advised by the project director that, 'The project is unable to provide any funds to continue the widening beyond the current limit of works'. Furthermore, Mr Russell was advised that the duplication of Hallam Road was meant to be completed by the end of 2013 but due to delays it will be completed by the end of 2014, which is a year behind schedule, and there is chaos in the meantime. This particular section of road started construction in November last year and is yet to be completed.

Rumours abound in Hampton Park that Safeway is even considering taking legal action, seeking redress regarding the slow progress of the works being undertaken. The road presents a serious risk to community safety, and something needs to be done urgently. How long does the community need to endure constant disruptions, delays and a lack of safe roads before the project gets finished? It beggars belief that this mess has continued, but someone has to get it fixed.

The action I seek from the minister is that appropriate action be taken to make the road safe and to ensure that users of Hallam Road can travel along the road safely. A community campaign to make this road safe through duplication and by installing safety crossings and traffic lights resulted in Labor committing funds to this project. I was very proud of the community effort, but people are getting a little sick of waiting to see it finished. Let us make it safer for them to use in the meantime.

## Templestowe Road, Bulleen

**Mr KOTSIRAS** (Bulleen) — I raise a matter for the Minister for Roads. The action I seek is for the minister to visit the electorate of Bulleen and meet with me and the Minister for Planning to discuss the possibility of the installation of pedestrian lights or a pedestrian refuge at Templestowe Road. Prior to the last election the coalition gave a commitment to build two pedestrian refuges on Templestowe Road on the east side of Sheahans Road. That was delivered on time and on budget, but there is a third pedestrian refuge needed on the west side of Sheahans Road. The west side is very important because people need to cross Templestowe Road to visit Heide Museum of Modern Art and the Yarra Valley Country Club. There are many senior citizens living in the Bulleen electorate who want to cross over, and it is very dangerous during peak-hour traffic. It is important that this pedestrian refuge be built.

I remind members that this comes after 11 years of neglect by the former government, which gave Bulleen nothing at all. It looked after Eltham, Northcote, Preston and Williamstown, but it ignored the seat of Bulleen. That just goes to show that Labor only did the work to ensure that it got the votes, which is not very sincere. I ask the Minister for Roads to visit the electorate of Bulleen to meet with me and the Minister for Planning to ensure that something is done for the safety of the senior citizens and the schoolchildren who cross the road to visit Heide gallery. It is a very famous and well-known gallery which is visited by thousands of residents and people living outside the electorate. I call on the minister, despite his busy schedule, to come to Bulleen to ensure that something is done for the safety of local residents.

### *Betrayal of Trust*

**Mr McGUIRE** (Broadmeadows) — My adjournment matter is for the Attorney-General. The action I seek is that he immediately honour the coalition government's commitment to implement all the recommendations of the Family and Community Development Committee report entitled *Betrayal of Trust*. One of Australia's leading philanthropists, the Jack & Robert Smorgon Families Foundation, has echoed my call for the Premier to urgently implement the recommendations of this landmark inquiry into the handling of child abuse by religious and other non-government organisations in Victoria.

The CEO of the Jack & Robert Smorgon Families Foundation, Andrew Blode, recently wrote to the Premier and stated:

With the release of the *Betrayal of Trust* inquiry and the interim report of the Royal Commission into Institutional Responses to Child Sexual Abuse, we must acknowledge that for many decades children and young people under the responsibility of the state have been left unchecked and left open to abuse.

Clearly, if the Victorian government delay taking action any longer, these same institutions named in the inquiry, which receive in excess of \$320 million from DHS —

the Department of Human Services —

to provide community services, would be viewed as a 'betrayal of trust'.

...

As leader you have bipartisan support on this issue and as leader you can ensure that every child and young person going forward will not be subjected to a repeat of history.

