PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 27 October 2016

(Extract from book 14)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

HANSARD150

1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

> That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard.*

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

> As a preface to the first volume of "Parliamentary Debates" (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.
>
> With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.
>
> This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016]	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

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, Mr McGuire, 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 — 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 [2]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent [3]	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
Britnell, Ms Roma [1]	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David [4]	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard [5]	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian [6]	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
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
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] Elected 31 October 2015

[2] Resigned 3 September 2015
[3] Resigned 3 September 2015
[4] Elected 14 March 2015
[5] Elected 31 October 2015
[6] Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

Privileges Committee — Ms Allan, Mr Clark, Ms D'Ambrosio, Mr Morris, 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 Nardella and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmar and Mr Melhem.

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

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

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

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

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THURSDAY, 27 OCTOBER 2016

CONTENTS

Thursday, 27 October 2016

The SPEAKER (Hon. Telmo Languiller) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 1 to 5 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Mountain Highway, Bayswater

To the Legislative Assembly of Victoria:

This petition draws to the Legislative Assembly's attention the desperate need to keep the existing three-lane carriageway in each direction on Mountain Highway, Bayswater.

As part of the Bayswater level crossing removal project, the plan is to reduce the road's capacity by 33 per cent.

Mountain Highway is a busy thoroughfare for businesses, local families and those heading to the Dandenong Ranges and surrounds. The petitioners therefore request that the Legislative Assembly require the Andrews Labor government to leave the capacity of Mountain Highway as it is and not remove any lanes.

By Ms VICTORIA (Bayswater) (11 signatures).

Taxi and hire car industry

To the Legislative Assembly of Victoria:

We, the undersigned residents of Victoria, draw attention to the house that taxi licence owners will be significantly impacted by the proposed taxi industry reforms. The proposed compensation amount of $100 000 for the first and $50 000 for the second licence is inadequate and unjust and is causing extreme emotional, mental and financial stress for licence-holders who have invested in good faith. There have also been media reports of a number of taxi licence owners committing suicide while many others have suffered heart attacks and other detrimental physical effects since the taxi reforms have been proposed.

The petitioners therefore request that the Legislative Assembly of Victoria consider the impact of the proposed taxi reforms and increase compensation to a minimum amount of $250 000 up-front per taxi licence, plus an additional hardship fund for those who have purchased at peak. If the Daniel Andrews government cannot compensate to this level which is fair and adequate, then it should reverse its decision and consider implementing a new structure through consultation with taxi licence owners. Such a possible structure could include the legalisation of rideshare without revoking taxi licences, while offering a compensation amount of $50 000 per taxi licence. This model has been implemented in other states of Australia successfully and would also be considered acceptable by Victorian taxi licence owners.

By Mr NARDELLA (Melton) (6041 signatures).

Equal opportunity legislation

To the Legislative Assembly of Victoria:

Residents in the state of Victoria draw to the attention of the house their concerns that the Andrews Labor government is removing the rights of Victorian faith-based schools to employ staff that share the values of the school community.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews Labor government to withdraw the Equal Opportunity Amendment (Religious Exceptions) Bill 2016.

By Mr R. SMITH (Warrandyte) (422 signatures)

Tabled.

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

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

OFFICE OF THE PUBLIC ADVOCATE

Report 2015–16

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

Tabled.

Ordered to be published.

VICTORIA LAW FOUNDATION

Report 2015–16

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

Tabled.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2015–16

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation), by leave, presented report.

Tabled.

POLICE REGISTRATION AND SERVICES BOARD

Report 2015–16

Ms NEVILLE (Minister for Police), by leave, presented report.

Tabled.

DOCUMENTS

Tabled by Clerk:

Adult Parole Board — Report 2015–16

Agricultural Industry Development Act 1990 — Order under s 8

Confiscation Act 1997:

Asset Confiscation Operations Report 2015–16

Report 2015–16 under s 139A

Consumer Affairs Victoria — Report 2015–16 — Ordered to be published

Country Fire Authority — Report 2015–16

Emergency Services Telecommunications Authority — Report 2015–16

Financial Management Act 1994:

Report from the Minister for Agriculture that she had received the Report 2015–16 of PrimeSafe

Reports from the Minister for Energy, Environment and Climate Change that she had received the reports 2015–16 of:

Alpine Resorts Co-ordinating Council

Yorta Yorta Traditional Owner Land Management board

Forensic Leave Panel — Report 2015

Greyhound Racing Victoria — Report 2015–16

Harness Racing Victoria — Report 2015–16

Justice and Regulation, Department of — Report 2015–16

Legal Practitioners' Liability Committee — Report 2015–16

Metropolitan Fire and Emergency Services Board — Report 2015–16

National Rail Safety Regulator, Office of — Report 2015–16

Racing Integrity Commissioner, Office of — Report 2015–16

Regional Development Victoria — Report 2015–16

Residential Tenancies Bond Authority — Report 2015–16

Sentencing Advisory Council — Report 2015–16

Subordinate Legislation Act 1994 — Document under s 15 in relation to the *Road Safety Act 1986* — Guidelines for Assessing Fitness to Drive *(Gazette S293, 23 September 2016)*

Surveillance Devices Act 1999 — Reports 2015–16 under s 30L (five documents)

Taxi Services Commission — Report 2015–16

Tourism Victoria — Report 2015–16

VicForests — Report 2015–16

Victims of Crime Assistance Tribunal — Report 2015–16

Victims of Crime Commissioner, Office of — Report 2015–16

Victoria Legal Aid — Report 2015–16

Victoria Police — Report 2015–16

Victoria State Emergency Service Authority — Report 2015–16

Victorian Commission for Gambling and Liquor Regulation — Report 2015–16

Victorian Equal Opportunity and Human Rights Commission — Report 2015–16 — Ordered to be published

Victorian Inquiry into the Labour Hire Industry and Insecure Work — Ordered to be published

Victorian Legal Services Board and Victorian Legal Services Commissioner — Report 2015–16 — Ordered to be published

Victorian Public Sector Commission — Report 2015–16

Victorian Responsible Gambling Foundation — Report 2015–16

Youth Parole Board — Report 2015–16.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 8 November 2016.

Motion agreed to.

MEMBERS STATEMENTS

Westgate Punt

Mr NOONAN (Minister for Industry and Employment) — As a recent convert to cycling, I had the great pleasure to join fellow cyclists last Friday morning on the Westgate Punt ferry service to cross the Yarra River. For local cyclists and pedestrians, the Westgate punt is an institution. Travelling between the

Spotswood jetty and the Westgate landing in Port Melbourne, the service provides an opportunity for cyclists to shave many kilometres off their morning commute. The popularity of the service has grown over the years of its operation. Each year the punt service transports about 30 000 cyclists and pedestrians across the Yarra during the Monday to Friday period. The service also transports about 10 000 per year on Saturday and Sundays. I would like to congratulate Rob Horner, who has operated the punt out of Spotswood for over two decades.

I am pleased to advise the house that the government has allocated an additional $1 million over the next four years to help subsidise the service for weekday commuters. In addition, the punt vessel will be replaced in December by a larger boat, which will almost double its capacity. These investments by the Andrews government send a very positive message about the future of the punt and should encourage even more cyclists and pedestrians to get out of their cars and use alternate means to get to work.

Shepherd Bridge upgrade

Mr NOONAN — Local cyclists will also benefit from the upgrade to the Shepherd Bridge in Footscray. And, Speaker, I know you will be interested in this: works are well advanced, and upon completion cyclists will benefit from having a new and safer shared bike path on this heavily used bike arterial, which is also in proximity to heavy vehicles. I am certainly proud of these investments.

Fitzsimons Lane–Porter Street, Templestowe

Mr GUY (Leader of the Opposition) — Residents of the north-eastern suburbs are thoroughly fed up with the chaotic mess that is the Fitzsimons Lane–Porter Street roundabout. This roundabout intersects the east–west Porter Street with the north–south Williamsons Road and Fitzsimons Lane, which heads over the Yarra River to Lower Plenty, Eltham and Montmorency. The roundabout has three lanes and additional bus lanes, and therefore can be difficult to navigate, particularly in peak-hour periods. The best solution is probably to completely redesign, probably signalise and structure the whole intersection with slip lanes to be a staggered but easier traffic flow. At present the state government has promised to fix Bolton Street on the north side in Eltham; this is a positive for Bolton Street, but in the morning peak it will funnel more traffic onto Fitzsimons Lane, over the bridge and through the problematic Porter Street roundabout.

Traffic congestion is a mess right across Melbourne, particularly in the east and north-east with a scrapped east–west link and no plans for a north-east link. It will be worse with the Minister for Planning turning every single main road into a potential high-density development site, by scrapping the Liberal-Nationals neighbourhood residential zone. I call on the state government to stop spending money to scrap major road projects and put money into upgrading essential roads, particularly the Fitzsimons Lane roundabout, where congestion is a nightmare and delays on both sides of the Yarra River are made intolerable by the dated design of this intersection.

Responsible Gambling Awareness Week

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I was extremely proud to launch the Victorian Responsible Gambling Foundation's Responsible Gambling Awareness Week (RGAW) last Monday. The theme for the Responsible Gambling Awareness Week 2016 was 'Gambling responsibility to avoid gambling harm'. The RGAW is run annually in partnership with the Victorian government. The week involved activities such as professional development sessions, school presentations, family fun days and other community events.

I was also excited to launch a revitalised school education program as part of this week. The 'Love the game' program involves Victorian certificate of applied learning mathematics lesson plans for year 10 students focusing on the chances of winning, the normalisation of gambling and help-seeking for young people. It was developed in association with the Mathematical Association of Victoria. This is such an important program for our young people to participate in.

Joan Kirner Women's and Children's Hospital

Ms KAIROUZ — On another matter, I was excited to see the wonderful work of the Andrews Labor government coming to fruition on Sunday with the sod turn at the Joan Kirner Women's and Children's Hospital. The dedicated women's and children's hospital will service the needs of maternity and paediatric care for people in my electorate of Kororoit and in the western suburbs, resulting in women being able to give birth closer to home. With the number of births at Sunshine Hospital expected to exceed 7000 by 2026, this is an important development for our area, and I thank the Premier and the Minister for Health for their dedication to this important project.

Parole reform

Mr McCURDY (Ovens Valley) — The Enough is Enough rally was held on the steps of Parliament House on Sunday morning. The tragic deaths of Karen Chetcuti and Zoe Buttigieg in north-east Victoria have had a great impact on our communities. People are sick and tired of the murders being committed by perpetrators on parole. Parole has its place, but individual monitoring is the key to our community safety. We need our police numbers back to where they used to be. We need to protect the community, not the offender. Jail should mean jail. Congratulations to Tania Maxwell and Carol Roadknight on their tireless efforts to honour victims and to fight for a safer community. Keep up the fight.

Country Fire Authority Cobram station

Mr McCURDY — It has been a long haul, but I am very proud to say the new Cobram Country Fire Authority (CFA) station was officially opened on Saturday. The fire season is just around the corner, so let us support all of our volunteers who protect our communities. Congratulations to Adrian Hilder and the team at the Cobram CFA.

Wandiligong Primary School

Mr McCURDY — I was truly honoured to attend the Wandiligong Primary School concert on Friday night. As someone who attended a small school myself, it is fantastic to see the whole school get involved and the passion they commit to their roles. Principal Julie Smith and all the brilliant staff at the school worked together for a successful concert. It is truly wonderful to provide opportunities for our people and our children to express themselves in song and dance, and it was a very uplifting experience for all who attended.

Wangaratta Festival of Jazz and Blues

Mr McCURDY — The Wangaratta Festival of Jazz and Blues is on again this weekend with an amazing line-up. Paul Squires and his team do a magnificent job at organising, promoting and celebrating this annual event. But as always it is the volunteers who assist over the weekend who make this one of north-east Victoria's most impressive festivals. It is not just Wangaratta that benefits but other activities throughout Milawa, Moyhu, Oxley, Glenrowan and other areas benefit from this tremendous festival.

Dr Bryan Found

Ms NEVILLE (Minister for Police) — Today I want to acknowledge the unfortunate deaths of two police personnel who made significant contributions to keeping Victoria safe. Dr Bryan Found had a very distinguished career, commencing with the Victoria Police forensic services department in 1988. In 2012 he was appointed as the force's first chief forensic scientist. In the wider profession of forensic science Bryan also contributed enormously. He was chair of the Victorian chapter of the Australian Academy of Forensic Sciences, Victorian president of the Australian and New Zealand Forensic Science Society and a life member of that esteemed organisation. Over his career Bryan contributed significantly to research and education and was seen by many as a leader, a mentor and an inspiration.

Senior Constable Rad Kujovic

Ms NEVILLE — I also want to acknowledge Senior Constable Rad Kujovic, who entered the Victorian Police Academy in July 2009 and graduated that year. He played a number of roles and distinguished himself. He was awarded a Premier's annual multicultural award in 2011, which he received at Government House. Rad was appointed to the critical incident response team in late 2012 and was a dedicated, professional member. My sincere condolences to the family and friends of both these fine Victorians.

Dane Huxley

Ms NEVILLE — As Minister for Water I want to mark the passing of Mr Dane Huxley. Dane was appointed chair of the $120 million Sunraysia modernisation project, and the success of the project is very much a testament to his skills, commitment and leadership. I thank him for his contribution, and my condolences go to his family.

Warrandyte electorate schools

Mr R. SMITH (Warrandyte) — Today I rise to highlight the inadequacy of the Labor government's recent announcement of funding for schools in the Warrandyte electorate. Any funding is of course welcome, and there is no question that the school communities across the 10 schools that are listed to receive funding are pleased to have received something. What is disappointing is the minister's obvious lack of knowledge or care about the real needs of a number of these schools. What is disappointing is that the whole electorate of Warrandyte has received a total of $1 million across 10 schools — a fraction of what the coalition committed to just a few of these schools when we were in government.

Donvale Primary School is set to receive $77 000. The coalition committed $1.5 million to that school. Warrandyte High School will receive $258 000, whereas we promised $4 million. Wonga Park Primary School will be getting $119 000, but we promised $1 million. My point is that this government can barely match the funding that we promised for one school: they have spread 1 school's funding over 10. Beverly Hills Primary School is to receive $41 000, and East Doncaster Secondary College is to receive $47 000. Having approximately 1500 students, that is about $31 per student. This round of funding is nothing but a bandaid fix for some of my local schools, and this lack of attention is sadly what is becoming all too common from a Labor government which claimed it would make Victoria the education state.

National disability insurance scheme

Mr BROOKS (Bundoora) — We on this side of the house are very strong supporters of the national disability insurance scheme (NDIS), a scheme that will give people with a disability flexibility and choice in the delivery of the services that they need. The NDIS means that 27 000 extra Victorians will receive disability cover. While I am sure most Victorians do not like paying tax, they would have some comfort knowing that the 0.5 per cent levy on their income that they have been paying for the past three years for the NDIS is going to their fellow citizens with disabilities.

I think people will be shocked and disgusted to learn that not one cent has been forwarded to Victoria for the NDIS. This is effectively Malcolm Turnbull and Scott Morrison stealing from the disabled. It is the lowest of low acts. It means that thousands of Victorians with a disability, particularly in the north-east of Melbourne where the NDIS is being rolled out, are missing out on the services that they desperately need. I call on the Prime Minister to apologise to people with disabilities who are waiting for funding and to cough up the money.

Police resources

Mr WAKELING (Ferntree Gully) — In the last sitting of Parliament we heard in the house the horrendous story of Lisa Stark, a resident of Wantirna South, which is in my electorate, whose home was invaded at night while she and her daughters were in the house. She resides in the Harcrest estate, which is a great housing estate but residents are fearful about the fact that under this government we have a lack of police. Despite the fact that it has a growing population, the City of Knox now has fewer police than it did when this government was first elected.

We have had a petition started in my community. My community members say there is no expectation that under this government they will feel safe. That is a sad indictment of this government, and I call on the minister, who is at the table, to listen to the concerns of my community and the concerns of the Victorian community and ensure that we have more police on the beat because that is exactly what Victorians are looking for.

Chinese Association of Victoria

Mr WAKELING — I had the pleasure of joining the Leader of the Opposition and the member for Forest Hill to attend the Chinese Association of Victoria gala ball. It was a fantastic event that brought the Chinese community together. It was noted that no-one from the government was in attendance at this function, which is a sad indictment of the government's recognition of the Chinese community. I was very pleased to be in attendance at this significant event. I know that the Chinese community have made a wonderful contribution to the Victorian community and my community in Knox. I congratulate the president, Dr Ka-Sing Chua, and his committee.

Jenny Cuxson

Ms GREEN (Yan Yean) — Diamond Creek lost one of its true gems on 20 October 2016. Jenny Lynn Cuxson, nee Morse, passed away peacefully at the Olivia Newton-John Cancer and Wellness Centre of that terrible disease, pancreatic cancer.

I was proud to call Jenny a friend, as were the students and parents of the Diamond Creek East Primary School and Diamond Valley College where she served as a school crossing attendant for some 15 years. It certainly will not be the same driving past that crossing and not seeing Jenny's friendly wave as she helped students safely across the road.

Jenny had great values and believed in supporting the community. She also served on the Diamond Valley College school council, where her lovely daughters Jacqueline and Alexandra were students. I know she will be sorely missed by her sister Christine, her brother-in-law David, her husband Paul, and her niece and nephews Daniel, Ashley and Regan. Her parents Joan and Noel are going through the grief of having to say goodbye to a daughter. Life is not meant to work out this way, but I know that Noel and Joan will continue to love and look after Jackie and Alexandra following Jenny's passing. I do wish them all the best and say that I was very sorry to miss her funeral yesterday. Vale Jenny Lynn Cuxson.

Blessing of the Bikes

Mr D. O'BRIEN (Gippsland South) — An incredible 8000 motorbikes descended on beautiful Mirboo North in my electorate last weekend for the now annual Blessing of the Bikes. This event was conceived and run by Marcel and Sabine Widmer, who run the motorbike-themed Inline 4 Cafe in Mirboo North, and has now become one of the town's biggest events. You could barely move in the street throughout the morning as black leather-clad motorcyclists converged on the town from all over the state for an event designed to highlight bike safety.

This has never been more important, with a staggering 45 motorcyclists killed on our roads this year, almost double that for the same period last year. Police and the Transport Accident Commission were right behind the event, spreading the road safety message.

Grand Strzelecki Track

Mr D. O'BRIEN — New walking maps have been launched for the Grand Strzelecki Track, which takes in some breathtaking scenery in the Strzelecki Ranges around the Tarra-Bulga National Park. The track was launched a few years ago with support from the then coalition government and is another attraction for our local tourism industry.

The Tarra Valley is an undiscovered gem: a stunning landscape of towering mountain ash and temperate rainforest gullies that needs to be further promoted as part of a touring route taking in the Grand Ridge Road, the walking track, South Gippsland and Wilsons Promontory National Park.

The volunteer committee for the Grand Strzelecki Track though is in need of helpers and funding. One way the state government could assist is by gifting the site and building of the former Balook Primary School site to the track committee to provide accommodation and camping. I have called on the Minister for Education to consider this option, which would be a great boost to the track committee and local tourism.

Sale Cup

Mr D. O'BRIEN — Despite cold and wet weather, the Sale Cup on Sunday was a highlight of the country racing calendar. The Greenwattle course was in magnificent shape and punters had a great day, including this one, who managed to break even on the day by backing First Course in the cup.

Greenvale Primary School

Ms SPENCE (Yuroke) — It was an honour to recently visit Greenvale Primary School as part of its writers' festival, a celebration of the students' writing which the school has focused on enriching over the last two years. The theme for this year was 'Wishes, Hopes and Dreams — a wish for me, a wish for my family and a wish for the world'. Each of the 735 students had their writing on display inside a balloon shape, and I congratulate each of them for their thoughtful words.

After being greeted by school captains Sandu and Zain, I was able to look at and read the students' work on display throughout the school. It was terrific to then have one student from each of the school years present their piece. The writing was outstanding and I thank foundation student Asli, Dane from year 1, Keera from year 2, Adela from year 4, Joseph from year 5 and Cody from year 6 for sharing their work. These students told me that their writing had improved with the writing enrichment program and the parents of the presenters also noted that their students' confidence and pride in their work had improved through this learning. The literacy program undertaken by the school has delivered great results and will stand these students in good stead for many years to come. With the learning of literary devices from onomatopoeia to alliteration, inferences, personification, similes, rhetorical questions and homophones, the extent of the students' knowledge and understanding was outstanding.

Congratulations to principal Angelika Ireland, strategic leader of literacy Georgia Kroger, and all the support staff involved in putting this festival together.

Kinky Boots

Ms VICTORIA (Bayswater) — Unless you have been living under a rock, you would know that *Kinky Boots*, the musical, has just opened in Melbourne. The signage is everywhere, and the critics and public alike are raving about the show. The project to secure this fabulous piece of theatre, with its brilliant music and truly positive messaging, began about four years ago, and I commend and thank Michael Cassel and his talented team for continuing to have faith in Melbourne audiences, knowing that this is the best city in which to open a blockbuster musical.

Marlborough Primary School

Ms VICTORIA — Marlborough Primary School has just celebrated 40 wonderful years of providing quality education in a nurturing environment to the Heathmont community. The historical displays and

showing of current students' work was testament to the constant and consistent output of excellence. I commend principal Shaun McClare, his staff and all those who contributed to making the day a great success.

Eastern Volunteers

Ms VICTORIA — Volunteers and supporters of Eastern Volunteers (EV) celebrated 40 amazing years of selfless support of those in need in the outer east recently. Great stories were shared about EV's history, and the new CEO, Viv Cunningham-Smith, helped share the vision of what is to come. Thank you to everyone who has given so freely of their time to make other lives better. You are all treasures in our community.

Bayswater Secondary College

Ms VICTORIA — I was honoured to be a guest at the valedictory dinner for Bayswater Secondary College students last week. These young people have put in the hard work and are truly aspirational. I wish each and every one of them the best of luck in the future.

Dream Lover

Ms VICTORIA — I recently attended the world premiere of a new musical called *Dream Lover*. Although it is obviously the life story of American crooner Bobby Darin, it is unmistakably an Aussie creation. Congratulations to John-Michael Howson and the other writers and Simon Philips for a great show.

Dyslexia support

Mr RICHARDSON (Mordialloc) — I want to put on the record my participation in a competition for dyslexia awareness at Chelsea Primary School and a Light it Red for Dyslexia event recently. I had the opportunity to meet young Kaiya, who is a fantastic student and who had the challenge to write to her local member of Parliament, her principal and to the singer Katy Perry. I want to read out Kaiya's letter on her experience of confronting dyslexia:

> My name is Kaiya. I'm nine years old. I love playing netball and singing. At school I like art. I'm very good at art.
>
> I can't keep up with the other kids at school because they all learn faster than me.
>
> I can't remember what to do. Reading and spelling are difficult for people with dyslexia, and that's me!
>
> I think you should help kids with dyslexia by having an extra teacher to help them in class. Audio books help me because someone reads the words.
>
> Please help us learn! From Kaiya.

While Kaiya was looking for Katy Perry, she ended up getting second best with her local member of Parliament. But her comments stuck with me — about all children being supported in education and all children having a right to learn and being supported and assisted. Something that stuck out for me for Trudi and Kathy, her wonderful parents, and teachers at Chelsea Primary was that they were relieved when Kaiya was diagnosed with dyslexia because they could work towards trying to support her education in the future.

Sensis Business Index

Mr BURGESS (Hastings) — Support for the Andrews government amongst small and medium businesses has fallen to a record low according to the September *Sensis Business Index* survey. The latest survey of business confidence in the Andrews government saw an 11-point decline to a net balance of minus 24 this quarter, with 32 per cent of Victorian businesses believing that the Premier and his government actually work against them, compared with just 8 per cent that think they work for them.

These latest figures show Victoria's small businesses have a complete lack of confidence in the Andrews government and its Minister for Small Business, Innovation and Trade in their competence and policies. These survey figures further confirm the concerns I hear daily from Victorian businesses that the Andrews government has put its mates and union masters first and businesses last, resulting in costs to do business in this state spiralling out of control.

Victorian businesses deserve better — much better — than what they are receiving from the Andrews government and its jetsetting Minister for Small Business, Innovation and Trade. The Victorian Liberal Party in government will put an end to the empty rhetoric of this failed government and minister and create an environment that encourages people to start and grow businesses and rewards them for their creativity and hard work.

1st Somerville Scout Group

Mr BURGESS — On 16 October I was very pleased to present a congratulatory certificate to the 1st Somerville Scout Group in celebration of their 100th year of scouting. The 1st Somerville Scout Group is comprised of cubs, scouts and venturers. Through

scouts young people gain confidence in themselves and learn problem-solving, risk-management and life and leadership skills. On behalf of my local community I congratulate the 1st Somerville Scout Group on their 100 years of scouting.

Western Bulldogs

Ms GRALEY (Narre Warren South) — The *Herald Sun* says in four magnificent weeks in the spring of 2016 the Western Bulldogs rewrote the history of the greatest of days — a premiership for the Western Bulldogs. It was truly one for the ages. We are the reigning premiers. The 22 fearless young men were led by magnificent acting captain Easton Wood and included Jason Johannisen, Joel Hamling, Matthew Boyd, Shane Biggs, Dale Morris, Lachie Hunter, Marcus Bontempelli, Liam Picken, Jackson Macrae, Zaine Cordy, Jake Stringer, Tory Dickson, Tom Boyd, Clay Smith, Jordan Roughead, Luke Dahlhaus, Tom Liberatore, Toby McLean, Fletcher Roberts, Josh Dunkley and Caleb Daniel. When the Bont said, 'Why not us?', I thought, 'He's right'. And now it is. It is us.

Exuberant and heartfelt thanks to the coaching staff, led by our Diamond Dog Luke Beveridge and his team of Joel Corey, Stewart Edge, Ashley Hansen, Steven King, Chris Maple and club legends Daniel Giansiracusa and Rohan Smith, not to forget the director of football — my Aunty Peg's and my favourite player of all time — Chris Grant. Thanks as well to Jason McCartney, Simon Dalrymple, Mat Innes, Graham Lowe, Ben Graham, Andy Barnett and Chris Bell.

Thanks to the club doctors Jacob Landsberger and Gary Zimmerman for combined service of more than 40 years, CEO Gary Kent for steering the ship and Danny McGinlay for his brilliant banners that made you laugh out loud, settling your nerves. To our spiritual leader, Bob Murphy: no thanks are enough, nor would they ever do your efforts justice. You helped us all keep the faith. As Caroline Wilson wrote in the *Sunday Age*, 'the heart emerged victorious', or to use Teddy Whitten's famous words, 'We stuck it up 'em'.

Minister for Training and Skills

Mrs FYFFE (Evelyn) — I would like to thank everyone for their kind words on my pending retirement in two years. Members from both sides have thanked me for the helpful advice I have given over the years. Some advice, I know, has been unasked for and probably unwanted. So to continue in this vein with my helpful offerings — as the government is certainly going through its own Johnny Depp Pistol and Boo moment — I have Barnaby Joyce's direct number I can pass on, and I am sure he would happily sort this out.

While I am on the subject of dogs, Acting Speaker, maybe you could ask the Speaker to have *Who Let the Dogs Out* played in the dining room. There is another subject that I would like to offer advice on: Patch and Ted's excellent adventures could be made into a video or a book that would be compulsory for all school students. I once had a dog who really believed he was man's best friend, so much so he kept borrowing money from me. Steve Herbert's dogs just borrowed his chauffeur and limo. Steve Herbert actually has my sympathy because he was only following President Truman and John Howard's advice: if you want a friend in politics, get a dog.

Parks Victoria

Mrs FYFFE — As many members in this house know, recently the Yarra Valley was hit by severe storms that left many people without power for days on end and did a fair bit of damage. Two weeks on there is growing concern, with so many trees down in parks, nature reserves and properties, that there will be a higher risk of bushfires this summer. Parks Victoria urgently needs extra funding.

Pink Ribbon Day

Ms HALFPENNY (Thomastown) — On 2 October I attended a Pink Ribbon Day event held at Epping Memorial Hall. The day was a huge success in terms of both support and entertainment. Over 94 prizes were donated by local businesses, hundreds of people were in attendance and delicious cakes and savouries were baked and donated. The star of the table was Kylie Hodge's fabulous boob cake. I was so pleased Michelle, a breast cancer survivor, was the winner of the door prize I had donated: a high tea at Parliament House. The sum of $4604.60 was raised on the day.

A former work colleague that I bumped into really brought home to me how important fundraisers such as Pink Ribbon Day are. She told me that she had been diagnosed with cancer and was recovering from chemo and radiotherapy. She said that the hospital staff had reassured her that her likelihood of survival was fantastically good because of the research and the money that had gone into breast cancer research. That of course is as a result of people such as those living in the Thomastown electorate that have put on this great Pink Ribbon Day every year. I want to congratulate Lisa Hall, Sue Berry, Kate Faralla, Maureen Faralla, Debra Ioannidis, Jacinta Kayll, Susan Walton and Tania Perrin, and also the great entertainment from the

singing group Sisters and Misters. Everybody had a great time, as well as raising money for a very, very worthwhile cause.

Isaac Lenehan

Mr KATOS (South Barwon) — I would like to mention an outstanding resident of South Barwon, a passionate young six-year-old primary school student named Isaac Lenehan, who is working hard to raise awareness for the Juvenile Diabetes Research Foundation. Isaac was diagnosed with type 1 diabetes at 23 months of age. Together with his mother Amanda and a team of hardworking volunteers, he is assisting to raise much-needed awareness of the condition in order to find a cure. I was pleased to meet Isaac and donate a hamper that was used to assist in raising funds at a junior disco held last weekend. I would also like to pay a special mention to the disco organiser, Phillipa Sharp. This again highlights the strong community support that Isaac has.

Grovedale College

Mr KATOS — Last Tuesday I was pleased to attend the Grovedale College 2016 arts and technology showcase, where many parents, students and staff enjoyed an evening of viewing outstanding student artworks and media projects. I congratulate principal Janet Matthews and the staff at Grovedale College for fostering such growth in the students and all the students who had pieces featured. I was certainly amazed by some of the works they had done.

Number One

Mr KATOS — Last Monday, 17 October, the Golden Plate Awards were held in Geelong. The awards were announced at Little Creatures brewery in Geelong. I have a soft spot for these awards, seeing as I have won two best supplier awards over the years. I was pleased to see that RACV Torquay Resort's restaurant, Number One, lived up to its name, taking out the top honour and showcasing the Surf Coast region, which certainly has an outstanding foodie market. I wish the Number One restaurant all the success in the state awards on 21 November.

Skye Cricket Club

Ms KILKENNY (Carrum) — I would like to congratulate Selina Caruana and Shannon Barnes for establishing the first women's cricket team at Skye Cricket Club. This is a terrific achievement and another important achievement for girls and women. With Cricket Victoria, I look forward to supporting this wonderful team in their debut year.

AFL Women's league

Ms KILKENNY — I would also like to congratulate five women from the Seaford Football Netball Club who were recently drafted into the inaugural AFL Women's league. Sarah and Jess Hosking, Kate Gillespie-Jones and Natalie Plane will all join Carlton, and Kim Ebb will join my beloved Western Bulldogs. It is so exciting to think that young girls growing up today will have female AFL players to look up to. Growing up it would never have occurred to many girls, me included, that they could play AFL.

The creation of the AFL Women's league is historic. In September the AFL Women's exhibition match, featuring all-star players, was the most watched Saturday night AFL match of the year and the second most watched women's sports game in the history of Australian television, with more than a million viewers. But the female players need to get fair pay. The average male player earns over $300 000 a year and gets three pairs of boots. Female players will be paid $5000 and will have to buy their own boots and pay for their own health care. This is not even a living wage. What kind of message is this sending to young boys and girls? The league must invest in this competition and ensure that women get fair pay for their work. This is an investment that is absolutely worth making.

