PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 5 May 2015

(Extract from book 6)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

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Minister for Planning	The Hon. R. W. Wynne, MP
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OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas, Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David [2]	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
Couzens, Ms Christine Anne	Geelong	ALP	Pearson, Mr Daniel James	Essendon	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dixon, Mr Martin Francis	Nepean	LP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian [1]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
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Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Resigned 2 February 2015
[2] Elected 14 March 2015

PARTY ABBREVIATIONS

ALP — Labor Party; Greens — The Greens;
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

Legislative Assembly committees

Privileges Committee — Ms Allan, Ms D'Ambrosio, Mr Morris, Mr Mulder, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

Standing Orders Committee— The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson. (*Council*): Ms Bath, Mr Purcell and Ms Symes.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

Economic, Education, Jobs and Skills Committee — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Perera and Ms Ryall. (*Council*): Mr Elasmar, Mr Melhem and Mr Purcell.

Electoral Matters Committee — (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence. (*Council*): Mr Dalidakis and Ms Patten.

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward. (*Council*): Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): Mr Finn.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson. (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young.

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson, and Mr Wells. (*Council*): Mr Ramsay and Ms Symes.

Law Reform, Road and Community Safety Committee — (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley. (*Council*): Mr Eideh and Ms Patten.

Public Accounts and Estimates Committee — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward. (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkenny and Mr Pesutto. (*Council*): Mr Dalla-Riva.

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TUESDAY, 5 MAY 2015

Tuesday, 5 May 2015

The SPEAKER (Hon. Telmo Languiller) took the chair at 12.03 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! On behalf of the Victorian Parliament I welcome and acknowledge a former Prime Minister of Ireland, John Bruton, who has also served as the European Union Ambassador to the United States of America. We are delighted that you have joined us, appropriately, on Victoria's budget day, and we wish you well in extending trade, business and cultural connections between our countries. On behalf of the Premier and the Leader of the Opposition, to the former Taoiseach, céad míle fáilte.

Mr Clark — On a point of order, Speaker, on ABC television news last night reference was made to the ABC's intended coverage of today's state budget, which suggested that there may well be a live broadcast of the budget speech from this chamber. There is no objection to that on this side of the house provided proper procedures have been followed. However, I would ask you, Speaker, whether you could indicate to the house what arrangements, if any, have been put in place by you in that regard, and also whether, if you have given permission for such a live broadcast, similar permission will be given for a live broadcast of the budget reply by the shadow Treasurer, the member for Malvern, on Thursday?

Honourable members interjecting.

The SPEAKER — Order! It is my understanding that procedures have been put in place as usual. Live broadcasts will focus on the person on his or her feet and will follow the usual network procedures.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

West Gate distributor

Mr GUY (Leader of the Opposition) — My question is to the Minister for Roads and Road Safety. With an unsolicited bid received from Transurban for a western distributor, can the minister inform the house what physical work has now ceased on Labor's claimed shovel-ready West Gate distributor project, or was the shovel-ready claim just another Labor lie?

The SPEAKER — Order! I ask the Leader of the Opposition to rephrase the last part of his question.

Mr GUY — I ask the Minister for Roads and Road Safety if he can inform the house what physical work has now ceased on Labor's claimed shovel-ready West Gate distributor project, or was it never really shovel ready at all?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of the Opposition for his question. The West Gate distributor is a great project, and we certainly did not wait four years to get on with the job. As the opposition leader would be well aware, we put out an expression of interest for the Shepherd Bridge strengthening, and that is proceeding.

As the opposition would be well aware, we need to drive construction. We do not want to spend four years sitting still — at the end of four years all the former government had was one contract. It did not do anything for four years. We expect that we will soon have the tenders in for the Shepherd Bridge strengthening. Not only will the Shepherd Bridge strengthening provide strength to this bridge for the freight industry but it will also provide better pedestrian access and better cycling access. This project is proceeding.

In terms of the western distributor and the West Gate distributor, we will be running a parallel process, through the market-led open and transparent process which Transurban has put to us, while at the same time proceeding with sections 2 and 3 of the West Gate distributor. We will not sit still for four years like you did. We will not go to the election suggesting that all we had done in four years was sign a dirty, rotten contract which added up to nothing.

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr DONNELLAN — I note in passing that the business case for both projects is at least double the dodgy business case your lot put together a benefit-cost ratio of 0.45 for the east-west link.

The SPEAKER — Order! The minister will address his remarks through the Chair.

Mr DONNELLAN — It is most concerning that the Leader of the Opposition does not seem to understand that if you are going to spend a dollar of Victorian ratepayers money, you need to spend it wisely. I am still to find a businessman or woman in the community who says they would spend and invest their money for a return of 45 cents, because at the end of the day we will not waste the Victorian taxpayers money. We will

invest it wisely, but it will not be on dodgy, rotten projects.

Honourable members interjecting.

Supplementary question

Mr GUY (Leader of the Opposition) — Ratepayers indeed! If the government was actively considering an unsolicited bid for the western distributor as early as February, which would clearly render the West Gate distributor redundant, why has the minister proceeded with calling for time-consuming and expensive public tenders for this project, knowing that it may all end up in the bin?

Ms Allan — On a point of order, Speaker, I seek your guidance, and I am happy for you to again invite the Leader of the Opposition to rephrase the supplementary question. It appeared to divert considerably from the original question that was asked. No doubt both the question and the supplementary question referred to two projects, but the substance of the question was very different.

Mr Guy interjected.

Ms Allan — I am sure the Minister for Roads and Road Safety would be delighted to dispatch with you.

Speaker, I ask you for some guidance, because the substance of the supplementary did mark — —

Honourable members interjecting.

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

Ms Allan — Speaker, I know that they are embarrassed about their record in government. If you could just ask the opposition leader to rephrase his question.

Mr Clark — On the point of order, Speaker, there is no substance to the point of order. The principal question asked about the relationship between the West Gate distributor and the western distributor, and the supplementary question seeks further information on that subject in light of the minister's answer.

The SPEAKER — Order! I do not uphold the point of order. The minister will answer the question.

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of the Opposition for his supplementary question. It is a pity that the opposition had four years to do something and all it did was lean on the shovel. Those in the opposition did not actually move the shovel and get anything happening. At the end of four years there was not one major project started or completed under the former government. Its members sat still for four years. They leant on the shovel, and they got very little done.

I know that the freight industry is very supportive of the work we are doing on Shepherd Bridge. If members of the opposition had spent a little bit of time actually engaging with stakeholders they would understand the importance of strengthening Shepherd Bridge. The Leader of the Opposition needs to look at being a little bit wiser about which projects he chooses and which projects he gets behind.

Ministers statements: rolling stock

Mr ANDREWS (Premier) — I am very pleased to inform the house of the government's rolling stock strategy *Trains, Trams, Jobs 2015–2025*. This is our Labor government's 10-year plan for 100 new trains and 100 new trams, a massive expansion — —

Mr R. Smith — On a point of order, Speaker, I refer you to sessional order 7, which says that ministers statements should be about new government initiatives. How can this be new when it was actually announced on 9 November last year? I will be happy to table it.

The SPEAKER — Order! The member for Warrandyte has made his point of order and will resume his seat.

Mr R. Smith — I seek leave to table the document.

Honourable members interjecting.

Mr R. Smith — Come on, have a look at it!

The SPEAKER — Order! The member will resume his seat. Opposition and government members will come to order and allow the Premier to make a point of order.

Mr ANDREWS — On the point of order, Speaker, I urge you to rule the point of order out of order. A ministerial statement is not an opportunity to wave around Liberal Party documentation from the election. Instead, it is an opportunity to brief this house and this community on action from the Labor government — not words from those who did not order a tram in four years. Instead it is action from a government that is getting on with it.

The SPEAKER — Order! I remind members that sessional order 7 says 'new government initiatives,

projects and achievements'. I rule the point of order out of order.

Mr ANDREWS — As I was saying, 100 new trains, 100 new trams — —

Mr Watt — My point of order, Speaker, simply refers to the fact that the shadow minister for roads and infrastructure has sought leave to table a document, and I do not know whether that leave has been granted or not.

The SPEAKER — Order! The member will resume his seat. Leave has not been granted.

Mr ANDREWS — Our plan is for 100 new trains, 100 new trams and a massive expansion of our V/Line regional services as well. This is about supporting thousands of jobs in the supply chain across the rolling stock sector. I say to those opposite that we can organise them a pair of workboots and they can go out to Bombardier or Alstom and they can listen to the workers who yesterday and following previous announcements made it very clear to me and my team that they are delighted with these orders because these orders and this rolling stock strategy are not about jobs in China or Korea, as those opposite were intent on creating.

Through 50 per cent local content, the strongest local content rules this state has ever seen, these Victorian rolling stock contracts, these orders and this strategy will support Victorian workers first and foremost. That is what this is all about — $2 billion worth of additional rolling stock. The Treasurer will outline in the budget to come later this afternoon a full cash flow for this important investment, which is about having more trains, having more trams and working hard to protect jobs in this manufacturing sector.

If only we had a similar long-term order book and a similar local content and procurement set of rules from the federal government when it comes to defence technology and defence manufacturing, then we would do more than just secure these 10 000 jobs. We could do so much more than that. This is a rolling stock strategy, not talked about but delivered by a Labor government that is all about more jobs, more trains and more trams.

West Gate distributor

Mr R. SMITH (Warrandyte) — My question is to the Minister for Roads and Road Safety. Can the minister inform the house why the government is continuing to waste taxpayers money on planning, design, community engagement and engineering for Labor's flawed West Gate distributor project, despite its future being clearly in doubt?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the shadow minister for roads and infrastructure for his question. As the shadow minister would be aware, we have previously made statements that we will have a parallel process for the assessment of both projects in terms of planning and the like. That still needs to proceed in relation to both these projects. Regarding Shepherd Bridge, as we have indicated, expressions of interest have closed, and we will now go out to tender for that project.

This is really about dealing with the number of trucks in the inner west and ensuring that we get trucks to the port in a more efficient manner. It is also about getting trucks off the streets of the inner west. As we know, the opposition did nothing about that when it was in government, but within the first couple of months of our coming to government we got on with the job. We certainly did not sit still and spend four years trying to sign a dodgy, rotten contract.

We actually got on with the job and dealt with the issues we had promised we would deal with, which are the trucks in the inner city and the west and getting the trucks to port more quickly. That is what we are here to do. We are here to encourage business to provide a better living environment for the community. We will not apologise for that. We will get on with the job.

Supplementary question

Mr R. SMITH (Warrandyte) — Can the minister confirm that the government never completed the business case for the West Gate distributor, despite claiming it to be shovel ready?

Ms Allan — On a point of order, Speaker, the supplementary question is a completely separate question. Even though it mentions the same project, it is a completely different matter of substance. Can you either ask the member to rephrase the question or rule it completely out of order.

Mr R. SMITH — On the point of order, Speaker, the substantive question went to the West Gate distributor project, including planning, design, community engagement and engineering, and of course planning includes the business case, so the whole question around planning is in order. The supplementary question is quite in order with the substantive question.

The SPEAKER — Order! I ask the member for Warrandyte to rephrase the question and relate it to the substantive question.

Mr R. SMITH — Can the minister confirm that the government, despite spending taxpayers money on planning, design, community engagement and engineering, never completed a business case despite claiming the project was shovel ready?

Ms Thomson — On a point of order, Speaker, I do not think the member, in his supplementary question, has dealt with the issue of it being a totally new question. In fact that was definitely a totally new question. While the opposition has the right to ask it, it should be asked as a substantive question and not as a supplementary question.

Mr Clark — On the point of order, Speaker, the principal question related, inter alia, to planning for the West Gate distributor. The business case surely must be treated as part of the planning process. The shadow minister is seeking further detail in relation to the aspect of planning for the project to which his substantive question related.

The SPEAKER — Order! I will give a further opportunity to the member for Warrandyte. The member must relate the question to the West Gate distributor. He did not do so, as I understand it.

An honourable member interjected.

The SPEAKER — Order! He will do it now.

Mr R. SMITH — Can the minister confirm that the government, despite spending taxpayers money on planning, design, community engagement and engineering for Labor's flawed West Gate distributor, never completed a business case for this West Gate distributor?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the shadow minister for his supplementary question. He is wrong, and the answer is no. What is important here is that on this side of the house we believe in the importance of actually having positive business cases. I am still to find a businessman or woman in the community who would invest a dollar to get 45 cents back. I have not found one who would say they would spend their money that way. But the opposition, when in government, was very happy to behave like Arthur Daley and take a dollar and turn it into 45 cents. It would have to be the Arthur Daley of state politics.

Honourable members interjecting.

Mr R. Smith — On a point of order, Speaker, with reference to the minister's answer, certainly our business would not spend $640 million on nothing.

The SPEAKER — Order! There is no point of order. The minister has concluded his answer.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 11(2) and invite you to determine that the minister's answer to the supplementary question was not responsive to the question, which related to the business case for the West Gate distributor.

Ms Allan — On the point of order, Speaker, quite clearly the minister addressed the third go that the shadow minister had at asking the question when he said no.

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

Ministers statements: Midfield Group

Mr WYNNE (Minister for Planning) — I rise to inform the house that I have approved an important major project in south-western Victoria, a decision that will inject $70.8 million of investment into the regional city of Warrnambool. This means that Midfield Group can develop a milk processing plant and cold storage facility in Warrnambool, in addition to its other operations. This will be a major future employer of people living in Victoria's dairy-based south-western region.

Midfield is the single largest private employer in Warrnambool. More than 1000 staff work in its Warrnambool operations — that is, one in every twelve jobs. The plant will employ up to a further 1700 people. It is essential that we, as a government, do our best to support industries that support the prosperity of whole communities. Representations to use my powers of intervention to call in this proposal were made to me by the proponent; the council itself; members of this Parliament, including the member for South-West Coast and members for Western Victoria in the other place, Mr Purcell and of course that dynamo, my colleague the Minister for Regional Development; as well as the federal member for Wannon.

I do not use my powers of intervention lightly. Midfield's proposal had the support of an independent panel after an eight-day public hearing. The panel's report provides a thorough examination of all of the issues, which my department carefully considered before advising me that intervention was both appropriate and indeed warranted. In my view this is an

appropriate use of ministerial power in the interests of the continued economic viability of the south-western region.

Health workers

Mr CLARK (Box Hill) — My question is to the Minister for Industrial Relations. I refer to the demand by the Health Workers Union that its members receive a pay increase equal to the increase given to paramedics, and I ask: will the government give low-paid hospital workers a pay increase equal to the wage increase it gave to paramedics?

Ms HUTCHINS (Minister for Industrial Relations) — I thank the member for his question. I think it is quite surprising that it is this late in the year that we actually have a question about industrial relations when it was in fact those on the other side who decided to go to war with the public sector in this state. It was us who had to spend many months cleaning up the mess of those opposite.

To inform the house of the dire situation industrial relations was in when we came to government, there were dozens and dozens of enterprise agreements that had expired under the term of the previous government — and I am not talking about being expired for one year, I am talking about 18 months and 2 years. In fact there were around 30 000 workers who went into the Christmas period without a pay rise due to those opposite.

In stark contrast to that, we certainly have our door open, and we are committed to good-faith bargaining — and I think we have already demonstrated that. I am proud that the Andrews Labor government is committed to sitting down with our public sector and negotiating in good faith, unlike those opposite.

Supplementary question

Mr CLARK (Box Hill) — Given the minister's failure to answer my substantive question, I ask: is it the government's policy that unions that campaigned for it at the last election will be awarded higher wage increases than those that did not?

Ms Allan — On a point of order, Speaker, I think it is pretty clear that the shadow minister's supplementary question was completely unrelated in terms of substance. It went much broader than the original question that was asked. Whilst the minister dispatched the original question quite appropriately, the shadow minister may be provided with an opportunity to rephrase his question.

Mr CLARK — On the point of order, Speaker, the sessional orders require that a supplementary question relate either to the substantive question or to the answer. My supplementary question relates to both. My principal question related to the government's policy in relation to wage increases for the Health Workers Union. The minister did not address that question. In light of that I am seeking further information about government policy in relation to this pay increase for the Health Workers Union.

The SPEAKER — Order! I rule the supplementary question in order. Further, I ask the minister to be responsive.

Ms HUTCHINS (Minister for Industrial Relations) — I thank those opposite for the supplementary question. We are clearly not going to pre-empt the outcomes of industrial negotiations. Unlike those opposite, we actually understand what true negotiation with our public sector means. We will be at the table bargaining in good faith and treating our service delivery staff with respect, unlike those opposite. We want an outcome that is fair for public sector workers, and we want an outcome that is fair across all sectors of the public service to deliver good services for Victorians.

Ministers statements: insecure work inquiry

Ms HUTCHINS (Minister for Industrial Relations) — I rise to inform the house of a new initiative of the Victorian government: our inquiry into insecure work and our commitment to regulate the labour hire industry in Victoria. We will also be advocating for a national response to what I class as a national shame — the exploitation and abuse of workers at some workplaces across this country.

Last night the ABC's *Four Corners* exposed some very concerning issues, and I will be advocating on behalf of these workers in the next few months at our first meeting of the commonwealth, state and territory ministers for workplace relations. This is not only an issue about the underpayment of wages; this is about creating an underclass of foreign workers, which should not be happening in our state or anywhere in our country. No employee should ever be exploited, harassed or deprived of their basic rights, as we saw in the exposé last night.

It is clear that Victoria needs a better system in place when it comes to regulating labour hire. Every worker should be treated with fairness and respect, and every unethical labour hire contractor should know that these activities will not be tolerated in Victoria. That is why

the Andrews government is conducting an inquiry into insecure work, including sham contracting and the operation of the labour hire industry.

The exploitation of workers across Australia is something that also needs to be addressed at a national level, and I will be speaking with my national counterparts about this. Since last night's *Four Corners* episode aired, I have had numerous emails describing the situation as shameful. I raised these issues with those opposite when they were in government not just once or twice but three times, asking them to do something about it, but those requests fell on deaf ears. It is only the Andrews government that will stand up for workers and fight for fairness in our workplaces.

Western distributor

Mr HIBBINS (Prahran) — My question is to the Premier. It is in regard to the western distributor toll road. The Premier has already said, 'This is an outstanding proposal'. He has already said, 'this project is exactly the sort of project Tony Abbott would want to partner with us on'. Is stage 3 of the market-led proposal guidelines a genuine assessment or just a rubber stamp?

Mr ANDREWS (Premier) — I am delighted to receive this question, and I thank the member for Prahran for it. This is an outstanding proposal put forward by Transurban. It has been assessed by officials of the Department of Treasury and Finance. It has been further assessed by a special panel put together to run, if you like, a parallel assessment of this very significant proposal — —

Honourable members interjecting.

Mr ANDREWS — It is one that is lost on those opposite, including the member for Warrandyte, it would seem.

It is appropriate under new market-led proposal guidelines — or rules, if you like — which we put forward some months ago and which were announced by the Treasurer that when you move from consideration of a project to commercial negotiations with its proponent, public statements are made. That was a lengthy media conference. Questions were asked, and they were answered frankly and honestly. This is an outstanding proposal, and now it will be for the government and its officials to deliver outstanding value for the people of Victoria. That, I can tell the member for Prahran, is exactly what we will do. We will not be taking lectures on negotiations from those opposite.

Honourable members interjecting.

Mr ANDREWS — Why don't you go and write a side letter?

The SPEAKER — Order! The Premier will speak through the Chair.

Mr ANDREWS — This is a $5 billion to $5.5 billion project — —

Honourable members interjecting.

The SPEAKER — Order! The opposition will allow the Premier to continue to respond.

Mr ANDREWS — It connectively links the West Gate Freeway with the Tullamarine Freeway. Not one house will need to be taken. It is the connectivity between those two very busy corridors that has seen Infrastructure Partnerships Australia describe this project — its words, not mine — as faster, cheaper and better than other proposals put forward by those opposite.

Over these coming weeks and months the member for Prahran and those opposite, who have a lot to say now but did so very little over four years — who did nothing over four years — —

Honourable members interjecting.

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

Mr ANDREWS — Over the weeks and months ahead the member for Prahran can be assured that what is a strong proposal will be given proper examination so as to deliver appropriate value — best value — for the people of Victoria. That is our approach. I stand by my characterisation of the project, and I refer the member to statements made by just about every stakeholder in infrastructure and in the west of Melbourne, who see this as an outstanding proposal, one that will be delivered, if it is delivered, with outstanding value.

Supplementary question

Mr HIBBINS (Prahran) — We know that trucks avoid toll roads and use local roads instead. Will truck bans be part of the new western distributor toll road project?

Mr ANDREWS (Premier) — I thank the member for Prahran for his question. This proposal, as put forward by Transurban, which will be rigorously evaluated further, and there will be proper commercial negotiations, is all about delivering much better

amenity so that local roads in the inner west can be returned to local people.

I do not share the concern the member for Prahran has put forward. I do not share the conclusion he has drawn either. Time is money when it comes to the freight and logistics industry, and this proposal outlines better connectivity, improved safety and improved air quality, and fundamentally it returns to the inner west the streets and roads that ought to have always been theirs rather than major freight routes for B-doubles and trucks of that nature.

Ministers statements: Avalon Airport

Ms D'AMBROSIO (Minister for Industry) — I rise to inform the house of new information in relation to the Avalon Airport support package. Speaker, as you know, the government has partnered with Jetstar to secure the future of Avalon Airport. The agreement struck between the government and Jetstar keeps passenger services at Avalon Airport for 10 years, saving up to 200 jobs.

It is important for Victorians to understand the cost to them. As we announced last week, this government will provide $12 million over 10 years. This is equal to two hundred and — —

Mr Watt — On a point of order, Speaker, I rise with some reluctance, but sessional order 7 clearly refers to new initiatives, projects and achievements. The minister just told us that this was announced last week, so why are we hearing about it today?

The SPEAKER — Order! There is no point of order.

Ms D'AMBROSIO — As I said, it is important that Victorians understand the cost to them. As we announced last week, the government's commitment is $12 million over 10 years. What does this mean for Victorians? This is equal to $241 per flight. In anyone's terms, that is a very good deal for Victorians.

We then need to ponder how much the economic mismanagers opposite delivered for Victorian taxpayers for a one-year deal. Over $1000 per flight was the cost of their quick deal to get over the election period. That is all it was about. They refused to secure Avalon's long-term future and instead signed a one-year deal to get them through the election period. We are committed to the future of Avalon. We have done a deal that will provide long-term sustainability for Melbourne's second commercial airport, protecting jobs and tourism for this important region.

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

Melbourne Metro rail project

Mr M. O'BRIEN (Malvern) — My question is to the Treasurer. Yesterday the Treasurer said the metro rail tunnel business case was simply being updated by the same people who wrote it in the first place, yet the Premier said that it had been junked. My question to the Treasurer is: who is right, him or the Premier?

Honourable members interjecting.

Mr PALLAS (Treasurer) — The great issue that confounds those opposite is that this government is going about determining business cases in a rational and considered way. What we are not doing is going about as they did, with professions of faith, putting their hands on their hearts, hiding from the Victorian people the rationale that underpins these arrangements and essentially misleading them.

The business case, as the Premier made quite clear, is out of date — like those opposite. They are out of date too. The only way the people of Victoria will be able to see a rational, coherent and properly put together business plan will be when this government gives it the life that it needs to be a genuine analysis of a business case, not the 45-cents-in-the-dollar dodgy arrangements of those opposite.

Importantly the 2011 business case recommended strongly to the former government that it build the project. It did not do that, but its members thought they would sneak it away, they would wait until an appropriate time and then drop it into its favourite media outlets for the purpose of showing the people exactly how dishonest they had been. They knew about the funding sources that were proposed all the way through government; they just kept them quiet. In fact in 2013 they went to the federal government and advocated for this project. Even the former Minister for Public Transport, the member for Polwarth, was out there advocating for it. He thought it was a great idea. But of course what they never told Victorians was that their plans and their business case were a farce and a fraud.

Let us be very clear: this government, as the Premier said, has no plans to increase charges to pay for the Melbourne Metro project. When the Premier said we have no plans, it was somewhat like when the former Treasurer, the member for Malvern, said, 'We have no plans'. Maybe he put more emphasis on 'no' and

maybe I put more emphasis on 'plans', but 'no plans' means no plans.

Supplementary question

Mr M. O'BRIEN (Malvern) — Noting that the Premier yesterday ruled out any increases in property rates, car registration or public transport fares to pay for his metro rail tunnel, yet on the same day the Treasurer said, I am 'not in the business of ruling out something I haven't yet received'. I ask the Treasurer: on increases to fees, fares, taxes and charges, who should we believe — him or the Premier?

Mr PALLAS (Treasurer) — I have no plans to elaborate any further on my clear statement that the Premier and I have no plans to increase charges to pay for Melbourne Metro.

Mr M. O'Brien — On a point of order, Speaker, the Premier clearly ruled these changes out, not just simply said there were no plans. There is a clear contradiction, and I ask that the Treasurer — —

The SPEAKER — Order! There is no point of order. The member for Malvern will resume his seat. The Treasurer has concluded his supplementary answer.

Ministers statements: education funding

Mr MERLINO (Minister for Education) — I rise to update the house on investigations and an important initiative regarding school budgets. The previous government signed up to the Gonski agreement and said that it funded it. Departmental investigations have revealed it failed to fund it and had no intention of doing so. The frauds from South-West Coast and Nepean said they would fund Gonski in full, but instead they left us with a massive black hole.

We have already revealed the $50 million shortfall they left us across the 2014 and 2015 school years. Further investigations have revealed that across the 2016 and 2017 school years the shortfall in funding available to the Department of Education and Training to acquit the Gonski agreement blows out to more than $800 million. Victorian students and schools suffered under those opposite. We have already seen — —

Mr Dixon interjected.

Mr MERLINO — The former Minister for Education is interjecting. I seek leave to table a document from the Department of Education and Training that confirms an $800 million shortfall in 2016. It is the result of an investigation conducted by the Department of Treasury and Finance and the Department of Education and Training. An $800 million shortfall — —

Mr Guy — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! Government members and opposition members will allow the Leader of the Opposition to make a point of order in silence.

Mr Guy — The Deputy Premier has sought leave, which has been granted, to table what he has said is the report he is referring to, and I give leave for him to table the whole report, not two pages.

The SPEAKER — Order! Leave is granted.

Mr MERLINO — The investigations have shown an $850 million black hole over four years.

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition. The Deputy Premier on a point of order, correct? I am seeking your guidance on an answer. Will the minister table the report or the document?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Warrandyte. The Premier will be allowed to make a point of order and be heard in silence.

Mr Andrews — On a point of order, Speaker, to assist the house, as I understand it, the Deputy Premier, the Minister for Education, has sought leave to table a document, and those opposite — —

Honourable members interjecting.

Mr Andrews — The shouting will not change it. Those opposite need to accept, and I would ask you to rule, that the Deputy Premier has sought leave to table a document. Either that leave is given or not, and that will settle the matter. It is not for those opposite to determine what the Deputy Premier seeks leave to table, just as it is not for me to try to define what the Leader of the Opposition might seek leave to table. This sort of behaviour is unnecessary. Either leave is given or it is not.

Honourable members interjecting.

The SPEAKER — Order! I warn the Deputy Leader of the Opposition. I also warn the Minister for Housing.

Mr Andrews — I simply ask that either leave is given or it is not given, and then we can move on. That is the question before the house. The Deputy Premier has sought leave to table a document. That leave is either given or not given, and that is the end of the matter.

Mr Pesutto — On the point of order, Speaker, the minister clearly said he wanted leave to table the report. The report is not a sanitised, two-page version prepared by the minions in the minister's office; it is the whole report. He opened this up; he can feel very proud of what he has done. He wanted to table the whole report; he should table it.

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General is warned. The appropriate time for tabling documents is not during the making of a statement and/or answering a question. That is not the appropriate time. Leave was not granted during the course of the minister's asking for leave.

Mr Guy — On a point of order, Speaker, the Deputy Premier asked me for leave so that he could table a report, and that leave was given. I seek your guidance, Speaker. Given I have granted leave, on behalf of the opposition, for the Deputy Premier to table the report that he asked leave for, will he table that report now, as he said he would, or give you a copy to table in this house? I am asking that the report for which I have given leave to be tabled now be tabled to the Parliament as was sought.

Mr Merlino — On the point of order, Speaker, I sought leave to table this document. If only those opposite were as passionate about schools that did not get funding — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The minister will resume his seat. I have sought guidance in relation to this matter. This is not the appropriate time for tabling of documents. We are supposed to have had the document. The Deputy Premier and Minister for Education will seek leave to table this document at an appropriate time.

Honourable members interjecting.

The SPEAKER — Order! I call on constituency questions. I have ruled on the point of order.

Mr R. Smith — On a point of order, Speaker, for future reference could you direct the house to either the sessional orders or standing orders that state that the time for ministers statements is an inappropriate time to table documents.

The SPEAKER — Order! Yes. I will make a ruling in relation to this matter.

Mr Guy — On a point of order, Speaker, in a way that might seek to save the Deputy Premier any further embarrassment, I wonder if you would be able to review the tapes of Hansard after question time to ascertain the exact wording of what the Deputy Premier sought in terms of what he wanted to table, and make available to the Parliament tomorrow, before question time, the *Hansard* report of what the Deputy Premier sought and the report that he has now sought to have tabled.

Ms Thomson — On the point of order, Speaker, in relation to this matter I think it is also important that we actually look at the vision, because there is no doubt that the Deputy Premier waved a document in his hand as the document he wished to table. That is an important factor in clarifying this issue.

The SPEAKER — Order! The Chair has heard sufficient on this matter. Leave was sought, the Chair asked the house and the Chair was wrong. The Chair should have guided the opposition and the minister to have asked for leave at the appropriate time, which is the ruling I have just made to the house.

CONSTITUENCY QUESTIONS

Ms McLeish — On a point of order, Speaker, on 19 March I raised a constituency question for the Minister for Education. I refer the Speaker to sessional order 9(2) regarding the timeliness of the delivery of a reply to a constituency question, which I have not yet received. I seek your guidance and ask that you chase up the reply so that I receive it.

The SPEAKER — Order! I will refer this to the minister.

Croydon electorate

Mr HODGETT (Croydon) — (Question 169) My constituency question is to the Minister for Public Transport. I ask the minister for an update on a request for review made to her in relation to a public transport infringement notice.

My constituent Natalie Grasso contacted my office with regard to infringement notice no. 3312824, which she received for having her foot on a seat while travelling on a train. At the time Natalie was undergoing

treatment for an ankle condition, waiting for a screw in her ankle to be removed. Natalie is experiencing extreme shooting pains, which are sporadic and occur up to 50 times a day along the length of her leg, and the only relief she can get is by elevating her foot for a minute at a time until the pain subsides.

Whilst on the train journey Natalie sought relief from her pain by elevating her foot onto the adjoining seat. A public transport authorised officer proceeded to issue Natalie a fine for having her foot on the seat. Natalie explained her situation to the authorised officer; however, this was discounted and the fine was issued.

I have written to the minister seeking her intervention in this matter, and I ask the minister for an update so that I can keep Natalie informed on a matter that is causing her a great deal of concern and stress.

Yan Yean electorate

Ms GREEN (Yan Yean) — (Question 170) My constituency question is to the Minister for Families and Children. Local men's sheds across Victoria and in particular in my electorate are great organisations offering activities that are beneficial to individuals in the community. The Diamond Creek Men's Shed is very keen to attract more funding to improve its premises to continue its amazing work. I ask whether the minister can confirm ongoing funding for men's sheds in Victoria and how the program may provide flexibility for new, refurbished and extended sheds to allow them to grow and prosper.

Kew electorate

Mr T. SMITH (Kew) — (Question 171) My constituency question is to the Minister for Roads and Road Safety. Has the government developed a traffic management plan and completion date for the duplication of the Chandler Highway bridge?

Essendon electorate

Mr PEARSON (Essendon) — (Question 172) My constituency question is to the Minister for Public Transport. The district of Essendon is home to a significant Greek community, many members of which I have had the great pleasure of getting to know over the course of the past year. Many members of the community are ageing and no longer drive. Often they are widowed and therefore reliant upon family and friends to provide transport to Keilor Cemetery to visit the graves of their loved ones. The 476 bus route that runs from Moonee Ponds to Hillside services Keilor Cemetery, but the bus stop is some 500 metres away from the cemetery's entrance. Can the minister therefore advise what options exist for extending the 476 bus route to provide a bus stop at Keilor Cemetery?