As deputy chair of the committee during that inquiry, I have repeatedly called on the coalition to honour its commitment to implement the recommendations before the opportunity is lost in the countdown to Victoria's November election. The Attorney-General has declared that he will not wait for a royal commission before acting on family violence, yet waiting for a royal commission into child sexual abuse to complete its work, which could take years, is the excuse the coalition has used to avoid implementing all the *Betrayal of Trust* recommendations of measures to make vulnerable children in Victoria safer. I rejected this excuse in May, and I again call on the coalition to enact the recommendation requiring non-government organisations to be incorporated and adequately insured where the government funds them or provides them with tax exemptions or other entitlements.

Another crucial reform that should have been enacted by now in Victoria is the removal of inappropriate time limits and impediments with respect to access to justice for victims of criminal child abuse. Specifying in law that no time limit applies to applications for assistance by victims of criminal child abuse in organisational settings and establishing a redress system for victims are matters of urgency. Another key reason to show leadership is that a whistleblower has testified to the royal commission that reforms in the Anglican Church failed because of a lack of compliance.

*Betrayal of Trust* revealed cover-ups that killed and the failure of self-examination within some of our most trusted institutions. Australia needs greater scrutiny, accountability and compliance to protect our children, yet the Abbott government remains committed to axing the Australian Charities and Not-for-profits Commission, which was shining a light on poor practices by demanding transparency in the charitable

sector. Removing such a national watchdog beggars belief.

Let us never forget that the criminal sexual abuse of our children was one of the worst systemic failures in Australia's history. Governments outsourced care of vulnerable children to religious organisations, which conspired in cover-ups that killed. Courts gave greater weight to the denials of men than the testimony of women and children. If police had performed their duty, many abused children would have been protected. Only the fourth estate gave voice to the voiceless, which took decades to be heard by governments. Middle-aged men wept with joy and women silenced for decades by unspeakable crimes raised three cheers when I told a survivors rally on the steps of the Victorian Parliament last November of the findings in *Betrayal of Trust*.

### **Emerald Football Club**

**Mr BATTIN** (Gembrook) — My adjournment matter tonight is for the Minister for Sport and Recreation. I call on the minister to attend the Emerald Football Club with me to look through the current facilities. I recently visited the football club with Bruce Rush, who is the current president, and Brad Wind, who is on the committee. Both are very committed and dedicated members of their local community. As we all know, football clubs are the lifeblood of many of our local communities. They are places where we can get young men and women involved with football and netball clubs and give them opportunities to gain the tools they need for the rest of their lives.

Emerald Football Club has a fantastic history and fantastic community standing. It is currently an AFL gold-quality club. Gold-quality clubs have been approved by the AFL for the responsible service of alcohol and for encouraging more and more family members to become involved in their community and their local football clubs. Emerald Football Club is not only an AFL gold-quality club but it was also the first AFL gold-quality club in Victoria, which is an outstanding achievement. If you had seen where it came from, you would know that there were a few issues up there, but the club has been built around community rather than alcohol, and it has got sponsorships from other local community groups and businesses to ensure that it can continue to build on that for the future.

Currently the club is undergoing a rebuild of its oval and facilities. There is a \$500 000 grant from the local council, which has been fantastic, but it means that this year the club cannot play on its current ground. The

club is playing all its home games away. Last week it played against Monbulk in Monbulk, and having to do that obviously affects the bottom line of the club.

As I said before, the club is a very important part of the community. It comprises a football club and a fantastic and strong netball club. In the short term we will be inviting the netball club down. We are holding a healthy living and healthy eating expo. Madi Robinson is part of the Melbourne Vixens. I congratulate her and other Vixens players, including Tegan Caldwell and Bianca Chatfield, who won the gold medal at the Commonwealth Games in Glasgow, which was a fantastic achievement. We are looking forward to having Madi out there to talk not just about netball and getting active but also about healthy eating to ensure a healthy lifestyle.

I look forward to the minister coming out and visiting the Emerald football club. We know how important the club is for us and for our future up there. I know Bruce and Brad are looking forward to showing the minister around the facilities they have at the club and discussing the improvements they need to ensure that it is a quality club for the future.