Martin Hylton-Smith

Mr WATT (Burwood) — I want to pay tribute to all of the staff that work here, but particularly I want to mention Martin Hylton-Smith. After 12.26 years of working in this place he is finishing up on Friday, so I want to thank Martin. He tells me his official title is 'tour guide', but I have always known him as an attendant. I want to pay tribute to all of the staff, but I say to Martin: 12.26 years is a fantastic job. I have only been here for nearly six of those, and it has been great to have Martin here the entire time. So thank you, Martin, and all of the staff.

Amaroo Neighbourhood House

Mr WATT — Congratulations to Sandy Goode, Marie Appleby and Kerrie Atkinson on receiving life memberships of the Amaroo Neighbourhood House this year. It was an honour to be able to talk about their efforts and present the life memberships at the annual general meeting.

St Thomas' Burwood

Mr WATT — Recently I attended the St Thomas' Burwood biannual art and craft fair. I was able to enjoy some of the fresh cordial and took away some cake and jams. The church was alive with activity. Congratulations to all those at St Thomas' Anglican Church who were involved in this particular fair.

St Oswald's Anglican Church, Glen Iris

Mr WATT — Recently I attended the St Oswald's All That Jazz fete. I arrived in time to see the band playing, with Reverend Glenn Loughrey strutting his stuff on the dance floor. There was plenty to see and buy, including second-hand books, which I can never resist taking a look at, and Glenn's artwork inside the church. Congratulations to all involved in making it such a successful day.

Our Lady's Primary School, Surrey Hills

Mr WATT — Congratulations to Patrick Torpey and the parents at Our Lady's Primary School for another successful fete. Live music, rides and chocolate lob all entertained. With Devonshire tea upstairs and lattes close to the stage, there was something for everybody. Once again, thanks very much.

Monterey Secondary College

Mr EDBROOKE (Frankston) — Each year the Order of Australia Association Mornington Peninsula branch awards a prize to secondary school senior students from Frankston and Mornington Peninsula schools who best exemplify the values of the association through their involvement in community service activities.

Congratulations to Monterey Secondary College, a wonderful school, who were awarded the first prize this year for their Victorian certificate of applied learning (VCAL) program. They received a cheque for $1000, which will be used to buy equipment to further develop the scope of the program. The students are already planning additional ways that they can develop community opportunities for 2017. It is a fairly new VCAL program at the school, but it is fantastic. I have been on a tour of their facilities, and I would like to give a shout out to their principal, Stuart Jones, who is a fantastic leader of that school, and to the hardworking staff as well. They run a great school. It is always a pleasure to visit and see what is new.

Member for Dandenong

Mr PEARSON (Essendon) — I want to wish the member for Dandenong a very happy birthday. So, happy birthday to you. Happy birthday to you. Happy birthday, dear member for Dandenong, happy birthday to you. Huzza!

The ACTING SPEAKER (**Ms Ward**) — Order! I am sure the house does wish the member for Dandenong a happy birthday.

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Second reading

Debate resumed from 25 October; motion of Ms HENNESSY (Minister for Health); and Mr CLARK's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to ensure there are adequate safeguards and clear and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers'.

Ms SHEED (Shepparton) — As I was saying on Tuesday when I was speaking on this bill, I think everyone in this place generally supports the intention of this bill. I am pleased with the government's proposed amendment that one of the witnesses must be a medical practitioner. I see from clause 17 that each witness referred to in subsection (1) must certify on the document that at the time of signing the document the person giving the advance care directive appeared to understand the nature and effect of each statement in the directive. As I understand it, Cancer Council Victoria and others who have made submissions on this bill called for that as an amendment, and so the government has seen fit to put that in the bill by way of the amendment circulated on Tuesday.

I have had a closer look at the bill in the time since I last spoke, and I can see that things like suicide notes, for instance, will not be regarded as an advance care directive because of the provisions in the act that require that level of witnessing and signing. But there are still concerns. I have taken the time to speak to a number of people since I last spoke on this, including Carmel Smith at Goulburn Valley Hospice Care Service in Shepparton. She deals daily with advance care directives. In fact they are very much documents that are in place and have been for a long time. The health department website has a form of document that is recommended for use by people who wish to make a

directive or have their wishes known. It is apparently quite commonplace for people to be signing these documents, and that has been the case for some time.

Carmel tells me that particularly in palliative care situations it is very common, but she is well aware of cases where they are not complied with, where a patient is put in hospital but a doctor does not follow the terms of that advance care directive. She talks about how distressing that can be for families when a situation like that occurs, when you know what a parent perhaps wants to happen, but it does not happen.

The cancer council, I understand, raised other issues. I understand Ambulance Victoria has supported it and that the Australian Medical Association and the Law Institute of Victoria similarly generally support the bill, but a number of issues have been raised. Some of them take issue with the references to the Victorian Civil and Administrative Tribunal and how that should happen. It is a really difficult area to deal with, but it is one that our community is dealing with daily. It is happening in many situations.

From my own life experience, I have lived with and been married to a paediatrician for a very long time, and he has nursed many children to their deaths. One of the things that was worrying me about this was actually the fact that it applies to children. He tells me that in all the time he has been practising and through the many children that he has treated in a hospice situation, only two have said to him, 'I want to go; please let me go', and they were older children; they were not young children. We are talking generally about children being way beyond 12 years old when that situation has occurred.

That someone who has been in paediatric practice for 35 years has only had two children in that situation I think says something, but it does highlight the fact that perhaps it should be available to young people of a certain age who want to make a statement on it. It is also an empowering thing for a patient. We know how often patients are disempowered in the hospital situation. An advance care directive really does empower people across the range in many circumstances.

I think it is a great pity that in this Parliament we are not going into consideration in detail on this bill because we have a competent minister who could well deal with this sort of bill in a detailed way. As an Independent I really miss the fact that we do not get that level of input in this house. So often bills are passed here, taken up to the other house and come back with amendments to them that really improve the bill. I think it is a great pity that I do not get the opportunity to see that happen and I know many others would like to see that happen.

I also recall the member for Prahran saying how useful it would be for those of us who are perhaps in the minority to be able to partake in a business meeting before Parliament commences to go through the bills and get an understanding of what each of the parties is thinking and perhaps be better informed before Parliament commences.

I cannot support the reasoned amendment because I am concerned that it will take the bill away for too long. I can only hope that when this bill goes to the upper house there will be an opportunity for a number of further amendments to be considered, which will tighten up and deal with a few of the concerns that some of these eminent organisations have raised in relation to the bill. I urge the government to consider those further amendments. This is a really important piece of legislation. The community is ready for it. I am not prepared to see it being delayed any further but I reiterate the points I made earlier that some amendments need to be made. Signing an advance care directive may be the most important thing you ever sign. We need to have the law around it tight and we need to prevent the capacity for things to be misinterpreted or to go wrong.

So until there are a lot more Independents sitting beside me in this house I have no more capacity to influence the outcome other than what I have said.

Mr HOWARD (Buninyong) — I am certainly pleased to add my comments to the Medical Treatment Planning and Decisions Bill 2016 because we know it is a very significant piece of legislation that we are debating in the house at present. We know there are so many people out there, including people who may undergo medical treatment in the years to come, who are concerned about the way their views might be viewed when that treatment is administered. We also know that medical practitioners have a number of concerns around this area as to what their rights are, their responsibilities and how this could play out legally.

The bill modernises the act that we have before us and tries to ensure that patients' views are pre-eminent in terms of the decision-making about whether treatment will be given or not in a range of circumstances. Mostly we are talking about potential end-of-life care experiences, although not necessarily. It is about when those decisions are being made, how long to administer

treatment that might prolong life or whether or not to provide that treatment.

I am certainly pleased to follow the member for Shepparton and to hear her comments. As somebody without legal experience myself I am not in a position to make judgements about the bill from that perspective, but I am clearly in a position as somebody who deals with constituents out in the community who raise these issues with me, and as part of a family when, not so many years ago, my mother died of pancreatic cancer. So many of us in this house have had experiences of family members who have died, often of cancer, when there have been difficult decisions to make about what treatments to take and at what point perhaps to discontinue treatment. They are very, very difficult decisions and, as much as possible, you want to respect the views of the person central to the decision, the person who may be dying.

I know that in my mother's case, when she was first diagnosed with pancreatic cancer, she had to make the decision, 'Do I take on chemotherapy or do I not?'. She decided that she would take on chemotherapy, and she was very pleased that for a short period of time her symptoms were in some way released and she had a better state of health for a period. She also took the decision, though, that she was not going to cloister herself away. She knew that when you begin chemotherapy your resistance to infection can be lowered, but she decided she was still going to spend time with her grandchildren, in particular, and spend time with other family members, knowing that there were risks involved. She took those decisions.

We know that in so many cases people are still in a state of mind where they can express their views through a large part of that process. Unfortunately in my mother's case she did catch some sort of bug that quickly led to her being diagnosed with pneumonia. Unfortunately she died very quickly as a result of that. Clearly sometimes I think, 'Should she have done things differently?', but what I am pleased about is that I know it was very much her making the decisions. She was able to make those decisions about the treatments she had or did not have and the way she lived out her latter days.

So many people have come to me to talk about these issues. Of course there are some people who have come to me wishing that our government would move dying with dignity legislation. This clearly is not about dying with dignity. In situations where people say that they want to die, this legislation will not require doctors to give those people treatment that will enable them to die. It is about either giving treatment or withholding treatment and the patient being able to have their views accounted for.

How can this be done? The government recognises that sometimes in these stages people will lose consciousness or will lose the ability to express their views clearly. This bill, as we have heard from other members, enables people to put their views in writing, in what we are calling advance care directives, so that their views can be clearly recorded and detailed. This can be done in two ways. A person can provide clear instructional directives, saying that they will not take a certain treatment or that they will take a certain treatment. For these instructional directives to be written, though, people need to have an understanding of the potential treatments they might be offered. Often people will not have the ability to give clear instructional directives, so instead they would give value directives in this document, or in written form, which would outline the sorts of treatments they would accept or would not accept. It puts into place a clear sense of that person's values should they not be in a position to express them at the time these decisions need to be made in terms of treatments that they may or may not receive. So that is an important step in this bill.

I certainly understand the comments made by the member for Shepparton. I understand that medical practitioners are always looking to say, 'We want some clear legal certainty around this so that we know what we can or can't do, what we have to do and what we are not allowed to do legally'. I trust that the member will be satisfied as we move through the latter stages of this process, before the bill is finalised. I am also pleased that she recognises that we still need to persist with this bill.

We should not take the line that has been taken by the conservatives on the other side of the house and simply say that we should not accept this bill at all until a whole lot of work is done. While some people on the other side of the house may be genuine in their views and may want to improve the bill, I am quite sure that there would be some members on the other side who simply do not want to see this bill progress at all. They do not want to see any advances in this area that might bring us closer to dying with dignity legislation, and they have clear problems with moving forward to a more modern situation where we allow patients to be very clear about the directives they give to medical practitioners. I should also be clear that the term 'medical practitioners' does not just refer to doctors. It could mean paramedics too in terms of the treatment they give or do not give.

In terms of then how these statements need to be interpreted by medical practitioners, they must comply if it is an instructional directive from somebody who says they want to refuse treatment. If it is very clear that they want to refuse certain treatments and they have put that in a clear instructional directive, then the medical practitioner must comply. On the other hand, if they say they want certain treatments, that may or may not be able to be provided. A whole lot of other issues will need to be taken into account, but the practitioner must at least recognise and, when somebody first comes before them who might not be in a position to share their views directly, must ask whether they have written one of these statements. If they have written an advance care directive, they must see if they can gain access to that to be able to guide them.

Of course there are a range of other options available to people who might not want to put written directives down. In the past we have had people who can be given responsibility, as declared by the patient — the person who might undergo the care — so you can have medical treatment decision-makers appointed by the person, and they might list a number of people. It might be their spouse. It might be a son or daughter. It might be a parent even, who they then designate because they have not written the detail down but they know that person understands their views and they want to appoint them. If they appoint a number, of course this legislation is clear that the first person on the top of that list is the priority person, and if they are able to be present with the medical practitioner and accept the responsibility of providing the advice as they understand it has been offered to them, then that can take place.

So this system of medical treatment decision-makers is again another clear legal authority that can and should be respected, although there are steps further down that we can have medical treatment supporters — people who can at least on behalf of the patient ascertain and gain the information from the medical practitioners and provide it back to the person. So there are a range of things in this bill that I think are excellent and that so many people will support.

Mr PERERA (Cranbourne) — I wish to speak in support of the Medical Treatment Planning and Decisions Bill 2016. There are currently four acts that govern medical treatment decision-making for people who can no longer make decisions directly themselves. Having to go to different pieces of legislation causes considerable confusion, and research suggests that medical practitioners have critical gaps in their knowledge about the law.

The Medical Treatment Planning and Decisions Bill will provide a comprehensive framework for medical treatment decision-making when a person no longer has that capacity. This is no doubt a well thought through bill. Therefore there is no reason at all to redraft the bill. I do not support the opposition amendment. It is based on the standard opposition mentality of being disruptive. There are psychologists and doctors to determine a patient's capacity to make decisions. It is also a vested interest of the loved ones, the family members, to make sure whether the patient has this capacity or not.

This bill is about setting up the legal framework to give Victorians greater power to set directives about future medical treatment, including end-of-life care and wishes. This bill will recognise advance care directives in legislation for the very first time in Victoria, delivering on a key election promise. An advance directive is a legally binding document designed to make a person's preference for future medical treatment clear when the person loses the capacity to make decisions themselves. People of all ages with decision-making capacity will be able to make legally binding advance care directives.

This historic new law will give Victorians the certainty they want and need when it comes to end-of-life care and wishes. I congratulate the Andrews government and especially the Minister for Health for presenting such an important bill to this house.

Medicine has two aims: one, to preserve life and alleviate suffering; two, under certain circumstances, when medicine may not be able to preserve life, alleviating suffering becomes the legal and ethical priority. It is a known fact that palliative care can alleviate suffering in most cases; however, it does not work for about 4 per cent of the patients who have reached end of life. Currently under the Medical Treatment Act 1988 a person cannot refuse palliative care in a refusal-of-treatment certificate, and a person's substitute decision-maker cannot refuse palliative care on that person's behalf.

According to the second-reading speech many health practitioners express unease about people refusing palliative care in advance or being able to refuse palliative care. The health practitioners highlighted anxieties about potential situations where they may be forced to do nothing in response to considerable pain and suffering of a patient because palliative care has been refused. That is why this bill has restricted refusal of palliative care only to patients with the capacity to make decisions, while the decision-makers will not be able to refuse palliative care. This bill will not allow the

instructional directive to prevent the health practitioner from delivering palliative care if this is deemed clinically beneficial.

However, this bill will not address the issue where a patient's pain and suffering could not be alleviated by palliative care. Therefore it is unfortunate that this bill has not gone far enough in supporting voluntary assisted dying. Hopefully we can see that piece of legislation in this term of Parliament.

This bill will replace the Medical Treatment Act 1988. Since 1988 many jurisdictions around the world have successfully introduced voluntary assisted dying with appropriate safeguards. To name a few: Switzerland, Belgium, the Netherlands, Luxembourg, Canada and some states in the USA — Oregon, Washington, Vermont and California. Religious convictions are to be respected; however, it is not acceptable for the religious beliefs of some individuals to be imposed on others in a secular society.

Patients have the right to make their own difficult end-of-life decisions. Putting people at the centre of medical treatment decisions is not complete without patients having the option to make a decision about ending their life to alleviate pain and suffering. Many in our society do not believe in God. There are also many who do but who also see the regulated and compassionate ending of unendurable pain and suffering as consistent with their belief. This bill will allow Victorians to make legally binding decisions about their future medical treatment and end-of-life care without directing a doctor to end their life by prescribing lethal doses of pain medication.

Some faith groups choose prayer as a supplement to medical care. However, some other religious groups go further — they either teach that certain medical procedures are not allowed or recommend that members generally reject medical attention in favour of prayer. Two of these groups are the Church of Christ, Scientist and Jehovah's Witnesses. Jehovah's Witnesses teach that blood transfusion, even if it is needed to save a person's life, must not be accepted. A directive includes clear instructions about treatment that a person can consent to or refuse. This bill will allow Jehovah's Witnesses to make advanced directives to avoid blood transfusion and endanger their lives, but terminally ill patients who are in severe pain cannot legally end their lives.

In cases where the relevant instructional directive applies there will be no role for the child's medical treatment decision-maker. The Supreme Court will retain its power to make any order to protect the welfare of a child. This is an important safeguard for children.

The Church of Christ, Scientist denomination promotes the healing of physical and mental illnesses through prayer. One example occurred in the USA. Amy Hermanson, aged seven, died from childhood diabetes. Her parents are Christian Scientists. They were aware of her illness but did not seek medical attention for her. This is only one of many cases. That is why it is important that the Supreme Court is retaining its powers to make orders to safeguard children. According to the bill, the adults of these church groups will have the right to create their own advance care directives to refuse medical treatment when they are sick. In the end, if they fall sick badly they will end up dying. However, the very same people are opposed to voluntary assisted dying for terminally ill patients who are suffering immensely.

The Legislative Council committee's report on the inquiry into end-of-life choices was tabled on 9 June 2016 in the Legislative Council. In addition to submissions from 925 individuals, there were 112 submissions from organisations. The report states:

> If medical and legal systems are not in place to respect end of life preferences, we risk abandoning those who are most vulnerable.

The report also states:

> … the evidence was overwhelming that the current legal system and medical approach in Victoria is not adequate to deal with the pain and suffering that some people may experience at the end of life.

There was also evidence that the Victorian legislative framework must be reformed to reflect society's values rather than rely on legal connotations to achieve just outcomes.

This is an important bill. There is no reason for this bill to be redrafted. It is a well-thought-through bill, and it is in line with community expectations. However, in my personal view, I believe this bill should have gone further, but I believe there will be legislation in this term of Parliament for assisted dying. I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Medical Treatment Planning and Decisions Bill 2016. I think I should start by saying that, as a member of the Liberal party, the opposition fully support the amendment put by the member for Box Hill, which is that:

> That all the words after 'That' be omitted with the view of inserting in their place the words this bill be withdrawn and

redrafted to ensure there are adequate safeguards and clear and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers.

I want to start by saying that I support the amendment. I also want to thank a constituent of mine who has been very interested in this issue and who has advocated very strongly to me to make sure that some changes are made in this area. I thank Patricia for her constant voice in this regard.

I think the member for Cranbourne mentioned that we are just being a typical opposition or something along those lines, that we are game playing. That is the sentiment I got from his contribution. But let me make this point: we in the opposition are not trying to stall or cause issues for this particular bill or the government on this issue.

I note that the member for Shepparton in her contribution talked about her amazement that a large amount of legislation that comes through this place happens to be amendments to acts rather than new bills and new acts. This bill is actually an amendment to an act, and it is fixing up lots of things. Obviously things change over time. Things that happened previously are not necessarily happening now, and things that are coming up now were not necessarily on the cards when acts were first introduced. But this is a very, very serious and very important issue, and it is something that I think we need to get right the first time. It is not something about which we should say, 'We'll give it a go now and see how we go, and if it doesn't work out we'll fix it later'. I think that is the attitude that the opposition has taken, but I know it is certainly the attitude that the member for Box Hill has taken.

We have some significant issues with this particular bill. I cite one example that the member for Box Hill talked about in his contribution to the second-reading debate when he said that if a person gives the instructional directive refusing all medical treatment in circumstances citing some of the words in clause 6 of the bill — such as, if I am unable to recognise my family and friends and cannot communicate — and if those words were part of an instructional directive, it would apply not only to cases of end-of-life decision-making but it would also apply if the person were injured and knocked unconscious in a car accident but was in a position where they would have made a full recovery if treated.

I have significant concerns when this is clearly not the intent of the bill, and I understand that there is no way that the government would want that to apply in those circumstances. I understand that people want to make advance care directives that are binding to cover circumstances that are not necessarily upon them now, and I understand their need for that. However, if the result of this bill is going to mean that a person who for all intents and purposes is expected to make a full recovery but receives no treatment at all because of an advance care directive that was made without the advice of a medical practitioner, then frankly that is ill thought out. When people make these advance care directives, if they are going to be binding, they need to have informed consent. Informed consent is a very interesting concept, but 'informed consent' meaning that they should actually have an understanding of what it means when they write something down as an instructional directive. People should have to understand what the consequences are for that.

The member for Cranbourne talked about community expectations — and I keep harping back to the example that the member for Box Hill spoke about and to which I have just talked. I am 100 per cent certain that the community expectation of an advance care directive that said, 'If I am unable to recognise family and friends, and I cannot communicate' — for example, if that person was in a car accident and could not communicate or was unconscious for any particular reason — would not be that that person would not receive medical treatment that would result in their full recovery.

I have some very serious concerns with this bill and very serious concerns about — not the intent, because I grasp the intent — the effect that this bill will have. All we on this side of the house are asking for is that we get it right — that is all we are asking for. The member for Box Hill has not stood here and said that we should throw this whole thing out and we should leave it alone. He has simply said, let us get it right. I wholeheartedly agree that this is too important to experiment with. It is too important to just give it a go now and fix it up later, and that is why I support the reasoned amendment from the member for Box Hill. That is why I will be going back to my constituency and later on this week I will have a conversation with Patricia, who has been talking to me about this, to make sure that she understands our position. Our position is that it needs to be done right and does not just need to be done now.

Ms GREEN (Yan Yean) — I take pleasure in joining the debate on the bill before the house which will repeal the Medical Treatment Act 1988 and amend relevant provisions of the Guardianship and Administration Act 1986 and the Powers of Attorney Act 2014. The objective of the bill is to provide Victorians with a new, simplified legal process for

medical treatment decision-making and give statutory recognition to advance care directives. This will allow people to record their preferences and to make choices as they come to the end of their life.

I also believe that the provisions in the bill provide additional protections, particularly for those people who live with disability. It is the opposite to what some have said, that rather than putting people with disability at risk, this actually offers a protection. Rather than having someone external making a value judgement about whether that person with a disability has quality of life, this means that at the get-go they can actually make those statements themselves.

I have been called upon on numerous occasions by the family of a young woman who lives in Wattle Glen. Ashlea has lived with disability all her life. She does not have a great amount of speech and has difficulty communicating. She lives her life in a motorised wheelchair and has to be reclined. She suffers a lot of infections, particularly respiratory infections, so she is frequently hospitalised for that reason. I have got to know Ashlea's family very well. She is hospitalised several times a year, and it is fine when she has gone to hospitals where she is known, but when she has on occasion been sent to a hospital not near where she lives, each night her family are concerned that maybe a health professional might make a value decision and may not resuscitate her because they make a judgement, not knowing her, that she does not have a quality of life. They have regularly sought my intercession, and I have had to contact hospitals to make sure that her rights are respected and that her decision to live the life that she chooses is respected. A lot of people are focused on this being around end-of-life, but it can also be about a protection of life, and I think that we must have that.

The end of our life is not something that any of us want to have to contemplate, but for those who are afflicted with dreadful, lengthy illnesses that they know are going to end their lives I think it is incumbent upon us as politicians to provide the proper framework so that they do not suffer unnecessarily and can make choices.

I have known a number of people who have suffered from motor neurone disease. We know this disease is fatal. One of my political mentors, Peter Cleeland, suffered from this disease. It was just gut-wrenching. He was diagnosed in April. I saw him on Anzac Day and he was not able to walk around; he had a crutch. By September he was dead. Peter was an amazing member of Parliament; he was the federal member for McEwen. He had been a police officer and a lawyer. Prior to going into Parliament he served on the Diamond Valley Shire Council. He was conservative in a number of ways but very progressive in others. He campaigned for drug law reform because he saw that it was a health issue, not a criminal justice issue — and he was someone who had been a police officer and a lawyer. But when he was facing his death, having a keen mind and passion locked in a body that was shutting down on him, it was the most miserable thing. I was terribly afraid for him. It was fortunate that his death was relatively swift, but I would hate to think of anyone else that I love going through that.

Val McKie, the mum of a good friend of mine, Julie McKie, who I grew up with, suffered similar circumstances. She was a great woman. She was very active in the Catholic Church, she supported all the teachings, she was the parish secretary and she also had a very keen mind and was a very literate woman. But she said, 'Danielle, what am I going to be like? I won't be able to say that I'm still here inside this body as it shuts down'.

As legislators we need to be able to walk in the shoes of people like that and people with terrible, terrible cancers. I spoke this morning about Ashlea's aunt, Jenny Cuxson nee Morse, whose funeral I sadly missed yesterday. She passed away last week due to pancreatic cancer. I know that her family were so grateful for the care that she received from the Olivia Newton-John Cancer and Wellness Centre. Centres like that are really providing support for people in their last hours and days and providing a more comfortable passing from this life. But not everyone has access to them, and those centres are not always nearby. They also do not cater for those who want to pass away at home surrounded by their loved ones.

I am very moved by the statistics that say that, worldwide, one-third of elderly patients receive futile treatment before they die. More than one-third of patients aged 60 or older receive invasive and potentially harmful hospital treatment during their last six months of life. According to a recent Australian review:

> The interventions continued into the last two weeks of life, with admission to intensive care, chemotherapy, resuscitation and intensive cardiac monitoring potentially preventing patients from having a comfortable death and prolonging suffering rather than survival.

I think we need to put the choices in the hands of those who are suffering and make their last hours and days as comfortable as they want them to be so they are able to depart this life peacefully, surrounded by their loved ones. I lost my dad quickly. He had a heart attack on the cricket pitch when he was 45 years old. I still miss him

to this day. When one thinks about how one actually wants to go, we all hope for a quick death. We need to support those who are suffering from illnesses that do not afford them a quick passing. I understand that some are fearful of this, but I reiterate the comments that I made at the outset: this actually protects people with disability and others by enabling them to say in writing what their advance care directives are and whether they want to be resuscitated.

I am really pleased and proud to be part of a government that has been courageous enough to have this conversation. The Premier indicated two years ago that we would go down this path. The health minister issued a discussion paper last year. There has been broad discussion in the community and I hope that means, as it has with other important things like organ donation, that we take away the fear of death and that we have these conversations in a loving way with our families and our loved ones. In having these conversations we as legislators are encouraging other people to have these conversations. This will mean that there is more up-front discussion and that relatives will not interfere unnecessarily, potentially prolonging their family member's suffering against their will. I think this is a very appropriate and carefully considered piece of legislation that is before the house. I indicate that I do not support the reasoned amendment proposed by the member for Box Hill. I commend this bill to the house.

Ms HALFPENNY (Thomastown) — I also rise to speak in support of the Medical Treatment Planning and Decisions Bill 2016 and the amendments circulated by the Minister for Health. This legislation, I believe, is a long time coming. I am very proud to be part of an Andrews Labor government that has actually had the courage and the compassion to introduce legislation to allow people to make those decisions, in often the most critical times and in sad situations, about how they may want to end their life in circumstances where they can often be given medical treatment that will slightly prolong their life but not offer any quality of life. I know this bill is not about medically assisted dying, but I have to say I commend organisations like Dying with Dignity that do so much work to advocate for the right of people to be able to die with dignity.

Of course we have all had family members or friends that have passed away. Often I think about my grandmother and great aunts. The circumstances in which they passed away were not as they would have wished. They had made it very clear all of their lives that they wanted to die with dignity, but that opportunity was not given to them.

We know that in Victoria we already have some of the most modern and progressive medical treatment arrangements, such as the requirement in all public hospitals for there to be a care plan in place for patients, but this legislation is formalising and clarifying that situation. It clarifies not only that an individual can determine whether they want or do not want particular medical treatment, but it also clearly specifies that a person can make a future directive so that in a situation where they do not have the capacity to make a decision about treatment they will have done that in advance and their wishes will be respected.

I know we have heard a lot of fearmongering about how people could be abused and taken advantage of. I must admit from the experience I have had of situations where a person's life is being prolonged through some sort of medical intervention, it is often the families — against the wishes of the individual — that want to continue prolonging the life of the person, because they are grieving and do not want to see the person they love so much passing away. This legislation again gives respect to the person who is in that situation by allowing them to give directions that will be acted upon. They can feel comfortable and have some peace of mind in that their wishes and decisions will be respected.

The amendments put by the Minister for Health are based on some suggestions and proposals put forward by Cancer Council Victoria, and of course it is always good to ensure that good suggestions are taken into consideration and acted upon. In terms of the background to this legislation, again the amendments the opposition is putting up are all about fearmongering. The opposition is also trying to imply that this issue has somehow been rushed or ill-considered when in actual fact there has been enormous consultation around this issue. There has been the Legislative Council inquiry into this issue as well as a position paper that has been distributed within the community for all the stakeholders to properly consider, debate and put up all sorts of proposals.

I believe the legislation has been drafted properly and in a way that will ensure that the rights of people to guard against those who may not wish people well will be protected. There is, for example, within the legislation a range of scenarios that have been covered. If it is a person whose first language is not English, there have been safeguards put around that. In a situation where a person has a mental illness, there have been safeguards put around that. The cancer council proposals around having a medical practitioner be the witness rather than an authorised person has been put in to make sure that that extra protection is there within the legislation.

Everybody of course has been mindful in drafting this legislation to protect people as much as possible.

Business interrupted under sessional orders.

RESIGNATION OF PARLIAMENTARY OFFICER

Martin Hylton-Smith

The SPEAKER — Order! Martin Hylton-Smith's final day with the Parliament is tomorrow, as he has decided to move on to look for new and exciting career and life opportunities. Martin joined us at Parliament as a Legislative Assembly tour guide on 26 July 2004. We thank you for your 12 years of service, Martin. We will miss your enthusiasm and indeed your passion. Again, thank you for your service.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I advise that the Minister for the Prevention of Family Violence and Minister for Women will be absent from question time today and that the Minister for Local Government will answer in her place.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Minister for Training and Skills

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, you have previously said the standard you walk past is the standard you accept. Will you now dismiss Minister Steve Herbert for verbally abusing his female driver, who had to quit working for him, and for rorting his taxpayer-funded ministerial vehicle?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. He makes an assertion in relation to abuse that is completely wrong. No complaint has been made. If one was made, it would be properly and appropriately investigated.

As to the second matter that the Leader of the Opposition raises, the minister has made it very clear that he apologises for his inappropriate conduct. He fully acknowledges that he should not have behaved in that way. He has also indicated that he will seek advice and make repayments of the relevant amount of petrol money, as it were. That is the appropriate course of action, and that is the end of the matter.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, on 23 May 2015 you stated that behaviour of an intimidating, aggressive or threatening nature from a minister toward a staff member was unacceptable. You also said:

> As a government we have set the standard on these issues and, be in no doubt, every member of my team will meet those standards.

Premier, is it not the fact that by his own admission Minister Herbert has not met those standards as a member of your team and therefore he should go now?

Mr ANDREWS (Premier) — The answer is no.

Ministers statements: Victoria Police

Mr ANDREWS (Premier) — I am very pleased to rise to update the house on the work that the dedicated and brave men and women of Victoria Police are doing to keep our state safe. The Victoria Police annual report released this morning shows that in 2015–16 Victoria Police rolled out more than 200 new police custody officers. To date these officers have worked more than 18 000 shifts, freeing up sworn members of Victoria Police to move away from the front counter and away from babysitting crooks and be out there on the front line, catching crooks — a fantastic achievement.

What is more, Victoria Police have established Operation Cosmas — 210 arrests to date of violent offenders, some of the worst offenders involved in carjackings and home invasions. Victoria Police men and women have conducted over 100 000 roadside drug tests, the highest in a single year, and of course they are transforming the way that we as a community respond to family violence, the no. 1 law and order issue in our nation and our state today.

The men and women of Victoria Police are also in specialist operations and crime command. They have the second highest number of arrests and the most charges on the record thanks to their partnership with Crime Stoppers and significant engagement with communities right across our state. They are solving more crimes. They are catching more criminals. They are doing every Victorian proud in their dedication, their efficiency, their bravery and the work that they are doing in every part of the community.

I want to also make it very clear — not the nonsense that some would peddle but the facts — the annual report shows there were 13 188 full-time police in June this year. That is 155 more than at the same time last year — not less police, more police.