Sandringham electorate

Mr THOMPSON (Sandringham) — (Question 173) My constituency question is to the Minister for Education. Sandringham College was established as a benchmark school in 1988 under the then Labor government. It provided a years 11 and 12 pathway to secondary students, enabling breadth of curriculum. At the last election the government committed to establishing a stand-alone high school in Beaumaris and allocated some $4 million for the purpose. This sum of money will not be adequate to establish the breadth of curriculum and infrastructure necessary to achieve a years 7 to 12 pathway in the district. I ask: what funding resources will be established to enable the infrastructure of the sporting precinct to be used both by surrounding schools and by the Beaumaris community, as promised by the government?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (Question 174) My constituency question is to the Minister for Health and concerns shade protection at Strathaird Primary School. This outstanding local school has 850 students yet lacks adequate sheltered areas for students to play under during summer or in poor weather. It is of particular concern during summer as students are exposed to harmful ultraviolet radiation. The provision of shelter over the basketball courts would not only provide students with a large area to play and exercise under but would be an outdoor meeting and assembly place — it would be an excellent multipurpose place. The school has costed the project at $201 000; however, it would make a significant financial contribution to this much-needed project.

Strathaird Primary School is also a SunSmart member, and it does an outstanding job educating our young people about the dangers of ultraviolet radiation. This is a fantastic opportunity to provide much-needed shade protection at a wonderful and growing local school. I ask the minister to outline how schools like Strathaird Primary School can apply for a grant through this fantastic SunSmart program, because I know the Andrews Labor government is committed to such projects.

Shepparton electorate

Ms SHEED (Shepparton) — (Question 175) My constituency question is to the Minister for Roads and Road Safety. Local councils across regional Victoria, including Greater Shepparton City Council and Moira Shire Council in my electorate, have expressed great concern about access to vital ongoing funding for repairs to roads and bridges. Can the minister urgently provide details as to how and when the $1 billion promised for roads and bridges before the last election will be provided to regional Victoria? Further, can he guarantee his government will at least match the previous government's promise of $160 million for country roads and bridges?

Niddrie electorate

Mr CARROLL (Niddrie) — (Question 176) My constituency question is also to the Minister for Roads and Road Safety. Can the minister provide an update on the CityLink-Tullamarine Freeway widening project, in particular the impact on the English Street interchange and on Matthews Avenue in Airport West?

On 9 April I met with representatives from the City of Moonee Valley, VicRoads and Essendon Airport to discuss the impact of the CityLink-Tullamarine Freeway widening project on the electorate of Niddrie. A key focus was the impact on the amenity of neighbouring streets, in particular on Matthews Avenue. As was reported in the *Moonee Valley Weekly*, this is a significant project. Even more importantly, on 20 March the mayor of the City of Moonee Valley wrote to the minister indicating the city's in-principle support of the project, subject to a number of conditions.

This is a wonderful project. As the minister announced on 30 April 2015, this $1.28 billion project will increase capacity, ease congestion and improve safety along 24 kilometres of the Tullamarine Freeway, CityLink and West Gate Freeway, from Melbourne Airport to Southbank. On 30 April the minister signed an agreement with Transurban for the CityLink-Tullamarine Freeway widening project, and I would appreciate an update on the works.

Nepean electorate

Mr DIXON (Nepean) — (Question 177) My constituency question is to the Minister for Agriculture. I refer to Labor's commitment to halt commercial netting in Corio Bay and Port Phillip Bay, which also was a commitment made by the coalition government. I specifically ask the minister: what is the time line for the implementation of that commitment? By that I mean, what is the year-by-year breakdown of funding that will be committed to the buyback of current commercial licenses?

Bendigo West electorate

Ms EDWARDS (Bendigo West) — (Question 178) My constituency question is to the Minister for Education. On behalf of the community of Castlemaine and the surrounding region I ask: can the minister provide an update on the progress at the new Castlemaine Secondary College and in particular an update on stage 2 of this important four-stage project? This is a project that will deliver a new secondary school for students and families in Castlemaine and the surrounding district.

COURT SERVICES VICTORIA AND OTHER ACTS AMENDMENT BILL 2015

Introduction and first reading

Mr PAKULA (Attorney-General) — I move:

> That I have leave to bring in a bill for an act to amend the Court Services Victoria Act 2014 to make provision for the employment of the chief executive officer of the Judicial College of Victoria, to amend the Financial Management Act 1994 to provide Court Services Victoria with greater budget flexibility and to amend the Independent Broad-based Anti-corruption Commission Act 2011 to clarify the role of the chief executive officer of Court Services Victoria in relation to complaints made to, and investigations by, the Independent Broad-Based Anti-corruption Commission and for other purposes.

Mr PESUTTO (Hawthorn) — I seek a brief explanation of the bill.

Mr PAKULA (Attorney-General) — I can advise the member for Hawthorn that the bill relates to the operations of Court Services Victoria (CSV) and relates to providing CSV with greater budget flexibility under the Financial Management Act 1994. It also clarifies the role of the CEO of CSV in relation to IBAC complaints and investigations and other matters.

Motion agreed to.

Read first time.

WRONGS AMENDMENT (PRISONER RELATED COMPENSATION) BILL 2015

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to amend the Wrongs Act 1958 to restrict

the amount of damages that may be awarded for non-economic loss in respect of mental harm caused by the death or injury of a prisoner if as an adult the claimant has been convicted of an offence and for other purposes.

Read first time.

STATE TAXATION ACTS AMENDMENT BILL 2015

Introduction and first reading

Mr PALLAS (Treasurer) — I move:

That I have leave to bring in a bill for an act to amend the Duties Act 2000, the Land Tax Act 2005 and the Taxation Administration Act 1997 and to consequentially amend the Back to Work Act 2015 and for other purposes.

Mr CLARK (Box Hill) — I ask the Treasurer to provide a brief explanation of the bill.

Mr PALLAS (Treasurer) — The bill implements a number of initiatives incorporated in the budget. Essentially it gives effect to the government's stated objectives regarding revenue in the budget.

Motion agreed to.

Read first time.

BUDGET 2015–16

Mr PALLAS (Treasurer), by leave, presented budget paper 1, Treasurer's speech; budget paper 4, state capital program; budget overview; budget information paper, Putting People First; budget information paper, Getting On With It; budget information paper, rural and regional Victoria; and budget information paper, suburban growth.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest* No. 4 of 2015 on:

Crimes Amendment (Repeal of Section 19A) Bill 2015

Justice Legislation Amendment Bill 2015

Regional Development Victoria Amendment (Jobs and Infrastructure) Bill 2015

Sentencing Amendment (Correction of Sentencing Error) Bill 2015

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Anti-Cancer Council of Victoria — Report 2014

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Bannockburn Bushland Reserve

Orders under s 17D granting leases over:

Mt Rouse Public Park Reserve

Victoria Park Reserve

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2015–16

Budget Paper No 3 — Service Delivery 2015–16

Budget Paper No 5 — Statement of Finances 2015–16 incorporating Quarterly Financial Report No 3

Report from the Minister for Training and Skills that he had not received the Report 2014 of Federation Training, together with an explanation for the delay

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 20 *(Gazette G15, 16 April 2015)*

Melbourne City Link Act 1995:

Melbourne City Link Thirty-Third Amending Deed (10 documents)

Melbourne City Link and Extension Projects Integration and Facilitation Agreement Twenty-Second Amending Deed

Exhibition Street Extension Fifteenth Amending Deed

Melbourne Polytechnic — Report 2014

Municipal Association of Victoria — Report 2013–14

National Health Funding Pool — Report 2013–14

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

Bayside — C137

Buloke — C19

Darebin — C130, C135

Frankston — C102

Gannawarra — C41

Glen Eira — C102

Golden Plains — C68

Greater Dandenong — C170

Greater Geelong — C305

Knox — C135

Maribyrnong — C150

Maroondah — C99

Melbourne — GC29

Melton — C142

Moonee Valley — C145

Mornington Peninsula C176 Part 2

Port Phillip — GC29

Stonnington — C181

Strathbogie — C42

South Gippsland C52 Part 2, C96

Southern Grampians — C28

Wodonga — C113

Wyndham — C213

Yarra — C178

Professional Standards Act 2003 — New South Wales Bar Association Scheme under s 14 *(Gazette S92, 23 April 2015)*

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2013–14

Statutory Rules under the following Acts:

Casino Control Act 1991 — SR 27

Environment Protection Act 1970 — SR 25

Plant Biosecurity Act 2010 — SR 23

Tobacco Act 1987 — SR 26

Victorian Civil and Administrative Tribunal Act 1998 — SR 24

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 22, 23, 24, 25, 26, 27

Documents under s 16B in relation to the *Eastlink Project Act 2004*:

Order under s 56 surrendering interests in unreserved Crown land

Order under s 62 for revocation of part of the temporary reservation of Crown land

LEGISLATIVE COUNCIL PROCEDURE COMMITTEE

Reference

The SPEAKER announced the Legislative Council had agreed to the following resolution:

That —

(1) there be referred to the Procedure Committee for consideration, inquiry and report —

(a) scope and overlap of joint committees and Legislative Council committees, including options for resolving any issues;

(b) options for Public Accounts and Estimates Committee reform;

(c) appropriate size and chairing arrangements of committees; and

(d) opportunities to enhance participation in the running of committees;

(2) the Procedure Committee have the power to confer with the Standing Orders Committee of the Legislative Assembly in completing the inquiry and to report jointly to the house.

ROYAL ASSENT

Message read advising royal assent on 21 April to:

Education and Training Reform Amendment (Child Safe Schools) Bill 2015
Legal Profession Uniform Law Application Amendment Bill 2015
Limitation of Actions Amendment (Child Abuse) Bill 2015
Parliamentary Committees and Inquiries Acts Amendment Bill 2015
Public Health and Wellbeing Amendment (Hairdressing Registration) Bill 2015
Veterans and Other Acts Amendment Bill 2015.

APPROPRIATION MESSAGES

Message read recommending appropriation for Justice Legislation Amendment Bill 2015.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to acknowledge in the gallery a former Premier of Victoria, the Honourable Steve Bracks.

APPROPRIATION (2015–2016) BILL 2015

Message read recommending appropriation and transmitting estimates of expenditure for 2015–16.

Estimates tabled.

Introduction and first reading

Mr PALLAS (Treasurer) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the government for the financial year 2015–16 and for other purposes.

Read first time; under standing order 87, ordered to be read second time immediately.

Statement of compatibility

Mr PALLAS (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Appropriation (2015–2016) Bill 2015.

In my opinion, the Appropriation (2015–2016) Bill 2015, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Appropriation (2015–2016) Bill 2015 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2015–2016 financial year.

The amounts contained in schedule 1 to the Appropriation (2015–2016) Bill 2015 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the Advance to Treasurer in 2013–2014 respectively.

Human rights issues

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

The bill does not raise any human rights issues.

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

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not raise any human rights issues.

Tim Pallas, MP
Treasurer

Second reading

Mr PALLAS (Treasurer) — I move:

That this bill be now read a second time.

Every family is different, but every family wants the same thing.

They want their kids to have the best start in life.

They want jobs that will exist next year, in industries that will exist next decade.

They want a home they can be proud of.

A street they can feel safe in.

And a government they can rely on.

And if someone they love gets sick, they want the care and precision and peace of mind that only a modern hospital can provide.

These are the things that matter.

None of it is too much for families to ask.

But all of it was too much for the previous government to bear.

In their minds, the basic building blocks of our society were a reward, not a right.

That's the definition of unfair — and it's time we made things right.

The budget I hand down today has fairness at its heart and families in its reach.

It gets us back to basics:

Jobs, schools, hospitals and transport.

The things that families need to live a good and healthy life.

It delivers our election commitments.

And it's pro-business.

Because we're pro-jobs.

It delivers a $1.2 billion surplus.

It preserves our AAA credit rating.

It reduces our state's net debt to 4.4 per cent of GSP.

It forecasts $5.8 billion in surpluses over four years.

And it sends this very powerful message: Victoria is open for business.

The state's economy is growing, from 2.25 per cent growth to 2.5.

The unemployment rate is falling, from 6.5 per cent to 6.25.

But families still need more services.

Workers need more skills.

And Victoria needs more investment.

Population is growing at 1.8 per cent a year.

Inflation is averaging 2.6 per cent a year.

The previous government knew this, but they still wanted to restrict expenditure growth to just 2.5 per cent.

That would have sent a wrecking ball through our schools and hospitals — a decision no responsible government could afford to make.

So we'll maintain expenditure growth at a modest 3 per cent — comfortably below revenue growth of 3.4 per cent — allowing us to maintain strong surpluses over the budget and forward estimates period.

A responsible level of expenditure will go towards schools and hospitals in our growing suburbs and regions — making our population more productive and our students more skilled.

Because we're getting on with the projects people actually need.

We're making a record investment in public transport.

And we're handing down the biggest education budget in Victoria's history.

New hospitals, more jobs — and a stronger, fairer state.

All the while, we're keeping our finances secure.

We're keeping our promises.

We're consolidating our surplus.

And we're consolidating our place in the world.

We have our challenges, it's true.

Just ask the thousands of men and women who dedicated their professional lives to putting Australian cars on Australian roads.

We have our challenges, but this budget sends us out to meet them.

It's about finding opportunity.

Investing in the industries where we can lead the world.

The mining sector isn't driving this country anymore.

There's more demand for services, technology and expertise.

So all eyes are turning to Victoria, the state which — more than any other — relies on skilled people and ideas that grow our economy.

The state which — more than any other — rests on a diverse industrial base.

These are our fundamental strengths.

And our economy is fundamentally strong.

Two-thirds of our gross state product centres on the home: housing investment and household consumption.

Both are growing.

Household budgets are expanding, because asset prices are up, fuel prices are down, and interest rates are low.

And we're buying and building more houses, because more people are moving here and more people can afford the interest.

As the US is recovering, our economy is rebalancing — and our dollar is depreciating.

Right now, it's about 20 per cent below its peak in 2013.

It's making exporters more competitive, local products more affordable and businesses more willing to invest.

That's what's growing our state.

And it will only get stronger as we get back to work.

Victoria's unemployment rate will fall from 6.5 per cent to 6.25 this year.

Two years from now, it's projected to fall even further.

That's where we stand, as a state.

It's almost never been this cheap for businesses to borrow and invest in the next chapter of our economic future.

A future that's far more certain under an Andrews Labor government.

Because we're doing things differently.

When businesses invest in the state, they now have a willing partner in the government.

They can have confidence.

They can have clarity.

And they can have certainty.

Because in this government, they will find a shared ambition for a stronger state.

And a door that's always open to new ideas.

Our budget meets the challenges of today, but not at tomorrow's expense.

And it helps insulate our economy from the shocks and surprises of an uncertain world.

The global market is drifting.

Yet our neighbours in Asia are booming.

As a result, our economy is changing.

But we are not captive to that change.

We're not hostage to it.

In fact, we're going to make the change work for us.

We have a duty to help industries grow — and we embrace it.

That's what's different about this government.

We also have a duty to make our economy more productive.

That's why we're matching the diversity of our industries and our people — with a diversity of infrastructure projects.

We're no longer putting all our eggs in one basket.

We're no longer stacking the decks in favour of the projects that don't stack up.

Projects like the east–west link, which the Victorian people rejected fair and square.

That's why we cleaned up the mess, so we can get on with the projects our state needs.

Ones that will actually move workers and goods cheaply and reliably over time.

We're committing up to $22 billion in new infrastructure projects and we aren't wasting a minute.

Over the last four years, the major projects pipeline became the major projects pipedream.

Victoria no longer has the luxury of such aggressive indecision.

It's time to get on with it.

But a strong economy is not just about infrastructure.

Ultimately, it's about people.

Their health and wellbeing is the true source of our productivity — and when one person misses out, we all miss out.

We're a government that's prepared to invest in people and the things they need to thrive.

We're a government that's prepared to partner with the companies that can take our state forward.

We're a government that's prepared to seize the promise of change — and make it work for us.

And the 2015–16 Victorian budget is the first big step.

It outlines a plan that will help create 100 000 jobs for 100 000 Victorians.

And it starts with the private sector.

Our best business minds, our senior economic leaders — the men and women who create Victorian jobs.

We're going to give them a real say at the heart of our government, with a real figure attached: half a billion dollars.

Our budget invests $508 million to establish the Premier's Jobs and Investment Panel.

It will bring together our economic leaders to provide direct advice on how to invest the fund at its heart.

They will cut through the bureaucracy to get things done.

And they'll be armed with a very simple brief: create more high-skill, high-wage jobs.

Our budget also invests $200 million to seize the change at the heart of our economy.

To turbocharge the emerging industries that will give our state a new face and a new life.

It's the Future Industries Fund, and it will offer grants of up to $1 million to firms working in six different sectors:

Medical technology and pharmaceuticals, new energy technology, transport defence and construction technology, food and fibre, international education and professional services.

Each of these sectors are primed for extraordinary growth.

And the Future Industries Fund will help them lead the world.

We hear this word so often: transition.

It's too often spoken by governments who have no idea where we're transitioning to.

Well, the Future Industries Fund is our compass.

And the map extends to the regions.

The jobs crisis hit regional communities the hardest.

Businesses closed up. TAFEs shut down.

Young people packed their bags and left their families in search of work or study.

That's why the budget invests $500 million in a fund dedicated to regional jobs and regional growth.

Initiatives like Food Source Victoria will promote local produce.

Projects like the Ballarat station redevelopment are a green light for new industries.

Attractions like the Grampians Peak Trail will draw in visitors from across the state.

And the half-billion dollar regional jobs and investment fund will support them all.

We're providing another $70 million for agriculture, to keep farming families fit and productive and to get young people back on the land.

And we're supporting the wind industry, with $20 million for new energy jobs.

We'll also fund new ideas.

A $60 million initiative for start-ups will take our most promising concepts from mind to market.

And $12 million for a program of inbound trade missions will bring overseas investors to our soil.

Small business gets its fair share, too.

We'll give employers the advice they need to cut through red tape.

Businesses can earn stamp duty relief if they invest in new equipment.

And they can also earn payroll tax relief if they hire retrenched workers, unemployed young people or the long-term jobless.

That's how we'll get Victoria back to work and help create 100 000 new jobs.

100 000 second chances.

100 000 Victorians beaming with pride, holding their pay slip and helping our state recover.

That's what fairness looks like.

But without education, the picture is incomplete.

Without skills, our state won't work.

That's why we're saving our TAFE system.

Over the last four years, campuses across our state were dragged to the brink of collapse.

Their gates slammed shut on our next generation.

And our budget invests $300 million to get them back in the black and back on their feet.

Our $320 million TAFE Rescue Fund will help institutes reopen and recover.

And our $50 million TAFE Back to Work Fund will help them renew, with training courses developed in partnership with local companies.

We're also investing $32 million to save the jobs and skills centres that give a second chance to the people who are dropping out of school and dropping out of our economy.

But that's still not enough.

We need to get started earlier.

We need to give our next generation a head start on a hands-on vocation.

That's why we're building 10 tech schools.

They'll go in the suburbs and cities that need them, including Gippsland, Ballarat, Bendigo and Geelong.

They'll give our kids the skills they need, alongside a comprehensive education.

And our budget provides $12 million to help get them off the ground.

All jobs start with skills.

All skills start at school.

That's why we've delivered the biggest education budget in Victoria's history.

We're investing $3.3 billion in our system — from start to finish.

Education funding will grow 70 per cent faster over the next three years than it did over the past three.

And we're focusing on the schools that need the most support.

Through the budget, the government reconfirms our commitment to the Gonski agreement.

For the first time ever in Victoria, we've met our obligations under Gonski — with full allocations for the 2016 and 2017 school years to make up the $805 million shortfall in allocated funding to the department that was left behind by the previous government.

But as we know, the commonwealth has walked away from the final two years of this agreement.

They're short-changing Victorian students in the order of $1 billion.

Victoria will fight for this funding for the 2018 and 2019 school years.

And we will commission the Honourable Steve Bracks, AC, to review how Victoria should allocate funding in the future.

It will be the foundation for school funding beyond 2017, giving principals and schools clarity and certainty.

We care about the future of our kids.

We also care about their safety and comfort at school.

Far too many children are learning in conditions we'd never accept in our own workplace.

Our talented pool of teachers make things so much better, but kids still can't get a first-rate education in a second-rate classroom.

Take Essendon Keilor College, reported to be one of Victoria's most run-down schools.

The bitumen has buckled from end to end.

The walls and ceilings are leaky and rotten.

And more than 1000 items require maintenance.

What about Frankston Primary: some of its facilities have barely seen a lick of paint since the Second World War, and the building still has a boiler room.

At Seaford Park Primary, every single classroom is a portable.

At Greensborough College, bags are known to go missing through holes in the floor.

And here's a quote from Georgie, a Cranbourne Secondary student: 'I love school, but these classrooms are absolutely disgusting'.

That's about as sad as you get.

While opening her eyes to the world, she's turning her gaze away.

That can't happen here — not in our state, not in our schools.

That's why our budget invests $688 million to make our schools bigger, cleaner, safer, better.

We'll rebuild and renovate 67 Victorian schools.

And build 10 new schools across the state.

And purchase $40 million worth of land in our growing outer suburbs, for more schools and more choices.

Schools that are bursting at the seams will receive 120 brand-new, safe, relocatable classrooms.

And classrooms with asbestos in the walls will finally get something done about it.

There's $50 million to upgrade kinders.

And there's $10 million to upgrade schools for students with disabilities.

Because the biggest education budget in history means more students, more families, getting the help they need.

That includes the struggling families who are working hard to get their kids through the most important years of their life.

Too many children learn about disadvantage the hard way — the wrong way — when they don't have the right uniform, or they can't see the whiteboard, or they don't get to go on school camp with their friends.

So we're going to help families cover the extra costs of a child's education.

We're investing $178 million to give students the things they need to fit in and thrive.

The Camps, Sports and Excursions Fund will help 200 000 disadvantaged students receive these expensive but essential pieces of their education.

Children in 250 primary schools will get free eye tests and glasses.

Breakfast clubs will serve up the most important meal of the day, free, to 25 000 students.

More free uniforms, shoes and books, too.

And music classes in more government schools, not just the ones that can afford it.

Every child deserves the best possible start, Speaker — just as every family deserves the best standard of care.

Health care is not just a government's duty.

It's the test of a government's decency.

And the previous government flunked it.

Thousands of Victorians waited too long for an ambulance.

Thousands more waited too long in emergency.

And last year, a reported 16 people died every single week while waiting for surgery.

Health cuts cost lives.

It's a sad and simple fact.

And that's why we're increasing funding to our hospitals.

Everyone should get the care they need, not just the care they can afford.

Our budget invests $2.1 billion in Victoria's health system.

More surgeries will be performed, more patients will be treated, more beds will open up, and our nurses and our doctors will get more resources to save more lives.

Dr Doug Travis told us how to increase the number of beds in our health system.

We've provided $200 million to fulfil his recommendations, plus a $60 million elective surgery blitz to cut waiting lists.

Hospitals will be able to admit an extra 60 000 patients and treat an extra 40 000 emergency cases every single year.

These patients aren't just numbers.

They are parents, sons and daughters.

And we're rebuilding their hospitals, across our state.

Starting in the fastest growing areas in Australia.

Our budget invests $200 million to build the Western Women's and Children's Hospital.

Sunshine Hospital expects 7000 births a year by 2026, so 237 more beds and 39 special nursery cots — all under the gaze of world-leading neonatal care — is going to make a difference.

Six new theatres and 64 new beds are coming to Werribee Mercy Hospital, in an $85 million expansion.

And a massive $106 million upgrade to Casey Hospital will grow the size of the facility by a third, so it can treat 12 000 more patients, perform 8000 more surgeries and support 500 more births.

Soon families in the outer east will no longer have to drive to Box Hill in an emergency, because the budget provides $20 million for intensive care and short-stay units at the Angliss.

Ballarat Base Hospital will get a $10 million cardiac cath lab for urgent heart treatment and care.

Australia's first specialist heart facility will get funding.

The Monash Children's will get a helipad.

Moorabbin Hospital will get an upgrade.

And hospitals across the state will get more vital equipment.

More programs, too.

Hospitals and universities, coming together to find a cure for our most debilitating genetic diseases.

Late night pharmacies, looking after us late at night.

The whooping cough vaccine for parents of newborns is returning.

And the National Centre for Farmer Health is safe.

The budget invests $118 million to treat and support people with a mental illness — helping their families and giving them hope.

And with $99 million to upgrade ambulance branches and cut emergency response times, the ambulance crisis that swept our state will soon come to an end.

In the face of their greatest fear, families can start to have more confidence in the system. The war on our paramedics was over on day one of this government.

Now these dedicated professionals will finally get the resources they need to do their job and save more lives.

So will our police officers and our firefighters.

We are investing $78 million in emergency services.

Commencing the recruitment of 450 career firefighters.

And purchasing 70 new CFA trucks with the technology volunteers need.

We're rolling out a program that dispatches firefighters at the same time as paramedics.

And we're upgrading rundown and threadbare CFA stations across the state.

Last year, we saw what our dedicated firefighters are capable of, when they stood together as the last line of defence between a mine fire and a community on the brink of natural disaster.

No-one should ever go through what the Valley went through.

We're providing $30 million to implement the recommendations of the Hazelwood inquiry — including a long-term health study to give locals the answers they deserve.

We're putting more police on the streets — recruiting 400 custody officers to guard prisoners at 20 police stations across Victoria, 400 police officers can return to the front line where they belong.

There's $15 million in the budget for a new police station in Mernda.

Fifteen more police in Geelong and the Bellarine Peninsula.

And another $15 million to replace the state's obsolete fleet of drug and booze buses.

All up, we're investing $226 million to keep our streets safe.

But we cannot forget that Australia's no.1 law and order issue lives not on our streets, but in our homes.

Family violence is our national tragedy.

This year, it's cost two Australian women their life — every week.

We're providing $81.3 million to support Australia's first Royal Commission into Family Violence and relieve the overwhelming pressure on the services women and children need.

And we're increasing funding for child protection, with $257 million to protect our most vulnerable and support families and carers.

It's an increase of one-seventh and we make absolutely no apology for it.

No effort will be spared with the safety and welfare of children in danger and need.

We're confronting the ice crisis that has gripped our suburbs and regional cities, with over $45 million to undertake our Ice Action Plan.

We're also providing $40 million to help Victorians stay in their homes, and $29 million to give Aboriginal Victorians a better standard of living and the freedom to live as they choose.

We're putting people first — giving so they can give back.

It's the right thing to do. It's the smart thing to do, and above all — it's fair.

This is a budget that restores fairness to our society.

And this is a responsible budget that restores balance to major projects.

No more road versus rail — we need roads and rail to get people home to their families safer and sooner.

The federal government cancelled funds for every new major public transport project in Australia.

That's why our budget makes the biggest investment in public transport in the history of our state.

It's an increase in funding of over one-third and it will stop Victoria from grinding to a halt.

We're committing $5 billion to $6 billion to remove 50 of our most dangerous and congested level crossings — because they hold up cars, slow down trains and put lives in danger.

We're improving safety at 52 dangerous level crossings in regional Victoria, because the road toll touches our entire state.

We're investing $1.5 billion to complete Melbourne Metro rail's planning and design and early works, and commence major construction by 2018.

So we can undertake the biggest overhaul to the train network since construction of the city loop.

So we can lay the foundation for a public transport system that moves millions of people in Australia's fastest growing state.

We're building 20 new E-class trams, 21 new V/Locity train carriages, and refurbishing Metro trains and trams at a cost of more than $600 million.

That's all part of Victoria's first long-term rolling stock strategy — more services, more seats, more jobs.

We're also ordering 37 more trains for our busiest rail corridor — the Cranbourne-Pakenham line — and removing every level crossing between Caulfield and Dandenong.

That boosts capacity on the line by 42 per cent.

And we're trialling all-night public transport, improving the bus network and bringing the Mernda rail link a step closer — giving people in the outer suburbs more ways to get to work and get back home.

They'll also benefit from a $50 million first instalment in a new infrastructure fund, helping interface councils get local projects off the ground and support growing communities.

We're investing more than $600 million to fix the congested roads and upgrade other roads that Victorians use every day.

Widening the Western Ring Road, section by section.

Widening CityLink and the Tulla, from the city to the airport.

Duplicating the Chandler Highway bridge.

Resurfacing unsafe roads across our state.

Saving families those crucial extra minutes every evening.

Saving businesses thousands of hours every month.

These are the road and public transport projects that will keep our state productive.

The projects that our state needs.

And to help pay for some of it, we're seeking a long-term lease of the port of Melbourne.

Because we're a modern Labor government — prepared to harness the power of capital to build a better society.

A modern Labor government — devoted to the progress of our state.

Victoria.

The no. 1 state for new residents and new visitors.

The sporting capital of the world.

The birthplace of multiculturalism.

The education state.

Home to arts and culture, live music, major events, and the world's most livable city.

These are the things that set our state apart.

They're our edge.

And our budget will keep Victoria no. 1.

We're investing an extra $80 million to bring more major events to our state.

At the moment, they contribute billions to Victoria's economy.

We want that to grow.

And to build on our reputation as a centre for business and industry tourism, we're committing funding for stage 2 of the Melbourne Convention and Exhibition Centre.

We're boosting our creative industries and supporting thousands of jobs, with more than $200 million for Victorian arts, culture, film, television, music and design.

That includes a lifeline for the Palais Theatre — the spiritual home of Australian live music.

The sporting capital of the world has won major upgrades at three venues — Geelong's Simonds Stadium, Eureka Stadium and Junction Oval.

They'll be ready to host more events, hold more spectators, and join the MCG in the league of our greatest sporting arenas.

But not everyone gets to see their child take a mark on the hallowed turf at the 'G.

That's why community sport matters.

It's open to every family.

Local clubs are the heart and soul of our suburbs and towns.

They bring people together.

And we're investing $100 million to fix up their run-down grounds, stands and change rooms.

We're the most progressive state, too.

That's why we are investing $10 million to help LGBTI Victorians achieve the respect, inclusion and wellbeing to which all Victorians are entitled.

We're also providing $174 million to preserve our pristine natural environment, our greatest natural asset, and $49 million to strengthen multiculturalism, our greatest human asset.

And we're doing all this while maintaining a strong surplus.

Preserving our AAA credit rating.

And reducing debt to below what we inherited from the previous government.

Over the next four years, our finances will stay strong.

Our projects will proceed prudently, properly, progressively.

Our plans will put vital services within the reach of families in our fastest growing suburbs and cities.

And so long as the federal government is working against Victorians, we'll keep standing up for our state.

Demanding our fair share.

We'll fight their $8.9 billion cut to our education system, because every child deserves every chance.

And we'll fight their $13.7 billion cut to our health system, because doctors shouldn't be forced to check our wallets before they check our pulse.

We're putting Victoria first.

And Victorians can be confident about their future.

We have our challenges.

But we're going to seize them.

And we'll be sharing the load — in partnership with the private sector.

That's what it means to be a modern Labor government.

Finding ways to work with business to improve the lives of working people.

To give them the care they need and give their kids the skills to succeed.

That's what this budget is all about.

The basic building blocks of our society — jobs, schools, hospitals, transport.

It's an investment we can afford, in the things we can't afford to lose.

We're putting people first.

We're getting on with it.

And we're bringing Victorians with us.

Taking our state into the future and leaving no-one behind.

This is a budget for families and I commend the bill to the house.

Debate adjourned on motion of Mr M. O'BRIEN (Malvern).

Debate adjourned until Thursday, 7 May.

APPROPRIATION (PARLIAMENT 2015–2016) BILL 2015

Message read recommending appropriation and transmitting estimates of expenditure for 2015–16.

Estimates tabled.

Introduction and first reading

Ms ALLAN (Minister for Public Transport) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2015–16 and for other purposes.

Read first time; under standing order 87, ordered to be read second time immediately.

Statement of compatibility

Ms ALLAN (Minister for Public Transport) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Appropriation (Parliament 2015–2016) Bill 2015.

In my opinion, the Appropriation (Parliament 2015–2016) Bill 2015, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Appropriation (Parliament 2015–2016) Bill 2015 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2015–2016 financial year.

Human rights issues

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

   The bill does not raise any human rights issues.

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

   As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not raise any human rights issues.

The Hon. Jacinta Allan, MP
Minister for Public Transport
Minister for Employment

Second reading

Ms ALLAN (Minister for Public Transport) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2015–2016 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2014–2015) Act 2014 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2015–2016 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $117 432 000 (clause 3 of the bill) for Parliament in respect of the 2015–2016 financial year.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 7 May.

PARLIAMENTARY COMMITTEES

Membership

The DEPUTY SPEAKER — Order! I have received the resignations of Mrs Fyffe from the Independent Broad-based Anti-corruption Commission Committee, effective from 28 April 2015, and the resignation of Ms Lovell, MLC, from the Family and Community Development Committee, effective from today.

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That:

(1) Mrs Fyffe be appointed a member of the Economic, Education, Jobs and Skills Committee; and

(2) Ms Sandell be appointed a member of the Privileges Committee.

Motion agreed to.