**Ms Asher** — On a point of order, Deputy Speaker, the member for Broadmeadows raised a matter for the Attorney-General in relation to the implementation of all the recommendations of the Family and Community Development Committee child abuse inquiry. However, it is not open to the member for Broadmeadows to call for legislative change in an adjournment matter. That is against the practices and procedures of this house. Many of the recommendations in this report are for legislative change.

Would it be possible, Deputy Speaker, for you to advise the Attorney-General, whether he chooses to answer this issue tonight or in writing, to make it clear that the member for Broadmeadows should not have asked for all the recommendations to be implemented as an adjournment matter because that is contrary to the practices of this house, which prohibit asking for legislative change in an adjournment matter?

**Mr McGuire** — On the point of order, Deputy Speaker, I have previously put the same question to the Premier. He wrote to me, and I am responding after that. It was all taken as being fine and in order.

**The DEPUTY SPEAKER** — Order! I will ask for *Hansard* to be reviewed to give advice as to how the Attorney-General should respond to that matter.

**Mr Noonan** — On a point of order, Deputy Speaker, I raise a matter in relation to the member for Mordialloc's adjournment matter, which was the first one; I did not want to interrupt the flow of the house and the time allocated to members. The member for Mordialloc raised a matter for the Minister for Liquor and Gaming Regulation seeking an update on matters relating to gaming and problem gambling.

Deputy Speaker, I draw your attention to *Rulings from the Chair 1920–2013*, December 2013, in relation to what does not constitute an action, and seeking an explanation, if you like, or advice from a minister does not constitute an action. It may be splitting hairs in relation to updates, advice and explanations, but I ask you on this occasion to rule that adjournment matter out of order.

**Ms Asher** — On the point of order, Deputy Speaker, the member for Mordialloc is entitled to ask for an update. One assumes the update is for her constituents. That is an action by the minister, and it has been ruled admissible by people in the chair during this session of Parliament. I put to you, Deputy Speaker, that the member for Mordialloc's adjournment matter was in order.

**The DEPUTY SPEAKER** — Order! I have heard enough. I rule the point of order out of order.

### Responses

**Mr RYAN** (Minister for Regional and Rural Development) — The member for Benalla raised with me an important issue regarding the Myrtleford Memorial Square upgrade. This is a critically important issue because, as the member noted, the RSL is commissioning a bronze statue of Victoria Cross winner Albert 'Alby' Lowerson to be installed at the same location, and the council and community are seeking support for beautification and an upgrade of the surroundings of Myrtleford Memorial Square. I understand that Alpine Shire Council has plans in place for paving, lighting and landscaping works at the square, which may be eligible for government support. With the Anzac centenary in April 2015, the community is very keen to get started on this project so that the statue may be unveiled at that time.

Myrtleford Memorial Square, as is the wont with these wonderful facilities in many regional and country towns, has a central location and is an important part of the character and appeal of the retail precinct in the town. The project the member for Benalla outlined is exactly the type of community-led initiative the Regional Growth Fund was designed to support, and I

will ensure that appropriate departmental consideration is given to what seems to be a laudable proposal. The member also touched on the prospect of the development of a military history trail in the region, and I will also have the department investigate that in concert with those who are proposing the initiative and also with the shire.

**Ms ASHER** (Minister for Tourism and Major Events) — The member for Sandringham raised with me the issue of the Australian Master of the Amateurs Championship and requested some funding to market the January 2015 event, which will be held at the Royal Melbourne golf course in his electorate. The member has raised this matter with me over many years because he is aware of the value of golf tourism, which delivers excellent economic outcomes for Victoria. In the year ending December 2013 an estimated 454 000 domestic overnight visitors to Victoria played golf while in the state, which was a 19.5 per cent increase on the previous year. Golf visitors represent 2.5 per cent of all domestic overnight visitors to Victoria.

I am delighted to respond to the member for Sandringham and inform him that the government will support the event with \$25 000 for marketing purposes to increase yield for this particular event. It is a significant amateur golf event, ranked 19 in the R&A world amateur golf rankings, and the organisers of the event expect the 2015 championship to attract between 350 and 500 spectators a day and 72 elite amateur golfers.