Mr ANDREWS — Each and every one of them is doing an outstanding job, and they will always have the strong support, resources and funding of every member of this government.

Minister for Training and Skills

Mr WALSH (Murray Plains) — My question is to the Premier. When bullying allegations were made against then minister Adem Somyurek in the Council you immediately ordered a capability review into him and his office, which ultimately led to his dismissal. Premier, given your refusal to sack Minister Herbert, will you at least order the same investigation into his conduct, as is so obviously required?

Mr ANDREWS (Premier) — I thank the Leader of The Nationals for his question, and as I made clear a moment ago, no complaint has been made. In the event that a complaint is made, that complaint, like all complaints across our state, should be and would be fully and appropriately investigated. But as I have made clear — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn will come to order.

Mr ANDREWS — Those who shout a lot themselves actually ought to know and listen for a moment. I will again confirm no complaint has been made. If one were made, then it would be properly and appropriately investigated.

Supplementary question

Mr WALSH (Murray Plains) — Premier, Minister Herbert is now on his fourth driver in less than two years, with the latest having to take stress leave after being verbally abused by the minister in the latest bullying crisis to envelop your government. Premier, you stood down Adem Somyurek immediately when — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Leader of The Nationals. The Chair made it very clear yesterday that being able to hear is not a negotiable subject. The Chair is unable to adjudicate unless the Chair can clearly hear the question.

Mr WALSH — Premier, Minister Herbert is now on his fourth driver in less than two years, with the latest having to take stress leave after being verbally abused by the minister in the latest bullying crisis to envelop your government. Premier, you stood down Adem Somyurek immediately when a bullying allegation was made against him. Why are you protecting Minister Herbert when by his own admission he has bullied his driver to the point that she has to take stress leave?

Mr ANDREWS (Premier) — Again, can I reiterate for the benefit of the Leader of The Nationals, who perhaps did not hear my earlier answer, there is no complaint that has been made in the weeks that — —

Honourable members interjecting.

Mr ANDREWS — No complaint has been made. I can say it again for the benefit of those who are doing all the shouting today — those ones over there — no complaints have been made. In the event that a complaint were made in relation to any matter or any individual, it would be my expectation that it would be properly and appropriately investigated.

Ministers statements: Spring Racing Carnival

Mr PAKULA (Minister for Racing) — Judging by the number of MPs who have asked me for a tip this week, there is a great deal of interest in the Spring Racing Carnival, and why should there not be? Last year it generated over $700 million in economic benefits and attracted 630 000 racegoers in Melbourne and regional Victoria. Some stats: last year there was almost $2 billion wagered over the carnival, almost 4000 horses participated in at least one race, over 220 jockeys had a ride, almost 800 trainers had at least one starter, over 6000 owners collected a share of prize money across 23 meetings, and almost $60 million was spent on fashion items. Just some more stats: women bought over 120 000 hats, 100 000 dresses, 41 000 handbags and 103 000 pairs of shoes; and men bought 33 000 shirts and 30 000 suits. Lift your game, boys!

But it is important to remember that the spring carnival is not just Flemington; it is all over Victoria. We provided more than $385 000 this year to support country race meetings, and there are cups over spring in places like Murtoa, Moe, Avoca, Wodonga, Geelong, Mansfield, Wangaratta, Ballarat, Swan Hill, Horsham and Seymour, and each and every one of them is being supported by the Raceday Attraction program. There are also going to be 32 race meetings at 12 picnic tracks across the state. The Spring Racing Carnival is amazing for our economy, it is great for Melbourne and it is brilliant for country Victoria. I urge every member to get out to the races, whether it is at Flemington,

whether it is a country cup or whether it is a picnic meeting, and good punting.

Honourable members interjecting.

The SPEAKER — Order! The issue of tips and the like can be dealt with after question time.

Minister for Training and Skills

Mr GUY (Leader of the Opposition) — My question is again to the Premier. Premier, a chauffeured hire limousine journey from Parkdale to Trentham costs more than $400 one way. Minister Steve Herbert has repeatedly misused this ministerial limousine to have his dogs chauffeured from their home in Parkdale to Trentham, so I ask: will you now insist that the minister fully declare — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Roads and Road Safety is again warned. The Chair will not warn the Minister for Roads again. The Leader of the Opposition will continue, in silence.

Mr GUY — Premier, will you now insist that the minister fully declare the fuel, wear and tear, and staff time cost for each and every time Steve Herbert has rorted his ministerial limousine by taking his dogs from the city to Trentham?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. He may have missed statements made by the minister earlier this morning, where he indicated that he would be seeking departmental advice as to the cost of those trips and that he will be making — —

Honourable members interjecting.

Mr ANDREWS — Let me begin again. Those opposite may well have missed that the minister, I think, did the right thing this morning by saying that he will get advice as to the costs, and he will repay that money once he is provided with an estimate of those costs. That is the appropriate thing to do.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will be heard in silence, and I ask the members for Warrandyte and Gembrook to cooperate in that silence.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, the ministerial code of conduct clearly states that ministers must appropriately use 'the resources available to their office for public purposes'. Premier, what public purpose is served by the minister directing multiple drivers to repeatedly chauffeur unaccompanied pet dogs from Parkdale to Trentham?

Mr ANDREWS (Premier) — The answer is none, and the minster has made that point himself by apologising. The answer is none.

Ministers statements: health workforce

Ms HENNESSY (Minister for Health) — I rise to update the house on the wonderful impact of the hard work of our health workforce. We know that our paramedics have delivered us the best response times in five years. We are doing good work turning around the awful crisis that the Liberal Party left us with. But that did not stop the Liberal Party this week yet again attacking our paramedics and their right to be remunerated fairly.

This house would be familiar with the outcome of the Fair Work Commission's recommendation about paying our paramedics properly. They have not had their work assessed for over 10 years. They now require professional qualifications. They do very sophisticated work, and the Liberal Party to this very second cannot help themselves when it comes to undermining our wonderful workforce. Our government supports them and always will.

But it is not just the paramedics in our health workforce who are delivering very important results to our health system. Our nurses and doctors are also working hard to turn our health system around. Our investments in the past two years have meant that an additional 669 full-time doctors have been employed and an additional 1495 full-time nurses have been employed. This is again delivering results.

I advised this house previously that the most recent quarterly performance data demonstrated that we had delivered the lowest elective surgery waiting list in seven years. Unfortunately I inadvertently misled the house, because the final data has now come in, and our government has delivered the lowest elective surgery waiting list in 17 years. So we are very proud of our investments and we are very proud of our health workforce, but it is only a Labor government that will make these investments and support our health workforce to support Victorians in their time of need.

Minister for Training and Skills

Mr WALSH (Murray Plains) — My question obviously is to the Premier. Premier, is it not a fact that your own department has had to specifically intervene and advise Minister Herbert that directing drivers to carry out transportation of animals is not allowed, after the minister repeatedly ordered his driver to chauffeur his pets unaccompanied in his ministerial, taxpayer-funded limousine?

Mr ANDREWS (Premier) — I thank the Leader of The Nationals for his question. I am not aware of that, and therefore I cannot confirm it.

Supplementary question

Mr WALSH (Murray Plains) — As you know, Premier, ministerial drivers require their work to be signed off and approved by their minister. Premier, given Minister Herbert has signed off and approved the use of his government-chauffeured limousine to transport his pets, can you guarantee that there was no driver overtime paid out of his ministerial office budget for the transportation of his pets?

Mr ANDREWS (Premier) — I thank the Leader of The Nationals for his supplementary question. I think that is the very purpose of the request that the minister has made of his department to look at the costs incurred, which he will refund.

Ministers statements: water policy

Ms NEVILLE (Minister for Water) — Last week I had the pleasure of launching Victoria's water plan, *Water for Victoria*, a plan that is the result of extensive consultation with stakeholders, with communities and with experts. It sets out a comprehensive statewide plan of how we are going to secure Victoria's water into the future. It is the first such plan in over 10 years. We know, and the science tells us, that climate change is going to have a big impact on our streamflows, and it is already doing that. There has been a 70 per cent decline in the Wimmera-Mallee area over the last 20 years and 35 per cent in Melbourne alone. This is going to get worse as climate change rolls out. I know those opposite are not great fans of climate change, and I remember a former environment minister, the member for Warrandyte, calling it 'climate variability'.

This plan is all about focusing on how to ensure we have a modern system — a system, for example, for how we update and modernise our channel system, like we are doing in the Macalister system. It is about how we expand, focus on and understand our water grid, which includes things like extending the Wimmera–Mallee pipeline and of course linking Korumburra into the Melbourne system. It is about the future. It is about innovation, recycled water, stormwater and, for the first time, Aboriginal water. It is about the importance of the health and wellbeing of our waterways and communities.

This is backed up by $537 million in investment to ensure our water security for jobs and for the economy. It has been backed up and welcomed by the Victorian Farmers Federation, the Victorian Chamber of Commerce and Industry, Environment Victoria and Indigenous communities. We have not heard anything from over there, except today, when we heard from the shadow Minister for Water, the leader of The Nationals, about the rorting of taxpayers money. Well, we remember who rorted some money under their water plan — the Office of Living It Up, the rorting of millions of taxpayers dollars. Millions of taxpayers dollars were wasted. That was their water plan.

Minister for Training and Skills

Mr GUY (Leader of the Opposition) — My question is to the Premier.

Mr Richardson interjected.

The SPEAKER — Order! The member for Mordialloc is warned.

Mr GUY — Premier, Minister Steve Herbert has been previously caught out spending thousands of dollars on coffee machines and charter flights around Victoria with no regard for the public purse. This minister has used taxpayer-funded limousines to chauffeur his dogs at a time when most people in Melbourne are stuck in traffic, and this minister has admitted to verbally abusing a female driver. Premier, can you give Victorians a single reason why this man should not be sacked?

Honourable members interjecting.

The SPEAKER — Order! It is Thursday, but the members for Eltham, Kew, Forest Hill, Ringwood and Buninyong are being disorderly.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question that again was assertions of what he would rather hope to be the case but which are not the fact of the matter, as is so often the case, so I reject the wholly inaccurate — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Premier. The rule remains that the Chair must be able to hear the Premier when advancing a response to the house.

Mr ANDREWS — They are wholly inaccurate as usual, and I reject the assertions made in the question that the Leader of the Opposition in his opening asked.

Mr Guy interjected.

Mr ANDREWS — One? Well, I will give you 320 million reasons: the TAFE Rescue Fund. I will give you 50 million more: the TAFE Back to Work Fund. The 16 million — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Malvern

The SPEAKER — Order! The member for Malvern will withdraw himself from the house for the period of 1 hour.

Honourable member for Malvern withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Minister for Training and Skills

Questions and statements resumed.

The SPEAKER — Order! The Premier will continue, in silence. The Chair is unable to hear the response as put by the Premier.

Mr ANDREWS (Premier) — Swinburne Lilydale — remember that? Melbourne Polytechnic, Bendigo Kangan, Batman — the list goes on.

Honourable members interjecting.

The SPEAKER — Order! The Premier, in silence. That includes the Leader of the Opposition. The Chair is on his feet. The Premier to continue, in silence.

Mr ANDREWS — As the minister has made clear, he acted inappropriately. He is seeking advice as to the costs incurred. He will refund that money. He has acknowledged what he did.

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon is warned.

Mr ANDREWS — He has acknowledged that he did the wrong thing. No such acknowledgements have been made by those opposite for gutting TAFE or the many other failings — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will continue, in silence. The Premier has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook is warned. The Leader of the Opposition is about to put a supplementary question to the house. The member for Gembrook should respect that. The Leader of the Opposition, in silence.

Supplementary question

Mr GUY (Leader of the Opposition) — Speaker, under Minister Steve Herbert the corrections system is in crisis, yet this minister is more preoccupied with having his driver walk his dogs. Premier, is it any wonder that Victorians have so little confidence in this government's ability to keep them safe when the minister responsible — who you will not sack, who you are defending — is more worried about using taxpayers money to have his dogs chauffeured around the state than he is about fixing the corrections crisis that we currently face?

Mr ANDREWS (Premier) — Well, we would not want to raise our voice, would we? You know, like those opposite. I reject again the many wholly inaccurate assertions that the Leader of the Opposition puts forward in this question. Like all the questions he asks, the facts matter little. It is volume rather than accuracy that he is into, and he is not much good at that either.

Ministers statements: Fire Action Week

Mr MERLINO (Minister for Emergency Services) — I rise to advise the house about actions the Andrews Labor government is taking to prepare for the upcoming summer fire season. On Monday I joined the Minister for Energy, Environment and Climate Change — —

Honourable members interjecting.

The SPEAKER — Order! The minister is on his feet. The minister will be respected and will be heard in

silence. The Chair has advanced a number of warnings. I warn the house generally that the Chair does not have to provide warnings before the Chair withdraws members from the house for unparliamentary language.

Mr MERLINO — Thank you, Speaker.

Honourable members interjecting.

Mr MERLINO — There is nothing funny about the upcoming fire season.

On Monday I joined the Minister for Energy, Environment and Climate Change; the emergency management commissioner, Craig Lapsley; the chief officers of the Country Fire Authority (CFA), Metropolitan Fire Brigade (MFB) and State Emergency Service; and Victoria Police at the state control centre to launch Fire Action Week, a week focused on being prepared ahead of the upcoming fire season. Whilst we have experienced significant rain and floods across Victoria, the expectation is for an above-average fire season.

In Fire Action Week I also welcome the withdrawal by the Volunteer Fire Brigades Victoria of its Supreme Court action against the CFA. This is a win for all firefighters and for community safety. It means that the enterprise agreement can now go to a vote. I can inform the house that the access period will start within the week and the vote will take place after that seven-day access period. If agreed, it can finally be dealt with in the Fair Work Commission, where it belongs and where we have always said it should have been: at the independent umpire.

Finally, I am very pleased to announce that career firefighters in both the MFB and the CFA will receive a pay increase this week. A year ago during Fire Action Week we chose to provide a pay increase in recognition of firefighters' patience, especially ahead of the fire season, and with the support of both the CFA and MFB boards we have done the same this year. Firefighters will receive a 5 per cent increase backdated to 1 May, with a further 1.5 per cent increase from 1 November. This is about treating the men and women of our fire services with respect, not vilifying them, as those opposite have done for two years.

CONSTITUENCY QUESTIONS

Mr T. Bull — On a point of order, Deputy Speaker, I refer to two unanswered constituency questions: no. 8133 to the Minister for Roads and Road Safety, which was lodged on 17 August; and 11 462 to the Minister for Energy, Environment and Climate Change, which was lodged on 13 September. Responses to both those questions have not been forthcoming, and I would seek your engagement in following up those ministers to see if we can get those two responses.

The DEPUTY SPEAKER — Order! I shall refer those two matters to the Speaker in regard to the Minister for Energy, Environment and Climate Change and the Minister for Roads and Road Safety.

Ms Ryall — On a further point of order, Deputy Speaker. Similar to the member for Gippsland East, I raised a constituency question on 13 September for the Minister for Education in relation to one of my schools and the need to ensure that they have airflow during the summer months. It has not been responded to. It is well over the 30-day period, and I ask for a prompt response to that question.

The DEPUTY SPEAKER — Order! I will refer that matter to the Speaker for his attention.

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (11 913) My question is to the Premier. It concerns the Gordon family, whose daughter attends Caulfield South Primary School. Parents Melanie and Lance have fought long and hard to be able to access a second disabled parking permit for the purposes of transporting their daughter to school on a daily basis. The parents, who care for this young girl, are regularly in the position of not having a permit in the car they are driving at a particular time. For example, when one parent does the morning drop-off before going on to work for the day the other parent is unable to complete the afternoon pick-up with the use of the permit as the permit is in the other vehicle. I first raised this with the Minister for Housing, Disability and Ageing in February this year. The Minister for Roads and Road Safety responded on behalf of the government stating that the Victorian disabled persons parking scheme does not allow for additional permits to be granted. Premier, on behalf of the Gordons, when will VicRoads be asked to seriously examine changes to the parking permit scheme that mean it can easily accommodate complex situations, including situations of multiple carers?

Yan Yean electorate

Ms GREEN (Yan Yean) — (11 914) My constituency question is to the Minister for Energy, Environment and Climate Change in her capacity as the minister responsible for Crown land, and I ask: is there any available state-owned land in the Whittlesea local government area for a new respite facility for people

with a disability? I know the minister was as delighted as I was when the Minister for Housing, Disability and Ageing announced $2.5 million for facility-based respite for adults in our area. This much-needed facility will support people in both our electorates and be a welcome addition to the respite facility for young people already operating in North Epping. As disability advocate Trevor Carroll noted at this announcement, it is only Labor governments that have funded these facilities in Whittlesea. I am advised that the council, the Department of Health and Human Services and community advocates are seeking support to facilitate identification of Crown land for the centre in our area, so I hope the minister can assist with this request.

Gippsland East electorate

Mr T. BULL (Gippsland East) — (11 915) My constituency question is to the Minister for Energy, Environment and Climate Change, and the information I am seeking on behalf of a local constituent is whether there are plans to fully repair the Haunted Stream track. The Department of Environment, Land, Water and Planning (DELWP) has advised that the track will be closed indefinitely from near a place called Dogtown through to the Dawson City track at the north-western end of the track. They have said the reason is that it has deteriorated beyond use, with large, water-filled bog holes a major problem. On its Facebook page DELWP has said the reason it will not repair the track is that no funding is available to do this work as it is not a priority fire access road. However, it is an important 4x4 track, and many enthusiasts have raised with my office their keenness to have the track fixed. I understand the department will be meeting with Four Wheel Drive Victoria to discuss the possibility of joint contributions, but my constituent wishes to know if the minister will ensure full repair.

Eltham electorate

Ms WARD (Eltham) — (11 916) My question is to the Minister for Training and Skills in the other place, and it concerns some of the very valuable work he is undertaking. Minister, how are you helping disability workers develop new skills, greater diversity in job roles and the opportunity to undertake this very important work in the disability sector? The issue is of particular interest to my community, with the national disability insurance scheme (NDIS) becoming operational in both Nillumbik and Banyule council areas from 1 July this year. Not only will the NDIS make a profound difference to many people's lives in the Eltham electorate but it also offers an exciting opportunity to develop new training and employment opportunities. Minister, the workforce plan for the NDIS is going to play an essential role in making sure we are meeting the needs of those benefiting from the services around the NDIS. There are education and training institutions in my electorate ready and able to provide the training required to introduce more quality workers into this field. Having skilled, well-trained, strong, dedicated and passionate workers in the north-east is crucial to making sure the people in my electorate will benefit fully from the NDIS. Minister, what sort of support will be available to vocational education and training providers and educational institutions in my electorate?

South Barwon electorate

Mr KATOS (South Barwon) — (11 917) My constituency question is to the Minister for Roads and Road Safety. When will the interim treatments, including turning provisions, be installed at the intersection of Reserve Road and Barwon Heads Road to ensure safety is secured at this intersection? I remind the minister that over a year ago — on 4 August 2015 — he advised me in response to a constituency question that expected works are 'to be completed in 2016'. The minister stated that, and I quote directly from *Hansard*:

> The intersection of Reserve Road will receive interim treatments, including turning provisions, as part of a developer-funded contribution. VicRoads advises me that it expects the works to be completed in 2016.

We have 66 days to go in 2016 and the minister has not even started it. It is a dangerous intersection. There is no proper turning provision for residents living in Armstrong Creek, whether it is Reserve Road or Boundary Road. The minister should get on with his job and fix the intersection.

Frankston electorate

Mr EDBROOKE (Frankston) — (11 918) My constituency question is for the fantastic Minister for Education. Could the minister please advise me of progress regarding my request for funding for a perimeter fence for Frankston Heights Primary School? We all know that Frankston Heights Primary School is a fantastic place for kids to learn. The 275 students, though, are currently playing in a schoolyard surrounded by fencing that is falling down in places and held up by star pickets in others. It affects the visual appearance of the school and a fence in good repair is required for safety reasons. The school principal, Cheryl Clark, and I have spoken and we both agree that this school deserves better fencing. I have mounted a campaign to ensure that a new school fence is made a priority in the next state government budget, and

266 people have signed that petition. I would appreciate the minister's response so we can make a great school even greater.

Melbourne electorate

Ms SANDELL (Melbourne) — (11 919) My question is for the Premier. Residents in East Melbourne and Docklands are experiencing a very large amount of air traffic over their homes, which brings with it incredible noise and disruption. My question is: will the Premier take action to solve this problem, including advocating to his federal colleagues for regulation of aircraft traffic in built-up areas? Aircraft noise has significantly increased over the last few years. Last year residents reported more than 10 helicopters a day hovering over people's homes in East Melbourne. The noise is so loud a normal conversation usually has to be stopped, and it is getting worse. These inner-city areas are currently in a regulatory black hole. They are too far from a main airport for the airspace to be regulated, but they are so close to the city and major landmarks that they are top attractions for joy flights, trainee pilots, sightseeing helicopters, and news and traffic helicopters. Commercial aeroplanes are now becoming a problem too. I urge the government to work with residents to help solve this important problem, as cities like Paris have done.

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — (11 920) My question is for the Minister for Education. What information is available from the Department of Education and Training and the Victorian School Building Authority concerning Fawkner Primary School's application for maintenance funding? The main school building, established in 1960 as a light timber construction, needs repair. This request requires context. Fawkner Primary School was not part of Labor's Broadmeadows schools regeneration project, a light on the hill achievement. I want to acknowledge the Deputy Premier for his commitment in delivering the landmark education state strategy. Talent is not defined by demographics but too often opportunity is, as I have long argued. It would be wonderful if Fawkner Primary School, with its enthusiastic students and families and its dedicated staff and principal, could be embraced now.

Kew electorate

Mr T. SMITH (Kew) — (11 921) My constituency question is for the Minister for Education. Chloe Wood is an 8-year-old from my electorate who has Duchenne muscular dystrophy and attends Boroondara Park Primary School. In the face of her situation, Chloe's parents, David and Kim, are striving to give her the best possible education to cater for her special needs, working diligently with her school and the principal, with a particular focus on speech pathology and assisting her to keep up with her classmates. We are now in a situation where the school is close to submitting an out-of-rounds application for 3 hours a day of level 3 support under the program for students with disabilities. In light of all this, I ask the minister: can you ask your department to give consideration of this matter so Chloe receives the education she deserves?

The DEPUTY SPEAKER — Order! Could you repeat the question you asked, please? Not the whole lot — just the last sentence.

Mr T. SMITH — Can you ask your department to ensure that Chloe gets the best education she deserves and the tools she needs?

The DEPUTY SPEAKER — Order! Can you rephrase the question, because we are struggling with it at the moment.

Mr T. SMITH — Can you advise the house what action you will be taking to ensure that — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Have another shot. Last one.

Mr T. SMITH — I cannot ask for advice? Will the minister ensure — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Keep on going with 'Will the minister ensure'.

Mr T. SMITH — Will the minister ensure that Chloe gets the special educational tools she needs to be able to keep up with her classmates?

The DEPUTY SPEAKER — Order! Thank you. We got there in the end, and it is very important for Chloe and her family.

Essendon electorate

Mr PEARSON (Essendon) — (11 922) I direct my constituency question to the Minister for Agriculture in the other place, and I ask: what is the latest information about stocking the mighty Maribyrnong River with eastern perch?

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Second reading

Debate resumed.

Debate adjourned on motion of Mr EDBROOKE (Frankston).

Debate adjourned until later this day.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016

Second reading

Debate resumed from 26 October; motion of Mr PALLAS (Treasurer); and Mr M. O'BRIEN's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to —
>
> (1) take into account further consultation about the proposed amendments to the Planning and Environment Act 1987 in relation to the growth areas infrastructure contribution; and
>
> (2) retain the remaining provisions of the bill'.

Mr EDBROOKE (Frankston) — It is my pleasure to rise again and continue this debate. I believe that before I finished yesterday I said that if I was going to get financial advice, I would not go to McDonald's for it, and that if this government wants financial advice, it will not be going to the Liberal opposition for it. This is the mob that cut Free Fruit Friday from the education sector. They do not like eating pizza and they do not like fruit. The next thing is they are going to have a war on Paleo. I am not sure what they are on about, but we know that they are terrible financial managers and that they have a great record of being terrible financial managers. Their lack of prowess is legendary.

The coalition did not fund a single inch of rail over the whole time they were in government — four years. They did not manage to fund the removal of a single level crossing. That is mind blowing. They did promise new rail lines, like we have spoken about, for Doncaster, Rowville, Mernda, Melbourne Airport, Avalon and the Melbourne rail link, but they did not manage to lay a single inch of track. In fact they cut $120 million from the V/Line budget. They cut $238 million from the former Department of Environment and Primary Industries. It is just absolutely startling to hear members opposite talk about their financial prowess and how they think this amendment is something that is not well thought out and that they have issues with it.

We have heard members opposite talk about how there was no consultation. I would just like to inform them that we are a government that always consults with industry, especially on important matters for the state like this, unlike those opposite, who over four long, very dark years had a closed-door policy and did not consult with anyone. We saw that in many of their projects, and that is probably why a lot of their projects did not get up. They could not get them going. There was no consultation and a lot of issues — and the east–west link would be one of those examples. We are a government that is in constant conversation with people about the changes we are making, because those changes affect people and we want feedback from the industry about how we can improve. As this bill moves through Parliament we will keep on talking with industry to make sure that the Victorian people get the best outcome.

Just moving on to the amendments contained in the bill, the fund has actually been around for quite a while — I think it was brought in in 2010 — and we heard the member for Essendon speak quite prolifically yesterday about the reasons behind this tax. One example I can think of just recently that shows why we need this tax concerns a farm that sold in Werribee. It was purchased in the 1970s, and it recently sold for $96 million. I think people should be paying their fair share of the growth areas infrastructure contribution (GAIC), and this is an example of why. People are making a massive amount of money profiting off the sale of large areas of land, and we need to tidy up and ensure that they are paying their fair share.

We can talk about the failures of the previous government, but I would rather leave that behind. However, part of the reason we tax is so we can build and we can progress. It is very hard to listen to a bunch of people saying that a government has increased tax as though it is a terrible thing and is the end of the world when in fact it is not a fact. They are a bunch of people who were stagnant and did nothing over four years. This growth areas infrastructure contribution tax was actually established in 2010, and it was to help provide infrastructure for Melbourne's expanding fringe in the suburbs. The GAIC is used to offset the very substantial costs of providing infrastructure and services in growth areas. To put this plainly, if someone buys a large area of land that is later subdivided and they make a huge profit off it, I fail to understand why the state should be paying for those basic utilities and services that are built into that estate, be it water, gas, power or other utilities. If you are making a huge profit, this is just something you need to pay, because it is your fair share.

Since the commencement of GAIC more than $20 million has been allocated to a range of infrastructure projects in growth areas, which is very important, including improvements to, of all things, railway stations, recreation and leisure centres, and ambulatory care centres. Our government is committed to providing more infrastructure this year, including land for new schools, ambulance station sites and community and childcare facilities for new communities, so you can see how this is paying it forward.

If you do make a windfall from selling land or subdividing land, this tax will ensure that the basic utilities are paid for, not by the state but actually by the people that are making a windfall. The amendments proposed in this bill do not actually expand on the GAIC; they merely restore the original intent of it — that is, it was a broad brush to ensure that Melbourne's growth areas are fairly paid for.

The amendments in the bill close a loophole following the well-known Frontlink case, which highlighted ambiguities and defects in the GAIC legislation that enabled landholders to stage the order of subdivisions to effectively reduce the area of land that would be subject to GAIC liability. Essentially we have got people who are using the legislation to dodge paying their tax.

All in all, sitting here very patiently listening to some members opposite talk about their financial prowess and their opinions on this matter, it is very hard not to laugh when you hear the architects of the east–west link debacle standing there and being critical of an amendment like this. It is very hard to stay still and sit quietly, but I would just like to say that this bill makes sense. It is an improvement to make things better for our community, and it will pay it forward so we have those basic utilities in new estates in those growth areas. I commend the bill to the house.

Mr ANGUS (Forest Hill) — I am pleased this afternoon to make a brief contribution to the debate on the State Taxation Acts Further Amendment Bill 2016. I note at the outset that I support the reasoned amendment from the member for Malvern, which is:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to —
>
> (1) take into account further consultation about the proposed amendments to the Planning and Environment Act 1987 in relation to the growth areas infrastructure contribution; and
>
> (2) retain the remaining provisions of the bill'.

A number of members have spoken on this bill, and I particularly refer back to the shadow Treasurer, the member for Malvern, who led the debate on our side. He had a most fulsome and comprehensive discussion of the different aspects of this bill. In my contribution I want to just touch on some of those and then go to some of the other consequences of this bill.

We can see that the purpose of the bill, as outlined in clause 1, covers a variety of taxation measures, including amendments to the Land Tax Act 2005, aligning the date for the determination of the taxable value of non-rateable, non-leviable land with the date that applies to other land, and to correct an error in one of the surcharge rates of land tax for absentee trusts. It amends the Payroll Tax Act 2007 to change the determination of the exempt rate for the purpose of calculating the exempt component of motor vehicle allowances in accordance with commonwealth changes. I note that has got a retrospective application of 1 July 2016.

The bill amends the Planning and Environment Act 1987 to make further provision in relation to the imposition, apportionment and payment of the growth areas infrastructure contribution — GAIC — in certain circumstances, and as I said before that is an area that the opposition has got a problem with.

Finally, the bill includes amendments to the Valuation of Land Act 1960 to make further provision in relation to the definition of general valuation, permits the valuer-general to accept a late nomination from a collection agency to be the valuation authority for the purpose of valuing non-rateable leviable land and requires notices of valuation to show the Australian valuation property classification code allocated to the relevant land.

I want to just go back and look at the overall result of what has gone on in relation to these various areas of tax under the current government. I particularly refer to the 2015–16 financial report, as recently tabled by the Treasurer, in relation to the state of Victoria. I note also that in 2015 the accounts for the state of Victoria were qualified. They were not only qualified in one area, they were in fact qualified in two areas. Straightaway we could see that there were some significant problems there.

Just to remind people, the first qualification was in relation to the property, plant and equipment valuations relating to the Department of Education and Training, and that had been an ongoing matter. According to the notes and according to the auditor's report within this document, that matter has now been resolved. Secondly

and particularly importantly was the fact that the government had incorrectly accounted for the money received from the federal government regarding the east–west link. It had materially misstated the financial result of the state at the last balance date. Thankfully those two qualifications are no longer in existence, so that does show some improvement in relation to that in the 2015–16 accounts.

It is very apparent to anybody who has had a cursory look at these accounts that the tax grab has just gone up dramatically. We have seen massive increases in land tax and stamp duty, including new tax surcharges. I particularly want to look at land transfer duty, otherwise known as stamp duty on property. That has increased from $4.422 billion when the coalition left office — these are numbers that were recorded in the pre-election budget update — to $5677 million in the 2016–17 budget. When we look at the actual financial statements in the document I just referred to we can see that it is up to $5.839 billion, so what we have seen in that short period of time is a massive increase of some 32 per cent in relation to land transfer duty. That has been a huge increase into the state's coffers. Even in the last 12 months it has gone up by some 18.3 per cent. We can see also that — —

Mr Edbrooke — Why do you hate cash?

Mr ANGUS — No, I don't hate it. I will take up the interjection. It is not the revenue that is my significant concern, although there is plenty of gouging going on there; it is the way it is spent.

Honourable members interjecting.

Mr ANGUS — Hang on there, boys, and I will come to my point. This should be of some great interest to you fellows over there. You will not be familiar with these numbers, but I am about to give you an economics lesson in relation to what you guys do when you are in power. In fact let me just cut straight to the chase, because my biggest concern is the fact that we have not only got this massive record level of income and taxation — —

Honourable members interjecting.

Mr ANGUS — No, no — ripping people off. What concerns me most of all is where this money is going, and that is the levels of expenditure. History does not lie. There is an interesting graph that you guys might want to get hold of that shows that average expense growth under the decade of the previous Labor government was 8 per cent. That showed growth way out of control, running way ahead of any inflation rate and any CPI levels. We can see that in the coalition's term of government we got those restraints back in place — —

Ms Thomas interjected.