PRIVILEGES COMMITTEE

Chair's vote

Ms ALLAN (Minister for Public Transport) — By leave, I move:

That, under standing order 212, the chair of the Privileges Committee have a deliberative vote as well as a casting vote.

Motion agreed to.

PARLIAMENTARY COMMITTEES

References

Ms ALLAN (Minister for Public Transport) — By leave, I move:

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

(1) To the Economic, Education, Jobs and Skills Committee — for inquiry, consideration and report no later than 1 May 2016 on employer schemes that provide portability of long service leave entitlements for Victorian workers and —

(a) in particular, the committee is requested to investigate employer schemes that provide portability of long service leave entitlements for workers as they move between jobs in the same or similar industry, including:

(i) the objectives of portable long service leave schemes;

(ii) which sectors, industries or occupations may benefit from such schemes;

(iii) the rationale for any difference in treatment between sectors or groups of employees;

(iv) funding arrangements applying to existing portable long service leave schemes;

(v) governance, compliance and enforcement arrangements applying to existing portable long service leave schemes;

(vi) the key components that should apply to any portable long service leave scheme for the community services sector including coverage, eligibility for and the calculation of long service leave benefits;

(vii) whether alternative mechanisms or arrangements could better meet the objectives of a portable long service leave scheme for sectors of the workforce including the community services sector;

(viii) the capacity to operate such schemes within or across jurisdictions, including recognition of service;

(ix) the appropriate role for government in facilitating portable long service leave schemes; and

(x) relevant implementation issues and options;

(b) in making its recommendations the committee should have regard to:

(i) constitutional or other legal issues or impediments arising from interaction with the Fair Work Act 2009 (commonwealth), agreements and awards operating under the fair work scheme;

(ii) the distinction between schemes for portability of long service leave entitlements and legal structures underpinning other leave entitlements;

(iii) the financial impacts or benefits of portable long service leave entitlements on employers, employees and taxpayers; and

(iv) the economic impact on Victorian jobs, employment and investment and whether such schemes may disproportionately affect urban or regional areas.

(2) To the Electoral Matters Committee — for inquiry, consideration and report no later than 1 December 2015 an inquiry into the conduct of the 2014 Victorian state election.

(3) To the Family and Community Development Committee — for inquiry, consideration and completion of an interim report no later than 31 July 2015 and a final report by no later than 1 March 2016 an inquiry into abuse in disability services and —

(a) in particular the inquiry will include but not be limited to:

(i) why abuse is not reported or acted upon; and

(ii) how it can be prevented;

(b) the committee should note that the Victorian Ombudsman is currently conducting an investigation into how allegations of abuse in the disability sector are reported and investigated, including the effectiveness of the statutory

oversight mechanisms in reviewing incidents and reporting on deficiencies (Ombudsman's investigation) and that this investigation will cover services which include residential, respite and day programs funded by the Victorian government;

(c) in undertaking the inquiry, the committee should:

(i) seek not to prejudice any investigations being undertaken by the Ombudsman or any Victorian government agencies or any legal proceedings; and

(ii) work cooperatively with the Ombudsman to avoid unnecessary duplication;

(d) the inquiry will be conducted in two stages:

(i) Stage 1:

(A) the committee should consider the strengths and weaknesses of Victoria's regulation of the disability service system with a view to informing Victoria's position on appropriate quality and safeguards for the national disability insurance scheme, this may include issues being considered for the quality and safeguards framework including:

(I) workforce recruitment, screening, induction, training and supervision;

(II) provider registration requirements;

(III) systems for handling complaints; and

(IV) the impact of current systemic safeguards on the rights and protections of people accessing disability services;

(B) the committee should have regard to any preliminary findings, recommendations or advice from the Ombudsman's investigation, and any other evidence that the committee considers appropriate;

(C) the committee is requested to provide an interim report to the Parliament (on the matters set out in paragraph (d)(i)(A) no later than 31 July 2015;

(ii) Stage 2:

(A) the committee should consider any further systemic issues that impact on why abuse of people accessing services provided by disability service providers within the meaning of the Disability Act 2006 are not reported or acted upon and this should include:

(I) any interim measures to strengthen the disability services system prior to transition to the national disability insurance scheme;

(II) any measures to strengthen the capacity of providers to prevent, report and act upon abuse to enhance the capability of service providers to transition to the national disability insurance scheme; and

(III) any measures to support people with a disability, their families and informal supports to identify, report and respond to abuse;

(B) the committee should undertake research to determine best practice approaches to how abuse of people accessing services provided by disability service providers within the meaning of the Disability Act 2006 can be prevented and this should include:

(I) identifying early indications of abuse;

(II) strategies to prevent abuse occurring;

(III) consideration of needs specific to particular cohorts;

(C) the committee should examine the powers and processes of Victorian investigation and oversight bodies with jurisdiction over abuse of people with a disability, with particular focus on the ongoing role of these bodies in the context of the national disability insurance scheme; and

(D) the committee should have regard to the final report, findings and recommendations of the Ombudsman's investigation, and any other evidence that the committee considers appropriate.

(4) To the Law Reform, Road and Community Safety Committee — for inquiry, consideration and report no later than 7 December 2015 on fuel 'drive offs' (that is, cases in which a person fills a vehicle with fuel at a petrol station and drives off without paying for the fuel) and, in particular, the inquiry will include, but not be limited to:

(a) a review of fuel drive offs in Victoria and other Australian and overseas jurisdictions to understand the extent and nature of the problem, and its cost to industry and the community;

(b) consideration of best practice approaches to preventing fuel drive offs in Australia and overseas, including educational and technological measures;

(c) examination of 'loss prevention' measures in other industry sectors in Victoria and other jurisdictions that may be relevant and capable of being adopted in relation to fuel drive offs;

(d) current civil and criminal remedies available to address fuel drive offs and theft, and the efficacy of those remedies;

(e) possible linkages between fuel drive offs and crime, such as number plate theft and vehicle theft;

(f) analysis of regulatory, technological or other interventions that could be adopted by industry (including peak bodies), in concert with Victorian government agencies, to support the availability and application of civil remedies to respond to fuel drive offs; and

(g) examine the feasibility of introducing co-regulatory approaches to enforcement, including use of technology such as CCTV, or practices such as prepayment and preregistration and implications of such approaches for privacy.

(5) To the Public Accounts and Estimates Committee — for inquiry, consideration and report no later than 1 December 2015 on the impact on Victorian government service delivery of changes to national partnership agreements and, in particular, the committee is required to:

(a) identify and report on funding levels and any additional services the Victorian government provides or has provided as a result of all national partnership agreements entered into since the 2008 intergovernmental agreement on federal financial relations was entered into;

(b) examine all expiring, lapsing or amended national partnership agreements and the resulting changes to service delivery that have occurred or will occur in health, education, homeless services and legal assistance, and any other area of service delivery the committee sees as relevant to the inquiry;

(c) identify any risks associated with the changes to service delivery referred to in paragraph (b); and

(d) determine the impact of the changes referred to in paragraphs (a) and (b) on cost of living for Victorians, in particular, concession card holders.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport) — 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 5.00 p.m. on Thursday, 7 May 2015:

Crimes Amendment (Repeal of Section 19A) Bill 2015

Justice Legislation Amendment Bill 2015

Regional Development Victoria Amendment (Jobs and Infrastructure) Bill 2015

Sentencing Amendment (Correction of Sentencing Error) Bill 2015.

I will speak briefly on the motion before the house. The four bills I have detailed to be on the government business program for this week and to be concluded by Thursday are not the only legislation we will be considering this week. The budget speech — the great budget speech we have just heard from the Treasurer — and the budget bill will be considered on Thursday. That is the usual practice. The opposition has indicated that it wishes to take up the debate on Thursday after question time, probably about midday. I assume the shadow Treasurer will be commencing the debate on the budget speech.

I can make a prediction. The behaviour we saw from the opposition during the Treasurer's budget speech — the complete lack of respect for this place, the Treasurer, the budget he was handing down and the people of Victoria who might have been watching this — was absolutely disgraceful. Never have we seen such poor leadership shown from the top by the Leader of the Opposition. I think that will be worth remembering as we have this debate. It shows what type of people are now sitting on the opposition benches and the tenor of their thinking.

I also indicate that the budget debate will obviously not be concluded this week; it will carry on into the next sitting week of the Parliament. That will ensure that as many members as possible get the opportunity to speak on this important piece of legislation.

The only other thing I would like to refer to is the parliamentary committee references motion that has just been put to the house. I appreciate the cooperation of all members of Parliament in having that moved. It means that those committees can get straight to work. With those few comments, I commend the motion to the house.

Mr CLARK (Box Hill) — The opposition is hopeful that at last we might have been able to reach a sensible arrangement with the government for a government business program — in particular the arrangements that the Leader of the House has referred to under which the opposition's reply to the budget will be made immediately following question time on Thursday, which will then flow through to the continuation of the budget debate for the remainder of

Thursday. It is the expectation of both sides of the house, if not all members of the house, that the remaining items on the government business program will be able to be dealt with prior to that.

I should say, however, in response to the remarks by the Leader of the House about the budget speech that if the government is going to make a budget speech that is highly politicised and full of one-line clichés and slogans, it can hardly expect not to receive the derision it deserves from those in other parts of the house. Subject to that qualification, the opposition does not oppose the government business program and hopes it can be implemented in accordance with the understanding that has been reached across the table.

Mr McGUIRE (Broadmeadows) — The budget speech that has just been read to this house defines the ideals, the values and the priorities of the newly elected Andrews government. This is a government that won the faith and support of the people only in November. Today the opposition has shown it believes it is appropriate to deride and ridicule the Treasurer, who has just outlined what the Victorian people have voted for. This is going to be debated within the second-reading debate on the appropriation bill on Thursday — —

The DEPUTY SPEAKER — Order! I inform the member for Broadmeadows that the debate before the house is very narrow in terms of the government business program. I ask the member to come back to that aspect of the debate.

Mr McGUIRE — I will, Deputy Speaker, but I do need to make the point that the community is crying out for the politics of responsibility, and this is exactly what we need in this debate on the government business program. I will not be silenced on this point, because it needs to be made. I will go on to the other bills that will be debated during the week, but I want to make sure that this point is not lost or forgotten. With those words, I recommend the government business program to the house.

Mr CRISP (Mildura) — I rise on behalf of The Nationals in coalition to indicate that we do not oppose the government business program. There are four bills on the program, which is typical of what happens in a budget week. The Crimes Amendment (Repeal of Section 19A) Bill 2015 is an extremely narrow bill, and there has been much discussion about the need for the repeal of this section for some time. It is sensible for this house to tidy this up. The Sentencing Amendment (Correction of Sentencing Error) Bill 2015 also makes sensible progress on an issue that has been difficult for our courts. It is embarrassing that in the past if a minor error was made, an appeal process would be necessary to correct it. This is another useful piece of legislation. The Justice Legislation Amendment Bill 2015 is an omnibus bill, such as those that variously come to the house from time to time.

The bill that is of great interest to The Nationals is the Regional Development Victoria Amendment (Jobs and Infrastructure) Bill 2015. Most Nationals members want to speak on this bill because there is much to talk about. Perhaps as the budget week unfolds the debate on this bill will be an opportunity for us to look at what has been achieved for regional Victoria and what could be achieved in the future. Although the bill essentially makes a name change, it is still an opportunity for The Nationals to put forward our thoughts on and our vision for regional Victoria.

I cannot take this time without commenting on the thoughts of the Leader of the House about how the Treasurer's speech was received. The convention is that budget speeches are not overtly political. Some of the points in the speech were blatantly political and prompted a response that should not have been unexpected. However, with those comments, The Nationals in coalition support the government business program.

Mr PEARSON (Essendon) — I am delighted to join the debate on the government business program. I am pleased that the opposition will be supporting it. As has been outlined, we have a healthy mix on the notice paper this week. We have more pedestrian legislation, like the Justice Legislation Amendment Bill 2015 — an omnibus bill which is nonetheless an important piece of legislation. We also have the Crimes Amendment (Repeal of Section 19A) Bill 2015, which many of us — on both sides of the house, I hasten to add — feel strongly about and think is overdue. Many of us will be making contributions on this important piece of legislation as well.

Earlier we heard the Treasurer make his speech outlining the first Andrews budget. Obviously the budget debate will take up an enormous amount of the time of the house both in this sitting week and in future sitting weeks. We as a government are again demonstrating that we are focusing on the important issues — the issues that count — as broadly reflected by the Crimes Amendment (Repeal of Section 19A) Bill 2015.

We are addressing the day-to-day machinery of government issues that arise from time to time and that any government of any persuasion must deal with, and

that is reflected in the Justice Legislation Amendment Bill 2015. However, more importantly we have this great opportunity for all members of the house to make a contribution to the debate on the first budget of the Andrews Labor government. For those reasons I support the government business program, and I am pleased that the opposition is doing so as well.

Mr HIBBINS (Prahran) — The Greens will not be opposing the government business program. We do not have amendments for any of the bills, so we have not sought to go into consideration in detail this week. We do have concerns about the Justice Legislation Amendment Bill 2015, but we are reserving our right to move amendments in the upper house. Regarding the other bills, we welcome the Crimes Amendment (Repeal of Section 19A) Bill 2015, and I am glad to hear other members welcome it as well. The other bills are non-controversial, so I am happy to support the government business program in this instance.

Motion agreed to.

MEMBERS STATEMENTS

Anzac centenary

Mrs FYFFE (Evelyn) — It was magnificent to see so many Victorians take time to commemorate 100 years since the landing at Gallipoli at Anzac ceremonies held around the state on 25 April. One such tribute was in the form of a production called *Bells of Peace*. Organised by Bev McAllister, it told the touching and heart-rending stories of the soldiers and families from our region. The production got its name from an interesting local fact: upon receiving the phone call that peace had been declared after World War I, Dame Nellie Melba raced from her cottage near Coldstream to Lilydale and rang the fire bell to let the townspeople know. Everyone from the valley rang their bells in reply, and Dame Nellie broke into *God Save the King* followed by *There's No Place Like Home*. I commend Bev, all the performers and especially all the local schoolchildren on what was a very special way of commemorating our Anzacs.

Pacific Women's Parliamentary Partnerships

Mrs FYFFE — Last week I was one of two Victorian female representatives to attend the Pacific Women's Parliamentary Partnerships conference in Fiji. There were representatives from Australian states and the commonwealth, and there were women from the Cook Islands, Kiribati, Palau, Papa New Guinea, Samoa, Tonga, the Marshall Islands, Fiji and many more countries. Women politicians share a unique bond as we are the voice of women in a parliament — we help to uphold women's rights and protect them with our laws. I led a discussion on family violence, and what struck me was that no matter how peaceful a country is, it is not immune. I am proud to report that as an outcome each of us has renewed a commitment to make tackling family violence a priority.

Anzac Day

Mr J. BULL (Sunbury) — Like many members in the house I felt extremely privileged to be involved in the centenary of Anzac commemorations on Saturday, 25 April. Right around the state, the nation and the world people came together to remember those brave men and women — the fathers, mothers, daughters, sons, brothers and sisters — who were involved in such a dark part of history. To mark 100 years since the Anzac Gallipoli landing Sunbury held its first dawn service. It was attended by thousands, which is a true reflection of what Anzac Day means to people today. The dawn service was followed by the traditional march at 10.30 a.m., which was also attended by thousands.

This year we learnt so many stories — stories of heartache, stories of bravery and stories that helped to forge our nation and the great Anzac spirit. It was particularly pleasing to see so many children attending local services and to see parents instilling in their children the importance of Anzac Day, ensuring that as a community, a state and a nation we never forget. I would like to thank everyone who was involved in organising the local Sunbury services, especially the Sunbury RSL president Graeme Williams, secretary Harry Beckwirth and Ian Goss of the National Servicemen's Association. Lest we forget.

Budget

Ms RYAN (Euroa) — The Andrews government's first budget is a slap in the face for regional Victoria. It confirms the fears of many in my electorate that this is a government that does not see beyond the edges of Melbourne. The coalition was set to invest more than $50 million in education, health, transport and community infrastructure in Euroa. This government has used its first budget to cut that funding. It is a deeply unfair budget. Over the past month I have actively sought feedback from residents across the Euroa electorate on their priorities for the state budget. As a culmination of that process I have produced a report, which I have sent to both the Premier and the Treasurer. This report outlines key priorities, including improvements to country roads, paramedics for Nagambie, public beds for Euroa, upgrades to

Rushworth's Waranga Hospital and additional train services.

One particular priority I highlight is the need to upgrade Benalla and Seymour colleges. The students attending these schools are the future of our region. Jazzy Burke, who is here today, came to Parliament in the hope that the government might invest in her future. She wrote to me about the state of the school this week and said:

> Rather than spending money trying to fix something that doesn't meet our new school needs, we should be looking at the bigger picture and making our school a functional place that meets the requirements of a combined school where all the students and staff are one big, happy group.

It is of great concern to me that this government, a government which claims education is its no. 1 priority, has ignored the needs of country students, including Jazzy, in this budget. I seek leave to table this report — —

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

Broadmeadows electorate development summit

Mr McGUIRE (Broadmeadows) — Say it ain't so, Joe, say it ain't so. Families in Broadmeadows were hardest hit by federal Treasurer Joe Hockey's first budget. This community is the poorest in Victoria and suffers from the highest unemployment rate in the state, yet for generations its proud and resilient families have been the heavy lifters, underwriting Victoria's prosperity with their muscle, sweat and nous.

Unfortunately the Australian Treasurer has refused my invitation to attend an economic and cultural development summit in Broadmeadows designed to deliver a coordinated strategy between the three tiers of government, business and civil society, where it is needed most. The aim is to build on a homegrown, internationally acclaimed strategy. Instead the Australian Treasurer has passed my invitation to the Prime Minister. I hope this is not buck passing, because this issue is too urgent and too important to be used for partisan politics.

I call on the Australian government not to again abandon the communities of Broadmeadows, where there are twice as many Muslim families as in any other state electorate living side by side with Christian refugees from Iraq and Syria, and where youth unemployment is perilously high and likely to be more than 40 per cent. My plea is for the politics of responsibility, not simply of ultimate ends. This issue is too important for partisanship. If the Prime Minister is fair dinkum about fairness, he is duty bound to attend. Victorian Treasurer Pallas has committed to the summit and has today delivered a budget with fairness at its heart and families in its reach. That says it all.

Premier's Active April

Mr HODGETT (Croydon) — How pathetic is this government when it cannot even plan and organise this year's Premier's Active April program? Premier's Active April is a terrific program that encourages Victorians to do up to 30 minutes of physical activity a day during April. The Premier wrote to us all seeking our assistance with getting as many Victorians as possible involved in the 2015 Premier's Active April. I am afraid this year's Active April was only for part of April, as the Premier and his Minister for Sport only signed the letter on 13 April and it was subsequently received in my office on 17 April, leaving only a week and a half to promote the program.

The government wants us all to get behind Premier's Active April and promote it within our electorates, but it is either so lazy and disorganised or so uncaring that it haphazardly sent the letter out halfway through April. How can we be expected to make up for the minister's incompetence and get the 2015 promotional posters, postcards and information out to community groups, schools and local sporting clubs, encouraging them to get involved and participate, when over half the month of the program has passed? This is yet another example of how hopeless and unorganised this government is.

Premier's Active April is a great program, and this year was its seventh year of encouraging all Victorians to engage in 30 minutes of physical activity a day. I respectfully request that the Premier and his Minister for Sport get active now, plan for the 2016 Premier's Active April and get the promotional materials ready well in advance so that everyone's family, friends and constituents can sign up to Premier's Active April. This will help us all to promote healthy and active lifestyles and get Victorians to join in the fun of increased physical activity.

Anzac Day

Ms SPENCE (Yuroke) — On 25 April it was a great privilege to attend the local Anzac Day service in my community. Despite rain and wind, the service at the Craigieburn memorial stone was well attended, with over 1500 people paying tribute to the extraordinary bravery of the men and women who have served our country and the ultimate sacrifices made by many of them. It was great to see my community come together for this solemn occasion, whether it was local residents, community groups or veterans. This sense of unity was

particularly well demonstrated in the participation of a choir composed of various school students from across the electorate. I thank Roslyn Pritchard from Willmott Park Primary School for her work in bringing together this group of young people, and I hope to hear them perform together again.

I thank Kevin O'Callaghan, Craigieburn State Emergency Service members, members of the Craigieburn War Memorial and Remembrance Committee and local cadets for their tireless voluntary efforts. I also note the participation of Mrs Frances Wood, a veteran of the Second World War, who laid a wreath on behalf of veterans, and Mr Ali Ercoşkun, a member of the Turkish Parliament, who had some wonderful words to say on diversity and peace. I look forward to even greater community participation in the years ahead, especially with the ongoing celebration of the centenary of Anzac and with the relocation of this important service to Craigieburn Park.

Budget

Mr WAKELING (Ferntree Gully) — The state budget has just been handed down, and people in my community will be bitterly disappointed to know that not one cent will be allocated to upgrade important schools such as Fairhills High School, Scoresby Secondary College and Knox Park Primary School, which is typical of this government.

Anzac Day

Mr WAKELING — Anzac Day was well supported throughout my community. I was pleased to attend Boronia RSL, where in excess of 5000 people attended the dawn service. It was great to see many young children at the event. The service at Peregrine Heights in Ferntree Gully was well attended, and I was also pleased to attend services at Balmoral Gardens retirement village, Knox Central Primary School and Wattleview Primary School, which put on fantastic Anzac Day services. I congratulate them all.

That night I had the pleasure of attending the Eastern Lions and Ferntree Gully Anzac Day night game, the first night game to ever be played at Fairpark Reserve, due to lighting that was funded by the coalition government. It was a great event. They played for the prestigious Nick Wakeling Cup, which was proudly won by the Eastern Lions, in its first victory for many years over Ferntree Gully.

Louise Daniel

Mr WAKELING — I take this opportunity to thank Louise Daniel for the hard work she has done in the running of my campaign. She has been a tireless worker, and I thank her on behalf of my community.

Westfield Knox

Mr WAKELING — The biggest event in Westfield Knox just last week was the attendance of Jimmy Hart, the mouth from the south, and Hollywood Hulk Hogan. It was the biggest event in history.

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

Country Fire Authority Millbrook and Smythesdale brigades

Mr HOWARD (Buninyong) — Over the last two weeks I have been pleased to attend events held by two of my Country Fire Authority (CFA) brigades, Smythesdale and Millbrook, as well as an event at SEM Fire and Rescue in Ballarat.

On the first two occasions I was pleased to be joined by the Minister for Emergency Services to hand over keys to a new tanker for the Scarsdale satellite of the Smythesdale brigade and also for the Ballarat and Sebastopol brigades. More recently I was able to hand over keys to a new tanker to Luke Reynolds, the captain of the Millbrook brigade. It was also pleasing to be present for the presentation of service awards to many members of the brigades, with two members of the Millbrook brigade, Dave Downey and Keith Howard, receiving 55-year service medals.

Clearly the government, the whole community and I value the contributions made by our CFA volunteers, both older members who have plenty of experience and younger members who will become important brigade members in the years ahead. That is why the Andrews government has again committed to supporting CFA brigades in today's budget, with $3.5 million allocated to purchase 70 new trucks, including 20 that will be built at SEM in Ballarat. They will be modern, low-maintenance tankers designed in Ballarat, which will provide jobs for people in Ballarat.

Gippsland rail services

Mr T. BULL (Gippsland East) — Last week I joined with my coalition colleagues in launching a petition calling on the Melbourne Labor government to deliver a fair share of funding to improve the Gippsland rail line. When in office the coalition made significant

improvements, with new services to Bairnsdale and significant infrastructure upgrades. However, more needs to be done, which is why pre-election we committed, as part of a $173 million package, to significant upgrades and additional services.

This investment did not receive bipartisan support, and in my electorate of Gippsland East there has been a clear message from constituents that the work and improvements started under the coalition need to continue. Residents of townships such as Omeo, Swifts Creek, Stratford, Maffra, Lakes Entrance, Orbost and Mallacoota have all been in touch with my office to advocate for this improvement. They rely on a good public transport service to get them to Melbourne for employment and education opportunities as well as medical and other appointments.

Anzac Day

Mr T. BULL — On Anzac Day I had the privilege of attending the first ever Paynesville dawn service, the gunfire breakfast in Bairnsdale, the Bruthen service and then the Orbost service at 11.00 a.m. to honour our military men and women who served and continue to serve our nation. Paynesville's dawn service showed off the new cenotaph, which includes the statue of a World War I soldier. It is a great credit to the sub-branch and all the work it puts in. Throughout the electorate Anzac Day was well supported, not only in the larger townships but also in smaller population centres like Nowa Nowa, Cann River, Reedy Flat, Buchan, Metung and Meerlieu, which reflects the depth of feeling in our community.

Budget

Mr T. BULL — Regarding the budget papers, I note that the regional Victoria investment map index is — —

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

Moonee Ponds West Primary School

Mr PEARSON (Essendon) — I would like to acknowledge the great role played by the Moonee Ponds West Primary School fundraising committee. Two weeks ago the school community converged on the school gym, which was funded by the Rudd government's Building the Education Revolution program, and *The Lego Movie* was projected. The event was well attended by the entire school community. Seating space on the floor of the gym was at a premium as people dealt with the inclement conditions outside. Notwithstanding some of the challenges, the night was a raging success, as evidenced by the bar running out of beer at 9.30 p.m. I would like to acknowledge the magnificent role played by Elisa McDonald, Rachel Toussaint, Jackie Parry, Christine Clancy and Kathy White.

In particular I would like to acknowledge Elisa McDonald's role as president of the fundraising committee. Elisa has worked selflessly for the Moonee Ponds West Primary School community for the last five years and has raised tens of thousands of dollars for the school. She has never sought recognition or acclaim; she has simply gotten on with the job of supporting teachers and parents to make the school the very best that it can be.

With every great front person there is always a straight one, and in this case that person is Rachel Toussaint. Rachel has been the school's quiet achiever, working with Elisa behind the scenes to make things happen. Whenever a night like this occurs, Rachel can be seen working the bar, selling raffle tickets or just being a steady set of hands to help the school. As mentioned earlier, Elisa and Rachel had terrific support from Jackie, Christine and Kathy. They were a fantastic team that worked incredibly well to ensure that the night was a great success.

Harold Edward 'Pompey' Elliott

Mr PESUTTO (Hawthorn) — On 19 April I was honoured to participate in the Camberwell City RSL service for the rededication of the Camberwell district roll of honour followed by the official opening of the Pompey Elliott Memorial Hall at the RSL's headquarters in Camberwell.

I was on that occasion joined by a number of local residents, war veterans and their families. I was also joined by federal Assistant Treasurer the Honourable Josh Frydenberg; former Premier of Victoria the Honourable Ted Baillieu; former federal Treasurer the Honourable Peter Costello, AC; and mayor of the City of Boroondara, Coral Ross.

Major General Harold Edward 'Pompey' Elliott was a senior officer in the Australian Army during the First World War. He also served as a senator in the Australian Parliament. Born on 19 June 1878, Elliott was educated at Ballarat College and then at Ormond College at the University of Melbourne, where he graduated with a bachelor of arts and master of laws.

Before this he had been at the war in South Africa from 1899 to 1902, in which he obtained a commission and

the Distinguished Conduct Medal. He was called to the Victorian Bar in 1906 and established the firm of solicitors H. E. Elliott and Company.

Dr Ross McMullin spoke of Major General Harold Edward 'Pompey' Elliott's distinguished bravery during World War I. Pompey Elliott went on to become president of the Camberwell City RSL before his death on 23 March 1931. I wholeheartedly congratulate the Camberwell City RSL on a fine event.

Anzac Day

Mr RICHARDSON (Mordialloc) — This year 25 April marked the centenary of Anzac, and the occasion was commemorated in a number of ceremonies not only across the country but also overseas. I wish to take this moment to reflect on the moving services that occurred locally in the city of Kingston.

On Anzac Day I had the privilege of attending a number of events throughout the day in the city of Kingston. Across the community RSLs, community groups and schools paid their respects and reflected on the nation we have become 100 years on from the landing at Gallipoli.

There was a tremendous showing of community support, with approximately 4000 residents attending the Chelsea dawn service and over 6000 residents attending the Mentone dawn service. Many more attended the day services at Chelsea, Mentone and Cheltenham. It was touching to see the number of families that took time out of their busy schedules to ensure that their children could be part of what truly was a momentous occasion.

Another highlight of the day was taking the time to visit the local Anzac Day clash between the St Bedes/Mentone Tigers and Parkdale Vultures football clubs, with the Tigers coming away with the win.

It is important that as a community we continue to preserve the memories and legacies of our service men and women. I would like to congratulate the residents of the city of Kingston on their commitment to ensuring that the centenary of Anzac was so respectfully commemorated. There was a true sense of community at all of the events I attended. Lest we forget.

Emergency services workers

Mr BATTIN (Gembrook) — Last weekend I joined with Tom Elliott from 3AW; his producer Tom Andronas; the member for Yan Yean; Edward O'Donohue, a member for Eastern Victoria Region in the other place; Bernie Finn, a member for Western Victoria Region in the other place; Cr Peter Maynard, mayor of Wyndham City Council; members of the Rotary Club Laverton Point Cook, including president Craig Dowling and Shaun Davidge; members of Victoria Police, Ambulance Victoria, the Country Fire Authority (CFA) and the State Emergency Service (SES); and Darren and Michelle Klooger, who live opposite the site of an accident that we spoke about on the day, to mark the service and contribution of our emergency services.

Tom Elliott said that when he was on air on Wednesday, 8 April, at 3.00 p.m. a flurry of calls was received by 3AW reporting that a car had driven into a lake and that people were dragging young children out. Details were sketchy at that stage, and the radio program crossed to the Channel 7 chopper, from which the pilot confirmed reports that a vehicle with a mother and four kids on board had driven into Lake Gladman. Tragically three children died on that day.

We met last week to thank our emergency volunteers for all they do every day. I acknowledge the work of people from Victoria Police stations at Wyndham North, Werribee, Altona North, Williamstown, Sunshine and Footscray. I acknowledge the work of people from ambulance stations in Point Cook and Werribee and from CFA stations in Werribee, Wyndham Vale, Hoppers Crossing and Truganina. I also acknowledge the work of people from the SES in Werribee and Wyndham Vale west. These men and women go out every day, whether in a volunteer or a paid capacity, to ensure that our state is safe. They do a wonderful job in our community. On that day last week we wanted to say to them that we are grateful for the effort they put in.

Vicki Walters

Ms GRALEY (Narre Warren South) — I proudly rise to speak about Vicki Walters, the outstanding former principal of Fountain Gate Secondary College, who has recently retired after 33 years of educating our young people. Vicki's long career began in 1982, when she began her diploma of education and worked at Boronia Technical School as a technical outside assistant.

In what was an extraordinary feat Vicki began her career with two boys under the age of three. She is well aware of the struggle many new mothers face when they return to work, yet in spite of all the challenges she faced, Vicki thrived. In 1983 Vicki moved to the former Cranbourne Meadows Technical School, and I am told

that Vicki's cake decorating electives were always full of students and their delicious cakes.

During her time at Cranbourne Vicki was appointed year level coordinator, a unique appointment as at the time few women held leading teacher positions. Vicki was also the president of the Technical Teachers Union of Victoria, and at one point she had staff out on the South Gippsland Highway with placards.

After 10 years at Cranbourne Vicki moved to the former Noble Park Technical College to work as an advanced skills teacher just prior to the school's merger with Noble Park Secondary College. She then moved to Gleneagles Secondary College and within three years was promoted to assistant principal. Finally, she took up the position of campus principal of Eumemmering College's Fountain Gate campus, which eventually became Fountain Gate Secondary College.

Such has been Vicki's impact on our local community that following her retirement she featured on the front page of the *Berwick News*. It has been a great privilege to work with Vicki, who is a tireless advocate for not only her students and staff but also state education. There was nothing Vicki would not do to ensure that her students had the opportunities they needed to get the very best start in life. I wish Vicki and her husband, Charles, all the best as they set out exploring Australia in their caravan.

Regional Victoria Living Expo

Mr CRISP (Mildura) — Congratulations to Mildura for winning the award for Best Local Government Stand at the Regional Victoria Living Expo. This only occurred because of the work of a dedicated team led by Julie Jewell. Julie's ability to pull together a creative team to develop a concept and then to enlist local organisations and the local MP to man the exhibit for three days was a mighty effort.

The Regional Victoria Living Expo enables the city to come and meet the country, not only to look at opportunities for relocation but also to enhance the understanding of the country of our city cousins. The expo is now in its fourth year and has been incredibly valuable to all of regional Victoria. I trust it will help bridge the divide between the regions and Melbourne.