The member for Sandringham is well aware that all major golf events, such as the Australian Masters and the World Cup of Golf held last year, and the Women's Australian Open held earlier this year, help drive strong interstate and international visitation and economic yield to Victoria, and I am delighted to provide some assistance for marketing to generate further tourism benefits.

**Mr MULDER** (Minister for Roads) — The member for Bulleen raised a matter with me in relation to Templestowe Road and concerns raised by residents who cross the road to access the Yarra Valley Country Club and the Heide Museum of Modern Art. As the member for Bulleen pointed out, this is a very busy section of road and a lot of the people who cross there are elderly. He asked that I meet with him, the Minister for Planning and VicRoads at this particular location — we will also have a discussion with Manningham City Council — to see whether or not we can do something about this issue.

Previously on that particular road, two pedestrian refuges were created on the east side of Sheahans Road. It was a commitment of the government that it would carry out that work, and that work has been completed. As the member for Bulleen pointed out, there is another spot on Templestowe Road, between Helene and Robert streets, that he believes also needs some attention. I will arrange a meeting with the member for Bulleen, the Minister for Planning and VicRoads — and we will see if we can get the Manningham council involved as well — to see what we can do to fix this particular issue.

The member for Narre Warren South raised an issue with me in relation to the duplication of Hallam Road and safety on the road. As the member pointed out, a \$38 million duplication project is being undertaken at that location. The member pointed out to me that the project has been delayed, and the member is absolutely right: there has been a delay with that project. I understand the contractors ran into difficulties with some of the services underground and that has slowed down the project. On top of that, we have had a very wet winter and that has also delayed work.

Of course it is not good when you have got asphalt being moved and either rock or other earth surfaces around the road that do not present it in the best possible light, but we have roadworks under way across the state. In a lot of the areas where we have these roadworks, such as up along the Princes Highway — I often go through the Winchelsea area — there are similar situations. It is one thing to raise the issue of safety, but motorists across the board have to be aware that when we are carrying out major road projects they have to drive to the road conditions. They have to slow down, particularly at this time of year when you have got wet roads and roadworks being undertaken but more importantly when you have got workers on a site. When you have got workers on a site, you have to be extremely careful.

It is quite often the case that people raise issues about there not being not enough line marking, not enough of this or more safety equipment being needed where roadworks are being undertaken, but in the end there is an obligation on motorists to do the right thing around worksites for the protection of workers who are carrying out their work close to an active road network.

I will raise this issue with VicRoads and ask that it has a conversation with the contractors to see if anything can be done to improve safety at this site. As I say, there is an issue in relation to the delay in the project, but I will point out again that we all have an obligation right across the state when we are going to be doing

multiple roadwork projects spread throughout both regional Victoria and metropolitan Melbourne to look after the workers who are on site. We have to make sure we drive to the conditions of the road and keep in mind the safety of people who are working.

**Mr R. SMITH** (Minister for Environment and Climate Change) — The member for Eltham raised a matter for the Minister for Higher Education and Skills, and I will certainly pass that on to the minister.

The member for Bundoora raised a matter for the Minister for Mental Health. I will pass that on.

The member for Mordialloc raised a very good adjournment matter for the Minister for Liquor and Gaming Regulation, and I will ensure that issue is passed on to the minister.

The member for Williamstown raised an issue for the Minister for Police and Emergency Services with regard to the Australasian Association of Convenience Stores and some communication with it. I will pass that on.

The member for Broadmeadows raised a matter for the Attorney-General. To the degree that that particular action aligns with the forms of this house, I will pass on those relevant matters to the Attorney-General.

Finally, the very hardworking member for Gembrook, who is very involved with not only his local sporting groups but all community groups within his electorate, has asked the Minister for Sport and Recreation to come out and talk to the Emerald Football Club, which by all accounts is a fantastic club. I am sure the member for Gembrook knows the club very well and works with it very well, and I am sure the Minister for Sport and Recreation will be only too happy to join the member for Gembrook at the Emerald Football Club and to look after that matter for the member.

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

**House adjourned 10.43 p.m.**