The DEPUTY SPEAKER — Order! The honourable member for Macedon!

Mr ANGUS — The expense growth was at 3.1 per cent, and indeed over the forward estimates of the last budget we had, it was going to be 2.6 per cent. What we are going to see here is an absolute blowout in our costs. One of the main areas that we are going to see it is not in our variable costs but rather in our fixed costs. It is going to be in the overhead of wages and employee expenses. We can see from the numbers I have just referred to that we have got a dramatic increase already of some 8.7 per cent in the last 12 months. In the previous 12 months they had grown enormously as well. So you have got expenses running out of control at levels that ultimately will not be sustainable.

One of the things the government has not worked out or has not acknowledged is the fact that a lot of this revenue coming from property is as a result of the boom that is going on, and that may or may not continue. But to build your house on that potential sinking sand, with all these extra overheads in terms of costs of salaries and wages, is a very dangerous thing to be doing. History will show that the government cannot control its expenses, and that is there for everybody to see. With these fixed overheads we are not talking about infrastructure investment, we are talking about expense growth overall, and that is a very dangerous shifting sand to get into.

We can see there too that land tax has increased from $1.7 billion when the coalition left office to $2.2 billion in the 2016–17 budget. That is on budget paper 5, page 25. That shows the massive increase that this government is predicating all its expenditure on. Those two things do not augur well in terms of building your expenses growth, your fixed growth, on areas that particularly could be subject to other variations in the economy.

As I have said, the government has increased taxes and charges to record levels, and we can see that that is going to be a millstone in years to come. Many other speakers have mentioned this, but one of the things the government prided itself on was that it was not going to be increasing taxes. We can remember the now Premier's broken promise on tax that he made on 28 November 2014, live to air on Channel 7. Peter Mitchell asked:

> Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

The Premier said:

> I make that promise, Peter, to every single Victorian.

That promise did not last very long. That promise has been broken many times, as we look at a whole range of tax increases and additional taxes and charges. We could look at some of the articles. I have not got time now to go into those, but there are a whole range of areas where the government has attacked house and home affordability here in Victoria. That is a problem for the young ones coming through, because housing affordability continues to be a major issue in our community. In conclusion, I support the reasoned amendment as — —

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

Ms GRALEY (Narre Warren South) — I would just like to advise the member opposite who has just spoken —

Ms Thomas interjected.

Ms GRALEY — the member for Forest Hill, I have just been told — that what we are doing on this side of the house and what the Andrews Labor government is about is investing in Victoria's future. I would like to just make him aware that we are investing not only in Victoria's future but in Victoria's people, and especially those people who are doing it tough, I have got to say. The reason we are doing this is to make sure that Victorians have jobs. The thing that we can say very clearly in this house is that this government is committed to providing Victorians with the best opportunity to get a job, and I have got to say it comes in many shapes and forms.

I will get to the bill in a minute, but I would just like to put on the record, for the member for Forest Hill to see, that under this government we are building 42 new schools, 27 of which are in the outer suburban growth areas. And he is leaving the chamber as we speak because, I suggest, he does not want to hear this. We all know that not one new school opened in Victoria this year — not one new school — so the contrast between this government's investment in Victoria's future, the provision of jobs through the investment in infrastructure, is in very stark contrast to the government that preceded us.

I would also like to put on the record that this bill does not introduce any new revenue measures, and that is mainly due to the fact that that was not the intent of the bill. The second thing is, we have a really strong financial context for this government to operate in. We have a strong budgetary position. If you look at the *Australian Financial Review* just last week, it outlines that Victoria has recorded a strong $2.7 billion surplus, and this is $776 million higher than the revised budget estimates as published. Not only are we spending in the right way but we are also making sure that we are doing this in a very responsible manner by having these significant surpluses. Those opposite are fond of giving us lectures, and a lot of them are ex-accountants or ex-small business people — some of them failed accountants, some of them failed ex-business people — —

Ms Thomas — Franchisees.

Ms GRALEY — Yes, franchisees, I remember that too. They are giving us a lecture on where Victoria finds itself, but this government has managed to produce a very strong budget for us to go forward so that we can have this investment.

I would like to return to the details of the bill. As we are aware, this bill makes amendments to update and clarify Victoria's taxation and land valuation laws. Basically what it is about is making it easier for Victorians to comply with their taxation obligations, and that means making sure that things are consistent, even and occur at the same time.

The aspect of the bill that I really want to concentrate on is the matters referring to the growth areas infrastructure contribution (GAIC). I heard some criticism from those opposite. I reiterate that they did not do much in the outer suburbs during their time, but they did introduce the GAIC, but they could not even manage to get that right, actually. The GAIC is a very important revenue raiser, and from where I sit as a member for an electorate in the outer suburbs, it is very important that these sorts of moneys are collected as soon as possible for the infrastructure that is so obviously craved by the people who are building their dreams homes in the outer suburbs, sending their kids to the new schools that we are catching up on building and driving their cars to work every day. We need roads, we need schools and we need transport infrastructure.

This bill actually talks about making sure that happens in a much clearer, a much more consistent and a much easier way. It gives clarity to the development industry, it gives clarity to local government and it gives clarity to government departments. In other words, it is a win-win because people know how much money they have to collect and give up, and they also know that it is

going to be spent in a very worthwhile and focused way.

Under the new provisions, a landowner who subdivides land for public purposes will be required to pay the GAIC attributable to the public purpose land up-front. I have had certain situations in my electorate and its environs where people actually thought they were getting a train station or they thought they were getting a railway crossing of some description. They actually thought the developer had sold their house and land package to them on the basis that that sort of infrastructure would be provided through a developer levy at that time. That piece of infrastructure was not delivered by the council or the government at the time, and what ensued was a really nasty little spat between government, local government, developers and the community. It was quite an unedifying little episode, and it taught me, at that time, that there had to be extra clarity around the collection of both developer levies and, in 2010 when the GAIC was introduced, the need for greater clarity and accountability for the GAIC.

I would like to say that the GAIC is not going to provide all the infrastructure that is required in the outer suburbs. There is an enormous demand for new roads, new schools, extensions to hospitals and the provision of community buildings. I would like to put on the record again my commendation of the government for its investment in not only building new schools but in also innovating. The Outer-Suburban Growth Fund and the Shared Facilities Fund are opportunities for local government, schools, community groups and other organisations like basketball associations and football clubs to get together and apply for facilities that the community not only needs but that it will also have some say in creating and making sure that they are fit for purpose.

I commend this bill to the house. As I have said, it is a necessary bill in order to provide precision and clarity. I note that this bill makes changes to the Land Tax Act 2005, which will be amended to align the relevant date for valuations of all types of land and to correct the land tax rate table for an absentee trust. I know from experiences in my electorate office that people often come in to see me regarding issues around land tax and when and where they are payable and why some amounts are different. 'How can I get it reduced?' is usually the main question I am asked. I have had some very constructive conversations with the State Revenue Office about that over time. I am pleased to see that this significant problem has been addressed through these changes.

The bill also makes changes to the Payroll Tax Act 2007, which will be amended to update the payroll tax exemption for motor vehicle allowances to align with commonwealth income tax legislation. As I said, that is also an important addition to this bill. Without further ado I would like to commend the Treasurer on doing a fantastic job of managing the Victorian economy, giving everyone in Victoria many more and better opportunities to live a better life, especially in the outer suburbs, through the provision of a really important infrastructure investment program that will be an investment in the future of all Victorians.

Mr CRISP (Mildura) — I rise to speak on the State Taxation Acts Further Amendment Bill 2016. The purpose of the bill is to change a number of taxation measures. It amends the Land Tax Act 2005, aligning the date for the determination of the taxable value of non-rateable, non-leviable land with a date that applies to other land, and it corrects an error in one of the surcharge rates of land tax for absentee trusts. It amends the Payroll Tax Act 2007 to change the determination of the exempt rate for the purpose of calculating the exempt component of motor vehicle allowances in accordance with commonwealth changes. That is retrospective to 1 July 2016.

It amends the Planning and Environment Act 1987 to make further provision in relation to the imposition, apportionment and payment of the growth areas infrastructure contribution (GAIC) in certain circumstances. It also amends the Valuation of Land Act 1960 to make further provision in relation to the definition of general valuation; to permit the valuer-general to accept late nomination from a collection agency to be the valuation authority for the purpose of valuing non-rateable, leviable land; and to require notices of valuation to show the Australian valuation property classification code allocated to the relevant land.

I will deal first with the land tax issue. Land tax is always a controversial issue when it is before the house. I am sure all of us are going to get some phone calls around land tax. That is certainly one of the features of being a member when the bills go out. Clauses 3 and 4 align the date of valuation for land tax purposes for all types of land. Currently a certain type of land, in particular non-rateable, non-leviable land, attracts land tax but does not attract council rates or a fire services levy. It has to be valued every year for land tax purposes. This type of property is typically owned by utility companies. I can think of a number of places where you would find substations, pumping stations and other small pieces of infrastructure. By contrast, all other land is valued every two years — in every

even-numbered year — with effect from 1 January. It is a tidying-up provision to make life more simple. I think that is something we would all understand. The bill provides that all land will have a common valuation date on 1 January every two years, and that is not expected to have any revenue implications, so that part is sound. Clause 5 of the bill amends a typographical error, so we can deal with that. The error was unfortunate, but it will be dealt with.

Part 3 of the bill deals with the exemption operating under payroll tax law where an employer provides a motor vehicle duty allowance for an employee. This is where things get messy. Clause 6 amends section 29 of the Payroll Tax Act which determines the amount up to which an employer can claim a payroll tax exemption on motor vehicle allowances paid to their employees. This has previously been aligned to a rate prescribed by the commonwealth. As the commonwealth has changed the way in which its rate is calculated, this amendment ensures that Victorian legislation reflects the commonwealth position.

There are a number of issues with this bill that concern the coalition, particularly around the land tax issue. Every year the cost of land goes up, and that is certainly a concern, particularly when you are endeavouring to grow areas. I know the GAIC does not affect the Mildura region at all; however, some of the other cost implications of this particular bill make a difference to Mildura. Residential land, residential development and investment in residential land is extremely important to Mildura. The house building industry is a big industry, and developers are always worried about the cost of bringing a block of land to the market and the process of bringing a block of land to the market. I have had a number of developers talk to me about a whole heap of frustrations that are involved in that, and of course frustration equals cost. We are trying to work within housing affordability. Affordability is a big issue, particularly in regional areas. Anything that adds to the cost of a block of land in Mildura, Ouyen or Robinvale is an extremely sensitive issue.

There are waiting lists for public housing, but there are also people who are aspiring to own their own homes. Every dollar is extremely important. The longer we ask people in public housing who are aspiring to own a home to wait and the harder we make it, it binds up the system. It means that people who are seeking public housing are waiting for others to move into their own homes in order to get themselves off the waiting list or out of the accommodation that they happen to be in for various reasons and that has led them to put themselves on the waiting list.

When we looked at the building industry, we looked at some of those costs. Now we need to look beyond those costs to the impact of stamp duty. Stamp duty has risen under Labor. Those percentage increases are challenging for people, because when you look at buying property, you have got to add something on. That something is quite considerable. Even small changes make a big difference to our housing affordability.

They are the concerns we have with the bill. I know that the GAIC is an unintended consequence and that there are various things around that that will be discussed by other members. Also the costs of providing housing for Melbourne's population and the impact on house prices in Melbourne also rubs off on regional areas, admittedly those that are closer to Melbourne than my electorate. That is a process that we need to be aware of, and although small in some respects when you are looking at percentages, they make a big difference to people seeking to buy their own home. The building sector in Mildura is sensitive. As I said, the cost of bringing a block of land into the market and being available for people to build and own their own home is something we are always concerned about.

Those aspects and the increases in some of those taxes, particularly around stamp duty and land tax, that are contained in this bill mean it will be opposed by the coalition. Although I admit there are, as with so many things, some good sections, which are around housekeeping, the impact on the housing sector is something that we do need to be sensitive about, and that is the basis for the opposition to this bill.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the State Taxation Acts Further Amendment Bill 2016. I want to commend the Treasurer for his great stewardship of the Victorian economy. We had confirmation only last week that the second largest state has the second most buoyant economy, and we have maintained the AAA rating which has been in place in this state for a couple of decades, so anything that those on the other side say to the contrary is just utter nonsense. At the same time we have been able to grow jobs in this state. It is really important to grow jobs. We are not dampening the economy; we are actually improving it and growing it and supporting those who need support when they need it.

It should be no surprise at all that the member for Malvern and the Leader of the Opposition would oppose the measures in this bill and that they would support the bigger end of town over the needs of people

in new communities, particularly families in Melbourne's north who I have had the pleasure to represent since 2002. The member for Malvern actually visited the electorate of Yan Yean once. When he was Treasurer he made his way from leafy Malvern. There must have been a whole lot of 'Are we there yet?' on the way. He made his way over, and a Channel 7 reporter actually rang me at my home in Doreen and said, 'The Treasurer's going to be in Plenty Road', and I thought, 'You beauty!'.

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

Quorum formed.

Ms GREEN — I was rudely interrupted, but I thank the member for Ferntree Gully for ensuring that I have a greater audience to tell the community about the time the member for Malvern visited the electorate of Yan Yean.

A Channel 7 journalist rang me and said that the member for Malvern, the then Treasurer, was going to be in Plenty Road. It was the weekend before the budget, and I thought, 'Magnificent! Maybe my community is going to get some relief. They're probably going to announce a widening or duplication of Plenty Road. Maybe it's something to do with the Mernda railway station. It could be a duplication of Bridge Inn Road or of Yan Yean Road'. It was 100 metres of resurfacing of Plenty Road.

In a postcode where the population actually doubled from 2011 to 2014 to the size of Shepparton's, that was the sum total of roads funding from the state coffers that came to my electorate in four years. That was how much the member for Malvern thought about the good burghers of Yan Yean, and particularly of Mernda and Doreen. There were three stiffs on the side of Plenty Road, and people were tooting, thinking something might be happening. It was the member for Malvern as the then Treasurer, Mr Ondarchie, a member for Northern Metropolitan Region in another place, and the Liberal candidate for Yan Yean, Sam Ozturk — three empty vessels in suits on the side of the road announcing the sum total of 100 metres of resurfacing of Plenty Road. That was it.

It is no surprise that the opposition leader would support the reasoned amendment and a watering down of the growth areas infrastructure contribution (GAIC), because back in 2009, when he was the opposition spokesperson for planning and a member for Northern Metropolitan Region in the other place, he ran a disgraceful and disgusting fear campaign amongst rural landowners in my electorate against GAIC, wrongly saying that all rural landowners, even those outside the urban growth boundary, were going to be subject to GAIC. When he became the planning minister, and under the cover of darkness, he watered it down. He had been able to hoodwink people into thinking that the GAIC was evil when in fact it was there to deliver, as proposed by a Labor government, heavy rail and road infrastructure in particular to growth suburbs.

He even confused the poor old member for Mildura. The member for Mildura and the National Party have been hoodwinked into opposing this bill and supporting the shiny shoe brigade from the Liberal Party because they think that GAIC is going to apply to housing in Mildura. Bollocks! What nonsense! It applies to growth areas. It does not apply to housing developments in Mildura or in regional Victoria.

Before the opposition leader scuttled back to the leafy east, having done nothing for Melbourne's north which he said he represented, he watered down the GAIC so that it was diverted for soft infrastructure, things like bike paths and playgrounds that were actually being provided by good developers as part of the competitive market. They were allowed to have agreements in kind that were made behind closed doors — little sweetheart deals, no doubt done around the kitchen table like that for Ventnor — but local councils were not even allowed to know about these. That is why infrastructure withered on the vine. There was nothing spent in Melbourne's north.

One hundred and eighty million dollars has been raised through the GAIC, and only $20 million has been expended. I am really glad that the Minister for Planning now has a plan to actually spend this for the benefit of growth communities, unlike the Leader of the Opposition when he was Minister for Planning. There was no infrastructure, nothing — not one dollar of state road funding. There was no Mernda rail and no plan for the connection of Wallan, Donnybrook and Beveridge into the metropolitan rail system. There was no plan to connect that rail line to Upfield so that we could get more trains into town. There was no extension of the Mernda rail, and I am proud that trains will be running in early 2019 to support that growing community.

Also I was pleased to have the Minister for Health, who is also the Minister for Ambulance Services, visit Mernda last week. She announced that GAIC funds would be used to supply land and provide land for a much-needed ambulance branch to be established in Mernda. We are getting on with the job. We are building communities — we are not just building housing estates — and a taxation system and a sensible

regime of developer contributions. Some of the profits are derived by developers. I have a good relationship with developers in my community, and they understand that they need to make this contribution, unlike those on the other side.

We had the member for Forest Hill before, who could not see the wood for the trees. He was part of a government caught up by accountants like him, not economists that actually planned to expand Victoria's economy and planned to grow jobs in the outer suburbs and actually fund infrastructure. I have got news for those opposite. The member for Forest Hill cannot have it both ways. Either he is saying, 'Don't support the GAIC. Don't build infrastructure in the outer suburbs', or he is saying that his constituents in Forest Hill should fund it. Either way he is wrong; he is fundamentally wrong.

We will support growth in the outer suburbs. We will spend the GAIC on the things that people need. We will have a responsible taxation regime and grow the economy in this state, and I commend this great bill to the house and support the Treasurer in his work.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution on yet another state tax grab by this Labor government that only knows how to hit families and households and small to medium-size businesses so well. The member for Yan Yean is right that this government is getting on with the job — the job of whacking families, of whacking households and of whacking anybody it can to get higher taxes, higher charges and more money their way. I certainly concur with the member for Yan Yean that they are getting on with the job, with higher taxes and charges there.

The statements that people make before elections always tell a story about the nature of a government, and this government is no different. On state tax matters, I refer to the comments before the 2014 state election in a Channel 7 interview with the member for Mulgrave, now the Premier of the state. He was asked whether or not he would increase state taxes and charges. The question was pretty simple, even for the member for Mulgrave. The question from Peter Mitchell was:

> Daniel Andrews, all the polls say you will be Victoria's next Premier. If you are, do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

What did the member for Mulgrave say, the wannabe and now Premier? He said:

> I make that promise, Peter, to every single Victorian.

He did not say 'maybe'. He did not say, 'We'll try'. He did not say, 'We'll see the budget position'. He did not say, 'We'll do everything we can'. He said, 'I make that promise, Peter, to every single Victorian' — an unequivocal promise. Well, look what Victorians have now got under this government: new taxes and higher taxes, which hurt its families, its households and its small and medium-size businesses.

Let us have a look at the last couple of years in relation to state taxes. The facts speak for themselves. In two years taxes have increased from $17.9 billion to $21.6 billion, representing a massive tax grab by this government on households and families and small to medium-size businesses of 20.7 per cent. I say that again: 20.7 per cent. If you look at the increase on the total stamp duty on property, that has increased significantly as well, from $4422 million to $5677 million, an increase of 28.4 per cent — a significant increase again.

We know that land tax has increased substantially; in fact it is the one that jumps out. The increase in land tax that this government has put through on the Victorian economy — and, importantly, on people who will be paying land tax — is indefensible. Land tax has jumped by 28 per cent, and I again come back to the Premier making that commitment of no new taxes and no higher taxes. What a crock! What a deliberate misleading of the people of Victoria.

Insurance taxes have increased 6 per cent. Many households and families have multiple insurance policies, and of course they are having to pay for it. They pay for it across Victoria — an increase of 6 per cent — whether or not you have a motor vehicle or other aspects. Payroll tax increased by 5 per cent, which is yet another increase in state government taxes and charges.

Outside of that, if you look at the new or increased taxes that the government has also introduced in Victoria and if you look at the stamp duty surcharge payable by foreign purchasers of residential property, it has gone from 3 per cent to 7 per cent. The land tax surcharge payable by absentee owners of Victorian land has gone from 0.5 per cent to 1.5 per cent. Again, regardless of the intent of the tax measure, if you measure it against the commitment that the member for Mulgrave, now the Premier, gave, he said he would make that commitment. It does not stack up. These are new taxes and higher taxes.

When we come to this bill, the members opposite say, 'Forget about that record of making that solemn promise to Victorians that we wouldn't introduce new

taxes. Forget about all of what we said before the last election. Just trust us now that this isn't going to give us more tax revenue'. Well, what you do is you judge people on their actions, not on what they say. And the actions of this government are making it harder for families, harder for households and harder for small and medium size businesses because of those massive increases in taxes and charges that I have outlined to the house today.

What have a number of other organisations that are not members of the Labor Party or connected to those in this Parliament said about this legislation? Ms Danni Addison, chief executive officer of the Urban Development Institute of Australia (Victoria) (UDIA) said that the UDIA:

> … does not support the changes proposed to the Planning and Environment Act 1987 …
>
> In summary, the UDIA does not support an amendment that will mean a landowner will be required to pay a charge for providing land required by state or local government for public purposes.

She continued:

> The UDIA is already concerned with the extent of charges applied to development and its impact on the overall affordability … The proposed changes are expected to add further costs —

that is right, further costs —

> to providing housing to Melbourne's population thereby impacting house prices and the attainability of housing.

So the UDIA has called this government out. The government's own record is atrocious in massively increasing taxes and charges when they said they would not before the election and they are now. But members of this government say, 'Forget about what the UDIA say. Forget about what we said before the election. Just trust us now'. Not a chance.

Let us have a look at what the Property Council of Australia said in relation to this bill. Sally Capp, the Victorian executive director of the Property Council of Australia said in a media release entitled 'Growth area families face $500 million tax hike' — I will just repeat that: 'Growth area families face $500 million tax hike':

> The property council has expressed alarm at government plans to increase housing costs by up to $500 million in Victoria's growth areas during the middle of an affordability crisis.

Ms Capp went on to say that this bill:

> … will lead to increased housing costs and rents in a community already struggling to secure affordable housing.
>
> Furthermore, the proposed bill represents a 'slap in the face' to industry participants who negotiated the current arrangements in good faith with the former Labor government.
>
> …
>
> The bill currently before Parliament seeks to overturn the industry-government agreement and legislate around the Frontlink ruling without any consultation with the community or industry stakeholders.
>
> This is unacceptable and the community will see it for what it is — a cash grab which will hurt families in the growth areas.

The property council were very clear on that. The UDIA have been very clear on that. The Liberal-Nationals have been very clear that this is a bill which is going to hurt families, hurt households and hurt small and medium-size businesses throughout the whole economy. Government members are the only people, it seems, who say, 'Don't worry, trust us on this one. Forget about what we said before the election about not increasing the cost of living through massive increases in state taxes and charges. Forget about what we said about any increases in taxes. Forget about what we said about the overall tax take to Peter Mitchell on Channel 7. Forget about all of that, but trust us now on this bill. Trust us that we understand'. No way.

This government unfortunately is out of touch with families and households across Victoria, whether it is in Melbourne or in regional and rural Victoria. Government members are out of touch with increases in taxes on motor vehicles, which households rely on. They are out of touch on land tax that impacts on so many small and medium-size businesses — a 28 per cent increase in land tax. They are out of touch on stamp duty and property transfers that have gone through the roof. All of these things have an impact on the household budget, and that is what worries me the most. Whether or not it is a 28 per cent increase in land tax or a 28 per cent increase in property transfers, whether or not it is increases in payroll tax of 5 per cent, whether or not it is other taxes and charges, this government just does not get that it all impacts on people. Rather than telling Victorians day in, day out how good they have got it, rather than the government telling Victorians that they should be popping the French champagne, that they should be so grateful that this government is taking care of business, rather than arrogantly telling people that they should be so grateful for what this government has done — —

Honourable members interjecting.

The ACTING SPEAKER (**Mr McGuire**) — Order! There is too much audible conversation.

Mr GIDLEY — Why does it not start to understand these cost-of-living pressures?

Mr Paynter interjected.

The ACTING SPEAKER (**Mr McGuire**) — Order! The member for Bass is warned.

Mr GIDLEY — Why does it not start to understand and work for people who want to undertake more hours at work but cannot because of the high level of payroll tax? Rather than this government telling Victorians how good they have got it every day, rather than this government telling Victorians to pop champagne corks about the economics of this state, they should be working for this state, not increasing taxes and charges.

Debate adjourned on motion of Ms KILKENNY (Carrum).

Debate adjourned until later this day.

SENTENCING (COMMUNITY CORRECTION ORDER) AND OTHER ACTS AMENDMENT BILL 2016

Second reading

Debate resumed from 13 October; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — We have had a long wait to see this bill. It has been nearly two years that we have been calling for this bill, the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016, to be brought before this house. We have been doing so since the Court of Appeal decision in Boulton of December 2014. Ever since then we have recognised the difficulties and problems that that decision has caused. It is only now that we see the government's response to that decision which, as I will say in a few moments time, has led increasingly to more and more serious offenders avoiding jail and to more and more defendants facing very serious charges being able to secure bail on the strength of that decision.

The alacrity with which this government says it has brought this bill before the house stands in stark contrast to the alacrity it showed when bringing in a range of other legislative measures such as laws repealing provisions against violent protests, the move-on laws. The government did not waste any time removing police powers to manage very violent protests on our streets, and we have seen how effective and successful that policy decision was, with a series of very violent protests in and around Melbourne's CBD. They wasted no time bringing a bill before this house to legalise, I emphasise, to legalise the breaching of bail by people under 18 years of age. Its rationale was that remand numbers were too high, but the measure it chose to address that problem is likely, if anything, to exacerbate the number of people on remand, because by legalising the breach of bail conditions when there was no need to sends a message to people that there will be no criminal consequences flowing from an unjustified breach of bail. I should point out the offence provision, which the previous coalition government introduced under the stewardship of my friend and colleague the member for Box Hill, who was the previous Attorney-General, was that it would be a breach of a bail condition if you did not have a good reason for it. So this idea that people were being charged with the offence of breaching their bail condition was nonsense, because you would not be charged with that offence unless you had absolutely no reason for breaching your bail.

But the government wasted no time in bringing that legislation forward. The government wasted no time in abolishing the watchdog for Victoria's construction and building sector, a watchdog that was set up to crack down on illegal activities such as extortion. I should point out these provisions applied to anybody, and in particular they applied to companies and the practices that the companies would either condone, aid and abet, or fail to report. What did this government do in wasting no time? It made a policy decision to remove that very important body that was dealing with corruption and illegal activities present in an enormous part of the Victorian economy.

The government has dragged its feet on this matter — community correction orders (CCOs), as I will explain — just as it has dragged its feet in its response to the Court of Appeal's decision to strike down the baseline provisions. We still await the government's response to that decision and the Sentencing Advisory Council's report, which was handed to the government some months ago. The government is indicating, I understand, that it will not bring in legislation to deal with the baseline matter until next year. What that means is we will see no increase in sentence lengths for very serious crimes, which the government professes a desire to address. I think I have heard both the Premier and Attorney-General on a number of occasions say they recognise there is a problem with the length of sentences for very serious forms of offending, and yet we see no legislative response to that matter. We will not see it until well into 2017, I suspect.

We have been waiting for this bill, and we are glad it is here. We will not be opposing it, but we do have some

concerns about it. I should point out that the government has adopted something which has surprised us on this side, which is mandatory sentencing — mandatory jail sentences — which I will go on to point out is very different from statutory minimum sentencing. The High Court has been very clear on this. Statutory minimum sentences are one yardstick. This approach is something we are not going to oppose, but we did not expect this government to bring in mandatory jail sentences, and that is what they are. In the statement of compatibility and in the second-reading speech you can discern quite clearly a nervousness in the Attorney-General's comments to this house that this is rather akin — that was the language used, I think — to statutory minimum sentences.

I want to make that distinction clear because, as I have said, we will not oppose the measures in this bill, but our concern is that by opting for mandatory jail sentences instead of statutory minimum sentences there is no guarantee that we will see for very serious offences such as category 1 offences, which are outlined in this bill, sentences of any significant length. We do not know what the result will be.

Our approach in government was to look at higher maximum sentences but also statutory minimum sentences, which the government has continued on in a couple of respects. We also introduced baseline sentencing. Whilst the government now seems very ready to criticise the baseline reforms which it was happy to support when we brought them in, I would counsel it to be careful in its criticisms, because I think the recommendations that are coming out of the Sentencing Advisory Council's report, which half-heartedly recommends standard sentencing, are akin to baseline sentencing. So the government will need to think carefully about what it wants to say about baseline sentencing. We await the government's response to baseline sentencing.

Let us go back to why community correction orders were brought in in the first place. When the coalition government came into power in late 2010, it was concerned that for far too long community-based forms of sentencing were a joke and that the public had lost confidence in them. There was a pretence that prison sentences were being handed down in the form of suspended sentences or home detention and that the people who were the subject of these orders were still free to roam around the community with few limitations.

We were not prepared to maintain the pretence that these were prison sentences because they were technically prison sentences — that is what a suspended sentence is, among other forms of sanctions. When we came into office we were not prepared to accept that. The purpose of community correction orders in a small compass was to toughen up community-based sentencing so that a person who was the subject of a community correction order would be free to remain in the community but subject to a range of very severe conditions such as judicial monitoring and the like, which could be imposed on an offender found guilty of an offence. The idea was that it would toughen up the existing range of community-based forms of sentencing, and it did in fact replace a range of such measures.

I should say that it was never the intention of the previous government to see community correction orders extend to a wide range of relatively serious offences such as rape or child incest, where historically and traditionally custodial sanctions would be imposed, as they should be. It is worthwhile reflecting on the comments of the then Attorney-General, the member for Box Hill, who in his second-reading speech made a lot of this clear. I am quoting from the second-reading speech of 15 September 2011. He said:

> The current range of community-based sentences will be replaced with a single, flexible community correction order (CCO) that will strengthen community sentencing.

Further down he said, and I quote:

> We have abolished the legal fiction of suspended sentences for a wide range of serious crimes. We also have legislation currently before Parliament that seeks to abolish home detention so that jail will mean jail.

He went on to say:

> Community-based sentences are an important part of the sentencing spectrum. They provide courts with a way to intervene in the lives of offenders who deserve more than a fine, but should not be sent to prison.

The kernel of all of that was that the then current range of community-based forms of sentencing were based on a fiction that you could be serving jail out in the community and that we wanted to strengthen the community-based regime. That is what community correction orders were, and they commenced, as we all know, in early 2012.

The reason this bill is before the house and why we have been calling for it is that in late 2014 the Court of Appeal handed down a guideline judgement decision, which I will call Boulton, in relation to CCOs. Guideline judgements, as you may be aware, Acting Speaker, are a provision under the Sentencing Act 1991 that allow the Court of Appeal in certain circumstances

to provide guidance on the application of various aspects of sentencing for the benefit of inferior courts.

This was the first guideline judgement. These guideline provisions that had been brought in in 2003 had not often been used. They are a very significant part of the sentencing framework and come with potential benefits but also potential risks, in that the handing down of a guideline judgement can quite easily extend into the legislative area if care is not taken to circumscribe the principles which the court might enunciate in such a judgement. That is always a risk with these sorts of things: you have to balance between the judicial function and the legislative and executive functions of government.

This was the first decision and it did highlight, I think, some of the issues and risks around guideline judgements where you can have judicial interpretation pitted against legislative intention in circumstances where what is canvassed in a guideline judgement may not necessarily form part of the immediate controversy before the court. That is a very important part of our judicial system in common-law countries like Australia, where we very much tie the judicial function to a controversy before a court. In other words, the court is to decide only what needs to be resolved in the matter before it.

This decision does raise the issue about whether guideline judgements can easily be circumscribed so as not to intrude upon the legislative function. I do not want to touch further on that aspect of the debate, but I point out that in this case there was a key passage in the Boulton judgement that set off a range of consequences, and those consequences related to the extension of community correction orders to a wider range of relatively serious offences. I will come to those in a moment.

It also had implications for bail because, as you may be aware, Acting Speaker, if somebody can approach the court when bail is being considered and say, 'Your Honour, I am not likely to face a custodial sentence even if I am convicted or found guilty of this offence', then the court has to grant bail. There can be no justification. I think everybody would concede that if there is no prospect of jail or a very low likelihood of jail being imposed, then it is readily understandable why a court will grant bail.