Mildura District Brass Band

Mr CRISP — The Mildura District Brass Band recently celebrated 125 years of music with a concert at the Mildura Arts Centre. This was a gala night for the band and featured cameo performances by the Mildura Orchestra, the Mildura Choir and Randall Smythe, with the highlight of the performance being Leonard Cohen's *Hallelujah*.

Mildura Senior Citizens Club

Mr CRISP — Mildura Senior Citizens Club celebrated its 52nd birthday recently with an afternoon of fellowship and a concert commemorating wartime songs for the centenary of Anzac. The Mildura Senior Citizens Club is an active and vital part of our community. Well done to all those who performed at the concert.

Bhutan delegation

Mr CRISP — Mildura and Robinvale were the only regional Australian stops for a delegation from Bhutan. The delegation chose Mildura and Robinvale as examples of what can be achieved in service provision in rural and remote settings. The delegation had discussions with a number of service providers in Mildura, and I particularly thank tour organisers Glenn Stewart and Wendy Perry.

The ACTING SPEAKER (**Ms Edwards**) — Order! The honourable member's time has expired.

Alan Murphy

Mr CARROLL (Niddrie) — I rise to acknowledge the outstanding contribution of Alan Murphy to civic life in the city of Moonee Valley through his widely read column 'Murphy's lore', published in the *Weekly Review — Moonee Valley*. Sadly the column came to an end on 29 April. My relationship with Alan began with the headline '"Faceless men" strike in Niddrie' on 28 February 2012, following my successful preselection. It was followed on 3 April 2012 by an article titled 'Parties show their true colours', in which Alan wrote:

> The Niddrie by-election was a non-event, with the ALP's Ben Carroll not attempting any concerted campaigning.

This followed the Niddrie by-election on 24 March 2012.

Feeling a little sensitive at the time, I subsequently wrote a letter to the editor which put my side of the story on the record. Out of this an unlikely relationship was formed, so much so that by the end of 2012 Alan wrote an article headlined 'Hail our pollie without the waffle', which was published on 27 November.

Over the past three years I have come to know Alan as a person. I consider him a friend and someone whose counsel and wisdom I appreciate. Beyond Alan's talent for breaking stories in the great city of Moonee Valley,

he has a deep affection for our community and its people, which is shown by his ongoing support of the Spirit of Moonee Valley Awards and the annual pink ribbon breast cancer breakfast.

On 29 April Alan penned his final column in the *Weekly Review*, which was a trip down memory lane. The trip began in 1998 with the then *Moonee Valley Community News*. The editor at the time, Jim Lawrence, provided Alan with his writing instructions:

> Write whatever you like; just keep us out of the courts.

Alan has provided locals with some 800 columns, amounting to a total of 500 000 words, over a period of 17 years. Such was Alan's talent and loyal readership that he outlasted about a dozen editors. In his final column he reminisced about his 17 years as the voice of Moonee Valley. Testament to Alan's humility and generosity, his final column urged readers to 'support *TWR* in its new direction'.

The ACTING SPEAKER (**Ms Edwards**) — Order! The honourable member's time has expired.

Glen Eira College

Mr SOUTHWICK (Caulfield) — The budget handed down by the Victorian Treasurer today delivers absolutely nothing for my electorate of Caulfield. We had a bipartisan commitment of $9.5 million to rebuild Glen Eira College. In this budget we have seen $950 000 — a zero left off — for the people of Glen Eira. This is a real let-down for the electorate. This is a budget that claims to deliver for families and on education, but it does nothing for my electorate.

I remind members of the Labor Party and the government that they went to my electorate and a front-page article was published with the principal, Sheereen Kindler, talking up the fact that they were going to deliver $9.5 million to this school. They have now short-changed the school and are delivering nothing more than a front door. It is an absolute disgrace. It is a disgrace for families, for parents and also for the *Caulfield Glen Eira Leader*, the local newspaper, which ran a campaign to ensure that funding would be delivered to the school. We have one secondary school in the electorate of Caulfield and the people and families of Caulfield have been let down by the Labor government. This is a disgrace. This was an opportunity to make good on an election commitment and the Labor Party has failed miserably when it comes to families, education and my constituents in Caulfield.

Anzac centenary

Mr DIMOPOULOS (Oakleigh) — In this 100th anniversary year of the Anzac landing at Gallipoli, I am proud to rise to today to pay tribute to the civilians and those from our armed forces who have made a vital contribution to Australia's war effort at home and abroad. It was amazing to see that millions of Australians participated in the commemoration of Anzac Day both here and overseas — and long may it continue. Personally I was honoured to take part in numerous local commemorative events.

I extend special thanks to the president and secretary of the Oakleigh-Carnegie RSL, Rob Osborne and Ann Barker, for the many activities they arranged, including an inspiring dawn service and poppy planting. I also thank Oakleigh Primary School for its march from the Oakleigh Cenotaph followed by the planting of a pine tree descended from the famous Lone Pine. Another memorable planting of a pine tree also took place in Glen Eira, and I commend the mayor and council of the City of Glen Eira for the events that were held.

These events are timely reminders not of our past achievements and glory but of the pain, suffering and hardship that war brings to all involved. Everyone who serves their country during wartime bears scars, whether or not they are physically evident. It is vitally important that we continue to recognise those who made the ultimate sacrifice during war. They fought and died for peace. But we also need to ensure that returning servicemen and women are provided with all the support they need, something we have not always done well in the past and something that was so well explained in Rob Osborne's speech at the Oakleigh dawn service. In this important year and into the future, lest we forget.

Catholic Regional College Sydenham

Ms HUTCHINS (Minister for Local Government) — On 1 May I officially joined Catholic Regional College Sydenham to open some pretty impressive new facilities: firstly, a new Victorian certificate of applied learning (VCAL) centre, and secondly, a new library and learning facility. With state-of-the-art design work and building, the buildings were completed off-site and then moved onsite for construction. They are extremely impressive and will no doubt house a lot of fantastic learning in years to come.

I congratulate the leadership team of Catholic Regional College Sydenham, and in particular principal Brendan Watson, deputy principal Jeff Mulcahy, and faith and

mission coordinator Paul Reed and his extraordinary energy. I also congratulate the cluster leaders, the staff and the administration staff. I further congratulate the student leadership team: the two school captains, Stephanie Papazoglou and Nathan Peeters; the two vice-captains, Daniel Cutlovski and Stephanie Lacerna; the sport leader, Diana Quatch; the liturgy leader, Elain Calleja; the social justice leader, Luke Corson; and the learning area captains, Naomi Roche and Daniel Porco. Naomi, as the VCAL captain, spoke passionately about the importance of VCAL at her school and in her life. A special thanks to Archbishop Hart, who on the day conducted a very fitting mass to open the buildings and celebrate the feast day of St Joseph the Worker.

Anzac Day

Mr NOONAN (Minister for Police) — I rise today to congratulate the organisers of all the Anzac Day commemorative services that were held in my electorate of Williamstown. The Anzac Day services in Williamstown are always special, and this year's centenary events were no exception. In the early hours of Anzac Day, I was fortunate enough to attend the dawn service in Williamstown. It was great to see so many people at the service, in what was the biggest attendance I have seen in the event's history. Bigger than usual crowds also attended the services at Newport and Yarraville. I was also given the honour of speaking the ode for the dedication to the 2nd Australian Field Ambulance at the Uniting Church service in Williamstown, which was a very moving service.

I also pay tribute to the many members of Victoria Police who worked tirelessly throughout the week to ensure the safety and wellbeing of all Victorians who attended Anzac Day services across the state. Without doubt it was due to their hard work and effort that Victorians could peacefully commemorate our servicemen and women on Anzac Day, and we are indebted to them.

I want to thank the women prisoners of the Dame Phyllis Frost Centre who spent the last year crocheting and knitting thousands of poppies for the Federation Square Anzac Day remembrance exhibition. The women were very keen to mark Anzac Day as many of them have relatives and friends who have been affected in some way. I thank all of the locals who were involved in the preparation of those activities.

Anzac centenary

Ms KILKENNY (Carrum) — I rise to pay tribute to the Seaford RSL on the occasion of the 100th anniversary of the landing at Gallipoli. It was a beautiful service. In fact two services were put on; one on Friday, which was a school service — —

The ACTING SPEAKER (**Ms Edwards**) — Order! The member's time has expired. The time for members statements has now ended.

CRIMES AMENDMENT (REPEAL OF SECTION 19A) BILL 2015

Second reading

Debate resumed from 15 April; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — It gives me great pleasure to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. Today we will end the stereotyping of HIV sufferers that section 19A of the Crimes Act 1958 has reinforced for more than 20 years. Today we end the singling out of HIV that section 19A has continued over that period, and today we end the stigmatisation of HIV sufferers that section 19A has perpetuated.

I am very happy to advise that the coalition supports the bill. We led the way on this important change. At the 2014 International AIDS Conference in Melbourne in July last year the then Minister for Health, the Honourable David Davis, announced that the government would amend the Crimes Act to remove the discrimination which is inherent in section 19A and which singles out the intentional transmission of HIV. The proposed legislation is the product of the work of a number of people, and I pay tribute to the former member for Prahran, Clem Newton-Brown, who did a lot of work prior to the announcement at that time.

The government's announcement in July 2014 followed some other steps that it took in the space of social reform. It followed the government's legislation to expunge convictions for homosexual acts that should never have been treated as crimes. It also followed the hugely symbolic and powerful step that the then Premier took in attending the Midsumma Festival early in 2014.

Section 19A of the Crimes Act is an interesting section. Subsection (1) states that:

> A person who, without lawful excuse, intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence.

The penalty is level 2 imprisonment with a 25-year maximum sentence. Subsection (2) provides that:

> In subsection (1), very serious disease means HIV within the meaning of section 3(1) of the Public Health and Wellbeing Act 2008.

It is a peculiar section which applies only to the intentional transmission of a particular disease. It is understandable that sufferers of HIV would feel stigmatised by this section. What is perhaps less understandable is why it has taken governments of varying complexions so long to deal with the issue.

Section 19A was inserted into the Crimes Act in 1993 because of a fear in some quarters that there was an increasing incidence of robberies and assaults where victims were threatened with syringes containing, it was supposed, HIV-infected blood. Perhaps it was a reflection of the fact that not much was known about the condition then compared with what we know now. Treatments were not as advanced as they are now. In any case the section was introduced into the Crimes Act at the time, and it made Victoria the only jurisdiction in which the offence exists — that is, a specific offence that deals with the intentional transmission of HIV. Like Victoria, other jurisdictions have sections of general application, and in the case of Victoria sections 16 and 17 of the act deal in particular with the transmission of infectious diseases because they are included as part of the definition of 'injury' to a victim.

Section 19A marks Victoria out as being completely isolated in having such a section. It is important to understand — and this is very much the reason why the coalition so willingly embraced this reform last year and, I am happy to say, why it supports the bill today — that this bill will not decriminalise the intentional transmission of HIV. That will continue to be an offence under the provisions of general application, but its removal corrects a wrong that singles out people suffering from a certain condition.

Interestingly the section has never been used for the purposes for which it was enacted. The only prosecution of which I am aware involved a conviction in 2009 whereby an individual was charged with 2 counts of intentional transmission of an infectious disease — not by way of threatening the use of a syringe — and 14 counts of attempted intentional transmission contrary to section 19A of the Crimes Act 1958. That particular individual was acquitted of the intentional transmission charges and found guilty of 8 counts of attempted intentional transmission. I am advised that five of the convictions were set aside on appeal. While he was convicted of other charges, the fact that it was the solitary example of a successful prosecution under this provision shows that its utility was very limited indeed. Given that the provision has been on the statute book for some 22-odd years, it would be an understatement to say that the provision has been underused.

We have never relied on section 19A for the purpose it was enacted. It is also important to understand that having provisions of general application to deal with criminal acts involving the intentional, reckless or negligent transmission of an infectious disease allows us as a community to focus more on a health approach to HIV. It is a very important policy objective to encourage people who suffer from these conditions to seek not only medical treatment but also the counselling and support they need. I and my colleagues accept that a provision like section 19A does not promote the public health objectives we would want to instil in our laws and in our policy in this area. I am confident that the repeal of section 19A will have a positive effect on the community of those who suffer from HIV by removing what is clearly a deterrent for many to seek assistance, treatment and support. There is no evidence that section 19A has reduced HIV transmissions; in fact its existence on the statute book appears to do quite the contrary.

The bill itself is fairly straightforward. The coalition is satisfied on the basis of what we have seen in the bill that it achieves what it sets out to do — that is, it removes section 19A and makes consequential changes to the Crimes Act to ensure that the repeal of section 19A is recognised in the schedules. I have also been assured by a range of stakeholders, including the Police Association Victoria, the bar council and the Law Institute of Victoria, that they have no concerns about the repeal of section 19A. Those who have suffered from and continue to suffer from the HIV virus and those who support and advocate for those who suffer from such conditions can look to the bill before us today with some comfort and relief that there is broad support for this change. I commend this bill to the house.

Mr FOLEY (Minister for Equality) — As the Minister for Equality I take the lead in ensuring that the Victorian government does everything in its power to reduce stigma and discrimination aimed at LGBTI Victorians as well as in this particular case those living with HIV in the hope that they will have the best possible chance to live successful lives in good health and with peace of mind. In that regard we welcome the opposition's support for this bill.

I need to correct the honourable member for Hawthorn in relation to some of the comments he made on the margins of his contribution. He indicated that the previous Minister for Health, Mr Davis, a member for Southern Metropolitan Region in the Council, pledged

to remove discrimination against people living with HIV/AIDS following the AIDS 2014 conference. However, the former minister did not specify that the then government would repeal the offence under section 19A, leaving open the possibility that that provision could be broadened to cover other serious diseases and therefore maintain the prospect of the higher penalty of 25 years imprisonment that currently sits under this section.

As the member for Hawthorn rightly pointed out, section 19A has largely been unutilised in its 23 years on the statute book. When this issue was raised with the then government by the Human Rights Law Centre, the Law Institute of Victoria, Liberty Victoria, the Criminal Bar Association, the Victorian AIDS Council and Living Positive Victoria, while the then government reaffirmed the general policy principle, it failed to specify its support for the repeal of section 19A as a specific commitment. The then shadow Minister for Health, Mr Jennings, gave that unequivocal commitment on behalf of the opposition. It is my great pleasure to be a part of the team that is now turning that commitment into reality.

The Victorian LGBTI community has a long history of taking the initiative and helping to shape public policy in response to HIV issues in this state, of developing educational campaigns that are effective and of providing the care and support that is needed in a sympathetic way. In this regard, section 19A as an HIV-specific law in its conception went completely against that approach. That is a good example of why it is so important to involve those most affected in making decisions about safety and health in the community.

As the honourable member for Hawthorn pointed out, in the 22 years it has been law it has been used only once. Even then it was not in response to its original intention of prosecuting people who used a blood-filled syringe as a weapon. In fact there has never been a recorded case in Australia of an HIV-infected syringe being used in a robbery.

I am proud to say that in 1993 the then Labor opposition vehemently opposed the introduction into Parliament of legislation inserting section 19A into Crimes Act 1958 by the then Kennett government, the members of which were motivated by a desire to be seen to be doing something about the spread of HIV but in doing so failed to listen to public health experts or the community at the time, who said that this measure was exactly the opposite of what was needed.

At that time, Labor's shadow Attorney-General, Neil Cole, then member for Melbourne, said of the bill:

> … it is totally unnecessary, it will not work, it is discriminatory and it is homophobic.

He then went on to call it:

> … a reactionary approach by a very conservative party with no real understanding of or commitment to the gay community or people who are HIV positive.

My predecessor as the member for Albert Park, the Honourable John Thwaites, described the bill at the time, saying:

> It will fuel vilification of people who suffer from AIDS and further stigmatise them.

He went on to say:

> In linking AIDS with punishment, the bill will reinforce the view that AIDS sufferers are sinners and deserve to be punished. One wonders why AIDS sufferers are singled out for punishment. Why are people who carry the hepatitis B virus not also singled out?

Of course the answer is that the government of the time was legislating on the basis of public hysteria, not public health.

Section 19A treated intentional transmission of HIV as an exceptional form of violence requiring exceptional treatment under the law, assigning it a more severe penalty than other forms of violence. This approach perpetuates a stigmatising of people with HIV by implying that they represent a danger to public safety, and it reinforces the idea that HIV infection is shameful or debased. As John Thwaites also pointed out at the time, a perfectly understandable response to this law and accompanying stigma would be for people to go underground, avoiding testing and treatment.

According to the *Seventh National HIV Strategy*:

> Individuals and communities share responsibility to prevent themselves and others from becoming infected, and to inform efforts that address education and support needs. Governments and civil society organisations have a responsibility to provide the necessary information, resources and supportive environments for prevention

Section 19A goes against this model of shared responsibility, which has been the guiding principal for successful HIV prevention in Australia for 30 years, by implying that HIV prevention is the sole responsibility of those living with the virus.

There is no evidence, in Australia or internationally that criminalisation of HIV transmission works to discourage unsafe sexual behaviour. Rather than

protecting the community at large, criminalisation of the spread of HIV puts the community at greater risk by discouraging HIV testing, since a person who does not know their HIV status cannot be convicted of intentionally passing it on. An effective response to HIV requires the criminal law to complement public health policy, minimising risk to the community by making it easy for those living with or at risk of HIV to act in a way that protects themselves and others by adopting safer behaviours.

This change has not come about quickly, and I acknowledge the work done by the Victorian AIDS Council and by Living Positive Victoria, members of which have joined us in the gallery today. These people opposed section 19A in 1993 when it was introduced and have opposed it tirelessly since. The work done by Living Positive Victoria has been exemplary in this regard. Both organisations have worked tirelessly to see this anomaly in our laws corrected. I also acknowledge the many years of work done by both organisations in supporting people living with HIV and educating our wider community to prevent the spread of HIV.

The changes we are legislating for here today will help to reduce the damaging and tedious burden of stigma that characterises people living with HIV as a danger to society. This stigma is still broad, insidious and destructive, and it affects people in everyday aspects of their lives, whether they be at home, at work, among friends or in public.

According to the *HIV Futures 7* study, released in 2013, 28 per cent of people living with HIV have experienced less favourable treatment from health providers as a result of having HIV, 15 per cent have experienced workplace discrimination, 7 per cent have experienced less favourable treatment in relation to housing and 23 per cent have experienced less favourable treatment in relation to getting insurance. Because of HIV stigma, people focus on moral judgements rather than learnings about the different experiences of other people.

Stigma has again and again been demonstrated to cause damage to mental and physical health and people's overall wellbeing. The promotion of good mental health and wellbeing requires us to work towards the removal of discrimination and stigma. The changes we are making here today — and again I acknowledge the support of the opposition for this bill — will go some way towards addressing this stigma. Combined with the existing laws and programs, this can only make this state a healthier, safer and fairer place for all Victorians. On that basis, I commend this bill to the house and wish it a speedy passage.

Ms KEALY (Lowan) — It is great honour to stand on behalf of The Nationals to support the Crimes Amendment (Repeal of Section 19A) Bill 2015. The purpose of the bill is to repeal section 19A of the Crimes Act 1958, which provides that a person who without lawful excuse intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence and, in subsection (1), a 'very serious disease' is outlined to mean a person with HIV. As has been mentioned by previous speakers, this provision was implemented at a time when there was concern and a number of assaults which took place where victims were threatened with syringes which supposedly contained HIV-infected blood.

Obviously we need to make sure that we always have a balance in legislation and avoid duplication. We need to make sure not only that our communities are safe but also that any of our laws protect and avoid stigmatisation of certain groups in our community.

I am very proud that the coalition is supporting this bill and led the way in developing this important change in legislation. As the previous member mentioned, this reform was announced at the International Aids Conference in Melbourne held in July last year. The coalition government announced that it would amend the Crimes Act to remove the discrimination around the singling out of the intentional transmission of HIV in section 19A of the act. This section was inserted at a time when those threats existed, and I think we can all remember seeing the images.

Perhaps that created concern within the community, largely because of the lack of good information about HIV and the fear and scaremongering that existed at the time. We as a community have moved ahead a long way in terms of our understanding of HIV and how we manage it. People with HIV are now living successful, rewarding lifestyles as a result of antiretrovirals and other medical advances, and they also now have a range of social supports.

This amendment will not create a legal loophole that would result in people in our community being at risk from those who would intentionally seek to infect others with HIV. Victoria is the only Australian jurisdiction with a specific criminal offence relating to HIV transmission, although all the states and territories have offences of general application that can be and in several cases have been used in HIV transmission cases.

With regard to bloodborne viruses and how our legal system can support effective prosecutions on this issue, we can refer to a 2013 legal proceeding in which an

anaesthetist at a Croydon abortion clinic was jailed for infecting female patients. This occurred during the years 2008 to 2009. The anaesthetist was addicted to a drug and was re-using a syringe on women at that abortion clinic. This resulted in 55 women being infected with hepatitis C. Obviously this was at a most vulnerable time in those women's lives, and not only was this medical practitioner guilty of gross negligence but also his actions were completely inappropriate in terms of his duty of care and responsibility to those patients.

This raises issues to do with the community's knowledge of bloodborne infectious diseases. There is still a stigma associated with HIV. Many people believe that it only affects gay men, but this is certainly not the case. Men engaged in homosexual activity make up 80 per cent of people infected with HIV, but a growing number of women are also being infected by HIV. We need to ensure that these people are supported and protected and that they are not seen as a threat to the community in any way, shape or form.

I am very proud to note that Australia, and Victoria in particular, has a very strong reputation in terms of public health approaches to addressing HIV infection in our community. Section 19A was developed in an era before the availability of the highly active antiretroviral treatment, or HAART. Before this treatment was available there were concerns that offenders could not be prosecuted for homicide until the victim had died. Given that this more effective medical treatment now exists, the life span of people with HIV has increased, and therefore we can deal with this in a much more effective way. As I stated earlier, Victorian legislation has been shown to effectively prosecute people who negligently infect other people with bloodborne viruses. We need to make sure we have an HIV-specific law that criminalises the intentional transmission of HIV. This legislation risks stigmatising all people living with HIV as dangerous individuals who are wielding syringes, which is absolute nonsense, so we need to amend this law to remove any such stigma.

When I worked in pathology laboratories I took my fair share of blood samples. I always found it moving taking blood from people with HIV or hep C. These people have no obligation to disclose their HIV or hep C status, but the patients I saw often did so, sometimes with shame and embarrassment. This is part of the wariness that people living with HIV manage on a day-to-day basis. There is in particular a lack of understanding about how the disease is spread and how it is managed. I can understand and have seen firsthand how this stigma can affect somebody's mental state and how they engage with other people in the community. This is a very important amendment to a law which removes opportunities for the stigmatising of these people in particular in our community.

Section 19A has a flow-on effect, which is linked to stigma. This section can undermine public health initiatives aimed at addressing HIV. HIV sufferers, or people living with HIV, may be deterred from seeking help because of a fear of being stigmatised. We never want to be in a situation where people feel like they cannot receive medical help, particularly when there is now a very effective medical treatment available for people living with HIV. These people now have the potential to have a long-term view of their illness. No longer is there that dramatic pathway of a rapid transition from HIV to full-blown AIDS. People are living long, active and successful lives. They are supported by this medical framework but also in terms of their social and mental wellbeing, which is fantastic and something that all Victorians can be very proud of.

It is also important to note that individuals who put others at risk of contracting HIV can be managed through the public health guidelines that have been created for that purpose. These guidelines are provided for in the Public Health and Wellbeing Act 2008.

In summary, we look at how we to amend these bills, how to introduce them in Parliament and how debate on them should proceed. When we look at what risk there is in amending this bill, we see there have not been any successful prosecutions using this legislation. We have seen instances involving other bloodborne diseases, such as hepatitis C, where perpetrators who have been negligent have been successfully prosecuted, resulting in jail terms. We then look at other social aspects, and when we find there is duplication and unnecessary stigma, we conclude that we do not need to have this law. I strongly support this bill on behalf of The Nationals. I commend the bill to the house.

Mr CARROLL (Niddrie) — It is my pleasure to rise to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. Before I get to the substance of my speech, I would like to follow the contribution of the Minister for Equality and also put on the record that it was the Andrews Labor opposition that made an election commitment to repeal section 19A. I will go to the facts. The former Minister for Health committed only to amending the legislation; there was no commitment to repeal.

I thank the parliamentary library for the research it provided to me, in particular an article in the *Saturday Paper* of 26 July 2014, which was written after the 20th International AIDS Conference was held in

Melbourne. It would be remiss of me if I did not also acknowledge the six delegates, including the former president of the International AIDS Society, Joep Lange, who were on board Malaysia Airlines flight MH17 on their way to the conference. They did not make it. That left a pall over the conference. I think it is important to put on the Victorian parliamentary record that our thoughts are with their families.

The former Minister for Health did attend the conference, and he also gave a speech. To say that he got a mixed reaction and received mixed reviews would be an understatement. The speech was widely reported at the time because it sent a lot of mixed messages. I want to go to the facts so I will quote the minister. He said:

> … it is this government's intention to amend section 19A of the criminal code.

There was no mention of repeal, which was what the stakeholders rightly sought. It was just an amendment. The minister dropped a bombshell and then left the Andrews government to clean it up.

The *Saturday Paper* reports that after the minister's speech, a former High Court judge, Michael Kirby, made some comments. The report quotes him and states:

> I had no idea that was coming … But afterwards, when it was time for lunch and the minister had left, enthusiasm seemed awkwardly suspended between hope and cynicism. 'They're weasel words', one activist told me. Another said: 'We're going to have to line our ducks up on this regarding a comment. We need some time to think about it.

Section 19A of the criminal code reads:

> A person who without lawful excuse intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence punishable by up to 25 years imprisonment.

Subsection (1) states that 'a very serious disease' means HIV.

I do not want to spend much more time correcting the record, but here we are today, a Labor government, repealing this legislation. In a press release of April 2015, the Attorney-General said that this is another step forward toward equality for people living with HIV. This was an election commitment made by Labor in opposition. We are now repealing section 19A of the Crimes Act 1958, which contains a specific offence of intentionally infecting another person with 'a very serious disease', defined inclusively to mean HIV.

As previous speakers have highlighted, this is the only HIV-specific criminal offence in force in any jurisdiction in Australia. It singles out HIV, but even worse it harshly and unfairly stigmatises people unnecessarily. We are here today because international bodies such as the Joint United Nations Programme on HIV/AIDS and the Global Commission on HIV and the Law have labelled HIV-specific criminal laws as counterproductive to HIV prevention. I am pleased that the government has developed this legislation in consultation with stakeholders, including Living Positive Victoria, the Victorian Aids Council, the Human Rights Law Centre, the Law Institute of Victoria, the Criminal Bar Association and Liberty Victoria.

I also want to put on the record what the Attorney-General said when he put forward this legislation.

> People living with HIV are entitled to equality before the law, and this is another step forward in ensuring that.
>
> …
>
> This is about reducing the stigma and discrimination faced by people living with HIV, and in turn promoting equal protection by the law for all Victorians.

I think it is also important to reiterate the words of the Minister for Equality, who led our debate today, when the Labor Party formulated its position. He said:

> This was a move recommended by the 2014 World AIDS Conference in Melbourne. Our laws should support public health efforts to redress HIV by encouraging people to be tested and managing the risk of infection.

I think it is important that people living with HIV are entitled to equality before the law. It was great that last year the very important World AIDS Conference was held in Melbourne. This was a very significant event. We have had international bodies calling for reform of Victoria's criminal laws. This is about fairness, this is about reducing stigma and this is about doing the right thing and repealing this legislation. Essentially this is about equal treatment for all Victorians.

Without a doubt section 19A provides for an offence that is discriminatory and well and truly outdated. By removing this discriminatory law, the Andrews Labor government will reduce the stigma and discrimination faced by people living with HIV. More than that, it will promote equal treatment for all Victorians.

Indeed the best practice approach, which is advocated by Victorian and international organisations such the Joint United Nations Programme on HIV/AIDS, has warned against the overly broad use of criminal law to address the risk of HIV infection. Inappropriate use of

criminal law undermines public health efforts and, even more so, discourages HIV testing.

This legislation will be critical to the successful management of risk and infection in the future. The Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006 provide that there should be equal treatment and protection by the law of people living with HIV. There is no reason, and there has never been a reason, that we should maintain these discrepancies in the law.

I conclude my remarks by congratulating the Attorney-General and the Minister for Equality on their work with stakeholders in leading us to where we are today. This is important legislation. It is about making our statute book right. It is about making Victoria the fairest and most progressive state in Australia. It is important that we maintain that, and I wish the bill a speedy passage.

Mr HIBBINS (Prahran) — I rise to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015, which the Greens welcome into this house. This bill seeks to repeal section 19A of the Crimes Act 1958, which was brought in in 1993 and which makes it an offence to intentionally infect another person with HIV. The current law states:

> A person who, without lawful excuse, intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence.

That is punishable by up to 25 years imprisonment. Subsection (2) goes on to say that the definition of 'very serious disease' only means HIV.

Why are we repealing this section? Intentional infection with HIV is serious. Living Positive Victoria and the Victorian AIDS Council jointly state:

> The wilful, intentional transmission of HIV or any serious disease is repugnant and should attract a significant criminal penalty.

There are three key reasons why we are repealing section 19A: one, intentional transmission of HIV or any other disease is already covered under other acts, specifically section 16 of the Crimes Act, which is of a similar structure to 19A but rather than referring to 'very serious disease', which in this case only means HIV, it refers to 'serious injury', to which HIV is applicable; two, having a separate law specifically for HIV stigmatises people living with HIV without actually making people safer or reducing the incidence of transmission, and it can actually have a counter effect; and three, the people who are most at risk of transmitting HIV are those who do not know they are HIV positive. Laws like section 19A stigmatise people living with HIV and act as a disincentive to being tested. From a public health perspective we want to encourage and support people to be tested and to know their HIV status.

Just going into a bit of background, section 19A was brought in in 1993, when there was a spate of hold-ups involving syringes whereby the offender threatened the victim with infection with HIV or other blood-borne diseases. Section 19A was brought in with a specific and greater sentence for the deliberate infection of another with HIV. We know this section has only ever been used once, in 1997, in the case of a man attempting to infect other men with HIV — however, not through the use of a syringe. What we know is that we can respond best to HIV as a public health issue from a human rights perspective. Laws like section 19A are counterproductive to our efforts to reduce HIV transmission and only serve to further stigmatise those in our community who live with HIV. The best way to reduce the incidence of transmission is to ensure that people know their HIV status and to change their behaviour accordingly.

The times of the first cases of HIV, when HIV was seen as a pandemic, were marked by stigma towards the gay community. It is due to the hard work of many activists and organisations in the gay community that we are overcoming and reducing that stigma in Victoria. At a time when negative stereotypes of LGBTI people were prevalent it was activists who were on the front line combatting discrimination and misinformation and driving a positive, practical response to the HIV crisis, such as safe sex campaigns and encouraging condom use. Organisations like the Victorian AIDS Council, which I am proud to have in the Prahran electorate, and Living Positive Victoria now play an invaluable role in supporting those with HIV and other at-risk communities through health promotion, HIV prevention, advocacy and policy development.

We should also recognise the other at-risk groups that have been involved in organising the changes that have led to reducing the spread of HIV. For injecting drug users we have seen the benefits of needle and syringe programs, and for sex workers we have seen the benefits of the legalisation and regulation of prostitution. In the mid-1980s people requiring blood transfusions were also at risk until reliable testing of the blood supply was introduced. Because of preventive programs and support from activists, Australia's approach to HIV has been seen as a success; however, since the turn of the century we have also seen a rise in new HIV cases.

We must refocus our efforts when it comes to HIV. We know what works when it comes to prevention. We know that homophobic discrimination can lead to risk-taking behaviours. We know that the best way to reduce transmission is for people to know their HIV status and adjust their behaviour accordingly. Laws like section 19A, which act as a barrier to testing amongst at-risk individuals and communities, result in fewer people being tested and a higher risk of HIV transmission. Section 19A reinforces negative stereotypes by suggesting that people living with HIV are dangerous to the community, and it should be abolished.

With the repeal of this law we must turn our attention to what else we can do to prevent HIV, and there are two particular measures I want to focus on. The first is to support the rollout of rapid testing for HIV. As I have said repeatedly, the best way of preventing new cases of HIV is for those with HIV to know their status. For this to occur, rapid testing of HIV is critical. The current trial of rapid testing is due to end this year, and it does not yet have Therapeutic Goods Administration (TGA) approval. Rapid testing must continue along with the peer-led approach, which encourages participation.

The second measure is PrEP (pre-exposure prophylaxis), which is a drug taken to protect against HIV. It is a drug designed to be used intermittently in a person's life when they are most at risk of infection with HIV. A recent study showed an 86 per cent reduction in the risk of HIV infection for people using PrEP to prevent HIV infection. PrEP is currently being trialled in Victoria, with the Prahran Market Clinic being one of the trial sites. To make PrEP widely available Australia needs the development of a national set of prescribing guidelines; TGA approval of Truvada, the prescription drug used for PrEP; and funding through the pharmaceutical benefits scheme (PBS) or other health budgets.

To conclude, the repeal of section 19A will have beneficial outcomes for those living with HIV, those at risk of being infected with HIV and the broader community by reducing stigma, reducing discrimination and encouraging testing. I commend the bill to the house.

Mr PEARSON (Essendon) — I am delighted to join this debate. I will not go through why we are here; that has been adequately explained in some of the other contributions we have heard. Suffice it to say that when this offence was first created in legislation, back in 1993, it was a different time. That was borne out in part by there being such a lack of understanding about this disease.

As I have said in this house previously, for many years I had the great privilege of working with David White. David was the Minister for Health from 1985 to 1989. At that stage David was very much at the forefront of trying to tackle the emergence of HIV/AIDS. In more recent years he has told me about the fights he had with former federal Minister for Health Neal Blewett. All of us who are aged over 30 would remember the Grim Reaper campaign. David privately strongly opposed that campaign, which was pursued by the federal government at the time. He felt the campaign demonised everybody, sufferers in particular, and was not targeted and was not specific. It did not recognise the fact that, particularly back in the 1980s, HIV/AIDS was predominant in men who had sex with other men, people who were haemophiliacs and people who were intravenous drug users. David had a fundamental problem with the whole Grim Reaper campaign because he felt that it did a great disservice in relation to the disease and its sufferers.

I will make one observation. The creative director of the advertising campaign was a guy called Siimon Reynolds. I think you should always suspect or question the judgement of a man who spells 'Simon' with two i's. That is my observation. David's response with the things he could deal with at a local stakeholder level under the Cain government was to look at providing free syringes. At the time providing free syringes to people who required them was pretty revolutionary. In a press conference David was asked, 'Are you not condoning an illegal act by doing this?', to which his response was, 'Yes, absolutely. I am absolutely condoning an illegal act, but it is for a higher purpose'. It was about trying to protect people and it was about combating the disease and not demonising the victims.

In my case I have learnt, particularly since the 1990s, that HIV is not the death sentence it was. Many people in homosexual and heterosexual relationships have become HIV positive. A good friend of mine became positive about five or six years ago. He is an artist. He fell in love. His partner was positive, he knew his partner was positive and he became HIV positive. I was sitting with him having lunch and he said, 'Well, I'm positive'. He was not flippant, he was not cavalier; he recognised the fact that it was a burden that he would have to carry for the rest of his life. But it is not the burden that it was. Now there is not the stigma around being HIV positive that previously existed.

The other point to make is that we know more about the disease now than we knew back in the 1980s. We know about things like viral loads. We know that being HIV positive is not like being afflicted with the black plague; you can be HIV positive but effectively negative because your viral load is low, but sometimes your load can be high and you can be contagious. Back in the 1980s and early 1990s we just did not know this.

A former colleague of mine was HIV positive, which he found out probably in the early to mid-1980s. In his case the virus he had was incredibly active and was an incredibly virulent strain of HIV. However, the good thing for him was that he had a really high blood count which offset that. What was going on inside his body was a bit like Checkpoint Charlie in the Cold War years — the Soviet Union and the United States armies were locked at the Brandenburg Gate and they basically cancelled each other out. In his case, he went on to be a very successful official and public servant. He was a joy to work with.

Looking at this legislation through the lens of 2015, we are better than this. We are a tolerant and pluralist society. I welcome the comments made earlier by the member for Hawthorn on this bill. We cannot stigmatise people who happen to be HIV positive or who happen to be gay. The Roman Empire at its greatest was led by homosexuals — Trajan was succeeded by Hadrian. Look at the Italian Renaissance: would it have achieved its dizzying heights without people who were gay? Probably not.

The reality is that this legislation belongs to a time when all gay people were regarded as prospective carriers of HIV, and it should be consigned to the history books. That time has passed, and our best days lie before us. Imagine if this place could become like Ancient Rome. Imagine if a homosexual Premier was succeeded by another homosexual Premier — that is the Victoria I aspire to. We cannot achieve our destiny until we have had this conversation, and removing this stain on our public life is a vitally important step. I commend the bill to the house.

Ms VICTORIA (Bayswater) — I too rise to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. Sometimes it is hard to keep focus in this house, but this is a particularly important piece of legislation we are debating today and I will focus on it. The purpose of the bill, as its name suggests, is to repeal section 19A of the Crimes Act 1958, which contains an offence that discriminates against people living with HIV, or the human immunodeficiency virus. It is interesting to note that section 19A was not inserted into the Crimes Act until 1993. It was a very different time back then. AIDS first came to light, it was diagnosed and it was named in the early 1980s. We did not know much about it then. I was a teenager and into my early 20s during that time. There was plenty of talk about it when we were out clubbing. There was lots of talk about safe sex and about how not to catch it. We did not know much about it at all. As other members have said, there were a lot of misnomers about, but we were still learning. We know that infections go back further than that, to the 1970s, but the diagnoses were not prevalent until the 1980s.

There was a lot of fear. It was the great unknown. Somebody mentioned the plague before. That is quite a dramatic term and an extreme example, and I do not know that people were calling it that, but because of the unknown they did not know what it could and could not do at that stage. People were walking around — criminals, supposedly — with syringes filled with blood. They were holding up service stations, they were holding up banks — they were holding up whatever they could. This was the talk of the time. I could not find records of whether or not that was happening in any great numbers, but the fear of the unknown always sparks public interest.

At that stage section 19A was inserted into the Crimes Act probably to make people feel much better and safer. However, looking back on it now, it was a very discriminatory step. People who were deliberately infecting other people with a different type of disease could incur a maximum penalty of, for example, 20 years, but if it was HIV that was 25 years. Immediately that put a stigma around those carrying HIV.

One thing that we in this house pride ourselves on in a tripartisan way is ensuring that the law is equal for all. No matter who you are, where you come from or, in this case, what you are inflicted with, all people must be treated equally under the law. The five-year anomaly between penalties for infecting someone with HIV and those for infecting someone with another disease demonstrates the unequal status of those with and without the virus. That is why this measure is so important.

It has rightfully been pointed out that this reform was an initiative of the former Minister for Health, David Davis. I am sorry that the matter got politicised earlier, but there are semantics around whether section 19A of the Crimes Act 1958 would be amended or repealed. The outcome would have eventually been the same — that is, equality for all. If we start getting into semantics and politicising them, we miss the point. There should be unilateral support for this bill. This is another reason

why opposition members are saying that they support the bill rather than saying that they do not oppose it. We support the legislation before the house.

At the time of the announcement by the then minister, former High Court judge and anti-HIV discrimination advocate, Michael Kirby — I know he has been quoted by another member, but there are obviously plenty of quotes around and everybody is being as selective as they want to be — was reported by the *Sydney Morning Herald* as saying that criminal laws that specifically refer to HIV are counterproductive to public health goals that encourage testing and treatment. The Australian Federation of AIDS Organisations also believes the use of criminal laws to prosecute people in relation to sexually transmitted HIV is inconsistent with the policy guidance of the Joint United Nations Programme on HIV and AIDS, known as UNAIDS. The announcement was symbolic at the time but also a very logical thing that had to happen — and it also coincided with the AIDS conference. One of the things we need to be careful of when we stigmatise anything in society is that people are more likely to go underground and are less likely to seek diagnosis or treatment. Diseases spread more quickly because people are less likely to come out, talk about it and seek help.

Victoria is the last state to amend legislation to remove the identification of HIV as a status, which is unfortunate. There has been some discussion of whether anyone with the HIV virus had been prosecuted for transmitting it to others deliberately — and we have to say 'deliberately'. Positive Life South Australia noted in 2012 that no-one had been found guilty of deliberately harming another in that way in Australia. I think that is significant.

Going back to the 1980s again, it was a heady time when people were scared. This was seen as a necessary measure symbolically and to help the public feel safer, but it did not actually go anywhere legally. Living Positive Victoria and the Victorian AIDS Council have campaigned for changes to the legislation for many years, as have leaders in the lesbian, gay, bisexual, transgender and intersex communities. They strongly believe HIV should be treated as a public health issue and not a legal one. That is an incredibly important issue. We need to remove the stigma around HIV. We know so much more about the disease now, so it is much easier to do.

I need to stress that deliberately transmitting HIV is still going to be a crime. That is not going to change in any way. It is still covered by section 16 of the Crimes Act 1958. Deliberately infecting someone with a disease, whether it be HIV, hepatitis C or the one that everyone is worried about at the moment, Ebola — we do not have it in Australia, but if it were to come here it would be included — will still be covered by section 16 of the act. We only have to look back at the case that has been mentioned by a few members, where not so long ago an anaesthetist at a Croydon clinic was found guilty of infecting more than 50 women with hepatitis C. He was a drug addict, and he frequently used his syringes on the women who were having operations in that clinic. There has been a conviction, but it was for hepatitis C not HIV.

Our response to HIV in Australia has changed dramatically since the first diagnosis in the early 1980s. We now focus very much on prevention, awareness, treatment and, importantly, care and support. Some people might look at this reform and say it is highly symbolic, but far more importantly than that is that this is about equality. It is about treating all people with the same respect and making sure that they are treated equally in the eyes of the law. This is a great initiative, and that is why the opposition is wholeheartedly supporting it. If there are similar anomalies in other acts, we need to address them to make sure that all people are seen as being equal under the law. I commend the bill to the house and wish it a speedy passage through both houses.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. Before I do, I have to say I am going to speak to the Government Whip about having me speak after the member for Essendon. I do not know how he comes up with his random and poignant collections of anecdotes from history, but I cannot rival it. I concur with his comment about how the party of a government he strives for in the future will be led by a gay Premier, but I am very happy with the Premier we have now as well.

Much has been said about the bill, and I am pleased that it has bipartisan support. I am pleased that it is a Labor government that is bringing this reform to fruition in a fulsome way by repeal rather than amendment. Currently subsection (1) of section 19A of the Crimes Act 1958 states:

> A person who, without lawful excuse, intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence.

Subsection (2) says:

> … ***very serious disease*** means HIV within the meaning of section 3(1) of the **Public Health and Wellbeing Act 2008**.

As others have said, including the member for Hawthorn, it carries the penalty of level 2 imprisonment, which is 25 years — more than manslaughter.

What happened? This is obviously something that was enacted 22 years ago at a very different time, but I will come back to why I think that is not a good enough reason to have this silly law. Nonetheless, it was a very different time. It was a time characterised by those Grim Reaper ads. I remember as a kid I would get advice from my parents on being careful about whom I associated with and about layering toilet paper on the toilet seat before I sat down on any public toilet — —

Mr Edbrooke interjected.

Mr DIMOPOULOS — I think you should still do that, as the member for Frankston agrees. I give that example not because it is slightly humorous but because it is emblematic of the level of hysteria that occupied this space and of the level of the diminution of medical advice to the point that every household had its own medical advice and every parent gave their kids their own advice. There were comments in the Grim Reaper ads that said HIV could kill more people than World War II, which is really over-the-top stuff — though in Africa, without the advances of medication made since, those figures would probably have been correct.

This law was enacted before the treatment we have today was available. Modern treatment gives HIV-positive people the sense that they can have a full and enjoyable life with the disease rather than giving them the sense that they are on death row, although it is still a burdensome disease to live with. Despite the hysteria my strong view is that the old law was really poor public policy.

While I cannot pretend to stand in the shoes of those lawmakers in this chamber 22 years ago, I am proud that the then Labor opposition, even with the hysteria, said this was not the right thing to do. I do not think this law was ever correct, so I do not think the fact that they were in a different time is really an excuse. It should never have been enacted. It really has just added to the heavy burden HIV-positive people, both straight and gay, had to bear in terms of the range of assumptions people make about their lack of ethics, morality or whatever else comes with the terrain.

I think it is really poor public policy. It is poor because it is not effective — it has convicted one person, so it has actually not done much. It has also done nothing to stem the tide of HIV infection. Every generation is a new cohort, unfortunately, and every generation needs retraining about HIV, particularly in the gay community. Sometimes a rod for our own back is the success of modern medication. On one hand we can tell the community HIV is not a life sentence any more, but on the other hand we make a rod for our own back because people behave less carefully.

The law was ineffective in protecting the public and in stemming the tide of HIV infection, and it was also discriminatory in an awful way. It is like the analogy of playing the man and not the ball. I still cannot understand why this Parliament, even then, would have said that someone who has an attribute like a disease — which is an attribute defined under the Equal Opportunity Act 2010 — can be discriminated against. What we need to do is say that we cannot guarantee that just because someone has a disease they will act in a certain way, otherwise it is almost like saying that every driver under the age of 25 must have an alcohol interlock system on their car because we know they will drink drive. That is exactly what is happening here: we are saying that if someone has HIV, we know they will be dangerous. 'It does not matter how you got it or what the circumstances are, you will be dangerous to your society' — that is the woefully discriminatory message this law sends.

This bill has already met the public interest test. The chief health officer already has the power to detain people if they pose a public health risk. Existing section 16 of the Crimes Act — though this was only clarified in 2013 — focusses on a whole range of infectious diseases, not just one of them. Section 19A duplicates far more sensible and non-discriminatory measures that already exist, which makes it even more repugnant to have on the statute book. It places a disproportionate weight and burden on HIV-positive people, who, I again stress, are both straight and gay, though the gay community unfortunately bears the brunt of it.

I would be just as proud to stand here and argue for the removal of any kind of discrimination for any other group in the Victorian community. I am obviously especially proud this is in relation to the gay community, but this government is thinking far more broadly than that. That is why I am really proud that this government has appointed a Minister for Equality for the first time ever, and this type of legislation is exactly what the Minister for Equality should be driving forward. He should be removing any last vestige of discrimination from the statute book of the Victorian Parliament, just as the long and successful Rudd and Gillard Labor governments removed

discrimination in relation to LGBTI communities from federal legislation.

I very genuinely commend the Minister for Equality, and I commend the Attorney-General. While I do not pretend to search into their private lives, I love the fact that it is two straight men who have championed this cause, as have others on the other side of the house.

I remember having a conversation with a couple of colleagues and friends at the ChillOut Festival in Daylesford a few months ago. The member for Macedon was there, as was Claudia Laidlaw, a friend of mine who works for the Attorney-General, and others. We had a conversation with people from Living Positive Victoria and other members of the gay community. This is one of the things they were looking forward to the Labor government putting an end to, and I am proud that we are doing so within just 150-odd days of coming to government. I commend the Attorney-General, the Minister for Equality and the Labor government. I also commend the opposition for its support for protecting human rights. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. The Nationals, in coalition, are supporting this bill. The purpose of the bill is to repeal section 19A of the Crimes Act 1958. This is a simple and straightforward bill. Section 19A of the Crimes Act provides that:

> (1) A person who, without lawful excuse, intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence.

There is a penalty attached to that, which is a maximum of 25 years. It further provides:

> (2) In subsection (1), ***very serious disease*** means HIV within the meaning of section 3(1) of the **Public Health and Wellbeing Act 2008**.

As we all know, section 19A has long been considered discriminatory because it applies only to HIV. Last year the coalition government announced at the 20th International AIDS Conference that it would amend the Crimes Act to remove this discriminatory element. In the course of events we now have a bill before the house, which we are supporting. There are some public health concerns with this issue, and my colleague the member for Lowan discussed some of those in her contribution. However, those concerns can be relatively well addressed by the use of the Crimes Act, so the coalition is supporting this change.

To put things in a historical context, section 19A was inserted in 1993. It was a long time ago, and it was as a response following a number of robberies and assaults in which victims were threatened with syringes supposedly containing HIV-infected blood. As has been said by many speakers, we have come a long way since 1993, and Victoria is now the only jurisdiction with a specific criminal offence related to HIV transmission. Other states rely, as can Victoria, on other sections of their statutes to pursue those who commit criminal acts. There are sections within our Crimes Act that adequately deal with this. As others have said, the response to HIV has changed, and we have learnt a great deal about a public health approach, a carrot approach, rather than a stick approach. The carrots around public health have been well developed, and I congratulate those who have taken this public health approach to deal with this disease within our community.

I will be brief because all that needs to be said has been said. However, I stress the importance of continuing to develop the public health guidelines for managing those who could put others at risk of HIV infection. There are guidelines under the Public Health and Wellbeing Act 2008, and we will continue to need to develop those. Just as in 1993 there was a need for a response, in 2015 there continues to be a need for a response, as responses will be needed in the future. We need our health system and health professionals to work to ensure that those responses are both adequate and appropriate and that they address issues around HIV. The Nationals are pleased to support this bill.

Mr J. BULL (Sunbury) — I rise to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015, introduced by the Attorney-General. I commend the Minister for Equality, the member for Albert Park; the member for Niddrie; and the member for Oakleigh for their important contributions. I reiterate the sentiments of the member for Oakleigh regarding the historical knowledge of the member for Essendon and how difficult it can be to follow him. I support this bill because in my view section 19A of the Crimes Act 1958 unfairly discriminates against those with HIV. There are currently nearly 7000 Victorians living with HIV, and I am pleased for those Victorians that this bill is being debated today. For them and for their families, carers, support networks and support groups I wish the bill a safe passage.

I will talk about the ABC feature story published a few years ago entitled ‘Why HIV is no longer a death sentence’. It says:

> By the end of September 2012, 6852 people in Australia had died from HIV/AIDS. But Blegg and Manwaring —

the subjects of the story —

> aren't 'dying from AIDS'. They are 'living with HIV', along with around 25 700 other people in Australia.

It says much of the turnaround is due to:

> … the 'close and durable relationships' between clinicians, government agencies and grassroots advocates within the communities most at risk of infection … These relationships, forged out of necessity in the midst of a crisis, are widely acknowledged to have been instrumental in curbing the spread of HIV in Australia.

As other members have noted, we have come a long way since 1993, when section 19A was introduced, and I acknowledge the contributions of other members on that topic. The story continues:

> … Manwaring is studying postgraduate law, working as a bar tender and enjoying a loving, committed relationship. Like many … of his generation, he doesn't personally know anyone who has died from HIV. He also couldn't tell you firsthand what it was like taking the early anti-HIV therapies, toxic drugs whose side-effects were often so debilitating that many people took their chances with the virus instead.

Stigma was propagated through the campaigns of the 1980s. The member for Essendon mentioned the Grim Reaper campaign, and I remember that campaign, although I was very young at the time. This bill is fundamentally about fairness. Section 19A creates the offence of intentionally causing another person to be infected with a 'very serious disease', which is defined within that section solely as the HIV virus, with a penalty of 25 years imprisonment.

The introduction of that section in 1993 followed a number of armed robberies in which offenders were carrying syringes containing blood. I note, as other members have mentioned, that there is a difference between reality and the stories that are propagated in the media and by others, and that has played a role. This is the only offence of its kind in Australia. Other states have moved past this, so we are the only jurisdiction that has such an offence. Only one person has been convicted of three counts of attempting to commit the offence of the transmission of HIV, which is the point on which I have just reflected. This indicates that the offence has not been used widely and does not capture the criminal conduct it was intended to cover.

During this debate I have heard many people mention last year's International AIDS Conference in Melbourne. A number of health and legal groups criticised section 19A, saying it is discriminatory and out of step with recognised best practice in other jurisdictions in this country and throughout the world. On the first day of the conference the former government committed to reviewing that section. Labor welcomed the announcement. On 24 November 2014 Labor committed to repealing section 19A, and this was well received by the community and support groups.

I am pleased that today both sides of the house are supporting the bill. All members recognise the value and importance of ensuring that our laws protect people from discrimination, especially discrimination based on health. We know that discrimination protections apply to people with HIV under the Equal Opportunity Act 2010. This act prohibits discrimination on the basis of a disability, which is defined to include the presence in the body of organisms that may cause disease. The Charter of Human Rights and Responsibilities Act 2006 also states at section 8 that every person has the right to equal protection of the law.

This bill works towards fairness and towards ensuring that people living with HIV are entitled to equality before the law. Members of both sides of the house have discussed the practicality of this law and the fact that only one person has been convicted of three counts of the offence. The bill promotes recognition that those who have HIV should not be treated differently to others. We already know that under the Crimes Act 1958 the definition of 'injury' now includes matters such as these. In essence section 19A is not required. We can look at examples in other jurisdictions. In 2007 New South Wales repealed its offence of causing a grievous bodily disease. The offence was removed.

Today is a very important day for the Parliament and for those who suffer from the disease HIV. This bill should prompt us to reflect upon the experiences of those who suffer from the disease and those who support them. I commend the bill to the house.

Mr EDBROOKE (Frankston) — I am delighted to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. We have heard some great and heartfelt contributions on this subject today. I appreciate that so far the bill has received bipartisan support, but I am cautious of judging retrospectively. Members can hold me to that in a minute.

I am a Labor person. That is why I joined the Labor Party. Only Labor could repeal this bill. Unlike the former government, Labor did not just announce an intention to make this amendment. I am proud to be part of a government that has appointed the first Minister for Equality, the member for Albert Park. I would like to acknowledge some friends who have spent hours with me telling me of some of their experiences. They have helped me research this important bill.

It is important to start by saying that Labor vehemently opposed this law in 1993. It did not see why it should have been put in place. AIDS was our great moral panic. Everyone was scared. The advertising campaign scared us.

Let us begin by looking at what the offence is. Section 19A of the Crimes Act 1958 makes it an offence for a person to intentionally cause another person to be infected with a very serious disease, which is defined exclusively to mean the human immunodeficiency virus, or HIV. The penalty for the offence is a maximum of 25 years imprisonment, which I will speak about soon.

As I said, AIDS was our great moral panic. For some people it was as much about a person's sexual orientation as it was about the disease. It scared us. I remember seeing the Grim Reaper ads when I was 15 years old. They scared the hell out of me. I think I hid behind the couch once or twice when those ads were on TV. There was a gay stigma involved; people were doing something different that we did not know about. It is important to state that not everyone who contracts AIDS is gay. This law was brought in because there was panic. Stories were propagated about this panic. People were holding up service stations and banks with blood-filled hypodermic needles. That is what scared us. We acted to get this law introduced because of that fear.

The historical context of this law is not relevant anymore. Today someone with HIV has the same life expectancy as someone without. Since highly effective antiretroviral therapy has been available to treat people with AIDS, those people have lived long and rewarding lives. This law came from hysteria that arose in the 1990s due to crimes being committed with syringes loaded with what was supposedly HIV-infected blood. People were taking advantage of our fear. There were television ads with the Grim Reaper, as I have already said, and there was the notion that HIV was a death sentence for everyone who contracted it. The notion that everyone with HIV is a sinner was propagated.

Only one case has ever used section 19A for its intended purpose, and that was in 2003. Even then, the criminal act did not involve the use of a syringe, which is what the law was meant to address. Some say section 19A is too difficult to prove. The individual in the 2003 case was convicted primarily for recklessly causing injury under the Crimes Act, which I would have thought proved there was significant coverage in existing laws. The chief health officer also has a range of non-criminal measures designed to manage the risk of infectious diseases in the community which can be used as well. Of course an act of wilful transmission is repugnant, but existing laws provide adequate cover. I suggest that this law did not make anyone safer and it negatively affected our general public health at the same time because people were not getting tested.

We mentioned imprisonment before, and I think this strikes at the heart of how HIV was stigmatised by this law. If you cause serious injury under the Crimes Act you can get a possible maximum sentence of 20 years, but for the transmission of HIV it is 25 years. Again I am not retrospectively judging people who have more knowledge on this than I do, but I wonder how those figures were arrived at at the time. When we look back at it now it seems quite discriminatory.

The Kennett government introduced this law in 1993, and it certainly is a discriminatory law that we need to repeal. Let us have a quick look at 1993 to give us some context as to how much has changed in 22 years. The federal ALP stays in power as Keating defeats Hewson — hear, hear!

Mr Donnellan — We like that little bit of history!

Mr EDBROOKE — It is not Greek history; I apologise for that. UN inspection teams leave Iraq. Federal judges in the US sentence officers for violating Rodney King's civil rights. Two Blackhawks are shot down in Mogadishu. A space shuttle called *Endeavour* is launched. There is a great mix of ups and downs for the international community. Also in 1993, President Clinton announced the 'Don't ask, don't tell' policy. It is a great time capsule, and we can compare the changes to this policy to the changes we seek to make today in repealing section 19A.

The 'Don't ask, don't tell' policy prohibited military personnel from discriminating against or harassing what they called closeted gay, lesbian and bisexual service members or applicants whilst barring openly gay, lesbian or bisexual persons. This policy was repealed by President Obama in 2010. There is a reason for that: in 22 years, we have moved on. To think today that someone who is gay, lesbian or bisexual cannot serve our community in any way, including in the military, and has to hide what they believe is right, is morally wrong. We have moved on. We must repeal this section.

There are 7000 people in Victoria who live with HIV. Section 19A scares people off being tested, and this affects the successful management of risk infection. How do we manage the risk if people themselves do not know their HIV status because they will not be tested? This law stigmatises HIV/AIDS as a death

sentence. It flies in the face of international guidelines that say an intentional transmission should be legitimately prosecuted under general non-HIV-related law. This is the only law in our entire country that exclusively specifies HIV. Removing it will ensure that people have equal protection under the law and can live their lives free of discrimination. The bill strikes a balance between appropriate laws and public health goals while promoting equality and human rights. No other state or territory has similar offences currently in force. There were offences similar to section 19A in other jurisdictions; however, these have been repealed.

There were plenty of doubters in the room when David Davis announced to the Beyond Blame meeting prior to the 2014 AIDS conference that the former government intended to amend this law. I am sure that amongst the hesitant were members of the Victorian AIDS Council and Living Positive Victoria, because amending it does not go far enough. I am not sure why the government did not just come out and say it was going to repeal it. The Napthine government caused great concern by going fairly quiet on this, and there were probably other reasons for that.

In conclusion, was this section effective? No, 19A was not effective. It did not make us safer or healthier, so it is time for it to go. I wish for equality for all my friends, and I wish this bill a speedy passage.

Mr BROOKS (Bundoora) — The proposition we are debating here in relation to the Crimes Amendment (Repeal of Section 19A) Bill 2015 — which, by the sounds of it, both sides support — is that section 19A of the Crimes Act 1958, the provision we seek to repeal, causes more harm than it prevents. We have heard there has been no practical implementation or use of this provision over the time it has been on the statute book, and we need to consider the impact it has had on people who live with HIV/AIDS.

When we consider that harm, we are best to think of people close to us — people we know who live with any serious medical condition or disease and people who have suffered serious medical conditions or diseases. Our reaction as friends, colleagues and loved ones is to support those people. Sometimes, even when we are helpless to support them in a physical or medical sense, providing moral and psychological support and being there for them can give those people strength and an understanding that they are truly valued. That applies not just to people we know but to all of our fellow citizens in Victoria.

We do not want people to feel as though by the very nature of the particular medical condition they might have they are somehow different or stigmatised. But that is exactly what section 19A does; it sets one group of people apart from others for no reason other than that they have a different type of medical condition or disease to others. That is inherently wrong. As the lead speaker for the opposition said, it is somewhat surprising that it has taken so long for section 19A to be repealed, and I am very happy to be part of the Parliament that sees provision 19A removed from the statute book.

We are not talking about a small number of people who live with HIV; we are talking about thousands of Victorians. I understand that Victoria has the second-largest number of people in Australia living with HIV. Back in 2010 the figures I sourced from the Victorian AIDS Council showed that close to 6000 people were living with HIV, and given the rates of infection it could be that well over 6000 people are currently living with the disease. From looking at the health department's HIV and AIDS surveillance reports it would appear that in 2013–14 there was a slight rise in the number of people diagnosed with HIV to just over 300 people in each of those years. In 2010, 226 people were diagnosed. I am not qualified to say whether that represents an increase in the number of people contracting HIV or whether it is simply better diagnostics, but it is certainly of some concern for health officials to ensure that we are able to reduce the number of people contracting HIV. On the positive side the treatment of HIV has become much better, and as has been said already in the debate, it is certainly not the death sentence that it was in the early stages of this horrible epidemic. That is positive news for people living with HIV.

As other speakers have said, it is important to remember that the law was introduced at a time when there was a sense of hysteria. I think that is the word that has been used in this debate, and it is an accurate one. It was largely driven by the overly successful advertising campaign at the time, which was aimed at ensuring that people did everything they could not to contract HIV. The Grim Reaper campaign unwittingly fuelled the sense of hysteria, and that led to the sort of legislation we are now debating the repeal of. The repeal does not leave the statute book empty of any provision around the intentional causing of injury through infecting with a disease. Section 16 of the Crimes Act 1958 deals with intentionally causing serious injury. The definition of 'injury' specifically includes infection with a disease, and the term 'disease' is not defined to mean any particular type of disease. There is still a legislative provision for any case where a person is intentionally infected with a disease, but it is

not specific to any particular disease. This is a much better and more general way for the law to operate.

The changes brought into this place by the Attorney-General and the Minister for Equality are to be commended. They have received widespread support from stakeholders. The Victorian AIDS Council and Living Positive Victoria issued a joint media release on 14 April welcoming the repeal of section 19A. Professor Sharon Lewin, who is the director of the Doherty Institute at the University of Melbourne and local co-chair of AIDS 2014, said it best:

> Reducing HIV transmission is best approached through effective public health policy and community engagement — not through criminalisation and stigma. The repeal of section 19A is a very welcome announcement and an important enduring legacy from AIDS 2014 to see an end to stigma and discrimination for all people living with HIV.

I commend the bill to the house.

Ms KILKENNY (Carrum) — I am pleased to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. I am proud to be part of a progressive government that understands that the law which includes section 19A needs to be repealed — not reviewed, not amended, but repealed. Repealing section 19A fulfils yet another election commitment by the Andrews Labor government, and I commend all involved for that.

We have heard today a fair bit of the background to section 19A, which was introduced 22 years ago in 1993. As we have heard, under section 19A of the Crimes Act 1958 it is an offence to intentionally infect another person with a very serious disease. Section 19A(1) states:

> A person who, without lawful excuse, intentionally causes another person to be infected with a very serious disease is guilty of an indictable offence.

Section 19A(2) states that a 'very serious disease' means HIV. The provision was enacted following great community concern. At the time there were a number of robberies in which people had used syringes supposedly filled with HIV-infected blood, and it was on the basis of those community concerns that section 19A was introduced.

I remember the dreadful Grim Reaper advertisements at the time. There was tabloid panic with us being told to be wary of syringe bandits. These dreadful monsters were running around with syringes and holding up people in shops, service stations or wherever it might have been and inflicting a slow and painful death with a delay of several years before a victim died from an AIDS-related illness. In justifying the introduction of section 19A reference was made to those syringe attacks, but it was also noted that the law could be used in cases of sexual transmission where intent could be proved.

I am pleased that at the time the amending act was opposed by the Labor opposition. It was also criticised by the Victorian AIDS Council, the Victorian Council for Civil Liberties and the Australian Federation of AIDS Organisations. This is the only HIV-specific criminal offence in any Australian jurisdiction. It singles out HIV and applies a harsh penalty for its transmission. The maximum penalty of 25 years imprisonment is harsher than the maximum 20-year term for manslaughter or the crime of intentionally causing serious injury. That is significant.

We have to ask what our criminal laws are for. They are to protect communities from harm. I think we can all agree that the wilful transmission of HIV or any serious disease is wholly abhorrent, inappropriate and unacceptable and should attract significant criminal sanction, but having HIV is not a crime and people living with HIV are not criminals and should not be stigmatised or discriminated against. It is timely for section 19A to be removed from our statute book, and I am very pleased to see it happening so early on in the term of the Andrews Labor government.

What is wrong with section 19A? As I have said it is discriminatory, dangerous and outdated. As I understand it, there is no medical or legal justification for having this provision in the statute book. By singling out HIV in section 19A and making the penalties harsher than penalties for other offences, we are falsely characterising people with HIV as somehow being a threat to society and a danger to our communities. In essence doing that is inimical and counterproductive to our health promotions and policies aimed at managing the spread of HIV. Today several members have said that one issue with section 19A and the way it stigmatises people living with HIV is that it may well be sending HIV underground and is therefore acting as a deterrent for people to get tested. It is acting as a deterrent for people to let their medical practitioners know that they may have HIV or that they may be at risk of contracting HIV.

This approach in section 19A also perpetuates and stigmatises those people, and as we have seen the consequences of it are far reaching and quite dangerous. There are so many unintended consequences of section 19A that it is time for the provision to go. Michael Kirby, the former High Court of Australia judge, talked about this and a number of other laws at

the Victorian AIDS Council last year. He referred to section 19A as a 'HIL' — that is, a 'highly ineffective law'. I think he is absolutely right on a number of grounds. It has been counterproductive to our health policies, it has been discriminatory on so many levels and it has done nothing to manage the spread of HIV in our communities.