The relevant section in what was a very long decision, as you might imagine for a guideline judgement, is — and I will read it into the transcript because it is important — paragraph 131, and I quote:

> It follows from what we have said that a CCO may be suitable even in cases of relatively serious offences which might previously have attracted a medium term of imprisonment (such as, for example, aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide). The sentencing judge may find that, in view of the objective gravity of the conduct and the personal circumstances of the offender, a properly conditioned CCO of lengthy duration is capable of satisfying the requirements of proportionality, parsimony and just punishment, while affording the best prospects for rehabilitation.

Everybody who has a serious interest in these matters wants to ensure that rehabilitation, education, training, counselling and treatment are always available for people who enter our criminal justice system. Even if those programs are to be provided in prison or a diversionary type program they are, it is trite to say, a key part of any criminal justice system in the modern age. But what that paragraph did was in effect extend the availability of CCOs in a manner which we on this side of the house strongly maintain was never intended. It was never intended that CCOs could extend to these relatively serious offences which I have just read out. That is why we have called repeatedly on the government to address this problem.

The government says the reason for bringing in this bill was an extension of the availability of the CCOs, which was made in late 2014. I want to address this because I think it is false to assert that for some reason this bill has been necessitated by some changes that the previous coalition government made late in 2014.

The government asserts that because in late 2014 the then government increased the maximum period of a prison sentence that could be combined with a CCO from three months to two years, that was the change that triggered the, if you like, explosion in the imposition of CCOs instead of jail sentences and also the explosion in the availability of bail for people who could rely on the decision in Boulton to say, 'I am not likely to serve a custodial sentence'. That is wrong, it is false and I call on the government to stop peddling that myth.

Yes, the government at the time did change the Sentencing Act to allow longer prison sentences from three months to a period of up to two years to be combined with a CCO. But you have to understand that that did not mean, and was never intended to mean, that that 21-month increase would suddenly invite matters that involved very serious forms of offending that would and should involve far longer custodial sentences, probably in most circumstances not in combination with any CCO.

Those changes were a very important part of the system. We believe they were sensible. We did then, and we do now. But what we reject entirely is any suggestion that was at the heart of Boulton. In fact whilst the court makes reference in Boulton to those late 2014 changes, no-one pretends that the unanimous decision in Boulton relied on those 2014 changes to argue, 'Well, now we can extend them to a wider range of relatively serious offences'.

Those changes we made back in 2014 were sensible but are not in any way the reason for this bill today. Nobody is attending courts in Victoria and arguing, instead of Boulton, the 2014 changes to secure either bail or to secure a non-custodial sentence. They are not relying on those 2014 changes. I guarantee you, Acting Speaker McGuire, every barrister who represents a client in a criminal matter in such circumstances is citing Boulton and not those legislative changes, which were targeted at the lower end. We repudiate entirely the government's assertion that these changes were necessitated by those 2014 amendments.

Turning briefly to the bill itself, it is not a long bill, but as I said we are not opposing it. We note that for category 1 offences — —

The ACTING SPEAKER (**Mr McGuire**) — Order! The time has arrived to suspend the sitting. The member for Hawthorn will have the call on resumption.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Mr PESUTTO — Before the lunchbreak I was talking about category 1 offences in the bill, and we see that they are very serious offences. As I indicated earlier in my remarks, we do not cavil with that. There are category 2 offences also dealt with in clause 3 of the bill which are very serious — perhaps not at the same level of seriousness as category 1 of course but still extremely serious. We do not oppose those either.

I do want to point out in light of clause 4 of the bill that there is a provision which imposes mandatory jail for findings of guilt for category 1 offences. I will just flag that for the moment and I will come back to it in a short while. With the category 2 offences somebody convicted of such an offence is liable to a mandatory jail term unless special reasons can be raised in relation to that and may follow the dual-track provisions which are in section 10A of the Sentencing Act 1991.

I just want to note that whilst we do not oppose what is proposed in this bill to allow effectively for a dual track where category 2 offences are made out, it is important to note that section 10A is a provision which suspends, if you like, the operation of statutory minimum terms under the Crimes Act 1958 and the Sentencing Act. This is applying that provision to findings of guilt without any consideration relating to statutory minimum sentences. It is just important to note that although the same special reasons are pointed out, they are included for a different purpose in this bill than they are in section 10A of the Sentencing Act.

I just want to quickly note for the record clauses 5 and 6. Clause 5 inserts two provisions after section 6AAA(1)(b)(i) — namely, an order that the offender serve a term of imprisonment — adding in 'a community correction order for a period of 2 years or more' in relation to guilty pleas, and we do not have any objection to those. Clause 6 provides that a court must not fix a non-parole period for a sentence of imprisonment if the court makes a community correction order in addition to imposing a sentence of imprisonment — and we will have more to say on that with other coalition speakers — and the implications of that. They are the main provisions I wanted to note in terms of the bill.

We have no objection to the other matters dealt with. Certainly the important change of limiting the maximum length of a CCO in the County Court and Supreme Court to five years is appropriate. We had anticipated that that would be the gist of any effort to limit the application of CCOs to serious offences. Obviously there is the mandatory nature of jail, which the bill imposes, but we think it is wholly appropriate that there be a maximum period of operation for a community correction order in those matters. As we know, the current law provides that it can operate for as long as the maximum sentence of the offence concerned, so we think that is appropriate. The reduction in the maximum time of imprisonment from two years that can be combined with a community correction order we will not cavil with, but we will have more to say on that later in the debate.

I just want to talk very briefly on the implications of the mandatory jail component of the bill. As I said, this is not statutory minimum sentencing; this is mandatory jail. This is mandatory sentencing in the classic sense. It does completely replace judicial discretion. Again, we do not cavil with that, but the reason I point this out is twofold: namely, we are surprised by it, although we are not objecting; but we do have a concern in this sense — that because the government's bill completely removes judicial discretion in whether to impose a jail sentence or not, which is to be distinguished from a statutory minimum term, we will seek an assurance from government speakers, and I hope they will oblige us and just offer us on this side of the house a guarantee, that all of the advice coming to government

on this approach to mandatory sentencing proper is not susceptible to a High Court challenge, whether it is on a Kable basis or some other basis.

As I said, we do not have a concern about it going through in that we are not going to oppose it, but we will be very concerned if there is some uncertainty around how sustainable that provision is and whether it can withstand a challenge on the basis that judicial discretion is removed, because as I said earlier in my remarks, there is a very big difference between mandatory jail — that is, mandatory sentencing proper — and statutory minimum terms, which the High Court is completely comfortable with and has indicated repeatedly is just one of the yardsticks. So there is certainly no question mark around the constitutionality of statutory minimum sentencing, but we do seek that assurance, and hopefully it will be forthcoming from government speakers — that the government does have advice on this and that this approach is not going to fall short under a challenge.

The other thing I just want to note, and perhaps it is a little more important than the constitutional point, is that whilst the government has adopted this approach, because it has eschewed the option of statutory minimum sentencing there is a risk that courts will respond with relatively short jail sentences, because as we know what the bill proposes is simply that the court is required to impose a jail term. Again, we have no objection, but how long is that custodial sentence going to be? That is a real problem. If down the track we find that courts are responding to this change simply by imposing a very short jail term for serious offending, that would be a matter that would alarm us greatly, and we trust that the government will keep a close eye on that and track decisions that apply to the provisions that this bill will amend and introduce to that end.

As I said, community correction orders are a very important part of our criminal justice system. They are the principal alternative to custodial sentences, and they offer offenders an opportunity to avoid jail where it is appropriate and enjoy opportunities for diversion, rehabilitation, counselling, education, training and other forms of support, which are vital to our criminal justice system.

But one of the great challenges we face with CCOs is reoffending rates, and they are creeping up. We can see in the current budget papers that the reoffending rate for custodial sentences is rather high, and according to the budget papers it has not come down from last year to this year. In relation to community correction orders I note that the budget papers anticipate at least a 20 per cent reoffending rate. The *Report on Government Services* seems to indicate that the reoffending rate on community correction orders could be as high as around 40 per cent. So you have a range of possible reoffending rates in relation to CCOs, and in any event the reoffending rates are quite high. So not only do we need to get the provisions around sentencing for CCOs right; we need to get sufficient service provision and performance assessments in relation to the services that are provided and that attach to non-custodial sentences for people who hopefully can avoid jail. That is another very important aspect of the regime.

We do not oppose the bill. We hope and trust that government members will give consideration to the concerns we have raised. They may be able to respond to some of them over the course of this debate. As I said at the outset, this has been far too long in coming. We have been wanting this for two years. It is here. But against the background of other policy changes, which I flagged at the start of my address, it is a matter of great concern that although this bill does appear to be taking us in the right direction — with the problems I identified — there are a wide range of other areas of our criminal justice system that have either been weakened or been allowed to run down. The government really does need to get its skates on and address those issues.

Mr CARROLL (Niddrie) — It is my pleasure to rise to speak on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. I welcome the opposition's indication, expressed by the member for Hawthorn, that it supports this important legislation, which is essentially about ensuring that our community is safe and that community expectations are met. This is a fairly simple bill, but it does address many issues concerning community correction orders (CCOs). It also touches on sentencing, bail and the historical homosexual convictions expungement scheme, which I will touch on very briefly towards the end of my remarks.

The government and the Attorney-General are to be congratulated that they did hear the very loud and clear message that the use of community correction orders for serious offences has had a cumulative effect that needs to be addressed. That is what this legislation is all about doing. It essentially reduces the length of a term of imprisonment that may be combined with a CCO from two years to one year or less, and it reduces the maximum length of CCOs imposed by higher courts to five years. As I highlighted earlier, it makes a series of unrelated amendments to community correction orders in the areas of sentencing, bail and the historical homosexual conviction expungement scheme.

As the member for Hawthorn highlighted, this legislation does introduce two new classes of serious offences to the Sentencing Act 1991. This is very important in the sense of ensuring that the community's expectations, via our court system, are met. I want to congratulate the Department of Justice and Regulation for all the work and community consultation it has done to ensure that this legislation can be passed in the lower house as soon as possible.

The member for Hawthorn highlighted the guideline judgement of *Boulton v. The Queen*, which I read myself back in 2014 when it was first handed down. It was very much brought about by the Director of Public Prosecutions. It essentially highlighted a range of scenarios, even serious offences, where community correction orders could be addressed. The legislation that we are dealing with today in part addresses that guideline judgement, in a sense tightens up the use of community correction orders and does a lot more as well.

The opposition has said that it supports this legislation, just as Labor supported the member for Box Hill when he brought forward in the previous Parliament the legislation that introduced community correction orders as a new mechanism to tighten up sentencing after a whole range of matters had arisen, in particular the abolition of suspended sentences. When suspended sentences were taken away, I went around and met with a variety of judicial officers, including magistrates and judges, and they said they wanted something put in place as another option. When in government the member for Box Hill, through the work he and his department did, including consultation, brought in community correction orders and was supported in doing so by the then opposition. In many respects we are going through another reform in this very important area of public policy.

It is important to touch on what the new categories of offences, category 1 and category 2, will mean. Essentially category 1 offences are the most serious offences in criminal law. For these offences the courts must impose a custodial sentence. The government has carefully considered which offences should be included in category 1, as these changes are a significant restriction on judicial discretion and therefore should be appropriately targeted. The changes in this bill will take into account the harm caused to victims and the culpability of persons that commit these terrible crimes. We are certain that the government has it right in relation to the category 1 offences in the sense that they will reflect the community's expectations.

The bill will provide that when sentencing a person for a category 1 offence, a court must impose a custodial order. A term of imprisonment combined with a CCO is prohibited. The category 1 offences are as follows: murder; rape; persistent sexual abuse of a child under the age of 16; sexual penetration of a child under the age of 12; incest, where the victim is under the age of 18; causing serious injury intentionally in circumstances of gross violence; causing serious injury recklessly in circumstances of gross violence; rape by compelling sexual penetration; trafficking in a large commercial quantity of a drug of dependence; and cultivating a large commercial quantity of a drug of dependence.

Category 2 offences are also very serious. The court will impose a custodial order when sentencing a person for a category 2 offence, unless the court finds that one of the special reasons provided for in this legislation does exist. Category 2 offences are as follows: manslaughter; arson causing death; child homicide; trafficking or cultivating a commercial quantity of a drug of dependence; intentionally causing serious injury; kidnapping, including the common-law offence of kidnapping; and providing documents or information to facilitate a terrorist act.

It is very important, though, Acting Speaker Kilkenny — and I know that you follow the law very closely — that courts will only be able to impose a CCO or a non-custodial sentence for a category 2 offence if special reasons can be demonstrated. Special reasons are: the offender has assisted or undertaken to assist in the investigation or prosecution of an offence; the offender is aged over 18 but was under 21 at the time of the offence and can prove a particular psychosocial immaturity; the offender can prove impaired mental functioning; the court imposes a court secure treatment order, otherwise known as a residential treatment order; or there are substantial and compelling circumstances that justify not making a custodial order, having regard to Parliament's intention that a custodial order should ordinarily be made for a category 2 offence, and the cumulative impact of the circumstances of the case justify departure from such a sentence.

I think it is important to highlight though, when reducing the term of imprisonment combined with a CCO, that this bill is substantially targeting the combined CCO imprisonment orders by reducing the length of a sentence of imprisonment that may be combined with a CCO to one year or less and providing that a court must not fix a non-parole period as part of the sentence.

The government considers in many respects that the 2014 reforms probably, while well intentioned, did lead to an inappropriate expansion of the use of CCOs. The figures speak for themselves. Since 2014 the number of offenders on a combined order has steadily increased. In 2015 there were 2028 combined orders imposed by the Magistrates Court, compared with 1013 imposed in 2014. Similarly, there were 356 combined orders imposed by higher courts in 2015, compared with 96 combined orders imposed in 2014. The application of the community correction orders in many respects was broad. They were applied in incredible numbers, and the Andrews government now is really about ensuring that we do meet community expectations and that we do get it right.

I think both sides of Parliament agree that our legal system has gone through many substantial changes. As parliamentary secretary you deal a bit with the frontend in terms of the laws that we make as legislators, and then when you are serving the police or corrections minister you get to see the backend in terms of the bricks and mortar and the impact that it has on our jail system. I know the Attorney-General and the justice department have had a very close look at community correction orders. They have tried in many respects through this legislation to make sure that their use is tightened and that they are not used for some of the most heinous and serious crimes that we, unfortunately, see being committed in our community.

I know that the Premier often says in this chamber that there can be no higher calling than community safety. On that note, in my closing remarks I just want to congratulate the police minister. Hot off the press though, only today we have had the Victoria Police annual report 2015–16 tabled, which shows that Victoria has 13 188 full-time equivalent sworn police as at June 2016 — 155 more officers than the previous year and 232 more police officers since 30 June 2014.

Since its election the Andrews Labor government has funded 1156 police personnel, which is made up of 530 sworn officers, 400 police custody officers, 109 protective services officers and 117 specialist staff including intelligence analysts and forensic officers. We are getting on with the job of protecting the Victorian community.

Mr CRISP (Mildura) — I rise to make a contribution on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. The Nationals in coalition are not opposing this bill. The purpose of the bill is to restrict the use of community correction orders (CCOs) by introducing two new classes of serious offences for which courts must impose jail sentences except in very limited circumstances.

The bill has a number of principal or key clauses. Firstly, it establishes some categories for the purpose of working out whether a CCO is acceptable or not. The first category of offences, which will require a court to impose a sentence of imprisonment that is not combined with a community correction order, is a category 1 offence — that is, murder, gross violence offences, rape, serious child sex offences, and drug trafficking and cultivation of large commercial quantities of drugs. For category 2 offences the same requirement applies unless the court finds a special reason, including that the offender has assisted law enforcement authorities, was aged between 18 and 21 at the time of the offending and can prove psychosocial immaturity, or can prove impaired mental functioning. Category 2 offences are manslaughter, child homicide, causing serious injury intentionally, kidnapping, arson causing death, drug trafficking and cultivation of commercial quantities, and providing information facilitating terrorist acts. So these are very serious offences in the view of most people in the community.

Clause 10 reduces the maximum length of a CCO to five years, so it will not be able to be granted for the entire maximum term of imprisonment for the offence. Clause 12 limits the use of CCOs by reducing the maximum length of a sentence of imprisonment that may be combined with a CCO from two years to one year.

This legislation though does not specify minimum jail terms. Members of my community constantly raise with me law and order issues. Mildura is not immune from law and order issues that are experienced throughout the state. They fall into a number of categories. The first one, which I broadly relate to drug-related crime, covers break-ins, sometimes aggravated, sometimes not; burglaries from cars; and any other form of opportunistic criminal activity. There is the ever-present domestic violence, which is a matter that is being taken extremely seriously and makes up some of the law and order mix in the Mildura area. Then there are the more serious crimes that are concerning people. Due to a court case, I think I will leave any talk of serious crime alone during this speech.

The police are doing a very good job in Mildura. They are working very hard to overcome this, but many of these problems are systemic and go beyond the police. However, like all things now, the police always need additional help. That can be in the form of officers. It can also be in the form of community assistance, and even things as simple as an active Neighbourhood

Watch network. Members of my community do not want these serious offenders back in the community before they are rehabilitated by serving their time, but much of the crime in the Mildura area really is dealt with at the Magistrates Court level and has its origins in break-ins of various types and other activities.

One of the things that does come up constantly in my area is the need for a low-security correctional facility to service the local community. The population of north-west Victoria has grown. A number of people from the area are being incarcerated, so a low-security corrections facility would have a place in my community.

There is plenty of seasonal work in Mildura, so such a facility near to home, in the community in which these people live, would give them an opportunity to achieve some basic skills by doing some seasonal work. Mildura's horticultural base is growing. There is increased demand for labour. We have a very strong backpacker presence in our community, but there is also a need for work above what backpackers are currently providing, and with the growth in the horticultural area, I think there will be demand beyond what backpackers can deliver.

The style of facility should be very much based on rehabilitation and second chance or opportunity. We have some great training facilities within Mildura, including our TAFE. We have some excellent facilities in Mildura that could support a rehabilitation program aimed at these offenders. Seasonal work is the gateway to employment. I think everybody in the Mildura region would have picked grapes, oranges, vegetables or something else at some time or other as a way into the workforce.

Having a facility that makes people work-ready and assists them into employment in our growing horticultural sector makes good sense. We also know that working improves self-esteem, and those gateways to the workforce are well worth considering.

However, in the meantime, while the authorities consider the merits of where correctional facilities will go, we need to go back to being very clear that in Mildura the people who have been involved in category 1 or category 2 offences need to stay in jail. The community wants to feel safe, and they do not feel safe when people guilty of offences such as murder, gross violence, rape, serious child offences, drug trafficking and cultivation of commercial quantities of drugs can walk away from our judicial system without facing the consequences of the seriousness of their crimes. They want to see these people incarcerated, and that is what this bill does. We all know that there is a place for community correction orders and giving people a second chance, but not for these two categories of serious offences. These people need to have a long period of rehabilitation, and that is best begun in jail, which is where they belong for committing these most heinous of crimes. Thus we are not opposing the bill.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016.

Mr Edbrooke — Happy birthday!

Ms WILLIAMS — I thank the member for Frankston.

Mr J. Bull interjected.

Ms WILLIAMS — And the member for Sunbury.

As we have heard, this is a very important bill that goes to an important issue within each of our communities and in the Victorian community as a whole — that is, how we deal with offenders, with a specific focus in this bill on particularly serious offenders. As we have heard, this bill will limit the use of non-custodial orders by courts in the case of serious offences and limit the use of sentences of imprisonment combined with a community correction order. It will also provide for statements on the reduction of sentences for guilty pleas. It clarifies the application of the historical homosexual conviction expungement scheme for the Children's Court and makes a range of other minor technical amendments to accurately reflect current law and practice. My contribution today will largely be focused on the first of these — that is, the strengthening of the community correction order scheme.

In this place we deal with legislation on a range of topics, and given the volume of legislation that passes, the number of bills that strike a chord in a personal way or resonate for a very specific reason with each of us is relatively small. For me this piece legislation does just that, and the chord this bill strikes in me is the story of Christian Williams, who was viciously and brutally bashed to death in a Dandenong park in 2014. Christian was 43 years old. He had an acquired brain injury as a result of a car accident in his childhood, which left him with the cognitive functioning of an 11-year-old. Christian was a father to his now 12-year-old son, and by all reports the two were very close. At the time of his death Christian was sleeping rough in a Dandenong park.

Christian was listening to music on the steps of the soundstage in the park when he was approached at about 9.00 p.m., they think, by a group of young men. It would appear that the ringleader of that group of young men, Robert Marshall, demanded Christian's phone from him and then proceeded to punch, kick and stomp on Christian. Christian tried to run away. In some reports there is a suggestion that Mr Marshall's friends may have tried to intervene, but admittedly I am not too clear on this point because there seem to be slight variations in the reporting. Marshall chased Christian, he caught him and he continued to bash him. It appears that Christian did not fight back. Marshall dragged Christian back to the soundstage, and it was there that one of Marshall's mates, a man by the name of Sam Sua, started punching Christian as well. Christian started to cry, and he asked Marshall and Sua what he had done. 'What did I do?', he said, 'What did I do?'. It is heartbreaking. The assault continued until Christian was dead.

In most reports Marshall is clearly the leader of this assault and the primary perpetrator. But Sam Sua watched on, and then he even participated when he could see that Christian was hurt, confused and entirely defenceless. It is the consequences for Sam Sua that have most upset Christian's family — and a lot of things have upset them in all of this, as you can imagine. Sua was given a community correction order and no custodial sentence. I could make some assumptions about why that is and why Mr Sua escaped with a fairly light sentence, and I could draw some conclusions about his level of involvement in the overall attack or about his age or background. But for Christian's family this would be splitting hairs. For them Mr Sua was present, he stood witness and not only failed to protect Christian but he participated in the assault that led to his death.

Out of respect for the family I am not going to canvass those possibilities. I am not one to blame political representatives for tragedies like these because I know no-one in this place would ever condone the attack on Christian. Many in this place may disagree with the sentence that was handed down to Mr Sua, but to suggest anyone in this place is to blame for Christian's death would be cheap politics, and I am not going to engage in that.

But I do want to talk about the concerns this government has about sentencing practices resulting from cumulative reforms under the Baillieu and Napthine governments. The then opposition, now the government, supported the introduction of community correction orders (CCOs) as a sentencing option in 2012, and we agree wholeheartedly that CCOs are a valuable sentencing tool when used appropriately. But prior to the 2014 election the previous government passed a suite of reforms which expanded the use of CCOs and this is where our opinions begin to diverge. We believe the former government's broad regime went too far. In particular we are concerned about the use of CCOs in relation to serious offending where a term of imprisonment would be more appropriate, given the gravity of the offence. This is what we are seeking to address in the bill before us here today, and I would like to talk through a few of the provisions within the bill before us.

This bill will restrict the availability of CCOs and lesser sentencing options for very serious offences. It will reduce the length of imprisonment that may be combined with a CCO from two years to one or less, and it will also reduce the maximum length of CCOs imposed by the High Courts to five years. It is our hope that these changes result in a sentencing scheme that is more consistent with the community's expectations. In terms of the mechanics of the bill, it introduces two new classes of serious offences into the Sentencing Act 1991: category 1 and category 2. Courts will be required to impose a custodial sentence for a category 1 offence. A category 1 offence is the most serious offence in criminal law and it includes, among others, murder, rape, sexual abuse of a child, causing serious injury intentionally in circumstances of gross violence, causing serious injury recklessly in circumstances of gross violence, drug trafficking et cetera.

In relation to category 2 offences, a court will need to give special reasons before they can impose a non-custodial sentence, so in that sense we are seeking very clear justification why a prison sentence should not be given in the case of what are also very serious crimes. Category 2 offences include, among other things, manslaughter, arson causing death, and kidnapping. As it stands the courts have full sentencing discretion in relation to this range of offences. Some may wonder how these offences were categorised. The government carefully considered which offences should be included in each of these categories. The categorisation takes into account the harm caused to the victims and the culpability of offenders. We hope they reflect community expectations. In some cases the only possible option is a custodial sentence because of the gravity of the crime.

As I have outlined, the bill will also reduce the availability of combined CCO-imprisonment orders by reducing the length of sentence of imprisonment that may be combined with a CCO to one year or less, and it also provides that a court must not fix a non-parole period as part of the sentence. The reason for this is that

we are concerned that the combined orders are being used inappropriately in serious cases where an offender should be imprisoned for longer, rather than receiving a shorter sentence of imprisonment that is combined with a CCO. Prior to the former government's changes in 2014 only a sentence of three months or less could be combined with a CCO and the 2014 amendments increased this to two years and stated that a CCO could be imposed where a suspended sentence would previously have been considered suitable. It appears that these changes have led to an inappropriate expansion of the use of CCOs. To explain that further, since 2014 the number of offenders on a combined order has steadily increased. In 2015 there were 2028 combined orders imposed by the Magistrates Court, compared with only 1013 in 2014. I think that this demonstrates well the issue that this bill seeks to address.

To return to Christian: I did not know Christian, but I know his sister Mandy. Mandy is a youth worker and until recently worked in Dandenong. The outcome of the case against Sua led her to change jobs as she could not work in that area and within the Dandenong community, knowing that she may run into the man who was responsible for the violent attack on her brother and his horrific death. I know how scarred Mandy and other members of her family are by the circumstances of her brother's death and by the court process that followed. I cannot say with any certainty what impact these changes would have made if they had been in place at the time of Christian's death. It would require a level of speculation that probably is not constructive at this point, but I do think this will lead to more just outcomes and circumstances where victims and families are currently feeling they have been let down.

In reflecting on Christian's death in thinking about my contribution today, I remembered when I first realised something horrific had happened in that park. That was the morning his body was found. I was stuck in traffic out in front of Dandenong Park and I watched as the police moved in and out and the area was cordoned off. I found out later that day what had happened, but not to the full extent I now know. It was more than 12 months later that I got to know Mandy — one of her other brothers contacted me — and learnt the gruesome details of what happened to Christian. Christian had boot imprints on his body. This was a very vicious attack, and I fully understand the family is upset about the decision that ensued. I do not want to cast judgement on particular judges because we do not always know exactly what comes before the judiciary in these cases, but I commend the bill to the house in the hope that such decisions do not happen in future.

Mr HIBBINS (Prahran) — I rise to speak on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016, which primarily amends the Sentencing Act to restrict the use of community correction orders (CCOs), the non-custodial orders. We have concerns about this bill because it does reduce judicial discretion by limiting the sentencing options available when judges should have a wide range of sentencing options available to tailor sentencing to ensure community safety, rehabilitate the offender, meet the level of seriousness of the crime and make sure that they are acting in line with the Sentencing Act 1991. Of course the offences listed in this bill are very serious in nature, but we do have sentencing guidelines in place for CCOs which does outline the circumstances and how the orders should be used. The Director of Public Prosecutions (DPP) does still maintain the option to appeal when they feel a sentence is inadequate.

This bill prevents the use of CCOs and non-custodial orders for serious category 1 offences, including murder, rape, incest, causing serious injury and a number of other serious offences. It also applies to some category 2 offences such as manslaughter, homicide, kidnapping and intentionally causing serious injury. Community correction orders will only be able to be applied if special reasons can be demonstrated, such as the offender suffering impaired mental functioning.

The bill is making changes to the length of imprisonment that can be combined with a community correction order. It will be halved from two years to one year or less, which we have concerns about. It also provides that a non-parole period cannot be fixed as part of a combined order, meaning that offenders must serve their full term of imprisonment before beginning a community correction order. It also limits the maximum length of a community correction order to five years, when previously it was up to the maximum term of imprisonment for that particular crime.

We do see community correction orders as an important sentencing option for courts. They are non-custodial orders that have mandatory conditions laid down by legislation — that is, not reoffending and not leaving Victoria without permission. They also have at least one and often a range of conditions that may be prohibitive, coercive, rehabilitative or intrusive. These conditions are both punitive and rehabilitative in nature. They could mean supervision, unpaid community work, treatment, drug rehabilitation, curfews, bans on entering particular areas, bans on contact with specific people, bans on where a person might live or a bond.

I do not accept the language used by the Premier in announcing this bill that a community correction order is a 'slap on the wrist'. I think that does not do justice to the often complex nature of the cases brought before the court and the circumstances in which community correction orders are actually applied. We understand that they have become controversial since the Court of Appeal issued its guideline judgement where sentence appeals were lodged by offenders against lengthy community correction orders. That guideline judgement concluded that the community correction order had punitive elements, including the mandatory conditions, the fact that contravening a community correction order is an offence in itself and punishable by imprisonment, and that there is a wide range of conditions which can be coercive or restrictive.

It also emphasised that a community correction order can be a punitive sanction when imposed as a sentence in its own right or when imposed as a condition of imprisonment. It accepted that a non-parole period is an alternative to a community correction order and provided matters to consider when determining a community correction order in terms of the length, the difficulty complying with the conditions and any conditions specific to youth offenders. The court also stressed the need for the provision of pre-sentence reports so they could actually use evidence to make sure that the community correction order is actually tailored to the offender.

We have had statements and instances put forward in support of this bill. There have been some instances of rape where community correction orders have been put in place, and there is a belief that these were inappropriate. We would certainly be interested in knowing whether these serious instances were appealed by the DPP, what the outcome was and what the circumstances were in which the court provided its judgement. We would certainly be interested in understanding the circumstances around those cases. I do not believe any evidence has been provided of community correction orders being put in place for some of the more serious crimes such as murder, but the Court of Appeal has made it clear that the governing principles of community correction orders are proportionality and suitability. It does not advocate for a sentence that does not reflect the seriousness of the offence and the circumstances of the offender. Of course an inappropriate use of a community correction order can already be appealed by the DPP, who did welcome that Court of Appeal guideline judgement.

I would also suggest that a number of conditions apply with a community correction order, as I have discussed, including drug and alcohol treatment and curfews. So we are concerned that this legislation, given the restrictions on judicial independence, will not make the community any safer; that the language the Premier has used like 'slap on the wrist' or 'sob story' undermines the principles of smart investment in crime prevention. We note the need to shift the focus away from imprisonment to crime prevention. We have an opposition painting a picture that the government has lost control of the state or of the youth justice centre and that we are living in a dark time when people are afraid in their homes or are afraid to drive down the street.

But what seems to have happened is that the Premier and the government have lost control of the debate. They have failed to put in place that clear plan for justice reinvestment for crime prevention and they have not shown the courage of conviction to see those sorts of policies through. Instead we have got these bits of legislation that undermine the judiciary, reduce the sentencing options available and even threaten to potentially make us less safe. The government, as I have said when speaking on previous bits of legislation, has a real choice: they can follow the coalition's lead with a failed approach and failed policies, which will lead to more prisons, more recidivism and more crime, or they can take a clear approach to justice reinvestment and to crime prevention and have the courage of their convictions to see it through.

Incarceration does not necessarily address the needs of the community. Those who are incarcerated may pose an even greater risk to community safety compared to if they had a combined community correction order or custodial sentence. We have seen an increase in recidivism rates over a number of years, which is making us less safe.

We have got community correction orders that can presently be combined with two years of imprisonment. That is being reduced, and we do not understand why, because having both a community correction order and a term of incarceration could actually be beneficial not just to the offender but to the community at large. We have already got the DPP in a situation where it can appeal the sentence of a community correction order if it finds that it is inappropriate. Certainly we have concerns about this legislation.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. Creating legislation and governing the state, as those opposite know, is a tough act at times. It is about trying to balance competing interests and making sure you reflect community

sentiment and the will of the community. You look at constant improvements to make the changes that you see fit.

I note the member for Prahran, as is often his wont, came in here — he is usually by himself, never with the member for Melbourne nor, it should be noted, does the member for Melbourne come in with the member for Prahran — and left once his contribution was over. He does not listen to the contributions made by those opposite. He does not listen to the contributions made by those on this side of the house. He swans in, chastises and criticises us — invariably it is the Labor Party — then leaves.

This legislation is important because it is showing an appreciation and understanding of the fact that we need to make sure that we get the balance right. The member for Prahran in his contribution talked about limiting judicial independence. Well, I think it is about trying to give some guidance, some level of direction, to the judiciary about what might be appropriate measures — that is, what is appropriate for a community correction order and what is not. I do not for a moment suggest that this legislation is the panacea to create a safe society. It is not.

When you are the government you have to look at a multitude of actions to create a great society, a fair society and a just society. It is about making sure that kids have got a good education and that if they decide they do not want to go university but want to go to TAFE and get a good trade behind them, they can. It is about making sure that a child who is in grade 5 but is reading at a grade 1 level has the appropriate wraparound support and services so that they are not lost to the system in year 7 and year 8. It is about making sure that we create stronger and more resilient communities, and it is about investing in those communities through neighbourhood renewal programs so they are strong and robust and are mindful that they are safe. It is about that level of urban renewal. The notion the member for Prahran is putting — that this legislation is somehow manifestly deficient — is just false, particularly when you look at what the bill is trying to do in terms of category 1 offences and category 2 offences.

The member for Prahran did not indicate, for example, whether he thinks that gross violence, rape, serious sexual offences, child sex offences or trafficking or cultivating a drug of dependence are appropriate offences for a CCO. He would not be drawn on that. He did not turn around and say, 'Well, look, I actually think that these offences should be the subject of a CCO and these shouldn't', nor did he talk about category 2 offences in terms of manslaughter, child homicide, causing serious injury, intentionally kidnapping, arson causing death, trafficking or cultivating a drug of dependence in commercial quantities or providing documents or information facilitating terrorist activities. He did not bother to outline to this house what the Greens position is in relation to those matters. Instead he just sort of swanned in and said, 'I'm not to really going to be drawn on specifics'.

In actual fact I found it deeply offensive when he talked about the Premier outlining the decision of the government to bring forward this legislation and referred to 'sob stories from the Premier'. I find that deeply offensive, as most members of this place would. I would say to the member for Prahran: 'I encourage you when you go back to your electorate office in Prahran tomorrow to jump into the *White Pages* and look up this surname. It is an uncommon surname, so I think you should be able to find it'. I would encourage the member for Prahran to contact the family of Jonathon Sporton. Actually I will rephrase that: I would encourage the member for Prahran to do some research about the victim, who was a good Samaritan. He was killed by Jonathon Sporton while he was on a 12-month community correction order which was imposed for a string of thefts and assaults, including assaults on police. Mr Sporton was three months from completing the order. I would encourage the member for Prahran to try to find the family of the victim of Mr Sporton and say, 'Well, I understand you've lost a family member. I think that's a sob story'. I find it deeply offensive.

There will in this place at times, particularly on judicial matters and legal matters, be robust exchanges. There is a degree of difference amongst the major parties and amongst members of this place in terms of what is a fair response and what is an unfair or inappropriate response. But I think the issue is, as all of us recognise and respect, that when we hear of a person who is a victim of crime or a family that has lost a family member as a result of criminal activity, there is some degree of empathy for the person and for the family.

We might have an argument in our respective caucuses or party rooms as to what is an appropriate response or we might have an argument across the chamber as to what is an appropriate response, but I think it is fair to say that for the overwhelming majority of members of this place, and I suspect of the other place, there is a degree of empathy for victims of crime. To have the member for Prahran come in here and castigate a family who has lost a loved one because the person who murdered that person was on a community correction order I find deeply offensive. Not in a

million years would I ever utter those remarks. I find them deeply offensive.

The legislation before us today is trying to send a signal to the judiciary. It is trying to set some parameters around what we think is a fair and reasonable response. Clearly within that the judiciary will have some ability to look at individual cases to make appropriate judgements about what would be a fair and reasonable response, and taking into account those individual examples, but legislation like this is important because we recognise the fact that these things are at times quite complicated. They are quite involved and you need to take some time to work your way through them. It does not make a great deal of sense to start ramming legislation through the Parliament which has not been subject to proper rigour, proper scrutiny and a robust analysis. What has happened under this administration is we have looked at these matters carefully, we have considered them, we have engaged with the community, we have identified weaknesses within the previous regime and we have responded to some of the issues that have been outlined by previous speakers.

That all takes time. It takes work, it takes discipline and it takes focus, and you need to be prepared to do the hard work. People like the member for Prahran just come in here and do not participate in the debate, do not listen to the debate and do not hear the conflicting views on an issue. They just swan in. It is the world according to Greg Barber in the Council — life according to Greg: 'We are going to give you chapter 1 of life according to Greg, and next week it will be chapter 2'. It is a dictatorial process; it is a didactic process. 'I will speak, Acting Speaker, and you shall listen, and you shall sit here for as long as I choose to speak, and when it is all over I will leave, and I don't want to listen to anything you have to say or what anyone else has to say. Why? Because we are all acolytes of the one great Greg Barber'. It is just arrant nonsense.

You have got to do the work, and we are doing the work. We are getting on with it. We have listened to the community. We are balancing up the competing interests. This is a very good piece of legislation. It is well thought through, and it will make our community safe. It is part of a whole suite of reforms about building not just a fair society but building a great society, and I commend the bill to the house.

Mr CLARK (Box Hill) — When the courts get it wrong and fail to give effect to laws in accordance with Parliament's intention, it is the job of the government of the day to fix it. It is the job of the government of the day to bring legislation to this Parliament and to put beyond doubt what the intentions of the Parliament are, and to do so speedily when the court's error has serious consequences. The current government has comprehensively failed in its obligations here, and the community is paying the price. The government's delay has seen week after week violent offenders being released on community correction orders (CCOs) when they should have been sent to jail, and this has sent a terrible message to would-be offenders that the law and this government are soft on crime and that they can get away with it.

The government has repeatedly ignored pleas from this side of the house — from the coalition parties, and from my colleagues the member for Hawthorn and Edward O'Donohue in the Legislative Council — for it to act to fix this problem, because we have heard loud and clear the problems that this decision has been causing in courts throughout Victoria. The government's failure to act on this matter is being compounded by their weakening of juvenile bail laws, the repeal of move-on laws, the reduction in frontline police numbers and the feeble responses we have seen to riots in both adult jails and juvenile justice facilities.

In December 2014 the Court of Appeal handed down the Boulton decision, which seriously misinterpreted and misapplied the intentions of this Parliament in reforming community-based sentencing. The court took reforms designed to impose tougher conditions on community-based sentences and said those sentences could be given to offenders who most people would think clearly ought to be behind bars. While some aspects of the Boulton decision rightly recognise and encourage the greater use of the tougher conditions made possible by the previous government's community correction reforms, one sentence in that judgement in particular was extraordinarily open ended in what it invited sentencing courts to do. I quote from paragraph 131 of the judgement:

> It follows from what we have said that a CCO may be suitable even in cases of relatively serious offences which might previously have attracted a medium term of imprisonment (such as, for example, aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide).

This is extraordinarily wide wording. It is not as though the Court of Appeal said, 'It is possible that CCOs could, in a handful of truly exceptional circumstances, potentially be applicable to some of these offences'. They did not say that at all; they simply said they 'may be suitable', and the open-ended nature of that statement, reinforced by some subsequent wording in the decision, sent a confusing, conflicted message to the

lower courts, particularly to the Magistrates Court and the County Court. The Court of Appeal seemed to be saying to them that they should be looking as a matter of course at handing out community correction orders in many of the instances of these serious offences.

On top of that, as the member for Hawthorn has previously pointed out, that gives rise to lawyers saying that their clients should be given bail when charged with these sorts of offences because they may not end up behind bars anyway. Subsequently the Court of Appeal has tried to clarify and restate some of its position on this, but it has failed to resolve the core problem that was created by the Boulton case. This comes on top of the Court of Appeal's other decision in relation to baseline sentences, where they declined to apply the laws passed by this Parliament and as a result many, many very serious offences, such as child sexual abuse, remain with an average sentence of 3½ years rather than the 10 years that were laid down as the median sentence under baseline sentencing. For trafficking a large commercial quantity of drugs the median sentence remains at 7 years rather than 14 years. It is no wonder that the community is getting sick and tired of weak laws and weak sentencing in the courts. It is also not surprising that governments therefore do move to be increasingly prescriptive about sentences when parliaments and the community see that a number of judges seem to struggle to give effect to the intentions of the Parliament.

More prescriptive sentencing does not raise an issue about judicial independence, because at the end of the day, as the High Court itself has said, the courts are there to give effect to the laws laid down by Parliament. But more prescriptive sentencing does increasingly raise the risk of unintended consequences. That was a risk that the previous government sought to balance through introducing statutory minimum sentences. But with the difficulties that the courts have been having in applying the laws made in this Parliament, there is often no alternative but to move in that direction. You would hope it would not be needed, but unfortunately it does become so, and that is what is contained in this bill that we are considering. This side of the house does not oppose the changes being made, but we are concerned that they are both late and inadequate and that they may in many instances not work, particularly if they are not accompanied by further amendments.

The core of the bill is to say that jail is the only available sentencing option for various listed offences, but of course it is still open to courts to hand down an inadequate jail term. The bill proposes to cut the maximum jail period that can be accompanied by a CCO from two years to one year, and that is being presented as tougher on sentencing. It is a bit hard prima facie to see why cutting the maximum jail term that can accompany a CCO from two years to one year is being tougher. I think the idea is that courts will give jail terms alone instead of combined jail terms, but they will need to be giving jail terms alone for longer than two years to outweigh the effect of cutting the sentence that can accompany a CCO. We could well find that the courts will simply give one year where previously they might have given between one and two years plus a CCO on top of that.

There are also a number of very serious offences of which there are going to be very serious instances that are not covered by this bill, and the prime one I cite is recklessly causing serious injury. That is often the compromise plea of choice when someone is charged with intentionally causing serious injury. That is not in this bill, but there can be some heinous instances of it.

I think in particular what ought to be considered as an accompaniment to the measures in this bill is a more comprehensive, qualitative guidance to the court as to the principles that they should be applying in handing down CCOs, in particular to head off what has been the prime problem that has arisen from the Boulton case about violent and dangerous offenders being released on CCOs. Without being prescriptive as to how it could be done and the exact form that it should take, should there, for example, be a reinforcing of messaging to the court that a CCO should not be available in certain specified circumstances, such as where a custodial sentence is required to protect the community from the risk of further violent or dangerous offending or, to put it another way, when an offender poses an unacceptable risk of further violent or dangerous offending?

I add on top of that that in setting a jail term in those circumstances the court needs to ensure that the term that is set is sufficient to protect the community from that danger. I think simply by laying down a category of offences for which a jail term must be given and another category where a jail term should be given unless there are truly special reasons of its own runs the danger of not working. But at least, very belatedly, this measure has been brought to the chamber.

Unfortunately once a soft-on-crime message starts to be sent, it is very hard to undo that message, and I very much feel that grave damage has been done to the community by the delay that has occurred in bringing this legislation to the house, just as great damage is being done to the community by the ongoing failure of the government to make clear to the courts the government's intention in relation to tougher sentences for very serious crimes in terms of remedying the

deficiencies of the baseline sentencing decisions of the Court of Appeal.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. As the Attorney-General said in his second-reading speech and the member for Niddrie said in his contribution, this bill is effectively about community confidence in the correction system and the criminal justice system and also about justice itself. The government has been concerned, as we have heard from the Attorney-General and the Premier, about sentencing practices since the accumulative impact of the previous Baillieu and Napthine governments' reforms have become clear.

We supported the introduction of the community correction orders (CCOs) as a sentencing option in 2012 and the abolition of suspended sentences and parole reform when in opposition. Prior to the 2014 election the previous government passed a suite of reforms which expanded the use of CCOs, and we saw that in the Public Accounts and Estimates Committee, where the previous government had factored in a growth in CCOs in the budget. The government agrees that community correction orders are a valuable sentencing tool but believes that the former government's broad regime went too far. In particular the government is concerned about the use of community correction orders in relation to serious offending where a term of imprisonment would be the appropriate sentence given the gravity of the offence, and that is what we are trying to address today.

Specifically this bill will restrict the availability of community correction orders unless there is a sentencing option in relation to specific category 1 offences, as we have heard, and category 2 offences, and I will mention a few of those in a moment. The bill seeks to reduce the term of imprisonment that may be combined with a CCO from two years to one year or less, again recognising the seriousness of those offences; limits the maximum length of a CCO that may be imposed by higher courts to five years; clarifies the circumstances in which a court must make a section 6AAA statement about the sentencing discount for a guilty plea; and makes a few other minor but important amendments.

The CCO reforms in this bill respond to increasing concerns about the inappropriate use of the non-custodial orders for serious criminal offences. These were never intended, I think it is fair to say, by either side of the chamber for use for those more serious offences. Category 1 offences, as others have talked about, are considered those offences for which judicial discretion should really not be used in relation to having the option of not imposing a custodial sentence, and therefore they are targeted as category 1 offences. They reflect the community expectation that for these cases a custodial sentence is the only option. They include murder; rape; persistent sexual abuse of a child under the age of 16; sexual penetration of a child under the age of 12; incest, where the victim is under 18; causing serious injury intentionally in circumstances of gross violence; causing serious injury recklessly in circumstances of gross violence; rape by compelling sexual penetration; and trafficking a large commercial quantity of a drug of dependence. I do not think I could find one person on the street that would disagree with that. While the average person is perhaps uninformed about the criminal justice system, I think penalties for those category 1 offences have broad support in terms of being custodial sentences rather than community correction orders.

Category 2 offences are also very serious. The bill provides that a court must impose a custodial order when sentencing a person for a category 2 offence. The difference, though, with these as opposed to category 1 offences is that there is an option here for the court to find an alternative in relation to special reasons provided for in the bill. The category 2 offences are as follows: manslaughter; arson causing death; child homicide; trafficking or cultivating a drug of dependence in a commercial quantity; intentionally causing serious injury; kidnapping, including the common-law offence of kidnapping; and providing documents or information to facilitate terrorist acts.

As I said, the bill also provides with these category 2 offences an opportunity for the court to impose a CCO if special reasons apply. Those special reasons are set out in the bill and include when the offender has assisted or undertaken to assist in the investigation or prosecution, if they are aged over 18 but under 21 and a few other exceptional circumstances. So there is some opportunity, as is appropriate, for a fair bit of judicial discretion. Even for the category 1 offences the Parliament does not seek to tell the judiciary what term of custodial sentence to impose. That is a matter for the judiciary.

I just want to touch on a few other things now. This is a very serious area of public policy and community confidence. I think there is a fair degree of responsibility on both sides of politics, and from all political leaders really, to not inflame unnecessarily and without factual basis the idea that this place is falling apart and imploding. I remember there was a contribution earlier to the debate on another bill from

the member for South Barwon, who was talking about something akin to carnage or something about carjacking, I think it was. The chief commissioner, the Premier and the Minister for Police have all accepted that there was a six-year trend, and that six-year trend absolutely and obviously covered the entire length of the previous government's term in office. While that is a reality, this area of public policy requires some political leadership so that you have a judicial response, so that you have changes to the criminal code, which we are making here with this bill, and also so that you have resources.

I just want to focus a bit on resources in the time I have got left. This is not a matter of conjecture. As the Minister for Police and the Premier have said numerous times, we have spent more than $900 million on our police in just our first two years in government. That has meant an extra 1156 police officers, protective services officers and police custody officers. That comes on top of the 1700 police officers fully funded in the Brumby budget of 2010–11, which was the previous Labor government. Altogether that is an extra 2856 police personnel, or an average of 476 extra police personnel each and every year from 2010–11 to 2015–16. As the Minister for Police said, we are making more arrests now than we have ever made, so that should give the community a sense of confidence that we are not sitting idly by.

This government has made a whole range of changes in terms of the criminal justice system, but also it has put its money where its mouth is. We are investing in frontline police. This Labor government has invested a record amount in fighting crime, with this year's $596 million public safety package providing more than 400 new police, including 300 frontline officers, new police vehicles, ballistic vests and other equipment, as well as a $15 million 24-hour, seven-day-a-week monitoring and assessment centre.

I would imagine that somebody listening to that enormous list of numbers and resources would think, 'Okay, so what was the baseline?'. The baseline, as I have heard the Minister for Police say, is that the only additional investment in frontline police in the last 34 years has been undertaken by Labor governments.

Mr Gidley — Wrong.

Mr DIMOPOULOS — I am talking about additional investment. I do not mean just rolling over allocations made in a budget by a previous Labor government just because you got into power. If that is wrong, as I am hearing those opposite say, well, provide the factual budget reference for where that is wrong. It has been 34 years. It was John Cain's government. In fact you have to go back to before John Cain. Who was that? It was Premier Thompson, probably. I cannot recall, obviously, because I was very young then.

The reality is that the last time the Liberal Party in Victoria invested in additional frontline police the Franklin Dam was an issue in this country, *Sons and Daughters* was playing on Channel 7, Robert de Castella was a national marathon champion and the Commonwealth Games were on in Brisbane. In fact the last time the Liberal Party invested in additional frontline police the member for Kew was not even born. In fact the shadow Minister for Police, Mr O'Donohue in the Legislative Council, was eight years old. That is the last time you invested in additional frontline police, and you have the audacity to come in here and talk about us cutting police.

It has been 34 years. The Bracks, Brumby, Kirner, Cain and current Labor governments have funded additional frontline police. You can talk about police stations, you can talk about hours and you can talk about a whole range of things, but fundamentally the budget documents do not lie. Imagine not investing in police since before the member for Kew was born. The member for Kew is young, but he is not five. He is at least in his 30s. That is how long the opposition has had to invest in frontline police. This debate has got a lot of hot air. Sometimes you just have to look at the facts and the budget documents, and they do not lie. I commend the bill to the house.

Mr GIDLEY (Mount Waverley) — It is my privilege this afternoon to contribute to the debate on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. This is a very serious bill that is before the house, because it deals with such significant and serious matters that have an impact on people's lives. They have an impact on the lives of victims of crime who, I regret to say, in many cases never fully recover from their horrendous experiences. The bill will have an impact on public safety based on the messages that the judiciary and the Parliament send in relation to the value of human life and the way people should be treated in our community.

With that in mind it is important to set the context for this bill. The context is very clear. As the member for Hawthorn and the member for Box Hill have so eloquently outlined, it was never the intention of the previous Liberal-Nationals coalition government to extend community correction orders to serious crimes such as those listed in category 1 and offences where

traditionally a custodial sentence would be imposed. I think that is important. If you look at the second-reading speeches of the member for Box Hill when he was Attorney-General and if you look at the outline the member for Hawthorn gave today, it is very, very clear that that was never the intention. Nonetheless, we are here today because there has been an interpretation made of that. That is the first thing.

I also touch on and again highlight the comments of the member for Hawthorn and the member for Box Hill in relation to baseline sentencing. Again, it seems to have been interpreted differently from what the will of the Parliament was under the previous government. Nonetheless, as I said, we are here today.

Whilst I also welcome some aspects of this bill, and the Liberal-Nationals will not be opposing it, I do have some concerns. My concerns stem from how important aspects of this bill are because they impact on people's lives, particularly victims of crime, who in many cases have been through such horrendous experiences. My concern is that it has just taken far too long for a bill like this, after an interpretation was made for better or for worse, to reach the Parliament. It should have been done much sooner.

As I said, whilst we are not opposing this bill, in my view once the interpretation was made, if the current government had had a genuine view that community correction orders were not appropriate for category 1 offences, we should have been debating legislation earlier, and the message from the Parliament to the judiciary and to the public should have been sent sooner. That is a disappointing aspect because of the seriousness of the bill.

I also have some concerns in relation to what is included in category 1 and what is not. The category 1 offences in this bill include murder. They include offences against children. They also include offences such as intentional serious injury in circumstances of gross violence. They include rape and other sexual offences, and there are quite a few. But I pose the question of why there are not some other offences there. For example, the member for Box Hill has asked, quite reasonably in my view, why some other very serious offences are not listed in the bill. Again if the government was being consistent about its application as to where community correction orders should apply or should not apply, it is fair to ask that question: why is the list of category 1 offences not greater than it is? As I said, I am quite concerned that it has taken just so long to get here after the interpretation by the judiciary and I think there is a legitimate question about the offences that are there.

The other query and concern I have relates to the reduction in the maximum jail sentence for community correction orders from two years to one, because that can be interpreted in different ways by the judiciary. As to how that will be interpreted and outlined, I think there is a risk there.

It is certainly my view that it is appropriate that the Parliament send very clear and strong messages based on the will of the people to the courts as to our expectations on sentencing. That is not always a view that is shared. There are some people who have a rather laissez-faire approach to sentencing and take the view that the Parliament really should provide the judiciary with complete and utter discretion on that. I am not a legislator who believes that. We are here, as I said, to put the will of the people into sentencing acts and the judiciary is there to interpret them, but it is incumbent on us and it is our responsibility to ensure that they are interpreted correctly in accordance with community expectations.

It is not just this bill, though, that I have concerns about in relation to the messages that are being sent to the community on public safety and crime in general by this government. With that in mind there are a few aspects that I think, if we are going to have a frank debate about these matters, we need to cover. The first is obviously the number of police out on our streets, and that has been covered by a number of speakers here today.

One of the assets in my district is the Victorian Police Academy in Glen Waverley. The previous Liberal-Nationals government spent $27.8 million on the biggest upgrade in the academy's history to make sure that not only was it able to fulfil the record number of extra frontline police which the previous government funded but it was also able to improve the training of existing officers as well as protective services officers. That large investment was made. The heavy lifting, if you like, was done to ensure that the academy was also future-proof and had a master plan. The significance of that was that in addition to the record number of frontline police funded by the previous Liberal-Nationals government, the deployment of Victoria Police protective services officers at railway stations provided an opportunity for a constant flow of officers and recruits through that academy.

Unfortunately, because this government has sat on its hands in relation to recruiting appropriate numbers of police, that opportunity has been lost. We have had the police academy ready to go, upgraded with a record amount of funding, with the heavy lifting done, and this government has sat on its hands. It has announced, at

5 minutes to midnight, after it has been dragged kicking and screaming, 'Okay, we had better put a few extra police on there', and now we have got the excuse that the Department of Treasury and Finance has to do some more number-crunching work to see if we can actually get some additional police on top of some minor improvements there.

The government is coming up to two years in office. It has got the bean counters in Treasury, but it is sitting on its hands and cannot say when we are going to get the extra police we need, if we will get them, what the time line will be and how they will be funded, I am really concerned. It seems we are getting more of the same. It seems like more of the same information in this bill coming before the Parliament far later than it should. It seems like more of the same in terms of the academy being there and police recruits not being put through in the expected time frame because the government is sitting on its hands.

It sounds like more of the same message from this government that has lost complete control of public safety in our state. Whether that is on the streets of Glen Waverley and Mount Waverley through carjackings, whether it is on the streets of regional and rural Victoria, or whether it is in our youth detention centres and youth facilities, it seems it is always the same. It is like *Groundhog Day*: you wake up in the morning, you pick up the papers and you read about more violent crime, more criminal acts and more trashing of and rioting in taxpayer-funded facilities because the government has lost control.

I do not know how many more victims have to suffer as a result of this government's inaction on public safety. I do not know how many more taxpayer-funded facilities have to be trashed before this government understands the importance of meeting its responsibility rather than just giving pizza and soft drink to kids in youth detention centres and juvenile justice facilities. I do not know what more this government needs to stop it rewarding youths with Xboxes instead of running facilities correctly. What more will it take for this government to finally live up to its responsibilities and start protecting the public of this state with appropriate police resourcing and appropriate sentencing laws that do not take far too long to come before this Parliament than they should?

The real tragedy in this is the community. When the community is being sent a message by this government that it has lost control, that it will sit on its hands while it does some Treasury bean counting because it cannot commit to how many extra police it wants, when it has lost control and sends a signal to our youngsters, our future generations, that that sort of behaviour in youth facilities is appropriate by rewarding them with pizza and soft drink and Xboxes, it is future generations that will suffer. It is a great tragedy. It is an indictment of this government. It is a shameful time in our Parliament when these messages are being sent by this government. As I said, this bill has taken far, far too long to come to this place.

Mr PERERA (Cranbourne) — I wish to speak on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. This bill is about tough new laws to stop courts from using community correction orders, commonly known as CCOs, for the most serious crimes such as rape and murder. It is in line with the community's overwhelming view that community correction orders should not be used when sentencing those who have committed serious crimes. The sentencing regime created by this legislation takes into account the harm caused to victims and the culpability of the persons who commit these terrible atrocities and makes the sentences somewhat proportionate to the crimes.

The former Liberal government's CCO regime saw these orders imposed on offenders where incarceration would have been more appropriate given their offences. The member for Mount Waverley said that was not the intention, but whatever the intention was, that was the end result.

The bill will better align sentencing with community expectations by ensuring that those convicted of the most serious criminal offences will go to prison. It will prevent the use of CCOs and other non-custodial orders for 10 serious category 1 offences, including murder, rape, persistent sexual abuse of a child under the age of 16, sexual penetration of a child under the age of 12, incest where the victim is under 18, causing serious injury intentionally in circumstances of gross violence, rape by compelling sexual penetration, trafficking a large commercial quantity of a drug of dependence, and cultivating a large commercial quantity of a drug of dependence. These offences can be classified as terrible atrocities against victims and their families; most of these atrocities will leave permanent scars on them.

Murder is a violent and incomprehensible act that wipes the existence of a human being from this world. For family and friends the loved one is no longer there. The shared plans and dreams are no longer possible. The loss of a relationship will be grieved over in different ways by all those who felt close to the victim because their relationships with the victim were all different. Grief reactions may be manifested long after the physical loss of a loved one. For example, parents may

find that they re-experience feelings of loss many years later, such as when they see friends of the murdered child graduate from high school or college, get a job or start a family. Parents believe that in the natural order of life the older generation should die first, and they may have great difficulty with the fact that while their young or grown children have been killed they themselves are still alive, thus violating this expectation.

Jonathon Sporton killed a good Samaritan while he was on a 12-month CCO imposed for a string of thefts and assaults, including on police. He could have been serving a prison sentence at the time he committed this murder.

There are many short and long-term effects of sexual assault and rape that affect the mind, body and spirit. Many survivors experience one or more of these effects and they are not mutually exclusive. For example, a physical reaction to trauma such as self-injury can be the result of depression. A sexual assault can transmit infections and disease. There is a risk of sexually transmitted infection or disease especially if the perpetrator did not use protection during the assault, which would normally be the case — attackers do not worry about the wellbeing of their victims.

Offences against children are commonly expressed in terms of the age of the victim — these are serious offences. For example, there are offences against young children under the age of 10, 12 or 13 years of age and sentencing relates to age in some jurisdictions. Offences against older children, generally under the age of 16 but in some cases 17 or 18 years of age, can be different but still they are very serious offences. Accordingly, the sentences attached to those offences against younger children are higher than for those against older children. For example, in New South Wales different penalties are provided where the child is under the age of 10 years, where it is 25 years imprisonment; between the age of 10 and 14 years, it is 16 years imprisonment; and between the ages of 14 and 16 years, it is 10 years imprisonment. These are substantial custodial sentences.

Drug trafficking is the most serious organised crime problem, not just in Victoria or in Australia but in the whole world today. The drug trade generates billions of dollars for organised crime each year, imposing incalculable costs on individuals, families, communities and governments worldwide. Cannabis law enforcement costs the Australian community well in excess of $300 million a year, which is about three-quarters of the total cost of illegal drug enforcement. The enforcement of laws relating to cannabis can have an impact on the future employment, education and travel prospects of thousands of young Australians. The growing multibillion-dollar trade of illicit drugs into and within Australia has reached pandemic proportions, destroying Australian lives at unprecedented rates. The Chief Commissioner of Police, Graham Ashton, says we are never going to police our way out of the drug problem in Victoria. He has said that the drugs being discovered by authorities are ‘only the tip of the iceberg’ and that that is all we will ever have. This is a really serious comment.

The drug takers will commit other crimes, such as family violence, burglary, stealing, sexual assault and damage to property. If anybody suggests that those who have committed terrible crimes such as murder, rape and drug trafficking should have the chance to be sentenced only on community correction orders without custodial sentences or a very short custodial sentence plus a CCO in a combined order are out of touch with community sentiments.

The perpetrators should be appropriately dealt with. CCOs will be very lenient on such criminal activities. Leniency will not help reduce such crime. CCOs and other non-custodial orders will also not be permitted, except where special reasons apply for category 2 offences, such as manslaughter, child homicide, kidnapping and intentionally causing serious injury. After this legislation is passed, a non-parole period cannot be fixed as part of a combined order. What that means is offenders must serve their full term of imprisonment before beginning their CCO. Currently a CCO can be imposed for up to the maximum term of imprisonment for the relevant offence.

Currently for orders made in the Magistrates Court the maximum duration is, in respect of one offence, two years; in respect of two offences, four years; and in respect of three or more offences, five years. For orders made in the Supreme Court or County Court, the maximum duration is the greater of two years or the maximum term of imprisonment for the offences. The proposed laws will limit the maximum length a CCO can be imposed to five years. The bill will restrict the availability of CCOs and other non-custodial orders for the most serious offences. I commend the bill to the house.

Mr D. O’BRIEN (Gippsland South) — I am pleased too to rise on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. As previous speakers on this side have said, it has been a long time coming, but we are here at last. This bill will move to, for want of a better term, fix a loophole that has existed since the Boulton decision of

December 2014, in which community correction orders (CCOs) were effectively extended to a whole range of offences that they were never intended to apply to when they were introduced by the former coalition government. Despite what those on the other side are saying, the reality is that we are introducing this bill because of the Boulton decision, and it has nothing to do with the introduction of the CCOs. As those opposite have indicated, CCOs were supported by the Labor opposition at the time. This is a good move to close that loophole to ensure that serious offences will result in jail time.

The bill introduces two new classes of serious offences. Category 1 offences — including murder, gross violence offences, rape, serious child sex offences, drug trafficking and cultivation of large commercial quantities of drugs — will require a court to impose a sentence of imprisonment, which is not to be combined with a CCO. For the category 2 offences a similar requirement applies, unless the court finds a special reason, and that will include things such as the offender having assisted law enforcement authorities with the prosecution or investigation of the particular case, being aged between 18 and 21 at the time of the offending and being able to prove psychosocial immaturity or being able to prove impaired mental functioning.

Those are the offences where this will be relevant. The member for Box Hill and other previous speakers have highlighted that certainly there are some other offences that probably should be included in these two categories, but at the very least this does ensure that what had been happening in the courts since the Boulton decision — that is, CCOs being applied to quite serious crimes — will be curtailed and brought to an end.

I want to pick up on comments made a little earlier by the member for Oakleigh. I quite like the member for Oakleigh, but I have to say that the end of his speech ranked among some of the worst rubbish I have heard in this place in the short time I have been here. As I understood it, and I am happy for him to correct me, he argued that there has not been a Liberal-Nationals or Liberal government that has put on new police since the Thompson government. The argument seems to be, and I am going to try and place it on the record, that in 2010 the previous Labor government put money in the budget for new police.

Ms Thomas interjected.

Mr D. O'BRIEN — Right. So that says that anything a previous government puts in place in its out years is not the responsibility of the incumbent government.

There are a couple of things I would like to bring up here on this issue. Last year I saw a press release from a government member for Eastern Victoria Region in the other place, Harriet Shing, about the opening of some new sports facilities in Traralgon. That press release said that these facilities were clear examples of the Andrews government's commitment to sport in the Latrobe Valley. What I found interesting about that was that both of the facilities the government opened at the time were funded by the previous coalition government. On the one hand we have the member for Oakleigh and others opposite who are now repeating this argument — saying that the coalition did not actually fund it and that Labor put it in the budget — but last year Labor members claimed credit for anything the coalition had done. I am sure that members on this side could outline a litany of similar projects and funding announcements that the current government has taken credit for, while government members are now trying to argue that anything that happened under the coalition's watch that was in the forward estimates when we came to government was not in fact the coalition's initiative but someone else's.