The focus of our response to HIV in our communities has been on protecting people who have HIV or who are at risk of HIV infection. It has not been on singling them out and painting them as somehow being monsters or less worthy members of our community. The approach we have taken in trying to support people with HIV, to educate people and to encourage and promote behaviour modification has seen success in the declining levels of HIV. Since 1993 when this provision was enacted we have seen many medical developments. In 1993 HIV may well have been a death sentence, but since then significant developments have been made by the medical profession. There have been widespread new treatments developed and antiretroviral therapy has been successful in managing and stemming the progression of HIV to AIDS. So, as I have said, HIV is no longer a death sentence. The landscape has changed dramatically and significantly since 1993.

HIV is a public health issue — end of story. It is not something to be criminalised. It should not be singled out in the Crimes Act for particular mention and characterised as a serious violent offence that attracts harsher penalties. Section 16 of the Crimes Act refers to causing serious injury intentionally and attracts a prison sentence of up to 20 years. That has been mooted as a possible means for dealing with any offender who uses HIV to intentionally cause harm.

The UNAIDS *International Guidelines on HIV/AIDS and Human Rights* states:

> States should review and reform criminal laws and correctional systems to ensure that they are consistent with international human rights obligations and are not misused in the context of HIV or targeted against vulnerable groups.

There is also reference to a report which states:

> Criminal lawyers and policy-makers alike must recognise that there exists a 'paradoxical relationship of mutual interest' in promoting human rights for HIV-positive people.

This is why section 19A must go. It is ill suited to achieving positive health outcomes. It is discriminatory. It has had a detrimental impact on our state's ability to manage HIV infection and to support people living with HIV. I am pleased to support the bill, and I commend all those who have been involved in its preparation. This is really an issue of equality before the law for people living with HIV, and it is a very proud moment for me today to be able to stand up and support this bill. I commend it and acknowledge the bipartisan support of those on the other side of the chamber.

Mr LIM (Clarinda) — I am delighted today to be taking part in the debate on the Crimes Amendment (Repeal of Section 19A) Bill 2015. Section 19A of the Crimes Act 1958 states that it is an offence for a person to intentionally cause another person to be infected with a 'very serious disease', which is defined exclusively to mean the human immunodeficiency virus or HIV, as it is known. The law was first introduced in 1993 — which is a long time ago now, being more than 20 years — and carried the penalty of up to 25 years for deliberately infecting someone with the human immunodeficiency virus. The law was introduced in response to a growing trend of people arming themselves with blood-filled syringes during robberies and assaults, which was a common scene on TV screens at the time. The law has rarely been used since and has never been used in the circumstances for which it was originally enacted. In fact only one person has been convicted of three counts of attempting to commit an offence based on the transmission of HIV.

The penalty this offence carries is five years more imprisonment than is provided for the offence of manslaughter, and it only applies to HIV. As a matter of fact the penalty is higher than for offences involving the intentional transmission of any other disease or the causation of serious injury. By singling out HIV, the law adds to the stigma of living with HIV. Furthermore, intentionally infecting someone with serious illness is already covered by the other general application in section 16 of the Crimes Act 1958, in which the definition of injury now specifically includes infection with a disease.

Currently nearly 7000 Victorians are living with HIV. This law is not only discriminatory but also anachronistic. It contains an offence that discriminates against persons living with HIV and should therefore be repealed. At the time the law was introduced HIV was believed to be fatal. People who were infected with HIV were expected to die of the disease. Each one of us will have been through that period and remember the trauma and the horrible things that we heard and saw particularly in the media. Now, with the progression of modern medicine, HIV is no longer thought to be a death sentence for people who are infected, and it can be controlled through early intervention and proper treatment. Inappropriate and overly broad use of the criminal law may discourage HIV testing, which is critical to successfully managing the risk of the

infection and thus undermines the public health effort to address HIV. The repeal of this provision will reduce the stigma experienced by and the unnecessary discrimination exhibited against people living with HIV and will further improve equality for all Victorians.

Victoria is equipped with effective measures for managing an individual who puts others at risk of acquiring HIV. Under the Public Health and Wellbeing Act 2008, the chief health officer possesses disease control powers that include placing restrictions on certain behaviours by or the movement of people who put other members of society at risk of contracting HIV. For example, the chief health officer can deal with HIV sufferers who are irresponsible and a threat to the community in a similar way to other people with highly infectious diseases, including detaining them.

Every person is entitled to the protection of the law without discrimination and has the right to equal protection against discrimination. The bill promotes the right to recognition and equality before the law provided by section 8 of the Charter of Human Rights and Responsibilities Act 2006. Section 8(3) of that act states that every person is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. Equal treatment requires that the legislation should not discriminate on the basis of certain personal attributes as set out in the Equal Opportunity Act 2010. Those attributes include a disability, which is defined to cover the presence in the body of organisms that may cause disease, such as HIV.

The government is committed to identifying and removing provisions that unfairly discriminate against members of the lesbian, gay, bisexual, transgender and intersex community. We on this side of the house hold our heads high in keeping this tradition of treating everyone equally. I commend the bill to the house.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise to support the Crimes Amendment (Repeal of Section 19A) Bill 2015. Ours is a government which is committed to meeting its election promises, and this bill is no exception to that undertaking. In November last year Labor committed to the repeal of section 19A of the Crimes Act 1958, and this bill seeks to do just that.

By way of background, as we have already heard, section 19A was introduced by the Kennett Liberal government in 1993. The provision made it an offence to intentionally infect another person with the human immunodeficiency virus, better known as HIV. Victoria is the only state to have such an offence in force — hopefully not for much longer.

The provision came about as a response to situations where victims of crime were being threatened with blood-filled syringes but probably not with the regularity that may have seemed to be the case in popular culture and folklore at the time. However, as we know, this crime is sufficiently covered in any case under other offence provisions, and contemporary thinking is that there is no need to single out one infection and create a situation that discriminates against one particular community, in this case the LGBTI community. Of particular concern is the discriminatory nature of the section 19A offence, which is demonstrated not only by its very existence as a discrete offence but also by the fact that it applies a harsher penalty for the transmission of HIV compared with other similar offences. For example, a breach of section 19A carries a penalty of up to 25 years imprisonment, whereas the intentional transmission of any other disease or causation of any other serious injury carries a maximum sentence of just 20 years. This conflicts with the Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006, which provide that there should be equality in treatment and protection for those living with HIV. As we have heard, since the introduction of section 19A there has only been one conviction, and that was for attempting to commit this offence. This serves to add even greater weight to the argument that the provision is unnecessary.

A lot has changed since 1993, and we have heard a fair bit about those changes in this chamber as a part of this debate. Thankfully attitudes are changing, although many in this place would agree that there is still some way to go. In addition to the fact that the stigma of homosexuality has lessened over time — although, as we know, HIV is not an illness confined to the LGBTI community — in 1993 HIV was generally believed to be a death sentence, and there was quite a lot of hysteria globally about the disease. Since that time and as a result of advances in medicine, treatment and understanding, it is no longer considered to necessarily be so. As such, it is no longer necessary to single out HIV from other diseases or to treat it any differently.

We have come a long way in our understanding of HIV but we have also come a long way in our acceptance of the LGBTI community, and I will touch on why I am linking HIV with that community, particularly in relation to how this issue was portrayed in the 1990s, when the two were unfairly linked. In the early 1990s it was far more common or seemed more common for people to hide their sexuality — and it is no wonder

when we look at some of the mainstream attitudes at that time. We have heard some humorous stories from other speakers here today about parental advice to cover the toilet seat, and about the Grim Reaper ads, which I think are remembered by everyone in this chamber. However, I also recall drastically homophobic playground slurs. If you did not like something or somebody, you called it or them gay. That was commonplace, and no-one batted an eyelid. I can say with great pride that today my nieces and nephews would be appalled if they heard that. They do not utilise that language in the way that was commonplace when I was young, and that is something to be very proud of.

In researching for contribution to this bill I came across a 2012 article in the *Age* about the Grim Reaper ads. The article states:

> There were other unintended consequences of the ad's power. Some viewers had interpreted the Grim Reaper not simply as death, but as gay men, their lascivious immorality now contaminating the broader blood supply. Dr Ron Penny, who diagnosed Australia's first case of HIV, would later say, 'The downside was that the Grim Reaper became associated with gay men rather than as the Reaper. That was what we had unintentionally produced'.

I do not want to fully denigrate the 1990s — a lot of good things came out of that decade. I would like to say I was born in the 1990s, but I was not.

Mr Edbrooke — Good haircuts.

Ms WILLIAMS — Terrible haircuts. The member for Frankston still has a haircut out of the 1990s.

There were some gains, though, and I am keen to highlight a few that are pertinent in particular to the way that our community has dealt with LGBTI issues. For example, Ireland decriminalised homosexuality in 1993. It was a bit too late, but it got there in the end. There were also developments in the United States in relation to granting gay and lesbian people spousal and bereavement benefits upon the death of their partner. But acceptance in the mainstream was not where it is today.

The developments we have seen so far have been welcome indeed, and I would like to think of this bill as one more step in the right direction. In 1993 the idea — let alone the reality — of our state Premier leading a pride march was probably pretty outrageous. In 2015 it was celebrated by most people in our community. I know I certainly celebrated it. It is a wonderful thing to see political leadership embracing inclusion and acceptance. However, this must extend beyond the symbolic. It must involve the embracing of genuine change — legislative change, like what we see proposed in this bill today.

Despite the advances in community attitudes we need to be mindful of the impact of structural discrimination. We know that the LGBTI community is over-represented in our mental health statistics, and breaking down stigma and being genuinely inclusive has a huge role to play in addressing these issues. According to beyondblue, in comparison to heterosexual people LGBTI people are twice as likely to experience anxiety, at 31.5 percent compared with 14.1 percent, and three times as likely to experience depression and related disorders, at 19 per cent compared with just 6 per cent. Young LGBTI people with a history of verbal, sexual and/or physical victimisation and abuse have higher levels of social and mental health problems than heterosexual people, including sexual risk-taking, dangerous use of alcohol and drugs, dropping out of school, homelessness, self-harm and attempted suicide. So much of this is the result of the sorts of attitudes that have been propagated within our community.

The LGBTI community, along with beyondblue and the Movember Foundation, has produced a national campaign aimed at improving the Australian community's understanding of discrimination and the impact it has on mental health. The campaign is designed to prompt people to 'Stop. Think. Respect.' in relation to people who are different from themselves. This seems so simple, but it is so important. Legislation which discriminates against the LGBTI community only adds to the stress and anxiety experienced by a group which is already feeling marginalised. Repealing section 19A is an important step in the fight against discrimination.

As we have heard, at the 20th International AIDS Conference, held in Melbourne in 2014, various groups from the health and legal sectors voiced concerns at the outdated and discriminatory nature of 19A, and the previous government expressed support for an amendment to the act. It is wonderful to see the opposition supporting this bill here today. Bipartisanship on this issue is something Victorians should be genuinely proud of.

This bill was prepared after consultation with the Department of Health and Human Services, and its intent is clear and unequivocal. It is sensible and important, and it marks important progress in community attitudes and in the willingness of our political leadership to actually lead. I am proud to be part of a progressive team that truly wants to achieve positive change and improve the lives of our most

marginalised people. On that note, I commend the bill to the house.

Ms THOMAS (Macedon) — Firstly, I would like to congratulate both the Attorney-General and the Minister for Equality for bringing this bill to the house and delivering on yet another one of the Andrews Labor government's progressive commitments to the people of Victoria. I am proud to speak on this bill as a representative for the seat of Macedon. Macedon has one of the largest LGBTI communities outside metropolitan Melbourne, and each year it hosts the ChillOut Festival in Daylesford, which is a celebration of LGBTI pride and the largest regional LGBTI event in Australia.

A number of people have talked at some length about the history of AIDS here in Victoria and in Australia, and they have talked about their personal experiences. Similarly I want to reflect on that time, just over 30 years ago, when we first heard about this dreadful disease, which no-one fully understood at that time. It was a disease that quickly claimed the lives of two young men who I taught with at Laverton Secondary College. None of us understood what the disease was, and as others have said, I do not think our understanding was helped by some of the shock tactic campaigns of the time, such as, most notably, the Grim Reaper campaign.

However, what I do want to talk about is that Australians should be very proud that we moved extremely quickly to address HIV/AIDS in our community. We did this through fantastic political leadership by the then federal Labor government and then federal Minister for Health Neal Blewett. In 1984 Neal Blewett established the first national advisory committee on AIDS, and I am pleased to report that he received strong bipartisan support for that committee. It is fair to say that by and large in terms of political leadership there has been strong bipartisan support to tackle HIV/AIDS here in Australia.

I want to comment on this leadership. In a very interesting book called *Movement, Knowledge, Emotion — Gay Activism and HIV/AIDS in Australia* by Jennifer Power, Ms Power notes that:

> … the impact of HIV/AIDS would likely have been significantly more devastating in Australia if the government of the day had pursued a more conservative approach to disease prevention. Strategies implemented under Blewett's stewardship — including the involvement of affected communities and implementation of programs such as the needle/syringe exchange (where injecting drug users were given free access to clean syringes) — have proven in the longer term to be extremely effective HIV/AIDS prevention measures. A supportive federal government also represented an important 'political opportunity' for the AIDS movement in that they were afforded a legitimate role in the policy response to HIV/AIDS and funding was provided for community-run education and prevention initiatives.

I just wanted to stop for a moment to say how important it is that affected communities are in control of their responses to issues that affect them. Indeed that is what happened in Australia. Gay men, who were largely impacted by the first onset of HIV in Australia, took this opportunity as a catalyst for change and for organising. If there is one good thing that has come out of HIV/AIDS in Australia, it is a very powerful, well-organised LGBTI lobby that has advocated for fairness, equality and access to services, and which continues to do so. I applaud those community activists for all the work they have done. Again I reflect on the role of former Labor federal Minister for Health Neal Blewett; he was truly a world leader in this area.

I also wanted to talk about the importance of political leadership, which is absolutely essential when we consider some of the misinformation and scare campaigns that were underway at that time. I am afraid to say that rather than being in accord with strong political leadership, section 19A actually belongs to the Dark Ages and the misinformation, prejudice and bigoted attitudes we saw in our community at the time. I will again quote from Ms Power's book, which states:

> The accepted beliefs about AIDS in the early 1980s, before HIV was discovered, were that it was contagious and deadly. This merged with existing homophobic attitudes to produce an image of gay men as diseased and dangerous — guilty not only of misdirected sexual predilections but of their newfound potential to infect and kill 'normal' Australians. All gay men came to be seen as potentially contagious and deadly.

In October 1989 the now-defunct *Bulletin* magazine published a cover story on homosexuality which discussed increasing reports of discrimination against gay men and lesbians in the wake of AIDS. The article observed that the new awareness and tolerance of homosexuality that had been developing since the 1960s had been well and truly set back by some of the misinformed responses to AIDS.

Indeed back in 1985 — and some honourable members may recall this — both Ansett Airlines and Trans-Australia Airlines, neither of which exists today I might note, imposed a ban on all HIV-positive passengers. That was short lived, but it came alongside increased complaints of workplace harassment and fears that gay men could be banned from jobs in the service industries. Let us not be confused about this: these were very dark days for those people affected by AIDS and HIV, who at that time were predominantly gay men.

Section 19A was then introduced into this Parliament. I am pleased that it was the then Labor opposition that spoke against section 19A; I am also pleased that it is a Labor government that is now seeking to repeal section 19A, as it only serves to reinforce the bigotry that holds us all back.

I would like to commend the bill to the house. As I said earlier, I am delighted that both the Attorney-General and our first ever Minister for Equality have acted so quickly. There should be one law for all. We should not have discriminatory laws. We all agree on that. They are out of keeping with our ethos and with the Equal Opportunity Act 2010. I commend the bill to the house.

Ms SULEYMAN (St Albans) — I rise to speak on the Crimes Amendment (Repeal of Section 19A) Bill 2015. As my parliamentary colleagues have said over the last hour of this debate, a lot has changed since the 1980s and 1990s, particularly in my electorate of St Albans, which has such a diverse and multicultural community.

Having grown up in the 1980s and 1990s I can recall the shocking commercials and advertisements in relation to AIDS. They created a huge amount of fear and anxiety in the community, in particular amongst families. Since then a lot has changed, and thank God it has. There is much more education and medical research. There is community understanding and so much more awareness amongst my community and most importantly in our society.

There is no question that the law must be equal for all. That means that your medical condition, race, ethnicity, culture, sex, gender or colour should not be the basis for discrimination in this state. No other state has this type of law. I am very pleased that Victoria is repealing this section of the Crimes Act 1958.

A number of speakers have said today that repealing this section will reduce the stigma and no doubt the discrimination faced by people living with HIV. I am a very strong believer in equality; I am a very strong believer that we should all have the same rights under the law in this state. I am very happy and pleased that it was a Labor opposition that made it very clear before the election that if it were to win, it would immediately repeal this section and make one law for all.

I am pleased that this section is being repealed. I would like to congratulate the Attorney-General, the Minister for Equality — there is no other state that has a Minister for Equality — and most importantly the Labor government for taking this stand, setting the standard and listening to the criticism of those stakeholders who vigorously opposed and criticised this section last year when the International AIDS Conference was held in Melbourne, and I think the member for Niddrie spoke a little bit about that conference. We have heard criticism of this section from a wide range of stakeholders. It is very important that the Labor government has listened, acted and most importantly delivered. I commend the bill to the house.

Ms WARD (Eltham) — I am very pleased to rise to speak in support of the Crimes Amendment (Repeal of Section 19A) Bill 2015, and in particular the repeal of section 19A. The first thing I wish to do is to comment — as my colleague has — on how wonderful it is that we have our own Minister for Equality. This is unprecedented and something that we have been waiting on for quite a while. To have equality and fairness is something that goes to the core of Labor values, and it is fantastic that we now have a minister who enshrines this, as do all of us across the Labor Party.

Like many here today, I was very affected by the Grim Reaper ads. I was a teenager in the 1980s, and while there are a few things that were good about the 1980s — music being one of them — the Grim Reaper ads were pretty disturbing. To watch these ads on the TV — even on the quite small TVs we had then compared to the ones we have now — was quite confronting. It was confronting to hear the dark music and feel the dark atmosphere as the Grim Reaper glided onto your TV screen — like someone else in this house often does — and rolled a bowling ball down the alley, and people just fell over. It was terrifying. It was scary. It made us afraid of AIDS, it made us afraid of HIV and it made us afraid of homosexuals.

This is not something to embrace; it was not a good thing that came out of the 80s. However, a good thing that did come out of the 80s is people like us, who have started to change our society. We have thrown off the shoulder pads and the big hair and worked towards modernising our society and our culture. We have worked steadily, carefully and with consideration to bring equality to our community, to bring people together and to have people included.

This is a small piece of legislation — this is just a repeal of one section of an act — but it is important, and we should never underestimate the importance of symbolism. Symbolism is important, and this is yet another message we can send out to the LGBTI community to let them know that we walk with them. They are of our community. They are our people, and we care about what happens to them. We do not think they should be singled out. We do not think that

something they do should be regarded differently to someone else committing a similar crime, so this is really important legislation on its own.

We need to remember that we lost some really amazing people to HIV. One that comes quickly to mind is Keith Haring, whose fabulous mural is at the former Collingwood Technical College site. It is a fantastic reminder — a very sad reminder — of a very creative man who had a lot to contribute to the whole community, who gave us a lot and who changed some of the ways we saw art. He was innovative in the way he did his street art and how he brought it out to the community in general. We had people like Peter Allen, a famous Australian who brought people a lot of joy. His song *Tenterfield Saddler* is one of the most beautiful Australian songs you will find. It is an absolutely gorgeous song. Sadly, he was also lost to HIV. It is something for us to mourn but not something for us to be afraid of.

I also lost a friend to HIV a long time ago. He was a man who just wasted away — a really gentle, kind man who was also involved in the arts community. I am sure that there are many people here in the house who have also known someone who has experienced what can be a debilitating disease and what was a deadly disease many years ago. I am very happy to say that HIV is no longer the disease it was, just as our community's views on homosexuality are not the views they once were. Thankfully we are a more inclusive society that recognises that having HIV is not something for others to be afraid of, that having HIV is something you live with and that we should not be discriminating against people.

When we see it through modern eyes, we see that this section of the act is discriminatory. You could be penalised and pulled out and told, 'No, you have actually done this other offence, because you had a syringe with blood in it that could have HIV in it'. How is that different from anybody else using a threatening weapon? It is the same, and that is exactly how this crime should be seen; it should be seen in the context of people being threatened, not through the prism of sexuality or what disease a person may carry. It should be seen through the prism of a crime that someone is charged with.

I found it quite interesting to read about this legislation. The maximum sentence is 25 years, which is quite extraordinary when that severity of penalty does not apply to other crimes where a person is holding a dangerous weapon. It is a serious crime, but it seems quite amazing that it was singled out as it was and that it had such a severe penalty. It would really stigmatise the person who had a syringe in their hand, especially when it symbolises what would have been seen at the time as a homosexual disease. It is very good that we have moved on and embraced new ways of thinking.

I am also pleased to note that this amendment embraces the Charter of Human Rights and Responsibilities. As I have said in this house previously, the charter was a Labor Party initiative, and the fact that we are going through our legislation and seeing how the charter can be applied and where we have fallen short is a tremendous thing. It is indicative of the kind of legacies Labor governments leave. We leave our imprint on a lot of things, and this is yet another one. The charter is a very important document that helps us make decisions that ensure fairness. Again, this is what we believe in — we believe in things that are fair. It is only fair that this crime be seen as similar crimes are seen across the board and not singled out because of a disease you might carry. It is only fair that you be seen on par with your contemporaries in the eyes of the law.

We cannot condone threatening and dangerous behaviours, and the repeal of this provision does not do that. It does not say that it is okay to behave in this way; it says that we are not going to isolate a person because of who they are or what condition they have. It says, 'Don't commit this crime', but it does not say that we are going to point the finger, single someone out and treat them differently from everybody else, because that is not what you should do in a fair and equal society. People should not be singled out for who they are; they should be judged on their merits and what they do, not what they believe or who they are.

Again, I am glad that Labor is showing how it is delivering on another election commitment. We have been falling over ourselves. We have been going at such a frantic pace, delivering commitment after commitment, and this is another one we are going to deliver to the people of this state. This is good legislation. Again, it shows the values Labor believes in, and I commend it to the house.

Ms KAIROUZ (Kororoit) — I rise today to support the Crimes Amendment (Repeal of Section 19A) Bill 2015. I would like to commend all the members who have spoken so passionately and eloquently on this bill. I particularly commend the Minister for Equality and the Attorney-General for bringing in the bill before us today. The bill is an important one because it provides a basic right that all Victorians should have — that is, the right of equality before the law.

During the 2014 International AIDS Conference in Melbourne a number of health and legal groups

criticised section 19A of the Crimes Act 1958 as discriminatory and out of step with recognised best practice. On the first day of the conference the former government committed to reviewing section 19A to make it non-discriminatory. Labor welcomed this announcement and on 24 November 2014 committed to repealing section 19A, which is in direct contradiction to the Equal Opportunity Act 2010, which prohibits discrimination on the basis of a disability.

The Charter of Human Rights and Responsibilities also states that every person is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. This bill repeals the outdated and discriminatory law that specifically targets people with HIV, and it helps remove the stigma that is attached to the virus. No other state or territory has similar offences currently in force. There were offences in other jurisdictions that were similar to section 19A; however, they have been repealed. For example, in 2007 New South Wales repealed its offence of causing a grievous bodily disease. The offence was subsumed within the general offences covering the causation of grievous bodily harm.

Section 19A of the Crimes Act 1958 provides that it is an offence for a person to intentionally cause another person to be infected with a 'very serious disease', which is defined exclusively to mean HIV. The penalty for the offence is a maximum of 25 years imprisonment. In and of itself this section of the Crimes Act harks back to the discriminatory hysteria surrounding HIV that we were so aware of during the late 1980s and early 1990s. During that time individuals, families and communities formed uninformed, disrespectful and biased views of people who were living with HIV. Thankfully today society has generally become more educated about HIV and people living with the virus.

Section 19A was introduced by the Kennett government in response to a growing trend of people arming themselves with blood-filled syringes during hold-ups and assaults. This was during a time when carriers of the HIV virus were subjected to widespread discrimination. Today I heard that during that time, when Labor was in opposition it opposed the legislation. While I welcome the news that it did that back then, I am pleased to see that today there is tripartisan support for repealing section 19A.

Since its introduction only one person has been convicted, and in that case the conviction was for three counts of attempting to commit the offence. This fact alone reveals how redundant section 19A of the Crimes Act is. Section 19A applies a harsher penalty for the transmission of HIV compared with the penalties for other similar offences. The maximum penalty of 25 years imprisonment is higher than that for offences involving the intentional transmission of any other disease or causation of any other serious injury. The maximum penalty for those offences is 20 years.

As I said, currently no other states or territories have similar offences in force as they have repealed their corresponding laws. I am pleased to see that in 2015 the Victorian Parliament is doing the same. Victoria currently has effective laws in place for managing individuals who put others at risk of contracting HIV. Under the Public Health and Wellbeing Act 2008 the chief health officer possesses disease control powers that include placing restrictions on certain behaviours or movements.

Generally speaking, everybody is receptive to this amendment and pleased that this section of the Crimes Act will be repealed. One key concern is that the offence unfairly characterises persons living with HIV as a danger to the community in that it reinforces a misunderstanding that HIV infection is a death sentence. I have heard earlier speakers say that that is not necessarily the case and that people who are infected with HIV can live quite normal lives without being ill. They are able to choose how they wish to live and to love whomever they like. They can live a life of a normal healthy person.

I am pleased that overall Labor supports the LGBTI community, although more work needs to be done. In the budget that was announced today children who identify as being gay will be supported at school and LGBTI communities will also be supported. I welcome the repeal of section 19A of the Crimes Act, and I commend the bill to the house.

Ms GARRETT (Minister for Emergency Services) — It is with a real sense of pride that I rise to make a contribution to the debate on this legislation. I congratulate the Minister for Equality and this Labor government, and I pay tribute to the speakers who have made outstanding, heartfelt and passionate contributions about this issue, because laws do matter in a personal and immediate way for those who are affected by them. As a former discrimination lawyer and a proud member of the community, I know that when minority groups are treated differently and with little respect and are put through the wringer on the basis of things they can do nothing about, such as their sexuality, the entire community is diminished and suffers. This law is like a window to the past, and

looking through it we can see just how far we have come.

The Bracks and Brumby governments repealed some 100 pieces of discriminatory legislation that affected the LGBTI community in matters as diverse as basic workplace rights through to financial differences in how people in the LGBTI community were treated. It is not acceptable to have laws like this on our statute book. Laws such as this give refuge to ignorance and bigotry. They do not advance the most important cause of making sure that everybody in the community is treated equally and with respect and that they are able to navigate the journey of their lives with the utmost dignity and the support of the community in which they live. I commend the bill to the house.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

SENTENCING AMENDMENT (CORRECTION OF SENTENCING ERROR) BILL 2015

Second reading

Debate resumed from 15 April; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — The bill before the house is one that the coalition does not oppose. On its face it appears to make sensible changes which we had begun to look at when in government but were not able to execute because of the intervening election. Nevertheless it is good to have it before the house. I believe it will have a beneficial effect on our legal system. One of the great problems the legal system faces in terms of efficiency is how effectively and promptly courts are able to correct errors — basic clerical errors, oversight and similar errors — that the parties need to have corrected and the system needs to have corrected to preserve the integrity of the processes that govern our courts and guide the practitioners who appear in those courts.

The problem under the current law is that when a court has made an error, in either a sentence it has imposed or a sentence it has not imposed but which the law requires it to impose, there are really only two principal ways in which that error can be corrected. The first is through the most commonly known form of correction, an appeal; the second is through the process of judicial review. In either case the difficulty with the current state of affairs is that it is time consuming and costly. For a party to have to lodge an appeal in a superior court to correct what is a fairly obvious and basic error could cost quite easily tens of thousands of dollars. They will need to engage solicitors, and in the case of an appeal court or a superior court they will have to engage a fairly senior barrister, and sometimes senior counsel, to appear on their behalf. That can be quite costly, as we all know.

These things are not uncommon. A trial is a complex procedure. As other practitioners of the law who are members of this house will know, it is not uncommon for courts, practitioners and officials to overlook the most basic requirements. Having a way to deal with that will improve our system dramatically. A recent example was *DPP v. Edwards*, a 2012 appeal case in the Supreme Court. In that case the sentencing judge imposed a suspended sentence on someone who had recklessly caused serious injury, but the power to suspend the sentence had been abolished by that stage.

The matter of whether the sentencing court could correct its own error went to the Court of Appeal, which held that the judge in that case could not reinstate the matter and correct the error, in particular by imposing a sentence in accordance with the law, because the function of the judge had been exhausted and he had no further role in the matter. That is a clear and stark demonstration of what parties must go through in order to correct a basic error. I know from experience that going to the Court of Appeal is a time-consuming and costly exercise.

The bill does two principal things. It removes the 14-day time limit on the application of section 104A of the Sentencing Act 1991. Speaking on behalf of the coalition in opposition, this is a sensible thing. There is no reason why the ability to bring an application under the provisions that this bill inserts into that act should be limited to 14 days. In particular it is not uncommon for parties to discover an error — or for somebody else to discover the error for that matter — after a good deal longer than 14 days. It can be many months, maybe even longer in some cases, before an error is discovered. In terms of what policy should guide reform in this area, it does not seem clear to us that there should be an arbitrary time limit. As I will come to in a moment, the bill addresses this by imposing criteria that the court should consider before it grants an application to correct the types of error which this bill addresses.

Perhaps more substantively, the bill adds a correction power to the Sentencing Act 1991 to allow either the sentencing judge or another member of the court to reinstate the proceedings in which a penalty contrary to

law has been imposed or where the trial judge has failed to impose the sentence that the law requires — in that case the court can impose a penalty that is in accordance with the law. That is very sensible. The power to reopen proceedings should not be limited to the judge who heard the case; the main thing is that the parties are able to apply to any available member of the court and have the correction effected.

The new correction power is based on section 43 of the Crimes (Sentencing Procedure) Act 1999 of New South Wales, which the High Court of Australia considered in the case of *Achurch v. The Queen* in 2014. The court interpreted that provision in the New South Wales law on the basis that it was not intended to act as a substitute for the appeal process. We are advised that the correction power which this reform will introduce is not to supplant the role of appeal or judicial review. In fact as we read the bill, and as we have been assured by the Attorney-General in the second-reading speech, it will allow for the correction of penalties that are contrary to law but will not apply in cases involving erroneous reasoning or factual error. In those cases it will be the proper role of the appeal court to deal with those issues on their merits. It is very much in the public interest to achieve finality in criminal proceedings, although, as we all appreciate, it is important to bear in mind that this needs to be balanced against the need to ensure that the outcomes of the decisions of our courts are in accordance with the law.

Turning to the provisions of the bill, I note that the removal of the 14-day requirement is contained in clause 6. As I said, we do not have any issue with that, and we think it is a sensible and salutary change.

Clause 7 provides for the power for a court to reopen a determined matter for the purposes of either correcting the imposition of a penalty that is contrary to law or correcting a sentence which has failed to impose a penalty the law requires it to impose. Importantly, as I foreshadowed a moment ago, I note that in the course of considering whether a case should be reopened the court is to have regard for the time that has elapsed since the imposition of or failure to impose the original penalty. That gives the court broad discretion in these sorts of matters to consider a range of things in relation to whether it should grant leave to reopen a case and, importantly, it will ensure that parties do not unnecessarily approach the court for the exercise of its powers but will be very conscious of the need to demonstrate that the criteria are satisfied.

In determining whether a new penalty should be imposed on the reopening of a proceeding, the court must under new section 104B(4):

> … take into account the extent to which the person to whom the proceeding relates has served, paid, complied with or otherwise suffered the consequences of the original penalty.

That is to ensure that when the matter comes before the court, the court must — and should, in our view — be able to take into account any part of the sentence a person may have already served in determining what penalty should be imposed. Importantly new section 104B(6), which is inserted by clause 7, makes clear what I foreshadowed — that the processes this bill intends to introduce into the Sentencing Act 1991 are not a substitute for the appeal process. New subsection (6) makes it clear that:

> For the purposes of this section, a penalty is not contrary to law only because the decision to impose it was reached by a process of erroneous reasoning or factual error.

Those are the main sections of the bill I wish to address. As I said, there is a strong public interest in achieving finality in criminal proceedings, but it must be balanced against the need to ensure that penalties are in accordance with the law.