I will give another example that touches on the budget estimates hearings last year. This is quite topical this week; this is actually a good one. This week the government reintroduced the wild dog bounty. Last year, during the budget estimates hearings, we asked the Minister for Agriculture in the other place, Jaala Pulford, why the wild dog bounty was not included in the budget. The answer we got was that the former coalition government had not included it in the forward estimates. So it was not a cut by Labor; it was a cut by the former coalition government because we had not put it in the out years for the estimates. That is just as ridiculous as saying that any police that we funded in the last term of government were actually the Labor Party's police. To go back and say that it has been 38 years since anyone on this side of Parliament employed additional police is just wrong and is to out and out mislead the house. I would add, to the member for Oakleigh, that the previous coalition government promised 1700 police, and we delivered 1950. We also delivered 950 protective services officers. The complete rot coming from the other side is just staggering.

Equally, while we are on a bill like this, which has been brought forward by the Attorney-General, it has been a great surprise to me as a new member of Parliament that for the last two years, and in particular in 2015, so many of the bills that have been brought forward by the Attorney-General are in fact the work of the member

for Box Hill when he was Attorney-General. Now that is not out of the ordinary, and I can see the Attorney-General looking at me quizzically; he wants to respond but he knows I am right on this. It highlights the absurdity of the argument the member for Oakleigh was making about police numbers. Those on this side know that we have delivered increased police numbers and we have delivered increased community safety.

There is no doubt, and this bill in itself is evidence — and no other is needed — that the Labor government has stepped away from those issues of community safety. That is why we see crime rising by 13 per cent a year; that is why we have seen the weakening of bail laws. We now know the government realises it has a problem, because it is belatedly introducing legislation such as this. It should have done so soon after the Boulton decision in December 2014. I am not saying it should have been done immediately; we needed to see these things worked through. But it was very clear. The shadow Attorney-General, the member for Hawthorn, and the member for Box Hill have both highlighted the impact of the Boulton decision in this place for well over the past year. We have been calling for this for some time, yet it has taken almost two years since the Boulton decision for the government to act to move to close this loophole.

This is an important issue. Community safety is genuinely an area of concern. Police numbers in this state are not keeping pace with population growth. One thing I know the government will say is, 'We've introduced police custody officers'. What concerns me about that is that for the most part small rural stations are not getting them. Sale, in my electorate, has its first police custody officers (PCOs), but I am also aware that pressure is being applied by central command to many regional stations to give up their police to Melbourne so that they can deal with the rising crime there. So the police custody officers are not delivering the one-for-one increase in police numbers that the government would have the community believe; indeed potentially it is the opposite. As I said, there is pressure on our regional police areas to give up police numbers on the basis of, 'Hey, you've got these PCOs now'. That is of great concern.

I look forward to this bill passing. I think it goes a long way towards addressing the issues that have been around since the Boulton decision in 2014. It is a credit, I believe, to the member for Box Hill and in particular the member for Hawthorn, who has been campaigning for this for some time. He has long pointed out the problems caused by the Boulton decision. It has taken far too long for the government to respond to this by introducing this bill, but at least it has come now. I look forward to it passing as quickly as possible.

Ms THOMAS (Macedon) — It is a pleasure to rise today to speak on the Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016. Contrary to what we have heard from those on the other side of the house today, I want to make it very clear that the Andrews Labor government is absolutely committed to community safety. We always have been and we always will be. I am going to enjoy taking some time in my contribution to talk members through some of the many investments we have made to ensure the safety of our community.

The bill that the Attorney-General has introduced and which we are debating today is a very important bill. It moves to restrict the use of community correction orders (CCOs) for serious offences. These changes will ensure that when a person is convicted of a very serious offence, including murder, rape or the sexual penetration of a child under 12, the only option available to the courts will be a custodial sentence. In relation to other serious offences, CCOs will only be available in very limited circumstances.

The government, in particular the Attorney-General, has been very concerned about sentencing practices ever since the cumulative impact of the Baillieu and Napthine governments' reforms became clear. When we were in opposition in 2012, we supported the introduction of CCOs as a sentencing option and the abolition of suspended sentences and parole reforms. Prior to the 2014 election, the previous government passed a suite of reforms that expanded the use of CCOs.

The government agrees that community correction orders are a valuable sentencing tool but believes that the former government's broad regime went too far. In particular the Andrews government is concerned about the use of community correction orders in relation to serious offending, where a term of imprisonment would be the appropriate sentence given the gravity of the offence and the expectations of the Victorian community at large. The bill will restrict the availability of community correction orders and lesser sentencing options for very serious offences. It will also reduce the length of imprisonment that may be combined with a CCO from two years to one year or less. It will also reduce the maximum length of CCOs imposed by the higher courts to five years. The bill also makes some unrelated changes to the criminal law to clarify the circumstances in which a court must make a statement about the sentencing discount for a guilty plea, clarify that the historical homosexual conviction expungement

scheme applies to the Children's Court, tighten the definition of 'data controller' for the purposes of the scheme and repeal redundant written notice provisions in the Bail Act 1977.

As we have heard in this debate, there have been some conflicting points of view in terms of this government's and the Labor Party's commitment to keeping our community safe, and I would like to commend the member for Oakleigh for the way in which he so eloquently talked us through the commitments that have been made and funded by successive Labor governments to increase frontline policing in this state. Let us be very clear that when it comes to the party that will take the initiative to invest in additional frontline police it has only been the Labor Party that has delivered those promises and commitments and fully funded additional frontline police.

It is important also to note and to take the opportunity to acknowledge — again on the day that this government has awarded a deserved pay rise to career firefighters in this state — that it is only Labor that looks after our emergency services workers, be they police, be they firefighters, be they our paramedics or be they our nurses. It is only the Labor Party that invests in our frontline emergency services workers. I might say also it is the Labor government that is reinvesting back in the Country Fire Authority — looking after our volunteers and ensuring that they have a greater opportunity to get the equipment and the training that they need and deserve.

Community safety is and will always be an absolute priority of the Andrews government. Everyone needs to be safe in their communities, and the Premier has made it very clear on many occasions, as has the Minister for Police, that this government will ensure Victoria Police have the resources and powers they need to keep our community safe. We have spent more than $900 million on our police in just the first two years of government. That has meant another 1156 police officers, protective services officers and police custody officers to serve the community. That comes of course on top of the 1700 police officers that were fully funded in the 2010–11 Brumby budget. Let us be very clear: it was the Brumby Labor government that delivered all of those police. There was not one single initiative from those on the other side in terms of putting additional frontline police out on the beat.

While we are talking about police out on the beat, can I just make the point too that we hear a lot of grumblings from those on the other side about police stations and the hours that police stations are open. I commend the Chief Commissioner of Police for the proactive policing role that he is taking in ensuring as many of our frontline police as possible are out on the beat. That is where they will stop crime. That is how they prevent crime — with a visible police presence, not sitting behind a desk at a station but out on the streets. This is a government that continues to be serious about keeping our communities safe, and I am very proud of the investments that we are making in policing.

I also note the money that this government has invested — $19.4 million over the next two years — in the community crime prevention program, because we are a government that is serious about preventing crime in our community and about doing the hard work to make sure the crimes are not committed in the first instance. Now, $19.4 million is a significant investment. I am sure that my friend the member for Niddrie, Parliamentary Secretary for Justice, has had some role to play in ensuring this great commitment. Existing very popular grants programs, including the Public Safety Infrastructure Fund, the Community Safety Fund and graffiti prevention, are continuing.

We have heard a lot this week, I might say, of very ill-informed, incendiary commentary from some really underqualified commentators on the other side. To that end I point to some of the appalling comments that the member for Bayswater and the member for Mount Waverley have made about the Malmsbury Youth Justice Centre. The Malmsbury Youth Justice Centre is in my electorate and the people who work at the Malmsbury Youth Justice Centre are my constituents. I want to put on the record my concern for the safety of my constituents and my complete confidence in Minister for Families and Children, Jenny Mikakos, for the way she is managing our youth justice centres.

What those on the other side will not tell you and what they are not interested in at all are some of the complex backgrounds of those young people who are in Malmsbury. On this side of the house we will not give up on young people, unlike those on the other side who want to throw away the key on a 19-year-old or a 20-year-old. Let us be clear about some of those young people — 62 per cent were victims of abuse, trauma or neglect; 33 per cent presented with mental health issues; 23 per cent had a history of self-harm or suicidal ideation; and 22 per cent presented with issues concerning their intellectual functioning. These are young people that are in our youth correctional facilities. They need our support so that we can assist them to lead meaningful lives. Of course we will not stand for the riotous behaviour that we have seen, but we will not give up on these young people. We will not walk away, and we will not throw away the key. We do

not want a Don Dale here in Victoria. I commend the bill to the house.

House divided on motion:

Ayes, 78

Allan, Ms	McGuire, Mr
Angus, Mr	McLeish, Ms
Asher, Ms	Merlino, Mr
Battin, Mr	Morris, Mr
Blackwood, Mr	Nardella, Mr
Blandthorn, Ms	Neville, Ms
Britnell, Ms	Noonan, Mr
Brooks, Mr	Northe, Mr
Bull, Mr J.	O'Brien, Mr D.
Bull, Mr T.	O'Brien, Mr M.
Burgess, Mr	Pakula, Mr
Carbines, Mr	Pallas, Mr
Carroll, Mr	Paynter, Mr
Clark, Mr	Pearson, Mr
Couzens, Ms	Perera, Mr
Crisp, Mr	Pesutto, Mr
D'Ambrosio, Ms	Richardson, Mr
Dimopoulos, Mr	Riordan, Mr
Dixon, Mr	Ryall, Ms
Donnellan, Mr	Ryan, Ms
Edbrooke, Mr	Scott, Mr
Edwards, Ms	Sheed, Ms
Foley, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Guy, Mr	Staley, Ms
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hodgett, Mr	Thompson, Mr
Howard, Mr	Victoria, Ms
Hutchins, Ms	Wakeling, Mr
Kairouz, Ms	Walsh, Mr
Katos, Mr	Ward, Ms
Kilkenny, Ms	Watt, Mr
Knight, Ms	Wells, Mr
Lim, Mr	Williams, Ms
McCurdy, Mr	Wynne, Mr

Noes, 2

Hibbins, Mr	Sandell, Ms

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr PESUTTO (Hawthorn) — In relation to clause 1 my question for the Attorney-General relates to clause 1(a)(i):

> The purposes of this Act are—
>
> (a) to amend the **Sentencing Act 1991**—
>
> (i) to restrict the use by courts of non-custodial orders …

As I indicated in my remarks during the second-reading debate, we are certainly not opposing the model that the government has selected to deal with this problem of offenders being granted community correction orders (CCOs) when a custodial sentence is more appropriate, but I do have a query around the operation of the clauses which appear to impose mandatory sentencing. By that I am not talking about statutory minimum sentences, which are clearly in a different category. Statutory minimum sentences do not affect the judicial discretion to impose a custodial order but relate to the minimum sentence that is to apply if the court decides in its discretion to grant a custodial order.

I raise this not to cavil with what is proposed but principally because I seek an assurance from the Attorney-General about the proposed mandatory jail provisions that will apply to both category 1 and category 2 offences, albeit for category 2 there are potentially special reasons which might apply. Putting those to one side, is the Attorney-General confident that the legal advice that has come to government on this offers all of us an assurance that the bill is not susceptible in any way to a challenge, whether it is on Kable grounds or some other ground, the argument being — potentially from someone who might try to challenge it — that it might constitute an unjustifiable encumbrance on judicial discretion? Again, I do not ask to cavil with the provision but to seek an assurance that it will operate.

The Attorney-General might address this in light of the comment on the last page of the statement of compatibility, page 4:

> As noted above, the courts retain full sentencing discretion to impose a custodial order (other than a combined order) under division 2 of part 3 of the sentencing act in relation to a 'category 1 offence'.

I just seek clarification that what is intended by that sentence is that the court's sentencing discretion goes to the quantum of the sentence, if I could put it that way, rather than the question of whether to impose a custodial order because, as we know from the bill and supporting materials, the custodial order is to be imposed regardless of what the court might think about the seriousness of the offending in a given situation. I conclude by saying that we do not cavil with the clause as such but to seek an assurance that it will withstand a challenge.

Mr PAKULA (Attorney-General) — I was pleased to hear the member for Hawthorn indicate that the opposition does not cavil with the change. I think what

I might do, if it is all the same to the member for Hawthorn, is deal with the first of the issues that he raised, and maybe we will come back to the second one — he can restate that when I sit down.

The member for Hawthorn made assertions about the nature of the category 1 offences in particular and said that they differ from statutory minimums in that statutory minimums do not affect judicial discretion as to the question of whether or not someone is incarcerated. When one actually looks at the statutory minimum provisions that have been imposed in other acts, the first example being the statutory minimum sentences for intentionally causing serious injury in circumstances of gross violence or recklessly causing serious injury in circumstances of gross violence, the way those provisions operate is that there is effectively an effect on of judicial discretion unless the court determines that a special reason exists. To say that they do not affect judicial discretion, I think, is inaccurate.

In regard to the provisions here and the specific question that the member for Hawthorn asked about whether I can assure the house or guarantee the house that this bill is not susceptible to challenge, of course to provide the house with an assurance or a guarantee of that nature would, I would suggest to the member for Hawthorn, be almost like daring someone to prove us wrong. The fact is that no minister, no Attorney-General, can give an ironclad guarantee about what approach or what decision a court may come to in the circumstances where the legitimacy of a bill or an act of Parliament is challenged.

What I can say is that the legislation has been drafted to withstand challenge. We believe that the legislation would so withstand a challenge. We believe it is legitimate in that sense. I am in no more of a position to give a guarantee to the house about how this legislation might fare if challenged than indeed the member for Hawthorn would have been or the member for Box Hill would have been, had I asked that of him in regard to the baseline sentencing legislation. I am sure that the member for Box Hill, had I asked the question at the time, would have expressed a belief that it would withstand challenge. As it turned out, it did not.

I am not editorialising about that. I am simply making the point that all ministers, all government departments and the Office of Chief Parliamentary Counsel draft bills in a way that they believe is appropriate in order to withstand challenge. We believe that to be the case, but if the member for Hawthorn is seeking an absolute guarantee about that, it is something that I am unable to provide.

Mr PESUTTO (Hawthorn) — I thank the Attorney-General for his answer. I certainly do not expect a rock-solid guarantee, and none can be provided in these sorts of matters. I would be quite content, though, if the Attorney-General could advise the house if, in addition to the normal advice that accompanies the chief parliamentary counsel's work on these matters, there is advice from the solicitor-general or any other seasoned jurist on this, because my understanding — and I am happy to be corrected — is that we do not have existing provisions on the statute books that actually require a court to impose a custodial sentence upon a finding. I could be wrong, and again I do not want my question to be confused with opposition to the proposal. It is more: is there at least advice that backs up the approach that is taken in the bill?

Mr PAKULA (Attorney-General) — Again, I would simply say in response to that that when a bill of this nature is drafted not only does the government seek advice but the government engages in consultations, and in this case we did engage in consultation with the courts. Based on the advice that we have received and the consultations that we have undertaken — and we do not for a moment believe that everybody is entirely enamoured with the provisions of the bill — we do believe that the bill is sound.

Mr CLARK (Box Hill) — I raise with the Attorney-General paragraph (a)(i) of the purposes clause in relation to restricting the use by courts of non-custodial orders. Of course the principal way the bill does that is by listing category 1 and category 2 offences for which custodial orders either must be given or must be given unless there are truly special reasons, but I raise with the Attorney-General whether consideration was given by the government in addition to that to the potential to provide some qualitative guidance to the courts about the circumstances in which CCOs may not be given — for example, a CCO should not be given if an offender poses an unacceptable risk of further violent or dangerous offending.

The advantage of course of some qualitative guidance in addition to the list of offences would be that there are a large number of offences not covered by the list, which could therefore continue to receive a purely non-custodial sentence in circumstances where there was a risk of further violent or dangerous offending or where other criteria that the community might want to see observed were not being observed, so I ask the Attorney-General whether the government gave consideration to that, and if it did, why did it conclude that it was not advantageous to include guidance such as that in the bill?

Mr PAKULA (Attorney-General) — I thank the member for Box Hill for his question; it is a good question. I think the best way for me to answer that is to say that this was, as I am sure the member for Box Hill appreciates, a particularly difficult construction. There was a particularly difficult set of considerations in the question of how best to restrict the use of community correction orders to those circumstances where it would be believed by government, by the Parliament and by the community more generally to be appropriate.

There were various possible approaches to that considered because, to put it bluntly, it was very difficult to take the law back to a point in time where the community correction order was first brought in and to then ask the courts to give consideration of what might have been appropriate in an environment where, for instance, suspended sentences still existed. For example, it would have been difficult, if not impossible, to say in legislation that community correction orders should only be given for the types of offences that but for the abolition of suspended sentences might have attracted a suspended sentence. It would have been very difficult to legislate in such a way where you could say a community correction order should not be given in the circumstances where prior to the existence of a community correction order a prison sentence of two years or more would have been applicable.

All of those types of constructions were given consideration and were the subject of discussion. I can simply say to the member for Box Hill that the form of circumscribing that exists in the bill is the form that the government landed on after long consideration was given to other possible approaches.

Mr HIBBINS (Prahran) — In regard to clause 1 and limiting the use of community correction orders or non-custodial orders — obviously this bill does it by not having those applied to serious offences — I refer to the minister's second-reading speech and the examples given from 2015 when there were three rape convictions that got community correction orders. I would certainly be interested to know if the minister could advise us whether the Director of Public Prosecutions appealed those sentences and what was decided. Were they upheld on appeal? And if they were, what were the substantive or mitigating circumstances to have them upheld on appeal?

Mr PAKULA (Attorney-General) — I thank the member for Prahran for his question. I am not in a position to provide the member with details about those cases. I am, however, in a position to tell him that, as I understand it, they were not appealed. But I should also say to the member for Prahran that it is not at all uncommon for the Director of Public Prosecutions (DPP) to decline to appeal against a sentence, notwithstanding the fact that that sentence may be considered to be entirely unacceptable to the DPP or to the community more generally. The reason for that is that the DPP needs to apply a pretty simple matrix when it makes these decisions about whether to appeal. It is about whether or not that appeal has any prospect of success and whether the sentence is in line with current sentencing practice. So it may well be that even though a decision to sentence someone to a community correction order for a rape may be considered wholly inappropriate, the DPP may yet come to the conclusion that there are no great prospects of success in such an appeal. I do not consider that in any way determinative in terms of someone who might assert that therefore a CCO for a rape was appropriate.

Clause agreed to.

Clause 2

Mr PESUTTO (Hawthorn) — My question for the Attorney-General relates to the commencement of the provisions, and I note that the latest date by which the act is to come into force is 2 October 2017 — nearly a year away. Does the Attorney-General expect that there is any possibility of the provisions commencing before that time, and if not, why not?

Mr PAKULA (Attorney-General) — I thank the member for Hawthorn for his question. It is a good question, and it is a reasonable question. I make two points in response. Firstly, the bill has not yet passed the Legislative Council. It has not yet passed the Legislative Assembly, but it has not passed the Council. It would certainly be my expectation that the bill will be brought on and debated in the Council before we rise for a well-deserved break at the end of this year. Hopefully we will see passage of it through the Council before the end of the year.

As the member would be aware, once legislation is passed you need a reasonable lead time in order to discuss with the courts and other justice stakeholders what changes might need to be put into effect in order to prepare for legislation of this nature. The substance of the member's question, though, was: 'Does the government anticipate that the legislation will come into effect before October 2017?'. The answer is yes. I do not believe it will take 12 months for those preparations of which I spoke to occur, so it would be my anticipation that that date, which is, as the member knows, the latest possible date, will be beaten by a period of months.

Mr WATT (Burwood) — My question takes note of the answer that the Attorney-General has just given with regard to clause 2, particularly subclause (3), and the latest date it could come into effect. I note the seriousness of some of these offences that we are talking about and some of the contributions that people made to the second-reading debate around the seriousness of this and the problem that appears to have been identified. I note that on 22 December 2014 the Boulton case actually brought this to light. Effectively it expanded the community correction orders to serious offences, which clearly was not the intention of the government at the time. I am sure that when the opposition at the time, the current government, supported that bill, it did not envisage that the use of CCOs would be expanded to such serious offences.

The fact is that we are talking about some serious offences. I understand the Attorney-General said he would not expect it to take until October 2017, but if that were the case — and even if it were the end of this year — we are still talking about two years from the Boulton case to when it could be possibly enacted and maybe some 2 years and 10 months under this bill. My question is: why has it taken the government so long to address a problem which clearly they identified and which was identified on 22 December 2014, one which I know the shadow Attorney-General was talking about at around that time and making it very clear that we needed to fix this problem? Why has it taken the government so long to fix this problem?

Mr PAKULA (Attorney-General) — I thank the member for Burwood for his question. It seems that we might spend the next few minutes on this frankly wholly pointless debate about whether it was Boulton or whether it was the changes that the former government made to legislation before the 2014 election and this debate about how long is it reasonable for a system to be observed after a Court of Appeal decision or after a legislative amendment to see the effect of those changes before you turn around and legislate immediately again.

For the record, one of the frustrations of being the minister who tables the second-reading speech is that you do not get to participate in the debate, so I thank the member for Burwood for providing me with that opportunity. I will say a couple of things, and I say these things without intending to inflame the debate and without intending to cast aspersions on any person or on the former government. I simply make this point. To the extent that the use of community correction orders has increased, and they did increase dramatically from the beginning of 2015 on, that would have been a combination of the changes that were made by the former government when they increased the maximum combined sentence from three months and a CCO to two years and a CCO. It would have been partly that, and it would have been partly Boulton. To engage in an argument that says it is either one or the other is frankly a nonsense, because it would be partly both.

I say this to the member for Burwood. In 2014 there were 1013 combined orders imposed in the Magistrates Court and in 2015 there were 2028, so they almost exactly doubled, and in the higher courts they went from 96 to 356. I do not know if anyone is going to seriously claim that increasing the period of imprisonment that could be combined with a CCO from three months to two years did not contribute at least in part to that very large increase in combined orders. Of course it did. As for Boulton, yes, the Court of Appeal decision in Boulton clearly had a role to play in increasing the usage of community correction orders.

I am reading here from the judgement of the Supreme Court of Victoria Court of Appeal in the case of *Boulton v. The Queen*. The date of this judgement is 22 December 2014, so it was fully 18 days after we came to government. The Court of Appeal quotes the submission of the former Attorney-General — favourably, I might add. I know that the member for Box Hill was not down at the court himself making these submissions, but I imagine it would have been the then solicitor-general on behalf of the government of the day who made a submission to the court. It states:

> … the CCO
>
> > is intended to be available in serious cases where an offender may be at risk of receiving an immediate custodial sentence, but the court considers that immediate custody is not necessary to fulfil the statutory purposes of sentencing given the range of options provided by a CCO.

The judgement continues:

> In this sense, the attorney submitted, the CCO has ‘the robustness and flexibility to be imposed in a wide variety of circumstances’. We agree.

That is the court saying, ‘We agree’.

I understand the opposition, the former government, says that Boulton took the application of CCOs beyond what the former government intended and, to use the member for Hawthorn’s words, I do not cavil with that, but I do say that there were submissions made to the court in *re Boulton* by the government of the day that said that CCOs could be used for relatively serious types of offending. I also say that the increase from three months to two years had an impact as well.

Then I come to the substance of the member for Burwood's question, which is: why has it taken so long? I understand that it is incumbent on the opposition in circumstances such as those that have abided for the best part of this year to say, 'Do it! Do it! Do it! Come on, what's taking you so long?', but I think I have partially responded to that in the answers I have given to date. It is partly because once you have a legislative change, which happened very late in the former government's term, followed by a Court of Appeal decision, which was handed down very early in the new government's term, I think the responsible thing to do is spend some time discerning what the impact of those changes are before you rush to make yet more changes.

It is also true to say that subsequent to Boulton there have been other cases at the Court of Appeal — I think one of them being McGrath — which have actually served to constrain Boulton. Some of what you might describe as the most worrisome elements of Boulton actually did not come to pass as a consequence of some other Court of Appeal cases which constrained its application. That is the first part of the answer — that I think we are entitled to see how it operated.

Secondly, as I have described in a previous answer, these changes are very complex, and even having landed on these changes as they now lie before the Parliament the opposition raises some legitimate questions about the application of category 1 and the application of category 2. They are not incorrect when they say that in some respects these are quite different to things that have been brought before the Parliament previously. I would hope that the member for Burwood would consider that to be a fulsome answer to his question. There were a number of circumstances that led to the extension of the use of CCOs. There were a number of things that I think we were entitled to see in operation. The drafting of this legislation has been quite complex, but I am glad that we are about to have at least this house of the Parliament pass it.

Mr CLARK (Box Hill) — I need to take issue with some of the characterisations of the reasons for the time lines given in the Attorney-General's response to the member for Burwood. The Attorney-General quoted from the submission that I as the then Attorney-General made to the Boulton case. However, I think he put an unjustified interpretation on the submission that I made, which referred to circumstances where an offender might be at risk, and I emphasise the words 'at risk', of receiving an immediate custodial sentence, but the court considered that an immediate custodial sentence was not necessary, and again I emphasise 'not necessary', to fulfil the statutory purposes of sentencing given the range of options provided by a CCO.

The submissions that I was making there were about cases that may be at the margin between going to jail and not going to jail. They did not extend in the direction that the Attorney-General may have been alluding to, which some of his colleagues in the past have been more explicit in correctly ascribing to me. The references in submissions to the court in relation to the seriousness of offences — and 'seriousness' can be a relative term — were used in a similar context to the way they were referred to in the second-reading speech that introduced CCOs, which talked about their being a flexible and practical approach to community-based sentencings that could be tailored to suit the very wide range of offending which, while serious, and I emphasise the words 'while serious', does not warrant a sentence of imprisonment. So in that context 'serious' is referring to those at the serious end of the spectrum of sentencing that deserve a community-based order. I think it is important to bear in mind that context.

I also point out that indeed the Court of Appeal in the Boulton decision disagreed with the submissions that I put forward in relation to when CCOs would be available because, as they said in paragraph 132 of their judgement:

> The Attorney-General submitted that even a lengthy CCO would not be appropriate in cases of culpable driving or manslaughter, unless there were 'very exceptional circumstances'.

Obviously the Court of Appeal took a different view as to what the intentions of Parliament were; hence the problem we are trying to sort out today.

The Attorney-General also indicated in referring to complexity the use of combined orders and cited figures again that he used in his second-reading speech about the increase in combined orders in 2015. I think one of the big factors that may well have contributed to combined orders was the coming into full operation of the abolition of suspended sentences. To that extent it is actually a reflection of the policy objectives of the previous government that jail should mean jail and when a person is not sent to jail, a court should explicitly sentence that person to a community correction order. Indeed what seems to have been happening is a combination of jail and community correction order; hence a combined order.

The Attorney-General implied in his remarks that the increase in combined orders was a problem, but a combined order in fact indicates that people who are placed on them are serving a period of jail time and

then going on to a community correction order after that. So if one is going to be critical of the number of combined orders being made, one needs to assess whether that is resulting in lesser jail terms than otherwise, and that might be a point to be examined further on in consideration in detail as to whether the shortening of the maximum available jail term from two years to one year is actually going to result in more people spending longer time in jail or whether it is going to mean that they still get a combined order with just one year in jail and community correction after that.

I also want to come back to the point in relation to clause 2 that the member for Hawthorn raised about the government's intentions as to the commencement of the legislation. To be fair to the Attorney-General, he responded directly to the points that were raised by the member for Hawthorn, but I would like to get some indication from the government that the government realises the urgency of getting this legislation actually operational and getting it into effect so that the damage that is currently being done as a consequence of the Boulton decision can be drawn to a halt.

I would invite the Attorney-General to give some degree of commitment to this house and to the community about there being a sense of urgency in getting this on the statute books and operational as quickly as possible and making sure that any necessary administrative tasks that may be involved with that are completed as fast as they can be.

Mr PAKULA (Attorney-General) — Well, I will take the 4½ minutes of the member for Box Hill's contribution as a comment rather than a question, and I will leave it at that. As for the second part, or the last 30 seconds, yes, I can say to the member for Box Hill that we brought this matter to this house as quickly as we could. We have sought the agreement of the opposition, which I understand has been provided, to ensure that it will be dealt with in the other place before the end of this year. I say to the member for Box Hill, to the house and in fact to all Victorians that we will have this bill commenced, up and running and applying as quickly as we possibly can. I know that the member for Box Hill has not sought from me an exact date, and I thank him for not doing so because I think having occupied this role for four years he would appreciate the fact that it would be impossible to provide one. We will have this bill commenced as quickly as we possibly can.

Clause agreed to.

Clause 3

Mr WATT (Burwood) — Looking at clause 3 and going through the definitions, I want to preface my question by stating that for my electorate law and order — community safety — is one of the largest things playing on people's minds. I had a law and order forum only last week. We had a very, very large crowd where many people expressed a lot of concern about law and order in the electorate. When you consider that, say, the Ashburton police station has had a massive reduction in hours — from seven days a week back to two days a week — or even that the Burwood police station has been completely closed since February last year, I know this is playing on people's minds.

I sent a petition out to parts of my electorate noting the 64 per cent cut in the hours of the Mount Waverley police station. I have received over 2000 replies to that petition. It is not just the pure number of people who have replied to my petition but, moreover, it is the particular issues that people are facing and the particular problems that people have to deal with. I have spoken before in recent weeks in this chamber about the sort of words I am hearing out of the mouths of my constituents that I previously have not heard — words like 'drive-by shootings', noting that in July this year there was a drive-by shooting. Six bullets were put into a house — actually, some of them went into a tree. Then a couple of weeks later the same house suffered the same actions — more drive-by shootings and more bullets into the house. I was contacted by a constituent about that. I have had other constituents contact me about home invasions and carjackings in Glen Iris. It is interesting; I had not actually had people contact me about these crimes in my electorate.

I note that clause 2 does talk a little bit about drugs of dependence — I think it is large commercial quantities. The question I have, I suppose, is that when you consider the fact that another particular incident I had someone contact me about was a shooting in the street — a particular person was shot in a street, and that person had left the scene before the police arrived — if the offender was captured and taken to court for that particular incident or for the drive-by shootings that happened around the corner from there or for the carjackings or home invasions that happened not too far from there as well, would any of those offences be caught up in this bill? Would those offenders, if they got to court, actually be able to receive a community correction order, or would those serious offenders not be able to receive a community correction order? I know that constituents in my electorate would be very concerned if someone who committed a drive-by shooting, when found guilty, were out on the streets again. That is my question.

Would any of those particular offences — carjackings, drive-by shootings, home invasions — be caught up by this bill?

Mr PAKULA (Attorney-General) — I suspect, without knowing for sure, that the member for Burwood knows the answer to his own question because the bill makes it quite clear which offences are in category 1 and which offences are in category 2. All the member for Burwood needs to do is read clause 3 and the question will be answered for him.

I make two other points. One is that we need to be clear as a Parliament about what we are doing here. All of us, whether it is our government or the former government, and whether it be the introduction of statutory minima for certain offences, whether it be the introduction of baseline — although baseline fettered the courts much less than statutory minima — or indeed this legislation, need to understand that what we are doing is either removing or seriously circumscribing the ability of the courts to impose certain outcomes for certain offences. So you place those limitations in an extremely careful way, and you place them only where absolutely necessary. What we have done in regard to category 1 — that is category 1 where a CCO may not be imposed — is to limit that to the most serious offences.

Category 2 offences are those which we would describe as the next most serious. They are offences where a CCO may only be imposed if a special reason exists. The construction of the special reasons provision, which was introduced by the former government as part of their legislation regarding the intentional or reckless causing of serious injury in circumstances of gross violence, has been retained for these offences in category 2.

I should also indicate to the member for Burwood that, as he may recall, aggravated carjacking or aggravated home invasion are offences to which a statutory minimum of three years imprisonment applies. It would depend in regard to the home invasion or the carjacking whether they are an aggravated carjacking or home invasion, so they may indeed have a statutory minimum sentence that applies. Beyond that, as I said, I think those offences which are in category 1 and category 2 in this bill are readily apparent to the member if he chooses to read the clause.

Mr CARROLL (Niddrie) — I also have a question for the Attorney-General, if I may, on clause 3, and it is similar to the question from the member for Burwood which dealt with definitions. I will not read out — I can see clearly before me — all the category 1 and category 2 offences, but like the member for Burwood said, the definitions include references to the Drugs, Poisons and Controlled Substances Act 1981.

I do want to congratulate the Attorney-General on the expansion of the Drug Court in Melbourne. I think that does need to be noted during this debate. That will go a long way to assisting community safety, and that is something you should be congratulated on. But I do realise that in category 1 and category 2 the definitions of those serious offences, and the less serious offences as well, are outlined.

I think it is important, though, that there is that exemption, if you like, in relation to special reasons in that courts will only be able to apply a CCO or other non-custodial sentence for a category 2 offence if special reasons can be demonstrated — special reasons including that the offender has assisted or undertaken to assist in the investigation or prosecution of an offence; or the offender is aged over 18 but under 21 at the time of the offence and can prove a particular psychosocial immaturity; or the offender can prove impaired mental functioning; or the court imposes a court secure treatment order, or residential treatment order; or there are other substantial and compelling circumstances that justify not making a custodial order, having regard to Parliament's intention that a custodial order be implemented.

Could the Attorney-General please outline for the house in relation to the category 1 offences, which very much deal with the most serious crimes in Victoria, such as murder, causing serious injury intentionally or recklessly in circumstances of gross violence, rape and the most serious child sexual offences, including incest — and I also understand how the bill provides that when sentencing a person for a category 1 offence a court must impose a custodial order — how there will be no exemption in relation to imposing a custodial order?

In relation to category 2 offences, as outlined in clause 3 and in the definitions — category 2 offences are other serious criminal offences and include manslaughter, child homicide, causing serious injury intentionally, kidnapping, arson causing death, trafficking or cultivating a drug of dependence in a commercial quantity and providing documents or information facilitating a terrorist attack — a court must impose a custodial order, other than a combined order, when sentencing a person for a category 2 offence unless the court finds that one of the special reasons provided for in the bill exists.

This legislation has had a lot of work put into it. It is a simple bill in many respects. The definitions of category 1 and category 2 offences are clearly outlined

in clause 3. I understand the legislation also deals with the Historical Homosexual Conviction Expungement Scheme and there are some minor reforms in the bail area.

As the member for Burwood highlighted in relation to drugs, we remember that the opposition had a policy dealing with crystal methamphetamine, which was to put more sniffer dogs on the street, whereas the Andrews Labor government has a policy of looking at international best practice. We have an ice action task force led by the Premier, because the buck does stop with the government. We actually get on and do things, whether it be rehab, whether it be looking at the court integrated services program or whether it be the expansion of the Drug Court. In four years we would have done something in that area. We had the best crystal methamphetamine inquiry, chaired by Mr Ramsay in the other house, but the previous government laid to waste that investment.

In clause 3 we deal with the Drugs, Poisons and Controlled Substances Act 1981, but nothing was done in that area by the previous government for four years. When you look at the definitions of category 1 and category 2 offences, you see they are broad ranging, but they deal with the very nub of community safety and community harm. This legislation will ensure that community expectations are met.

In relation to the definitions I ask the Attorney-General if he could outline some of the special reasons that may be able to be demonstrated in relation to those category 2 offences, where the court will be able to impose a CCO other than a non-custodial sentence for a category 2 offence.

Mr PAKULA (Attorney-General) — I thank the member for Niddrie for his question. Given the shortage of time and given the fact that I understand the member for Box Hill wants to ask one more question, I simply say that the special reasons provisions are identical, unless someone was to suggest otherwise, to those that have been in place previously, particularly those that were first introduced in regard to intentionally causing serious injury in certain circumstances of gross violence.

Clause agreed to.

Clause 4

Mr CLARK (Box Hill) — I raise briefly three issues for the Attorney-General's consideration. First of all, I am surprised that this has been put in as a sentencing guide. I do not think it is genuinely a guideline; it is more a prescription for the court, and that has the unfortunate consequence that a whole lot of other provisions throughout the Sentencing Act need to be qualified in relation to it. I do question the logic of why that is done. I reiterate the point I made in the second-reading debate that simply mandating a custodial sentence does not say anything about the length of that sentence. I wonder if the Attorney-General has views as to how to deal with that risk?

Finally, as the Attorney-General rightly says, while this provision does very closely follow the special reasons provisions, on my reading of the bill it does not have the equivalent of section 10A(4)(a) — that if a court makes a finding as to special reason, it must state those special reasons in writing and cause that reason to be entered into the records of the court. Am I correct in my reading that that is not required for these provisions, and if that is the case, should it be so required?

Mr PAKULA (Attorney-General) — I take the first comment about the insertion of sentencing guidelines really as a comment, and I would be happy to have a further discussion with the member if he so wished. In regard to what he says about the fact that a custodial sentence is required in regard to category 1, we do not impose minima, that is correct, with the rider that some of those offences have statutory minima through other legislation. In regard to the last question, his assertion is correct.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Clause agreed to; clauses 5 to 26 agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Second reading

Debate resumed from earlier this day; motion of Ms HENNESSY (Minister for Health); and Mr CLARK's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to ensure there are adequate safeguards and clear

and effective procedures in relation to the making and implementation of advance care directives and the appointment of and decision-making by medical treatment decision-makers'.

The DEPUTY SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 44

Allan, Ms	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Foley, Mr	Sandell, Ms
Graley, Ms	Scott, Mr
Green, Ms	Sheed, Ms
Halfpenny, Ms	Spence, Ms
Hennessy, Ms	Staikos, Mr
Hibbins, Mr	Suleyman, Ms
Howard, Mr	Thomas, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Noes, 31

Angus, Mr	Paynter, Mr
Asher, Ms	Pesutto, Mr
Blackwood, Mr	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Hodgett, Mr	Thompson, Mr
Katos, Mr	Victoria, Ms
McCurdy, Mr	Wakeling, Mr
McLeish, Ms	Walsh, Mr
Morris, Mr	Watt, Mr
O'Brien, Mr D.	Wells, Mr
O'Brien, Mr M.	

Amendment defeated.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 17, lines 27 and 28, omit "an authorised witness" and insert "a registered medical practitioner".

2. Clause 17, line 29, omit "authorised witness" and insert "registered medical practitioner".

3. Clause 136, lines 23 to 25, omit all words and expressions on these lines and insert—

'(1) **Insert** the following heading to section 42 of the **Guardianship and Administration Act 1986**—

"**Unlawful consent to special medical procedure an offence**".'.

4. Clause 141, lines 26 to 29, omit all words and expressions on these lines and insert—

'(1) In the heading to section 42E of the **Guardianship and Administration Act 1986**, after "**special**" insert "**medical**".'.

Third reading

Motion agreed to.

Read third time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL 2016

Second reading

Debate resumed from earlier this day; motion of Mr PALLAS (Treasurer); and Mr M. O'BRIEN's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to —

(1) take into account further consultation about the proposed amendments to the Planning and Environment Act 1987 in relation to the growth areas infrastructure contribution; and

(2) retain the remaining provisions of the bill'.

The SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment of the member for Malvern should vote no.

House divided on omission (members in favour vote no):

Ayes, 44

Allan, Ms	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Foley, Mr	Sandell, Ms
Graley, Ms	Scott, Mr
Green, Ms	Sheed, Ms
Halfpenny, Ms	Spence, Ms
Hennessy, Ms	Staikos, Mr
Hibbins, Mr	Suleyman, Ms
Howard, Mr	Thomas, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Noes, 33

Angus, Mr	O'Brien, Mr M.
Asher, Ms	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Ryan, Ms
Clark, Mr	Smith, Mr R.
Crisp, Mr	Smith, Mr T.
Dixon, Mr	Southwick, Mr
Fyffe, Mrs	Staley, Ms
Gidley, Mr	Thompson, Mr
Hodgett, Mr	Victoria, Ms
Katos, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr
O'Brien, Mr D.	

Amendment defeated.

The SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 44

Allan, Ms	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Foley, Mr	Sandell, Ms
Graley, Ms	Scott, Mr
Green, Ms	Sheed, Ms
Halfpenny, Ms	Spence, Ms
Hennessy, Ms	Staikos, Mr
Hibbins, Mr	Suleyman, Ms
Howard, Mr	Thomas, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Noes, 33

Angus, Mr	O'Brien, Mr M.
Asher, Ms	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Ryan, Ms
Clark, Mr	Smith, Mr R.
Crisp, Mr	Smith, Mr T.
Dixon, Mr	Southwick, Mr
Fyffe, Mrs	Staley, Ms
Gidley, Mr	Thompson, Mr
Hodgett, Mr	Victoria, Ms
Katos, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr
O'Brien, Mr D.	

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (ABOLITION OF THE PENALTY FARES SCHEME) BILL 2016

Second reading

Debate resumed from 26 October; motion of Ms ALLAN (Minister for Public Transport).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ALPINE RESORTS LEGISLATION AMENDMENT BILL 2016

Second reading

Debate resumed from 25 October; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Accessible trams

Mr HODGETT (Croydon) — (11 923) I wish to raise the matter of the lack of low-floor trams on so many of Melbourne's tram routes. I seek action from the Minister for Public Transport to inform the community when it can expect to see accessible trams on these routes.

Labor has boasted that 41 of the E-class trams, with their numerous unresolved defects as highlighted in the Interfleet report that was on the front page of the *Herald Sun*, are now operating on routes 11 and 96 and soon on route 86. However, many more routes, such as Melbourne's longest route, route 75 to Vermont South, the 3, 3A, 64 and 67 down St Kilda Road to East Malvern, Brighton East and Carnegie respectively, the 78 along the iconic Chapel Street from Balaclava and Prahran to North Richmond, the 57 to west Maribyrnong, the 82 between Footscray and Moonee Ponds, the 59 to Airport West and the 55 — soon to be 58 — from the Domain interchange to West Coburg, continue to lack a single low-floor tram.

This not only disadvantages commuters in suburbs like Ascot Vale, Burwood, Caulfield South and Prahran but also visitors to major hospitals such as the Royal Children's Hospital in Flemington Road. In addition, with summer coming up, routes like 3, 64 and 67 to the south-eastern suburbs hardly ever have air-conditioned trams as the B2 class that have air conditioning are a small minority of the fleet at Glenhuntly depot. This is compounded by numerous so-called short workings, where trams reverse prior to their timetabled terminus, ensuring commuters wait longer or have to walk.

Ignoring commuters in the south-eastern and eastern suburbs who, as the community ages, need low-floor trams is typical of Labor. The minister must explain when travellers can expect to see low-floor trams on these many routes. The action I seek from the Minister for Public Transport, who is in the house, is for her to inform the community when it can expect to see accessible trams on these routes.

Casey Hospital

Ms GRALEY (Narre Warren South) — (11 924) My adjournment matter is for the Minister for Health and concerns Casey Hospital. The action I seek is that the minister ensure further support is provided to improve staff and patient safety in the emergency department of Casey Hospital, an outstanding hospital that works valiantly to meet the needs and demands of our fast-growing local community. The Andrews Labor government is already investing $135 million into a massive expansion of the hospital. The expansion will deliver 160 new beds, 4 additional operating theatres, an intensive care unit and a day surgery unit. I know local residents are excited about the project, and I look forward to working with them as part of the community advisory group for this much-needed project.

I recently met with the hardworking team at Monash Health to discuss this project and any issues they may be facing at Casey Hospital. They raised with me their concerns about behaviourally challenged patients that may be angry or upset. Current practice at Casey Hospital is to deal with behaviourally challenged patients by placing them in a single room located in the middle of the emergency department. Ambulance and police staff can only access this room by taking patients through the main emergency department where patients are waiting for treatment. To avoid placing staff and patients in the emergency department at risk, Monash Health is proposing to create a behavioural assessment room. This room will enable staff to manage a person's behaviour by removing the patient from the public area and placing them into an allocated room at the front of the emergency department. There will also be direct access to this room from the ambulance bay area.

To ensure their proposal becomes a reality, Monash Health have applied for a grant from the Health Service Violence Prevention Fund, a fund set up by this government to address violence in healthcare settings and reduce violence against hospital staff, a really

worthy project. I urge the minister to ensure that Monash Health receive the support they need to construct their behavioural assessment room.

Ovens Valley constituent

Mr McCURDY (Ovens Valley) — (11 925) My adjournment matter is to the Minister for Energy, Environment and Climate Change, and the action that I seek is that she commit to a formal review of the decision by the government to not acquire land owned by Mrs Anne Briggs of Ovens or compensate her for an environmental disaster.

By way of context, in 2015 a landslide occurred in Ovens, a small community near Myrtleford. Mrs Briggs's home was destroyed by this landslide, and she is currently negotiating with her insurer, which will negotiate a settlement for the building but not the land. The land that Mrs Briggs owns is now useless in that it cannot be rebuilt on, due to the unstable nature of the land with an ongoing watercourse going down the valley in which she lives. Mrs Briggs has sought assistance from the government and the minister's office, which she has formally been denied. It is clear that the damage to her property is the direct result of fires that apparently got away during a planned burn which destabilised the land and which then allowed dead burnt trees to change the watercourse onto Mrs Briggs's property.

I wish to make it clear that the insurance policy covers the buildings and fencing on the land, not the land itself. The minister's letter states that the Department of Environment, Land, Water and Planning has been raising the issue with council and liaising with them; however, it is my understanding that this is to assist in recouping their costs rather than Mrs Briggs's costs. Initially the insurer spent a large amount of time and money clearing rubble, cleaning the house and stripping out plaster and woodwork. Since the landslide, considerable amounts of rubble and water have continued to come down to the back door and to the side and front of the building.

This land is now unsafe and continues to erode. It is absolutely useless for planting or for rebuilding. It is now 10½ months since the event. The insurance company is negotiating in good faith with regard to the replacement of the building and fences, but the government now refuses to assist Mrs Briggs, who has an environmental disaster on her hands and a block of land that cannot be rebuilt on. Again I seek a formal review of this decision, and I would be more than willing to meet on site with any agency that is prepared to discuss this important issue for Mrs Briggs.

Bulla–Keilor–Mount Alexander roads, Essendon

Mr PEARSON (Essendon) — (11 926) My adjournment question is directed to the Minister for Roads and Road Safety, and the action I seek is for the minister to convene a meeting between myself, the City of Moonee Valley, Laura Docherty from the North Essendon Traders Association and VicRoads to discuss options to signalise the Bulla Road, Keilor Road and Mount Alexander Road roundabout. This roundabout is incredibly busy with the route 59 tram, cars, motorbikes, cyclists and pedestrians all using it, often at the same time. The roundabout has been the scene of a number of collisions over recent years, and I fear that with the increasing level of residential infill this may increase. A meeting to discuss options to make this safer would be most welcome.

Public transport fare evasion

Ms ASHER (Brighton) — (11 927) The issue I have is for the Minister for Public Transport, and the action I seek from her, and I am sure she will enjoy this, is to provide me with the paperwork or the evidence to support her claim that people who live in Brighton are guilty of fare evasion. I woke one morning in September — indeed on 7 September — to an article in the *Age* which stated:

> Some of Melbourne's wealthiest suburbs have the highest rate of fare evasion, according to new figures compiled by Public Transport Victoria.

Then I heard the minister on radio and I saw the minister on television. She did a range of interviews saying she was disappointed, with a very sad face, that people who could afford to pay their fares were not paying, or words to that effect. The minister was very, very happy to kick this along.

So I went and looked for a document called *Victorian Official Fare Compliance Series May 2016*. I looked for evidence that people from Brighton do not pay their fares. On page 23 it does say that fare evasion on the Sandringham line is estimated to be 3 per cent; it does say that. However, in a very, very comprehensive 28-page document that provides a lot of information, I could not find any evidence that people from Brighton were avoiding paying their fares. For those who are unfamiliar with the Sandringham line, North Brighton, Middle Brighton and Brighton Beach are the three Brighton stations. There are a lot of other stations on the Sandringham line.

So I looked further in this document. There are lots of categories of fare evasion in this document: no ticket,

runner, full-fare breach, concession breach, no entitlement — —

Mr Burgess — It is a technical term.

Ms ASHER — It is a technical term. Then I read about the data collection methodology outlined on page 5. The survey's scope was outlined, but nowhere in the document does it say that people were asked for their addresses in this fare evasion survey. A 28-page document, and nowhere were they asked for their addresses.

I know the minister would not make up a thing. That is why I am asking her to provide me with the paperwork and the evidence, which obviously is not in this publicly available survey, which tells me that her claims could be justified. Where people were getting off was not mentioned in this survey at all, and I would be most grateful if the minister could provide me with the evidence for these assertions.

Cranbourne rail line duplication

Mr PERERA (Cranbourne) — (11 928) I wish to raise a matter for the attention of the Minister for Public Transport, and the action I seek is for the commencement of the much-needed duplication of the Cranbourne rail line from Dandenong through to Cranbourne. The Cranbourne train line is Melbourne's busiest, with many residents living in my electorate using the train service on a daily basis to get to and from their place of employment.

The growth, especially during the term between 2010 and 2014, really put a strain on our local transport system. Our train line was under stress and our bus services simply had not kept up with growth, with many estates in our local area left with no transport at all. Although our train system was under stress the previous coalition government did not invest even a single dollar in fixing the problems. Only an Andrews Labor government delivers when it comes to buses in our local area, including four new routes and 13 realignments, providing residents in previously unserviced areas with transport options for the first time.

I am quite excited about the recent announcement of the Andrews Labor government's fully funded Melbourne Metro rail tunnel. The new metro tunnel will let more trains run in and out of the city by giving the Cranbourne, Pakenham and Sunbury lines their own tunnel through the CBD. I also applaud the Andrews Labor government's strong investment in new high-capacity trains that will run through the fully funded metro tunnel, which will also free up more trains across our rail network.

During the term of the last Labor government we proudly invested in the new Lynbrook railway station. The Lynbrook railway station joins the Merinda Park railway station and the Cranbourne railway station as the three stations located south of Dandenong that have the facility of just one track. What does this mean when a commuter gets on a train from Melbourne to Cranbourne? Well, at times they simply have to get off at Dandenong station and wait up to 20 minutes until the line is free so they can then get on a Cranbourne-bound train.

The wait of up to 20 minutes is because there is a train coming from Cranbourne using the train track at the time. As it is, adding an extra station to the line would increase the wait time. The train delays and cancellations to and from Cranbourne result in commuters being late for work or getting home. I have met with residents and received correspondence from many residents complaining that these regular waits at Dandenong station, train delays and cancellations are not acceptable. They reckon this is Third World standard. The train commuter constituents are very angry and they are — —

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

Belle Vue Primary School

Mr T. SMITH (Kew) — (11 929) My adjournment matter this evening is to the Minister for Education. The action I seek is that the minister urgently provide capital funding for Belle Vue Primary School and meet with the principal, Cathy Caminiti.

I recently met with the principal and members of the school council and toured the school, and it was obvious from that inspection that the school is in urgent need of substantial capital upgrades. The boys and girls toilets are in an appalling state and need complete refurbishment; gates and fencing need to be provided along Bulleen Road as a matter of urgency — the school is currently being used as a thoroughfare for foot traffic, with vandalism being an unfortunate by-product; air conditioning units need to be installed for spaces that are being described as furnaces; the school library roof needs retiling; the soccer pitch, which is mud in winter and a dust bowl in summer, needs a rejuvenation; and shade screens need to be provided for north-facing classrooms. The principal has conservatively estimated the capital requirement at $300 000. Belle Vue Primary School relies very much

on the generosity of its parents and the school body, but I think an urgent capital upgrade from the state is absolutely justified.

I invite the minister to meet with the school principal and the school council and to look at the requirements on their merits. It is a great school, it has done wonderful things for the local community and its results are very good and very strong, but given that the school is falling to bits, it certainly needs an upgrade. I urge the minister to meet with the principal and to look at that capital upgrade.

St Louis de Montfort's School

Mr RICHARDSON (Mordialloc) — (11 930) My adjournment matter this evening is for the Minister for Education. The action I seek is for the minister to consider round 2 funding under the non-government school capital works program for St Louis de Montfort's School.

St Louis de Montfort's School is an outstanding Catholic primary school in my electorate. More than 750 children now attend this school, and it has seen rapid growth over the past few years. Their successful approach to sustainability in everything they do makes them not only a leader in our community but a leader across the south-eastern suburbs of Melbourne. In fact for at least three years the school has been running a Steps to Sustainability conference that has not just Catholic but also independent sector and government schools come together across the south-eastern suburbs to collaborate, to break down the silo mentality in our school sectors and to work together to get the best outcomes for their students. They can be environmental policy, climate change and across the board outcomes.

The success of this school and its community has placed substantial pressure on the school's current building works. The capital works program that was announced by the Andrews Labor government — an election commitment of $120 million to build and upgrade Catholic and independent schools — is very important; it will be important for these schools that educate more than 22 per cent of Victorian students. The aim of this program is to upgrade schools and build new schools, thereby building that capacity. Some of the plans of St Louis de Montfort's School are absolutely outstanding. There is a plan for a centre of excellence to support grades 5 and 6 students with open learning environments. It will be an outstanding project. That collaboration between the sector and the state government will be all important.

I acknowledge the outstanding work of principal Tom Lindeman, who has led the school fantastically for many years. He is an outstanding advocate for his community. I also acknowledge a teacher who has won awards on many occasions, Julie Wynne. She has won the ResourceSmart Primary Teacher of the Year award, she has led the school in its sustainability in every facet and she is one of the reasons why the school is consistently rewarded across the board.

I will also give a plug to the school. It recently staged a musical, the *Wizard of Oz*. I had the chance of seeing the dress rehearsal of that fantastic production. It was an outstanding production for that school. It just shows all the different things the school is doing. In conclusion, I ask the minister to consider St Louis De Montfort's School in round 2 of the non-government school capital works funding program.

Inverloch Surf Life Saving Club

Mr PAYNTER (Bass) — (11 931) My adjournment matter is for the Minister for Emergency Services. I would like to invite the minister to take a lovely drive down to the beautiful Bass Coast to join with me in visiting the Inverloch Surf Life Saving Club. Over this term a number of ministers have visited my electorate on the beautiful Bass Coast, but I am yet to receive a phone call to join them on such visits. It is a little bit disappointing, but I am sure that in the spirit of bipartisanship the Minister for Emergency Services will invite me to join him in meeting with the Inverloch Surf Life Saving Club.

Recently I met with representatives of the club. They have received a notice from the local council instructing them to remove their surf lifesaving tower from Inverloch Beach within 30 days because the council says it is at risk of collapse. We are rapidly approaching the peak season for the surf lifesaving club, and this news has caused both me and the club great concern. The removal of the tower will seriously impact the club's ability to provide surf lifesaving services at the beach, which are obviously critical to the work of keeping one of our most popular beaches safe during its busiest time of the year.

The club has had the tower assessed by engineers who have deemed it to be structurally sound and not a threat to the public. In fact it has told me that the concrete pylons have been poured 8 metres into the soil below the beach, that the timber tower is fixed into those concrete pylons and that it is a very safe structure. I have contacted the council and asked that the removal of the tower be reconsidered at this time and that the council, instead of ordering the club to remove the

tower, work with the club to rectify what they consider is a problem.

We cannot simply have the tower removed. It would be a great expense and would leave the beach without lifesavers being in a position of having that broader view of the beach. I ask the minister to meet with representatives of the club and the local council to seek a remedy to this problem and to ensure that this popular beach remains safe over summer under the watchful eye of our dedicated volunteer lifesavers.

Painted Hills recreation reserve, Doreen

Ms GREEN (Yan Yean) — (11 932) I wish to raise a matter for the attention of the Acting Minister for Sport, and the action I seek is that he support the funding application of the Whittlesea City Council for $650 000 from the Community Sports Infrastructure Fund to go towards the planned Painted Hills recreation reserve, which would include community soccer fields. I very much support this development, because there is a great and unmet need for soccer pitches in the northern part of the City of Whittlesea. The nearest soccer pitches are in South Morang, and they are way oversubscribed. There are no soccer pitches in Doreen, Mernda or Whittlesea.

The proposed facilities would include two soccer pitches; a multipurpose change room, catering for male and female participation; a club social room; a club kitchen and canteen; a community kitchen; public toilets; a multipurpose community soccer pavilion; and community meeting spaces which could be used more broadly not only for soccer but also for larger community meetings. Currently there is only capacity for a meeting space of 100 in other community buildings.

Importantly it will provide a lot of car parking, which will be useful on match days but even more useful in alleviating the car parking issues and the strains and pressures being experienced at Hazel Glen College, which is located across the road from the proposed soccer facility and an early learning years facility. There are expected to be more than 2000 students at this college and the early learning years facility, so I would really encourage all parents to have their kids walk or cycle to the school. However, for those who live further away, particularly south of the very busy Bridge Inn Road, it is simply not safe for children to walk or cycle from there; there is a need to drive. That is causing a lot of problems at both pick-up and drop-off times, so I am sure the car parking at these soccer facilities would be useful on school days.

There is a currently unmet demand of about 500 additional soccer players who play throughout this corridor, so this is much needed. During the last drought and before the current population spurt, AFL Victoria identified that Whittlesea had the lowest number of young males playing any of the four codes of football. We need to reverse that and ensure that both boys and girls are able to play whatever football code they like, so I really encourage the minister to support this application.

Responses

Ms ALLAN (Minister for Public Transport) — I am delighted to have three matters raised in the chamber here this evening by three members, all of whom are passionate about representing the interests of their local communities, starting with the member for Cranbourne, who is a consistent campaigner for improvement to public transport services in the growing area of Cranbourne. He is a constant correspondent to me on matters to do with buses, but in this instance he wants to talk about how we could see further train improvements for the Cranbourne community.

This comes at a time when the Andrews Labor government is making a record investment in improving public transport across Melbourne and Victoria. The centrepiece of that is of course the Melbourne Metro tunnel project, through which we are unlocking the congestion at the heart of the city. Those opposite might say, 'Well, what does this mean for Cranbourne?'. What it means for Cranbourne is that the Melbourne Metro tunnel will be the centrepiece of the new Dandenong to Sunbury line, and of course the Dandenong line is the Cranbourne line for those who live in Cranbourne. This will be the line on which the bigger, longer, high-capacity trains will run, providing improved services for those who live along this corridor.

Part of these works will include the duplication of 1.8 kilometres of track beyond Dandenong towards Cranbourne, which will provide significant improvements in reliability and efficiency along this line. We have got to get this work done first as we look to planning for investments into the future, so I thank the member for Cranbourne for his contribution to this this evening.

If I may, I might just pause before I respond to the other two members' matters and ask the Minister for Health to respond to the matter from the member for Narre Warren South.

Ms HENNESSY (Minister for Health) — I am delighted to respond to the matter raised by the member for Narre Warren South, who does a terrific job advocating for her community and who has done sensational things around Casey Hospital, particularly in her capacity as chair of the community advisory committee in respect of the expansion that is currently underway. There is no doubt that she is a sensational advocate for that project.

We have established a $20 million violence prevention fund in recognition of the fact that we believe that occupational violence and aggression towards people who work in the healthcare sector has been significantly under-reported. Perhaps there has not been the focus provided to this particular issue. Certainly the data that we are currently interrogating and that the Auditor-General has reported on in the past demonstrates that there is a really significant issue.

I know that members of the healthcare workforce go to work every single day absolutely up for whatever unpredictable challenges their day may bring. However, it is not acceptable for the healthcare workforce to be subjected to occupational violence and aggression at the rates that we currently see. I suspect it is significantly under-reported as well, so we have a number of initiatives in order to ensure that we are driving up the reporting but we are also asking health services to identify what their particular risk might be and what kind of investment might help them mitigate or be equipped against that risk.

I know Casey Hospital does a sensational job, but there is a great diversity of healthcare issues that that health service deals with. I am certainly absolutely happy to ensure that the needs of Casey Hospital are considered in the context of the applications that have been made to the violence prevention fund. Of course our emergency departments deal with very challenging cases each and every single day. Casey Hospital, particularly because of the very large catchment that it serves, bears perhaps a larger burden than others. It also deals with the challenges of drug and alcohol-affected patients and those particularly affected by things like methamphetamine, like many health services right across the state. Our government is absolutely up for making sure we support those health services and their staff in the best way we can, and we will certainly look at Casey's application in that context.

Ms ALLAN (Minister for Public Transport) — In response to the matter raised by the member for Croydon, it is great to hear the member for Croydon talking about trams. Trams are such a wonderful part of our public transport system, and he wanted to know when the further rollout of the low-floor accessible trams would happen more broadly across the network.

By way of update, we are seeing the E-class trams. They are a terrific tram, made at the Bombardier factory in Dandenong, and they are churning them off the production line. That is because the former Brumby Labor government put in an order for 50 E-class trams, and then the current Andrews Labor government put in an order for an additional 20. Well may you ask what happened during that period of time in between. I am disappointed to tell you, Deputy Speaker, that unfortunately there was not an order for these bigger, longer, more accessible trams placed during the period of time in which the member for Croydon was in government. Indeed he sat at the cabinet table for a while, but I welcome his newfound fondness and support for the E-class trams, because they are a really important part of our network.

It is a real commitment of mine to see our public transport system become as accessible as it possibly can. Whether it is for people with mobility issues or for parents who are carrying children and using prams and strollers and things, it is about making sure the system is as accessible as it possibly can be. If I recall correctly, in his contribution the member listed when these trams will be coming to a number of routes. I will have to come back to the member on some of those in terms of timing, but I can inform him about one of the areas he spoke of in his contribution. He wanted to know when the low-floor trams might be coming to the Royal Children's Hospital area.

I have been particularly keen to get the E-class trams running along this corridor. Obviously it is a corridor that services the hospital precinct. Many families need to get access to the hospital precinct and obviously many families with children need to access the Royal Children's. I have had the experience myself where I have turned up at a tram stop with the double stroller, tried to get on the tram that came along and unfortunately could not because it was not an accessible tram for me and my family. But the member for Croydon might have missed the recent news that we put out on this and some work that we are doing on creating the new route 58 that will pick up the current routes 55 and 8. And of course route 55 travels past the Royal Children's Hospital area. We will be deploying the E-class trams onto this route from next year, so it is an important priority.

As I said, it would be great to do more. We had that period of time when we did not get any trams ordered by the former government, but we are pushing on and

we are bringing more low-floor accessible E-class trams to the network in this way.

You may say that I have saved the best till last, and I possibly have. I am delighted to respond to the member for Brighton in terms of her insightful observation about the recent public commentary about fare evading across the network. What I admire enormously about the member for Brighton is that she never ceases to be a class warrior. She never ceases to be a warrior for her constituents in Brighton, and she never ceases to miss an opportunity to push their cause. Of course she was referring to some recent media reporting about figures that have been compiled by Public Transport Victoria about fare evading.

I should say in passing that I appreciate the support of the entire chamber for the passage this afternoon of the Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Bill 2016, which is in part addressing some of these issues. We are wanting to drive down fare evasion while focusing in on those pesky, consistent recidivist fare evaders who make the system unfair for all. Unfortunately for the member for Brighton those on the Sandringham line are some of the worst offenders on the network. This is one of the things that that media report was highlighting.

I hope that the member for Brighton can get out and about in her community and join with us in encouraging people to pay their way. I think it is important — it does not matter whether you live in Brighton or Broadmeadows — that you pay your way on the public transport system. I think that might have been in part some of the spirit that the member for Brighton was raising this in — making sure that people pay their way across the network. I thank her for raising this matter in the chamber this evening. On that point, if there is anything else to add for the member for Brighton, I will send it her way.

There are six remaining matters raised by honourable members, and they will be referred to the ministers for their attention and action.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.52 p.m. until Tuesday, 8 November.