Sentencing is a very important function of the courts, not just to ensure that the consequences of wrongdoing are visited upon the offender in a particular case but, as we all know, particularly those of us who are practised in the criminal jurisdiction, it is very important to ensure that the general messages surrounding sentencing are beyond defect and error because general deterrence, among a range of sentencing purposes, is very important. With sentencing orders having significant consequences for offenders and the community, it is also important to ensure that sentences are valid and not in breach of the law. We are satisfied on the basis of what has come before this Parliament, including the second-reading remarks of the Attorney-General, that the bill will ensure that, where appropriate, errors will be efficiently and promptly resolved. I am happy to advise that the coalition opposition does not oppose this bill.

Mr CARROLL (Niddrie) — I acknowledge the member for Hawthorn, and I thank him for his contribution. I appreciate the bipartisan nature of his support for this legislation. I am pleased to speak on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. It is an important bill. It will clarify and expand the power of a sentencing court to correct errors in sentences it has imposed. It will enable clear errors to be corrected without the need for a party to commence an appeal or judicial review into proceedings.

Essentially this legislation can be broken down into two different parts. Firstly, the bill removes the current

14-day time limit on the application of section 104A of the Sentencing Act 1991, which gives sentencing judges the power to correct minor or clerical errors in sentences they have imposed. This time limit has proved unworkable in practice as errors are regularly discovered outside that period, such as when counsel is reviewing the sentencing orders to determine whether there are good prospects of appealing the sentence. Secondly, the bill introduces a new power, which is based on New South Wales legislation, providing that the sentencing court may reopen a proceeding in which it has imposed a penalty that could be considered contrary to law or in which it has failed to impose a penalty required to be imposed by law.

A penalty will be contrary to law if it was beyond the court's power to impose. Upon the reopening of the proceeding the court will be able to impose a penalty in accordance with the law. This new power is necessary because under the current law a sentencing judge has no power to recall and correct a penalty, even when there was no power to impose the penalty. This means offenders and the Crown must bring an appeal against the sentence or institute judicial review proceedings to correct the error. This can be time consuming and expensive.

The shadow Attorney-General, the member for Hawthorn, and I both had the pleasure of attending the biennial conference of District Court and County Court judges of Australia and New Zealand on 9 April. I appreciated the member for Hawthorn's support at a function I spoke at. I think you could say we both networked the room, and the feedback we got from stakeholders and judges was that judges have an incredible workload when it comes to the complex nature of sentencing law.

The Attorney-General is determined to make sure, whether it be by way of advice to jurors or education for judges, that our law and order system operates as efficiently and sustainably as possible. As we know, our justice system is under increasing pressure. Even in today's budget we see the allocation of funding to our law and order agenda, and that is positive. I congratulate the Attorney-General as well as the Minister for Police and Minister for Corrections for finding some solutions to problems in the justice space that we inherited from the previous government.

It is important that this legislation has bipartisan support. It achieves the right balance. I commend the Department of Justice and Regulation for its work, particularly in extensive consultation with stakeholders, including the Office of Public Prosecutions (OPP). With the house's indulgence, I congratulate John Cain, former government solicitor, on his recent appointment as the solicitor for public prosecutions. I was fortunate to do my articles at the Victorian Government Solicitor's Office under John Cain, and he even moved my admission. He is going on to bigger and better things, and his is a fantastic appointment of which the Attorney-General, the Premier and others involved should be proud. There was extensive consultation on this legislation with the OPP, Victoria Legal Aid and Victoria Police, and the department has done a great job in getting the balance right.

I do not think there can be any criticism of this legislation. We have got the balance right. Section 104A allows for the correction of certain errors, and the removal of the current 14-day time limit will not unduly affect the principle of finality, because the section permits the correction of minor errors. The substance of a sentence will not be significantly altered. Further, the new 'contrary to law' provision allows for the correction of serious errors, including situations in which a court has sentenced in ignorance of a relevant secondary provision. In such cases the urgency of correcting the record will outweigh the inconvenience associated with amending the order sometime after sentencing.

At the heart of this legislation are the Attorney-General's attempts to deal with an incredibly complex subject matter. Sentencing is not only complex but also an incredibly difficult exercise. It requires judges to take into account not only the gravity of an offence and the offender's circumstances but also a number of prescriptive secondary rules. Anyone who has had a bit to do with sentencing knows it is an incredibly complex matter. The rules of evidence are complex, and getting the balance right is always critical.

It is fair to say that from time to time judges and magistrates make a mistake by imposing a penalty that is contrary to law. At other times a judge may fail to impose a penalty that the law requires. Some such errors are corrected on appeal and some are corrected following a judicial review of proceedings. Either way, this has the potential to cause delay in finalising criminal matters and adds significantly to the cost borne by the offender and the prosecution. More and more we are seeing trials go from start to finish and the courts under enormous pressure, and it is great to see the Attorney-General leading the way with additional resources for Victoria Legal Aid that will greatly benefit our court system and the judicial process in Victoria.

I draw members' attention to one particular case that in many respects highlights the situation this legislation is trying to correct. In the case of *DPP v. Edwards*, which was a Court of Appeal case in Victoria back in 2012, the sentencing judge had imposed a suspended sentence on a charge of recklessly causing serious injury. However, the power to suspend a sentence of imprisonment for that offence had previously been abolished. The Court of Appeal by majority held that the judge could not recall that sentence and impose one in accordance with the law because his role in the matter had finished. This meant that parties must apply to a higher court to correct such an error, no matter how clear it might have been. This legislation goes to the heart of *DPP v. Edwards*. It clarifies and expands the sentencing court's power to correct errors in sentences it has imposed.

I will not cover the two major sections I covered earlier, but I will talk a little more about the new correction power, which is an important component of this legislation. Adding the new correction power to the Sentencing Act 1991 allows a sentencing judge or another member of the same court to reopen proceedings in which a penalty contrary to law has been imposed. Upon reopening, the judge may impose a penalty that is in accordance with the law, thus correcting the subject matter at hand. This new correction power is modelled on section 43 of the New South Wales Crimes (Sentencing Procedure) Act 1999. This provision was the subject of the High Court's decision in *Achurch v. The Queen* last year. In that case the High Court interpreted the New South Wales provision on the basis that it was not intended to act as a substitute for the appeal process.

Importantly, consistent with the High Court's observations in *Achurch v. The Queen*, this bill preserves the proper role of appeal in the criminal justice system. The new provision allows for the correction of penalties that are contrary to law. Even more so, the existence of the correction power does not take away from a party's right of appeal, so natural justice and judicial process will be followed.

There has been incredibly strong public interest in ensuring that there is finality to criminal proceedings. As I mentioned earlier, only a few weeks ago I represented the Attorney-General at the biennial conference of County Court and District Court judges of Australia and New Zealand, and overwhelmingly the stakeholders who spoke to me, including judges, barristers and solicitors, talked about a stretched judicial system under enormous pressure. With what the Attorney-General is intending to do, he is committed to making sure that the legal system operates not only fairly but sustainably. It is important going forward that we have a justice and law and order system in Victoria that is not only fair but sustainable, and today's budget goes to the heart of that and puts more money into legal aid to ensure proper representation and to ensure that our judicial process operates to its full potential.

Ms KEALY (Lowan) — It is a pleasure to speak on behalf of The Nationals and the coalition in this debate on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. The purpose of the bill is to amend the Sentencing Act 1991 to make it easier for courts to correct sentencing errors without the need for an appeal. The main provisions of the bill come under clause 6, which removes the 14-day time limit that applies to applications to amend judgements or sentences to correct clerical or similar errors, and under clause 7, which inserts new sections to allow a court to reopen a case at any time where it has imposed a penalty contrary to law or where the law requires a penalty to be imposed that the court has not imposed. The coalition does not oppose the bill. In substance, it is a bill that we would be introducing if we were in government, so it is positive to speak on the bill today.

The sentencing function requires a judge to consider the gravity of an offence and the offender's circumstances as well as a range of complex rules that can lead to basic errors. As we all know, judges can make mistakes, just as we can, particularly given the complex and overlapping legal system in Australia. At this point some of these errors are corrected on appeal and some are corrected following judicial review proceedings. Obviously this takes time and comes at an exorbitant cost, not just for the parties involved in pursuing an appeal but also for taxpayers as a result of the hold-ups in getting through the workload that is before the courts.

I will refer to a case which is an example of where there has been a sentencing error. In the case of *DPP v. Edwards* [2012] VSCA 293 the sentencing judge imposed a suspended sentence on the offender for recklessly causing injury. However, the power to suspend a sentence of imprisonment for that offence had previously been abolished. The Court of Appeal held that the judge could not reinstate the matter, recall the sentence and impose a sentence in accordance with the law because his role in the matter had finished.

This brings us to a difficult crossroads where parties must apply to a higher court to correct a small error, no matter how obvious it might be. In those circumstances there might be a simple case of the incorrect proportion of time being imposed as part of a sentence. For example, if a 10-year imprisonment sentence has been

imposed on someone where a maximum is 7 years, that is a very simple clerical error that can be amended through the passage of this bill. This bill will allow for a good update and for a much more efficient and effective system.

The first part of the bill removes the current 14-day time limit on the application of section 104A of the Sentencing Act 1991, which enables the correction of minor clerical errors, miscalculations and omissions. Obviously 14 days is an extremely restrictive time limit that is not workable in practice as errors are sometimes discovered well after this period. At this point in time there is no mechanism for anybody to pursue correction of errors discovered outside the 14-day time limit other than to go through an appeals system. The second part of this bill adds a new correction power to the Sentencing Act 1991 to allow a sentencing judge or another member of the same court to reopen proceedings in which a penalty contrary to law has been imposed or where a penalty required to be imposed by law has not been imposed.

Upon reopening proceedings the judge may impose a penalty that is in accordance with the law. It is important to ensure that any penalties imposed as part of our legal system accord with our laws. Where a penalty has not been imposed but is required to have been, it is important that there be opportunity to correct that so that we have a fair system in our country.

This new correction power is based on section 43 of the Crimes (Sentencing Procedure) Act 1999 of New South Wales, which was the subject of the High Court's decision in *Achurch v. The Queen* [2014] 306 ALR 566. There the High Court interpreted the New South Wales provision on the basis that it was not intended to act as a substitute for the appeal process. It is important to note that the intention of this amendment is to create a more efficient system where there are mechanisms to overcome rudimentary errors which occur during sentencing procedures rather than to remove the opportunity for an appeal. It is important to ensure that we have a sound appeal process in cases where there is evidence which has not been taken into account or where there has not been a fair process through trial.

Consistent with the court's observations in this case, this bill aims to preserve the proper role of appeal in criminal cases. The new provision allowing for the correction of penalties that are contrary to law will not apply in cases involving only a process of erroneous reasoning or factual error where an appeal might be appropriate. Further, the existence of the correction power will not deprive parties of their rights of appeal. We still have a strong system in which no party is negatively affected in terms of their right to appeal a case where there has been an error in reasoning by the judge or magistrate or a factual error made in terms of the information that was presented to the court.

It is, of course, in the public interest to achieve finality in criminal proceedings, although this must be balanced against the need to ensure that penalties imposed are within a court's power. Sentencing orders have very significant consequences for offenders and the community. We need to ensure that they are fair to all parties involved. We also need to ensure that the system is sustainable. We need to avoid any additional cost or delay to parties involved, because none of us likes to see the wasting of valuable court resources.

We also want to avoid causing additional costs for taxpayers. We need to ensure that all sentences handed down in Victoria are valid and that they are not made in breach of the law.

This bill ensures that, where appropriate, errors can be efficiently and promptly corrected. I therefore commend the bill to the house and again note that the coalition will not oppose the bill. It is an opportunity to create a fairer and more efficient court system in the state.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. As has been stated, courts are busy places. Judges are busy people, and generally they work very hard. Courts are increasingly congested. This is a formula for good work but also mistakes. This bill seeks to address those mistakes in a way that is efficient and fair. There are a range of errors, and I think it is important to clarify what those errors are and to talk about what the bill addresses. There are potentially some concerns about the administration of justice and the fact that there is a legal process of court appeals which covers more significant matters.

This bill does not seek to address those significant matters. Errors can generally be categorised into three areas: minor clerical errors — for example, miscounting the number of days the offender has already served pursuant to the sentence; jurisdictional errors — for example, imposing a sentence where the court has no power to impose such a sentence, such as imposing a suspended sentence after the abolition of those sentences, as we heard from the member for Hawthorn and others; and, finally, errors in how sentencing discretion is exercised — for example, imposing a sentence that is manifestly excessive or

inadequate. It is important to make the point that this bill seeks to address the first and second but not the third category of errors.

As I have said, courts are busy places. In my previous job I worked in the courts in an administrative capacity and saw firsthand the level of energy of judges and the amount of work they do. There is not only the complexity of the content of material — the laws, the regulations and the precedents judges need to take into account — but also the mayhem of a judge's life in the sense that they could be dealing with a matter today which they will not return to for a few weeks or months if it is adjourned. There is a range of intervening factors — for example, parties may not be ready or witnesses may not be available. By the time judges get to sentencing, they probably would have dealt with a handful of other trials in between. While judges do an outstanding job, it is easy to see how errors can be made in such a busy environment, with different cases coming before them at different times.

The consequences of errors are that if they are not picked up within the 14 days under section 104A of the Sentencing Act 1991, the only avenue for redress is formal appeal to a superior court. That is a problem. I worked for a time in the transcript services area of the courts. From memory the service delivery time frame for the transcripts of sentences to be provided to the County Court of Victoria was three days. So three days are already lost before the 14-day period begins. If you want to have a look at the spoken word in the courtroom according to the formal transcript of the Victorian Government Reporting Service, you may not get it for three days anyway. The 14 days is quickly eaten up.

Judges make sentencing remarks on their PCs in their own offices, but I tell that anecdote as an example of how easily the 14 days can be missed. Appeal time frames for superior courts are generally in excess of 14 days, so by the time parties get to look at the sentence in more detail and pick up those errors it is often after 14 days because their appeal time frames are longer and that is what they look at rather than paying attention to the time limit in section 104A. As has been said before, the consequences are significant costs because appeals cost money. There are also some real justice concerns for an accused or a convicted person who may, for example, spend more time in incarceration than they would otherwise have done, waiting for an appeal to reduce the sentence.

This bill seeks to address those concerns and the consequence of those concerns — costs and potential consequences in relation to negative justice outcomes — by providing two key provisions. One provision is getting rid of the 14-day limit under current section 104A and giving the original court more discretion in relation to how it is prepared to deal with clerical and minor errors. Another is giving the court the power to reopen proceedings to correct penalties imposed that may be contrary to the law. That is an important element.

Basically this provision gives a court, either on application by a party or on its own motion — after giving the parties an opportunity to be heard, which I think is an important element — the ability to reopen proceedings. Under this provision, if passed, the court may impose a penalty that is in accordance with the law and amend any conviction order under section 7. Importantly, in determining whether to reopen a proceeding under this section the court must have regard to the time that has elapsed since the imposition of, or the failure to impose, the original penalty. As we have heard, it gives the court some power not to be bound to a party using these provisions in a way that is perhaps unnecessary.

Finally, in determining a new penalty on the reopening of a proceeding in which a court has imposed a penalty, the court must take into account the extent to which a person to whom the proceeding relates has served, paid, complied with or otherwise suffered the consequence of the original penalty. There are some key protections in terms of justice and in terms of people who are at the negative end of such a proceeding. I think these are important fixes — smart, prudent, cost-effective fixes — to some significant problems.

It is important to note that this bill does not seek to do away with or trump the normal process of appeal inherent in criminal trials in Victoria or in our judicial system. Errors that are made by a judge because of factual inaccuracies or because a judge has erred in terms of reasoning are material, significant matters that should really only be the subject of appeal to a higher court. This bill protects the integrity of that very basic tenet of our criminal justice and judicial system.

The bill still provides a basis for finality of proceedings. When the time limits for correcting mistakes are taken away, there is still discretion for the court and, as I said, the discretion will be based on time elapsed. This will create a more efficient operating system for the hardworking courts that in my view are increasingly expected to have higher and higher legal standards and to meet community expectations. Now, through Court Services Victoria, they will be masters of their own financial and expenditure operating environment. I understand the courts brought this to the government as

a concern in order for them to be able to govern their resources in a more effective way, and it is pleasing that the government has been able to provide not only an avenue for them to address those concerns but also one that protects the integrity of our judicial system. This is an important bill which is intelligent and effective, and I commend it to the house.

Mr HIBBINS (Prahran) — I rise to speak briefly on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. The bill addresses the problem of judges imposing penalties outside of their jurisdiction. It allows the same court to reopen proceedings to correct an error in penalty or to impose a sentence required to be imposed by law rather than the case having to proceed to appeal with all the costs and delays that would entail. The bill expands a sentencing court's power to correct errors in sentencing it has imposed. It also removes the current 14-day time limit on the application of section 104A of the Sentencing Act 1991, which allows for the correction of clerical errors or omissions. It is modelled on a similar New South Wales provision in section 43 of that state's Crimes (Sentencing Procedure) Act 1999. The Attorney-General has assured us that this will not take away from a party's right of appeal, so the Greens will be supporting the bill.

Mr PEARSON (Essendon) — I am delighted to join the debate on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. Judges and magistrates sometimes make mistakes by imposing a penalty that is contrary to law. At other times, a judge may fail to impose a penalty which the law requires to be imposed. Some errors are corrected on appeal and some are corrected following judicial review proceedings, but either way this increases the cost to the offender and the prosecution and therefore to the state, and it is entirely inefficient. It is also unfair to victims of crime who deserve some certainty from the judicial system. To have a system where there can be ambiguity is problematic.

The bill clarifies and expands a sentencing court's power to correct errors in sentences that it has imposed. The legislation brings Victoria into line with every jurisdiction in the country apart from South Australia, and that is important. As legislators we need to make sure we harmonise legislation across jurisdictions. It leads to better laws and greater efficiencies. I am particularly pleased that the bill closely models New South Wales legislation. New South Wales and Victoria contain about 58 per cent of Australia's population. I have often thought that commonwealth-state relations are like three legs of a stool; you have the federal government, Victoria and New South Wales, and if you take two out of the three, you take the nation with you. If we can harmonise our legislation between Victoria and New South Wales it is a good thing because we will drag the laggard states along with us.

There is a strong public interest in ensuring there is finality to criminal proceedings, but it is also necessary that there is a need to make sure it is balanced against the need to ensure that penalties imposed are within a court's jurisdiction. In order to achieve the right balance the bill does not fix a time limit on the power to reopen a proceeding. Rather, it requires courts to have regard to the length of time that has elapsed since the original penalty was imposed, and that is important. It is about making sure we get the checks and balances right in our legal system. This will not prevent a proceeding being reopened after a significant time has elapsed where the need to correct an error warrants that course, but it directs attention to finality as a matter to be taken into account in exercising the discretion to reopen. We have to have that level of flexibility in our legislation, and the bill provides that.

Sentencing orders have very significant consequences for those subject to them as well as the community as a whole. Yesterday I met with a friend of mine who is a board member of the Melbourne Citymission. Those on the other side will know that Catherine McGovern was a long-serving federal Liberal staffer under the Howard government, and I think she has also been on the Victorian Liberal Party's state council. Catherine mentioned that from research material she has acquired in her role as a member of the Melbourne Citymission if a person has five interactions with the judicial system, it is a key factor in that person acquiring a significant mental illness. So when we are looking at this sort of legislation it is important that we think about the impact of an inefficient judicial system where people are unnecessarily exposed to it. Based on what Catherine said — and I have no reason to doubt that what she is said is right — having a situation where people are unnecessarily exposed to the judicial system and thereby acquire a significant mental illness is a real problem.

It is important that orders be valid and not be made in breach of a relevant legislative provision. The bill ensures that in appropriate cases errors can be efficiently and promptly resolved by the sentencing court. We need to make sure that our legislation reflects the times in which we operate and that there is a degree of flexibility while still trying to ensure the integrity of the justice system.

The legislation removes the 14-day time limit on section 104A of the Sentencing Act 1991 and for a very good reason, because often errors are not discovered within a 14-day period. I note the member for Oakleigh's contribution about the provision of transcripts and how sometimes it takes up to three days before they are available. Why have redundant clauses in legislation that do not make sense? We need to make sure that the legislation we craft reflects the times in which we operate.

The bill has a new correction power to enable a court to correct penalties that are contrary to law, and that is important. Judges can make mistakes by imposing penalties that they have no power to impose. Before the bill was introduced the only option was to call for a judicial review, which is a very inefficient way of dealing with a matter. The bill addresses those concerns.

We are very fortunate that we have a very strong and efficient justice system in Victoria. Overall we tend to get the balance right between being tough on crime and tough on its causes while making sure we have a fairly reasonable approach to dealing with offenders and also making sure that people's civil rights are respected. In order for that to continue and be perpetuated we need an efficient, responsive and effective judicial system. If the judicial system starts to become bogged down, it becomes inefficient and unnecessarily costly and unwieldy, and that can undermine the integrity of the system. We need to make sure that our system works well and continues to work well into the future.

Since being elected last year I have noticed the volume of work generated in the Attorney-General's portfolio. It is a very big workload, and the Attorney-General is responsible for an enormous number of acts. It is no surprise that as legislators we must ensure that we have the best legislative solution available to our community. As best we can, we have to ensure that the legislation reflects the times in which we operate. It has to be constantly updated, modified and amended to reflect the times. If we do not do that, legislation will become moribund and redundant, and we will start to have more problems, more inefficiencies and more cost blowouts in the justice portfolio. It will lead to a reduction in the quality of public policy in the justice portfolio.

This bill is very important. As I outlined earlier in my contribution, there are significant mental health problems that can emerge for people who are unnecessarily exposed to the justice system. It is really important that we make sure we create some degree of certainty around that both for people who are being prosecuted and for those who are victims of crime. It is really important to make sure that we have an efficient legal system and that we respect the fundamental rights of people to have the things we all know, love and cherish, including the right to have a trial by jury and the right to have legal representation. It is very important. As legislators we have to work tirelessly to ensure that that continues to be the case. If we do not do that, there will be real issues and problems going forward.

Our standard as legislators in this place should always be: how can we do better? How can we improve and make more things efficient? How can we ensure that there is greater harmony between the states? Instances such as lawyers being able practise in one jurisdiction but the jurisdiction across the river being radically different lead to poorer outcomes. We are in a global economy now. We are looking at free-flowing capital that is footloose and fancy free and does not necessarily have to come here to invest. Providing a certain legal framework and putting in place an effective legal environment is really important.

This bill is very important in making sure we come in line with the rest of the nation. I am particularly pleased that the bill brings us in line with New South Wales. I commend the bill to the house.

Ms KILKENNY (Carrum) — It is my pleasure to contribute to the debate on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. This bill may not grab headlines, but it is nevertheless an important bill for the proper and efficient administration of justice in Victoria. We have seen that the legal system, which includes the courts, legal aid and community legal centres, is under increasing financial pressure. If we can implement legislation that is going to make the legal system more efficient, we are all the better for it.

As we have heard, this bill deals with a court's power to correct legal and factual errors in sentencing. It will amend the Sentencing Act 1991 to expand and clarify the powers of sentencing courts to correct errors in sentencing orders. It does this in a couple of ways. The first is by dealing with section 104A of the act, which currently has a 14-day time limit within which judges can correct clerical errors, omissions and other things of that nature. This is a bit like the slip rule in the common law, which is the inherent jurisdiction of the court to amend errors. However, unlike the slip rule, section 104A places a 14-day time limit within which judges can correct those errors. This bill will remove that 14-day time limit. The second thing this bill does is introduce a new power to enable the trial court to reopen proceedings to correct a sentence that is

considered contrary to law or to impose a sentence required to be imposed by the law.

This bill is a common-sense bill. It is designed to achieve efficiency in our judicial and legal system, but it also recognises the principle of finality — a very important principle in criminal law. The bill came about partly in response to a case in 2012, which we have heard about already from a number of speakers. It was originally the County Court case of the *DPP v. Edwards* in 2012. In that case the respondent pleaded guilty; I believe it was for recklessly causing serious injury. After pleading guilty, the County Court sentenced him and imposed a suspended sentence. Unfortunately the learned trial judge did not appreciate that suspended sentences had been abolished by that time. When the judge was informed of that error some weeks later, he then attempted to reopen the case and amend the sentence by imposing a correctional order.

At the time all parties believed that the judge had the power to reopen the case and impose a different sentence. It was only when the case went to the Court of Appeal that the Court of Appeal questioned that power and indicated by a majority — it was not a unanimous decision — that the judge was functus officio, meaning that his role had been completed once the original sentence was entered into the record and that he had no power to reopen the case and impose an alternative sentence.

The majority in that case held that the proper process would be to institute the appeal process and found that the original community correction order was invalid. The Court of Appeal then resentenced the respondent and the appeal court found that the community correction order was the appropriate order and went on to make the same order. As members can understand, there was significant time and cost involved in undertaking that process. I am pleased to see that this bill will dispense with that and will make the process much more efficient in that respect.

Importantly, as a number of members have said today, the process foreshadowed by this bill will in no way take away or subsume a person's right to appeal. As I have said, the bill focuses only on correcting errors and not on taking away a person's right to appeal. That is very important and needs to be acknowledged.

In terms of the 14-day time limit, we have heard from many judges and many who work in the criminal justice system that the 14-day time limit was extremely onerous. In fact many parties were not even aware of errors until well outside the 14 days. Often it only became apparent when counsel were reviewing the sentence to see whether there were grounds for appeal. Unfortunately outside the time limit they were often then required to take the matter on appeal on that error, which again adds cost and official and other burdens to those who are involved in that process.

A new provision in the bill will enable the court to correct errors where the court has imposed a penalty in excess of the maximum penalty for the offence, the court has imposed a penalty where the court had no power to impose the penalty or where the legislative prerequisite for imposing the penalty does not exist or, as I mentioned earlier, where the court has imposed a suspended sentence for an offence committed after the abolition of suspended sentences.

As I said, this is not a substitute for appeal processes, so we need to look at what 'contrary to law' means. Absent specific statutory authority, the power of courts to reopen their proceedings and to vary their orders is constrained by the principle of finality. That principle was stated in *D'Orta-Ekenaike v. Victoria Legal Aid* and restated in *Burrell v. The Queen*:

> A central and pervading tenet of the judicial system is that controversies, once resolved, are not to be reopened except in a few, narrowly defined, circumstances.

This is the principle qualification which is the appellate system. It is this principle which sits behind the provisions of this bill. As I said, it is not intended to provide a substitute for that appellate system. It will simply operate as a conditional statutory power to correct penalties which are beyond the limits of the inherent and implied powers of courts and of the slip rule.

This new power cannot be used by parties to challenge a process of so-called erroneous reasoning or factual error. We have seen this considered by the High Court of Australia when it was looking at a similar provision which is in place in New South Wales — that is, section 43 of the New South Wales Crimes (Sentencing Procedure) Act 1999. In the case of *Achurch v. The Queen*, the High Court held that 'contrary to law' meant 'which could not be lawfully imposed as distinct from one arrived at by an erroneous process of reasoning'. The High Court then indicated that this is a narrow interpretation and not intended to displace the role of appeal as the primary means of correcting mistakes in sentencing errors. This is important because, as I have said, in criminal proceedings finality and certainty are paramount. Notably, if a judge imposes a penalty which is found to be contrary to law, the offender still must comply with it. Therefore in order to avoid any risk of double punishment, the bill contains appropriate safeguards for this and indicates

that when a court is correcting a sentence the court must take into account any part of the original sentence the offender has already served or complied with.

In summary, this bill strikes that balance between efficiencies in correcting sentencing errors and finality in the criminal justice system. It is undeniable that there is no issue with the finality in the criminal justice system being paramount for the effective operation of a fair official system, and these provisions do not derogate from that. Parties will have an opportunity to be heard when the judge is deciding whether to reopen the proceeding, and this will extend to making submissions about whether discretion to reopen should be exercised having regard to the length of time since the sentence was imposed. That is important to enable parties to be heard properly before the judges. I commend the bill, and I am pleased to hear that it will receive bipartisan support in this chamber.

Mr McCURDY (Ovens Valley) — I am pleased to rise and make a contribution to the debate on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015 which the opposition is not opposing. Primarily the purpose of the bill is to amend the Sentencing Act 1991 to make it easier for courts to correct sentencing errors without the need for appeal. Obviously we are seeking a practical outcome, and we on this side of the house are very pleased to advocate for any legislation that ends up with a practical outcome. There are two main provisions in the bill. Firstly, it inserts a new section to allow a court to reopen a case where at any time it has imposed a penalty contrary to the law or where the law requires a penalty to be imposed — for example, where the court has not imposed that penalty. Secondly, clause 6 removes the 14-day time limit that applies to applications to amend judgements or sentences to correct clerical or similar errors.

As I said, the coalition is not opposing the bill. By way of background, it is important to know that the sentencing function requires a judge to consider the gravity of an offence and the offender's circumstances as well as a range of complex rules that can lead to basic errors — and let us be honest: that happens to all of us. Occasionally judges and magistrates make mistakes by imposing a penalty that is contrary to law or by failing to impose a penalty which the law requires them to impose. Currently errors like these are corrected on appeal. While some are corrected following judicial review proceedings, the current processes cause delay, and they certainly impose significant costs on all parties. Another example is if a minimum penalty was 10 years and the judge imposed a 7-year minimum, it was an oversight and an accident and it should not need to go to appeal for that costly process to change that.

In the case of the *DPP v. Edwards* in 2012 the sentencing judge imposed a suspended sentence on the offender for recklessly causing serious injury, but the power to suspend a sentence of imprisonment for that offence had previously been abolished, and the Court of Appeal held the judge could not reinstate the matter and recall the sentence because the judge's role in the matter had thereby finished. What happened in that case? The parties had to apply to a higher court to correct such an error and, regardless of how obvious the error might have been, it could not be done. That is an impractical outcome for what we are trying to achieve here.

The bill consists of those two principal changes. The removal of the current 14-day time limit on the application of section 104A of the Sentencing Act 1991 enables the correction of minor clerical errors, miscalculations and omissions. The current 14-day time period is unworkable in practice because sometimes errors are discovered after this period has finished.

As I mentioned, the bill will also add a new corrections power to the Sentencing Act 1991 to allow the sentencing judge, or another member of the same court, to reopen proceedings in which a penalty contrary to law has been imposed or a penalty required to be imposed by law has not been done. Upon reopening, the judge can impose the penalty that is in accordance with the law. Again, that is a good outcome and a sensible result. This new correction power is based on section 43 of the New South Wales Crimes (Sentencing Procedure) Act 1999, which was the subject of the High Court's decision in *Achurch v. The Queen* in 2014. In that particular instance the High Court interpreted the New South Wales provision on the basis that it was not intended to act as a substitute for the appeals process.

Consistent with the court's observation in that case, the bill aims to preserve the proper role of the appeal in criminal cases. It does not make any changes to the appeals process, and it certainly will not apply in cases involving only a process of erroneous reasoning or factual error. The existence of the correctional power will not deprive the parties of their right to appeal, and that is a good and practical outcome.

It is in the public interest to achieve finality in criminal proceedings, although this must be balanced against the need to ensure that the penalties imposed are within that court's power. As I say, mistakes are made, and this will alleviate going to that appeal process, which is very costly to all parties involved. Sentencing orders have

very significant consequences for offenders and the community. It is important that sentences are valid and not made in breach of the law. This bill will ensure that, where appropriate, errors can be efficiently and promptly resolved.

In summing up, I know that the Victorian Bar Council and the Law Institute of Victoria have not raised any major concerns with this bill. As I mentioned, we are not opposing this bill, and I wish it a speedy passage through the house.

Ms HALFPENNY (Thomastown) — I rise to speak on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. I speak on this bill as a proud member of the Andrews Labor government on a day when we have delivered our first state budget, which I believe Victorians will see as a very fair and good budget that supports the important areas of health, education and jobs, as well as many other issues, both locally and statewide. I am also proud to be a member of the Andrews Labor government while I speak about getting on with the normal parliamentary business of law reform. The reform contained in this bill will ensure that everybody is treated equally before the law, and legislation such as this bill, which I and others have been speaking about this evening, ensures that court proceedings are undertaken in the most effective, efficient and easy-to-implement way, as well as being fair and just.

Just prior to the debate on this legislation we were debating amendments that provide that all people will be treated equally before the law; they are contained in a piece of legislation that was a long time coming but which has finally removed the discriminatory provisions with regard to people who suffer from HIV.

The first point I want to make on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015 is that the consultation process for this bill was extensive. I do not believe that members of the other side of this chamber, while they were in government, did this process properly. I guess if you think you were born to rule, you do not think you have to consult with the minions. Even with this relatively small and minor legislative change there has been extensive consultation with members of the courts, the Office of Public Prosecutions, Victoria Legal Aid and Victoria Police. As I understand it, as a sign of good faith and trust among stakeholders, a confidential draft of the bill was circulated to allow full and proper consideration and comment on this legislative change. As a result, as I understand it, there is consensus both within this chamber and in the legal profession that this legislative amendment is one that is needed. The member for Oakleigh made a claim I was not aware of, which is that this legislation is an example of the government being very responsive to the community, in this case the legal community. This amendment was suggested by the legal community as a way of making things more efficient and making them run more smoothly — in other words, its intention is not to take away any of the rights of those who are subject to this legislation but only to ensure that the court system works in a better manner.

We have heard what the amendments involve, and we understand they are fairly minor. I will quickly go through the general outline of those amendments. Section 104A of the Sentencing Act 1991 refers to two general issues. Currently if there is a very small omission or error in a sentence, in some cases a judge has the ability to correct that error, but it must be done within 14 days. The practicalities of this have been difficult, because that error may not have been brought to anyone's attention during that 14 days — for example, no-one may have discovered the error or omission until the decision had reached an appeal court.

The other problem relates to a decision that has been made that is contrary to the law. If this is a decision that will be overturned or changed and only one change will be made to it, that change ought to be made by the same court rather than having to go through the appeal process and then having it referred back to the sentencing court and having the full case reopened to look at that error. An example is a suspended sentence being given when the law prohibits a suspended sentence. There is only one way in which this issue will be resolved once that error is found, which is that a sentence will be imposed that is not a suspended sentence — no ifs or buts. This is a process of loosening up the legislation to allow a judge in the original court to correct their error because it was contrary to law. It does not involve changing any other circumstances or changing the broad terms of the judge's decision other than to say that a mistake has been made and only one outcome can come of it being reviewed. Only one decision is possible.

I will go through some of the types of sentencing errors that can occur, and I will demonstrate that we are talking about errors that can only be corrected in one particular way — they are not open to reinterpretation or further discussion.

Errors on sentencing can be broadly divided into three different types. Firstly, there are minor clerical errors which, for example, could include miscounting the number of days a person must serve of their sentence. Secondly, there are errors in how the sentencing

discretion is exercised — for example, imposing a sentence that is manifestly too great or inadequate. Thirdly, there are jurisdictional errors — for example, imposing a sentence where there is no power to impose such a sentence. An example of this would be if suspended sentences had been abolished for that particular crime. This is very topical at the moment because in the fairly recent past changes have been made to the law around parole and, in some cases, suspended sentences.

In terms of these three examples, the amendments we are talking about today would only relate to the first and third, because if you are talking about errors in the sentencing discretion — such as how hard or light that sentence was — that is a matter for greater judgement than just the giving of one answer if it was said to be contrary to the law. This legislation in no way provides for a judge to re-examine a decision that has been made based on discretion. It is only relevant where a judge has made an error by not realising what the law was at a particular time. This could happen where legislation had only recently been changed and where perhaps the judge was unaware of or misunderstood the operative date. We have heard previous speakers talk about courts being busy places. Judges may hear many cases in one day and so may not continue hearing the subsequent day of an original case until much later; therefore they may lose track of legislative changes along the way.

This legislation has been brought about by the legal system itself. As I understand it, all stakeholders are very supportive of it being passed. The bill does not in any way affect or harm the rights and access to justice of perpetrators or the victims of particular crimes. In conclusion, I support the amendment as is.

Mr THOMPSON (Sandringham) — I am pleased to join the debate on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. In looking at matters pertaining to the legal profession, I have often been impressed with the illustration of the profession as portrayed through the film *The Castle* and the legal practice of Dennis Denuto. He had a typical high street legal practice, where he had a photocopier — somewhat small — a few reference books and a client base that regarded him as the font of all wisdom. Occasionally urban practitioners in that situation have the opportunity to refer matters to counsel and gain wise advice on how a matter might be advanced.

Extrapolating broadly from that introduction, I will refer to the Scrutiny of Acts and Regulations Committee (SARC) in terms of its functions and scope in evaluating the appropriateness of legislation that may have the potential to impact on rights and freedoms in particular ways.

I note that the report in *Alert Digest* No. 4 of the Scrutiny of Acts and Regulations Committee in relation to this bill, the Sentencing Amendment (Correction of Sentencing Error) Bill 2015, is reasonably light. It notes that the bill amends the Sentencing Act 1991 to expand and clarify the powers of sentencing courts to correct errors in sentencing orders. The bill removes the current 14-day time limit on the application of section 104A of the act, which allows for the correction of clerical errors and omissions. This seems to be an entirely sensible reform in terms of what the bill before the house intends to achieve. I note too that occasionally statute law bills come before the house that have the intent of correcting clerical errors which occur in legislation so that those errors are removed from the statute book.

A second aspect of the bill before the house relates to the introduction of a new power to enable a sentencing court to reopen proceedings to correct a sentence that is contrary to law or to impose a sentence required to be imposed by law. The charter report of SARC notes that the Sentencing Amendment (Correction of Sentencing Error) Bill 2015 is compatible with the rights set out in the Charter of Human Rights and Responsibilities.

It is perhaps interesting to note the value of a committee such as SARC through which bills coming before the house can be reviewed and assessed against the Charter of Human Rights and Responsibilities. SARC had its genesis in the Australian Senate and one of its long-serving senators, Alan Missen. He had an arduous journey into the Senate but served it with distinction in terms of his independent viewpoint and his concern to ensure that, through the delegated legislation process and also through statute law, when there is a high volume of legislation coming before a Parliament there is sufficient opportunity for it to be carefully evaluated and scrutinised to ensure that rights are not being inhibited or infringed upon. The bill before the house has been cleared by SARC.

Having served on SARC through two or three parliaments, its terms of reference are familiar to me. Its functions include:

> (a) to consider any bill introduced into the Council or the Assembly and to report to the Parliament as to whether the bill directly or indirectly —
>
> (i) trespasses unduly upon rights or freedoms;
>
> (ii) makes rights, freedoms or obligations dependent upon insufficiently defined administrative powers;

(iii) makes rights, freedoms or obligations dependent upon non-reviewable administrative decisions;

(iv) unduly requires or authorises acts or practices that may have an adverse effect on personal privacy within the meaning of the Privacy and Data Protection Act 2014;

(v) unduly requires or authorises acts or practices that may have an adverse effect on privacy of health information within the meaning of the Health Records Act 2000;

(vi) inappropriately delegates legislative power;

(vii) insufficiently subjects the exercise of legislative power to parliamentary scrutiny;

(viii) is incompatible with the human rights set out in the Charter of Human Rights and Responsibilities;

(b) to consider any bill introduced into the Assembly or Council and to report to the Parliament —

(i) as to whether the bill directly or indirectly repeals, alters or varies section 85 of the Constitution Act 1975, or raises an issue as to the jurisdiction of the Supreme Court;

(ii) if a bill repeals, alters or varies section 85 of the Constitution Act 1975, whether this is in all the circumstances appropriate and desirable;

(iii) if a bill does not repeal, alter or vary section 85 of the Constitution Act 1975, but where an issue is raised as to the jurisdiction of the Supreme Court, as to the full implications of that issue …

They are among the range of issues contained in the terms of reference of the Scrutiny of Acts and Regulations Committee. Against that backdrop, and to the extent that the bill before the house has been passed by the Scrutiny of Acts and Regulations Committee, I think that indicates to the house that the bill has been well considered and that it contains some straightforward procedures.

I might note in concluding my contribution to this debate that I once had occasion to attend the County Court on an appeal against a penalty issued against a person at Broadmeadows Magistrates Court. As I was leading the material, I had occasion to refer to Victor Hugo and Joseph Conrad. The judge of the day was called a 'hanging judge'. Perhaps I will not say his name. The other barristers were wigged and gowned behind me, a suburban solicitor not too unlike Dennis Denuto, and I argued the case of Victor Hugo in *Les Misérables* and that from Joseph Conrad's *Lord Jim*.

The point I was arguing was the redemptive opportunity that was seen in the life of Jean Valjean and also in the life that Lord Jim had lived in exile as he sought to retrieve an aspect of his past. I was arguing those matters on behalf of my client in the court, and I am pleased to report to the member for Broadmeadows that in that particular case the appeal was successful. Furthermore, some 15 years or so later the person on whose behalf I had acted contacted me to thank me for the representations in that particular case, as his life had a happy outcome.

In concluding, I reiterate that the Sentencing Amendment (Correction of Sentencing Error) Bill 2015 has the support of the Scrutiny of Acts and Regulations Committee, and I commend it to the house.

Mr RICHARDSON (Mordialloc) — It gives me great pleasure to speak on the Sentencing Amendment (Correction of Sentencing Error) Bill 2015. I want to put on the *Hansard* record my pleasure at the member for Sandringham's contribution. When Dennis Denuto, the classic character from *The Castle*, was referenced, I thought we were going to go down the track of arguing along the 'vibe'. This bill has a bit of a 'vibe' element to it. The member made a good and enjoyable contribution.

The Sentencing Amendment (Correction of Sentencing Error) Bill 2015 clarifies and expands the power of a sentencing court to correct errors in sentences it has imposed. This enables clear errors to be corrected without the need for a party to commence appeal or judicial review proceedings. It is important to note that this might sound like a dry bill with a bit of a challenge on substance, but it gets to the very core of the challenge in our legal system, which goes to the heart of resourcing and court time. That is consistently a challenge for our legal services, the legal aid system and community legal centres.

For a simple administrative issue or a simple error to be corrected, various appeals to higher courts may be required. There is enormous cost to the taxpayer just in providing legal aid representation alone, not to mention the resourcing of community legal centres. In terms of pressures on community legal centres, I had the opportunity to meet with the Peninsula Community Legal Centre recently. It is absolutely resource starved. Its volunteers do an amazing job. It makes a lot of sense that we try to create some efficiencies in the system to allow very minor errors to be brought back to the jurisdiction court to be corrected.

As a bit of an overview of how this problem is addressed in the legislation, I acknowledge the work of the Attorney-General and his department and the bipartisan support for the legislation. This bill has had a significant and extensive consultation process. The Office of Public Prosecutions, Victoria Legal Aid and

Victoria Police have all contributed to the bill in its current form.

The bill, firstly, removes the current 14-day time limit on the application of section 104A of the Sentencing Act 1991. We have found that generally these errors are not identified within the very short time frame of 14 days. It may take some time for a mistake to be brought before a particular justice or to be known to the parties, and by that time the time frame has been exceeded, so the matter would have to go to a court of appeal and through that process. That is an extensive burden on the parties.

Secondly, the bill introduces a new power based on the New South Wales legislation, which provides that the sentencing court may reopen a proceeding in which it has imposed a penalty that is contrary to law. It might be that it does not have the particular jurisdictional power under administrative law to make that particular decision. This allows a court to correct its mistake, limiting the need for the matter to go to a higher court for evaluation. When one thinks of the extensive pressures on our resources, this is a common-sense approach to a problem that is presented.

It is also worth reflecting on some of the errors that have come forward and the challenges we are trying to respond to. Some of those can be minor clerical errors — for example, miscounting the number of days an offender has already served pursuant to a sentence, which can happen just as a matter of course. It might be an error in how the sentencing — —

The ACTING SPEAKER (**Ms Halfpenny**) — Order! I am sorry to interrupt a very interesting contribution from the member for Mordialloc, but the time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue his speech when the matter is next before the Chair.

Business interrupted under sessional orders.

ADJOURNMENT

The ACTING SPEAKER (**Ms Halfpenny**) — Order! The question is:

That the house now adjourns.

Croydon electorate school sites

Mr HODGETT (Croydon) — My adjournment matter is directed to the Minister for Education. The action I seek is for the minister to meet with me to provide an update on the future plans for the former Croydon South Primary School and the former Yarra Hills Secondary College sites, which are both in my electorate of Croydon. Both were declared surplus by the former Department of Education, both are being cleared and both now sit vacant. Local residents are very keen to ascertain the government's future plans for the sites and to see some or most of the land retained as community open space.

The former Croydon South Primary School site has been a longstanding issue for the Croydon community, and I would appreciate the opportunity to discuss the matter in its entirety with the Minister for Education. In November 2010 I committed $200 000 to cleaning up the abandoned school site, which had been left vacant by the former ALP government since the school closure in 2008. The site was then to be made available for use by community groups until such time as the permanent future of the land was decided. Unfortunately during the time the school was vacant substantial damage to and vandalism of the facilities occurred. The buildings were left in a state of disrepair, and as a result they were eventually demolished.

Since the site was cleared it has subsequently been used by many in the community as a meeting point, a place to walk their dogs, a sporting field and a social gathering spot. I continue to work with local residents, advocating for a positive outcome on the future use of this site. Similarly, the former Yarra Hills Secondary College site was also declared surplus, and we believe it is being disposed of in accordance with the government land monitor guidelines. Local residents, in particular the Friends of Elizabeth Bridge Reserve, would like to see the oval retained as public open space and become part of the Elizabeth Bridge Reserve.

I am contacted regularly by many residents, community and local action groups who are concerned that both sites will be sold to developers with not a single pocket of open space remaining once the developments have been completed. All residents in neighbouring streets would love to see a commitment from the government for the retention of land on the sites for use as public open space. I would welcome the opportunity to meet with the minister to discuss the future of both sites and the opportunity to advocate on behalf of my local community for the best possible outcome for the future use of these former school sites.

Macedon electorate kindergartens

Ms THOMAS (Macedon) — The matter I wish to raise is for the attention of the Minister for Families and Children. It concerns the fantastic announcement the Treasurer made today concerning kindergarten funding.

The action I seek is that the minister write to me and confirm when these funds will be received in my community for upgrades at Swinburne Avenue Children's Centre in Gisborne and Romsey Kindergarten.

It was fantastic to have the minister visit my electorate last year to announce a total of $240 000 in funding for the two kindergartens. I am delighted that the funds will enable the redevelopment of outdoor learning and play spaces and ensure that our kindergartens are inclusive of all children, including those with special needs. It is great to have a minister with a deep understanding of the importance of early learning. This is evident with the $50 million Labor has committed to building and upgrading kindergartens. Compare this to what occurred under the former Napthine government, which failed to make any allocation for kindergarten capital improvements in its last budget.

I am also pleased that the minister's consistent advocacy for 15 hours of funding for four-year-old kinder has paid off — in the short term at least. The way that our children and their parents and kindergarten teachers have been treated by the federal Liberal government has been appalling. Last year we saw funding for 5 of the 15 hours withdrawn, only to be hastily reinstated for one year in a failed bid to shore up support for the then state Liberal government. Now once again at the 11th hour we see that funding for 2016 and 2017 has been found by the federal Liberal government. However, as the Minister for Families and Children has rightly pointed out, if the Abbott government were genuine about high-quality early childhood education, it would agree to ongoing funding.

Last week I visited Trentham Kindergarten and met with Ms Joanne Geurts. Joanne is the chief executive officer of the Eureka Community Kindergarten Association, which manages 24 community-based early education and care services in regional Victoria, including at Trentham. Ms Geurts is also the president of the Early Learning Association Australia, a role that the member for Essendon once held. I am pleased that the work of Joanne and so many others, including the member for Essendon, parents and teachers across Macedon, has paid off.

However, our hardworking professionals, advocates, local councils and parents should not have to keep fighting for four-year-old kindergarten. As the Productivity Commission has concluded, 15 hours of four-year-old kindergarten is an essential investment in our most precious resource. Again I congratulate the minister on her efforts. She consistently campaigned for the 15 hours, and she has led the way by announcing significant capital investment in early learning. I would welcome a letter from the minister outlining when the Romsey and Swinburne Avenue, Gisborne, kindergartens will receive their funding.

Venus Bay pipi fishery

Mr D. O'BRIEN (Gippsland South) — I raise my matter in the adjournment debate tonight for the Minister for Agriculture in her role as the minister responsible for fisheries. It relates to the sustainability of the pipi fishery at Venus Bay. This is a matter I have raised for the minister before, but this time I have a different request of her. The action I seek from the minister is that an update or review of the sustainability of the pipi fishery at Venus Bay be undertaken by the department.

In the last couple of years studies have been undertaken on the sustainability of the fishery, but the last two were based on 2009 and 2011 data. I am aware that many in the community around Venus Bay did not believe those studies. I am not a scientist, and I will listen to the fisheries scientists on the studies, but at this point, four or five years on from the data taken in those studies, after a considerable period of pipi harvesting in the region — in fact, it has grown considerably in that time — I think it is now appropriate, as does the community, that an update of the sustainability of that fishery be undertaken.

The minister will be aware that the issue of pipi harvesting has been quite a contentious one around Venus Bay and, as I have mentioned, I have raised this with her before. At this point I say that I was disappointed that included in her response was a reference to the fact that there were 'dark undertones' — I think that quote is correct — in relation to this issue. The reference suggests that there are racist issues involved in this because of the nature of the people who tend to go to Venus Bay to harvest pipis. I can strongly assure the minister that the people I had spoken to in Venus Bay are not raising this issue because of race and are certainly not worried about who is coming to harvest the pipis; they are concerned about a number of issues. There is a wide range of issues that cause concern to the Venus Bay community. They include environmental damage to the beach, beach access itself, litter, car parking and toilets in the surrounds, many of which are not issues for the minister herself.

The former government established a community reference group to try to work through some of these issues. I believe that is still meeting; in fact, the next

meeting is coming up in the next few weeks. I think it is appropriate and prudent at this time, some four or five years after the last studies were undertaken, for the minister and her department to update the studies on the sustainability of the pipi fishery at Venus Bay. I urge her to do that for our community.

River Gum Primary School

Ms GRALEY (Narre Warren South) — My adjournment matter is for the Minister for Families and Children and concerns River Gum Primary School in my electorate. The action I seek is that the minister visit River Gum Primary School to discuss Labor's election commitment to invest $50 million in building and upgrading capital infrastructure.

River Gum Primary School is a fantastic local school located in the heart of Hampton Park. It is also a very diverse school, with students representing 58 different cultural groups. Sadly many face significant disadvantage and financial hardship. The teachers and staff at River Gum Primary School go way beyond the call of duty to support these students and their families. The school has developed a strong relationship with Chisholm Institute and the Hampton Park Women's Friendship Group to provide playgroup and educational opportunities for children and parents alike. The women's friendship group made the news on SBS television at the weekend. It is an outstanding example of great community development work. It also provides a much-needed opportunity for women, who would otherwise be isolated, to socialise, make friends and find a pathway themselves to further education or employment.

This outstanding program has been such a success that more than 50 local families now use it, and with better and more accessible facilities it could be significantly expanded. To ensure that it can continue its fine work, the school is working hard on establishing a purpose-built playgroup and preschool facility. Such a facility would enable early intervention for local disadvantaged families, providing our young people and their families with the support and care they need. It would also provide the local community with a wonderful new meeting place and a space for out-of-school activities.

I visited the school late last year to meet with its outstanding principal, Roma McKinnon, and discuss the plans for the facility. I was also given a tour of the school and shown an old, disused indoor pool facility. This building is currently unused and would be perfect for the school to establish its new centre. The school has already costed the project and is looking to secure funding of between $400 000 to $500 000. It is a fantastic opportunity to co-locate a playgroup, kindergarten and primary school at the one site within an already established area. It would also provide significant benefits to the local community and much-needed support for disadvantaged students and their families.

Recently I met with Ms McKinnon, and she showed me what she did in a single day. She is a very busy lady dealing with a whole lot of challenges in the school and needs extra support. The work Ms McKinnon and her staff do is exceptional, and I cannot thank them enough for all that they do. Each and every day they make a difference in the lives of those who need help the most. I ask the minister to join me in visiting the school to see the outstanding work being done at River Gum Primary School and consider how much more could be achieved with support the government may be able to provide them.

Cape Paterson Surf Lifesaving Club

Mr PAYNTER (Bass) — My adjournment matter is for the Minister for Emergency Services. I ask the minister to commit to funding the Cape Paterson Surf Lifesaving Club's clubhouse refurbishment project. Cape Paterson is a coastal town which faces south into Bass Strait and is on the first major promontory heading east around the Victorian coast from Western Port Bay. It is situated along 12 kilometres of pristine coastline known as the Bunurong marine and coastal park. The beaches on the Bass Coast are a major Victorian tourist attraction. Generations of children have enjoyed swimming in the iconic saltwater rock pool since it was built by the Wonthaggi coalminers in the 1960s. During the summer months the population of the region increases significantly.

The Cape Paterson Surf Lifesaving Club plays a pivotal role for locals as well as for visitors to the area. Not only has the club developed Nippers — a junior surf lifesaving program which is committed to teaching young children the basics of surf awareness — but it also regularly competes in state patrol competitions and at surf carnivals at the district, state and national levels, in addition to carrying out its regular patrols. Thanks to the hard work, dedication and skill of the club's patrol teams there has never been a fatality at Cape Paterson surf beach. However, in spite of this impressive track record, the clubhouse facilities have not been upgraded since it was built in the 1970s.

Due to its location at the forefront of the coastal zone and within metres of the shoreline, the clubhouse has constantly been exposed to erosion, storms and other

long-term extreme weather events. Over time it has become badly damaged. Without funding, the safety of the general public is unequivocally compromised by slower response times. It only takes 20 seconds for a small child to drown. The health and safety of the club's patrol teams is also jeopardised by having to improvise with substandard equipment, access routes and facilities. I urge the government to support this important project.

Glen Eira residential planning

Mr DIMOPOULOS (Oakleigh) — I raise a matter for the attention of the Minister for Planning. The action I seek is a commitment from the minister to visit Carnegie in the city of Glen Eira to see firsthand the impact of new dwellings on local residential areas. I further ask for the input of my local community to be considered in any future decision-making on Victorian planning matters.

Planning issues are generally very emotive for local communities, with many individual groups having input and/or being directly affected by the rules and regulations that are in place at any given time. This includes but is not limited to local residents, the local council, the Victorian Civil and Administrative Tribunal and VicRoads as well as developers. Many areas within the city of Glen Eira have undergone significant change in recent years, including Carnegie and Ormond. While these changes are not unique in Melbourne, there is a great level of community feeling about planning my local area.

I have personally been contacted by numerous local residents expressing their concern about what they believe to be overdevelopment in the neighbourhood. While I recognise that some certainty has been provided in the past for many residents, others have not been so fortunate and have been built out or are subject to living next to large buildings which have not been in keeping with the neighbourhood or which create an impact on local facilities like roads and parking. Carnegie has had more than its fair share of high-rise development, and residents are now rightly saying enough is enough.

We all understand that there is a need for appropriate housing, and it makes sense that many new dwellings are located close to important infrastructure like train stations, tram routes and shopping areas. However, I believe there has to be an appropriate balance between satisfying the demand for new housing and limiting the negative impact on existing neighbourhoods. That balance needs to start with the local council, but the state government also has a crucial role to play. I look forward to a visit by the Minister for Planning to my community and encourage him to meet on site with relevant parties to enable a more comprehensive awareness of local concerns.

Shepparton rail services

Ms SHEED (Shepparton) — I rise in this evening's adjournment debate to request that the Minister for Public Transport detail what investment will be made in the Shepparton rail passenger service as part of the Labor government's rolling stock strategy released this week. The document makes no mention of my electorate, despite there being a huge need for investment. The fleet currently servicing Shepparton is ageing and fails to meet customer expectations for comfort and reliability. The services are infrequent and slow, and the timetable does not cater for the area's increasing population. The *Hume Region Passenger & Freight Rail Review — Final Report* notes that the Hume region, and in particular greater Shepparton, is severely deficient in passenger rail services, stating:

> There is a disparity between passenger rail services in the Hume region and other major regional centres of similar population and proximity to Melbourne's CBD.

It also notes that currently the tracks are in poor condition, in particular the track to Shepparton.

It is noted that Shepparton is the regional hub for the Hume region and has a catchment population of 230 000 people. This is comparable to Bendigo, Ballarat and Traralgon. However, passenger services for those regional centres are far superior to that which exists for Shepparton. Bendigo and Ballarat enjoy four times as many trains to Melbourne and five times as many returns as Shepparton.

A subsequent report states:

> The Seymour–Shepparton corridor is the only regional rail corridor that was not part of the former regional fast rail project … (2002–2006) and little has changed since. The region is therefore significantly disadvantaged relative to the other major regional centres within a comparable distance from Melbourne — e.g. Bendigo and the Latrobe Valley.

More regular and reliable public transport is vital to the Shepparton community; it would open up education and employment opportunities and drive tourism to our town. Currently many Shepparton residents are forced to drive to Seymour, over an hour away, to catch a train that suits their needs. Last year a survey of more than 2000 people revealed that 81 per cent of passengers found the current weekday services inadequate, with 85 per cent unhappy with the current timetable. It also

found that more people would be willing to take the train if services were faster, more frequent and more direct. There are short-term improvement opportunities that could easily be implemented.

First of all, we want the timetable adjusted and extra services added to better reflect what people want. Trains on the Shepparton–Seymour corridor cannot pass safely; we need a passing track. We need stabling for two trains overnight at Shepparton and protective services officers at Seymour station. We want a commitment from the government to undertake a feasibility study for future budget estimates. It should examine the work required to improve connectivity between Shepparton and Seymour, and include a V/Locity train and three carriages. Rail track upgrades should be carried out to allow trains to travel at up to 160 kilometres an hour; currently they can only reach 90 kilometres an hour. We want improvements to level crossings on the line. Finally, we want future train services to grow in line with demand and population growth in the Goulburn Valley.

Air ambulance helicopters

Mr PEARSON (Essendon) — I raise a matter for the Minister for Ambulance Services. The action I seek is for the minister to ensure that the next generation of helicopters used by Air Ambulance Victoria are quieter than the current fleet. Air Ambulance Victoria currently operates out of Essendon Airport. It does a fantastic job of transporting critically injured people from around Victoria to Melbourne to get the very best care that the state can offer.

The sad reality is that people can become critically injured or fall dangerously ill at any time in a 24-hour cycle. Although a curfew exists at Essendon Airport, it is entirely justifiable that this curfew be broken in order to transport a critically injured patient to hospital. As many honourable members would appreciate, a chopper flying low over your home at 2.00 a.m. can be disruptive, although many residents of Strathmore and Strathmore Heights completely understand the need for the curfew to be broken under these circumstances.

Where a newer fleet that is quieter than its predecessors can be deployed, it would be most welcome. The current fleet of helicopters used by Air Ambulance Victoria is scheduled to be replaced, and I ask the minister to ensure that the next fleet is as quiet as possible.

Wedderburn ambulance service

Ms STALEY (Ripon) — My adjournment matter is for the Minister for Health. The action I seek is the funding of an ambulance for Wedderburn. Last Sunday I was privileged to attend the 10th anniversary celebration of the Wedderburn community emergency response team (CERT). The celebration was a great community event, with many current and former CERT members, regional ambulance paramedics and CERT committee members present.

There are two CERT team leaders who represent all the best in CERT — Lisa Barrass and Desiree Gardiner, who have attended 297 and 388 call-outs respectively. Lisa has completed 10 years of service with CERT. She spoke of the impact that her volunteering with CERT has had on her life, describing it as the most important thing she has done. Lisa also talked about the large number of CERT members, including herself, who have gone on to quit their day jobs to retrain as nurses, paramedics and other health professionals. CERT participation has given many the confidence to go on to further study and totally new careers.

CERT and the Wedderburn community have repeatedly called for an ambulance to be based in Wedderburn. A letter from the president of CERT states:

> CERT here was told that they will only get three to four call-outs a month when started. They now are having over 200 call-outs a year. The pressure on these volunteers stabilising the sick and injured waiting for an ambulance to arrive has a huge effect on these volunteers.

The Liberal-Nationals government announced it would invest $1.3 million to establish an ambulance presence in Wedderburn, including a paramedic, a fully equipped ambulance and appropriate building facilities. I continue to strongly advocate for an ambulance for Wedderburn. On budget day last year Jaala Pulford, a member for Western Victoria Region in the Legislative Council and now the Minister for Agriculture, raised this issue and said she was working on it with Daniel McGlone, the Labor candidate for Ripon at last year's election. She said:

> This is an issue that matters to the community of Wedderburn. It matters greatly to Daniel McGlone and me …

No matching commitment ever came from Labor; apparently it did not matter that much. I understand that the health minister is sending her parliamentary secretary to Wedderburn next week. The Wedderburn community would be delighted if the parliamentary secretary came with a cheque to invest in an ambulance for Wedderburn. Over many years, including at the last

election, Labor has refused to commit to an ambulance for Wedderburn. It is time that changed.

Bendigo Kangan Institute

Ms EDWARDS (Bendigo West) — My adjournment matter is for the Minister for Training and Skills. The action I seek is that the minister provide me with written information on how apprentices in Bendigo will benefit from the expanded partnership between Bendigo Kangan Institute and Toyota Australia, which the minister recently announced. I would like to thank the minister for visiting Bendigo Kangan Institute to make this announcement, and I would also like to thank him for fast-tracking $20 million from the $320 million TAFE Rescue Fund. With more job losses having been flagged by Bendigo Kangan Institute, the $2 million in funding has ensured that positions at Bendigo Kangan have been saved and staff will be retained. There will also be improved training, courses and job opportunities for students.

I understand that the agreement between Bendigo Kangan Institute and Toyota Australia will provide new opportunities for central Victorian apprentices to develop the automotive service skills demanded by local dealerships. This announcement was welcomed by the Bendigo community and demonstrates Labor's commitment to rebuilding and reinvesting in the TAFE sector after the devastating funding cuts inflicted by the former government. It is a great example of how partnerships with local businesses and industries can support TAFEs to provide training that meets local needs.

When the Liberals and Nationals ripped more than a third of government funding from our public TAFEs, the training system was left in turmoil. The forced merger of the Bendigo and Kangan TAFEs by the Liberal-Nationals government was a direct result of these massive cuts. The annual TAFE reports tabled recently in Parliament reveal the extent of the financial damage done by the previous government. The overall performance of the TAFE institutes in 2014 was $161.5 million worse than in 2011, when TAFEs recorded an operating surplus of $109 million.

I am proud to be part of the Andrews Labor government, which is focused on saving TAFEs and is determined to strengthen TAFE institutes for the long term, with the independent vocational education and training funding review advising the government on a more stable and sustainable funding model. Bendigo and Kangan TAFEs both suffered under the Liberals. However, now that their futures are intertwined we are getting on with making sure that students, staff and apprentices are never short-changed again. While there is no quick fix, this partnership that has been announced is something the former government never appreciated or understood. Although Bendigo Kangan Institute has a long road ahead to recover from the damage inflicted, there is, I believe, good news ahead. I look forward to the minister's response.

Responses

Mr WYNNE (Minister for Planning) — I thank the member for Oakleigh for raising an adjournment matter in relation to residential zones. As we know, this was an initiative of the previous government and the previous Minister for Planning, who sought to put in place a framework for the way we deal with issues of population and where people will be housed going forward. This is the great challenge for governments. Population projections suggest that we will have to house a further 100 000 people a year in Victoria, within both broader metropolitan accommodation and regional cities.

The most recent regional showcase, the Regional Victoria Living Expo held last week, was another overwhelming success. People are voting with their feet and looking for opportunities for quality housing and lifestyle in regional Victoria. Bendigo, Ballarat, Geelong and the Latrobe Valley, because of their significantly upgraded public transport links and fast train networks, provide people with the ability to commute between their homes and Melbourne or, with flexibility of employment, to balance their employment and family lifestyles.

When we came to government it was clear that for residents of many municipalities the residential zones process left a bad taste in their mouths. People felt shut out of the process and the response to their legitimate concerns about how the zones were implemented was less than satisfactory. On coming to government I indicated that we would allow the residential zones process to complete its work and that the independent panel process would be completed, and that has now happened.

I also indicated that we would let the dust settle a little, because many communities have been over-planned, and then in the second half of this year we would look at it again to see how the housing strategies that were put in place have been implemented. It is clear that there have been patchy outcomes right across the metropolitan area, and there are opportunities for us to review this in an independent way and to learn from what was, in many respects, a flawed process because it did not take communities along with it. Ultimately

communities have to be part of the conversation, and they will always be part of the conversation with a Labor government. I have the honour of being the Minister for Planning, and I will always consult with communities about how we take these challenges forward, because a collective effort is required for us to house 100 000 more people every single year.

I welcome the contribution of the member for Oakleigh, and I will take up his invitation to talk to his community and to the council, and that will be part of my early consultative work in thinking through how to establish in the second half of this year a further independent process to review the residential zones. I welcome the member's intervention tonight.

Ms NEVILLE (Minister for Environment, Climate Change and Water) — A number of other members raised a range of issues for a range of ministers, and I will pass those issues on to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.30 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses are incorporated in the form provided to Hansard

Ministers performance training

Question asked by: **Member for Bayswater**
Directed to: **Minister for Education**
Asked on: **16 April 2015**

RESPONSE:

Unlike the former government, the soon to be released budget will reflect the record investment for local creative industries.

As the member would be aware the 2014 Victorian Labor Platform contained a range of local content commitments.