PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 13 September 2011

(Extract from book 13)

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Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

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Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

** Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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TUESDAY, 13 SEPTEMBER 2011

Tuesday, 13 September 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

UNITED STATES OF AMERICA: SEPTEMBER 11 ANNIVERSARY

Hon. D. M. DAVIS (Minister for Health) — I move:

That this house:

(1) takes solemn note of the 10th anniversary of the terrorist attacks in the United States of America on 11 September 2001; and

(2) honours the memory of the victims who came from many nations and faiths, as well as the heroism and sacrifice of firefighters, police, military and government personnel, and citizens.

The starkness of what occurred on September 11 shocked each and every one of us at the time and continues to horrify Victorians and Australians and those across the world who saw the images. The terrible images of those aeroplanes crashing into buildings is something that will be marked in the minds of many people for many years to come.

In the Victorian context, I think the background to that is the strengths of our state: our strong commitment to multiculturalism, our diverse communities with people originating from well over 200 different countries and our commitment to live peacefully together. Those strengths were demonstrated by the response from our community and the community in the United States 10 years ago. After the September 11 attacks a large number of people came together at the Rod Laver Arena to share their grief and shock at what had occurred and to share the values and common ideals we have.

September 11 was not just an attack on the United States; it was an attack on our civilisation, an attack on the values we all hold dear. The events of September 11 should not be seen in isolation. There have been attacks in India, Madrid, Indonesia, London and elsewhere. All of us in this chamber understand the need to respect those who were victims and the families who have suffered. In our commemoration we remind ourselves of the need for vigilance and the need to stand together, to be resolute and to protect those who value freedom and our way of life.

September 11 defined many things and threw into stark relief many of the things that we had taken for granted for a long time. The freedoms and privileges that are so much a part of our way of life were challenged by what occurred. We were shocked. People were frightened, and many were confused to think that this sort of incident — this desperately cruel event — could occur. It changed America; indeed it changed the world.

The 11 Australians involved, including 2 Victorians — and I was pleased to see that there was a commemoration for them in recent days — should be honoured. We should pay tribute to them; I do not believe they should be forgotten. That is why this motion is important. It offers an opportunity to put on the record our commitment to honouring those people and to pointing to the great courage and heroism that many people showed when they responded to that crisis: the firefighters; the police officers; the port personnel; the civilian officials, who responded strongly in a cohesive way; the passengers on those planes, who responded heroically; and the military workers at the Pentagon. There was a coming together of the people of the United States of America and those from across the world who sympathised with and supported the people of the United States when this event occurred.

I respect the values of Americans and their response at the time. I know all in this chamber would have had the same response. It is a timely reminder and a point to remember that we cannot take for granted the values of tolerance and decency, the values of multiculturalism, the values that are so much a part of our way of life in Victoria. We have to be prepared to stand up for those values. We have to be prepared to reflect — on the one hand, paying tribute to those who have lost their lives and, on the other hand, understanding that we need to look forward to the future and learn what lessons we can. The main lesson is about resilience and triumph in the face of adversity and about the need to protect the values we hold dear.

Mr LENDERS (Southern Metropolitan) — I rise on behalf of the Labor Party to support the motion moved by the Leader of the Government. For the fifth time this year we commence proceedings lamenting a catastrophe and congratulating those who have been so heroic in dealing with the catastrophe. It is probably a reflection of the times in which we live.

There would be nobody here who does not remember where they were when the four planes struck on that fateful day in the United States. It was, in a sense, personal, even though we were not there to see or hear of those 3000 deaths as a result of suicide bombers. It was one of those things that made us all stop, pause and reflect. And it was not just that event, of course. The

world has in effect been at war since then in trying to stamp out the causes or perpetrators of terror. It was not just an event 10 years ago when four planes hit buildings; its effects have continued, and our lives have changed because of it.

I had the privilege of visiting Israel when we were assessing security for the Commonwealth Games in a post-9/11 environment. We looked at some of the ways that Israel was dealing with its immediate security. I also had the privilege of visiting the 9/11 site in New York two or three years ago. I talked to people there about how you deal with things after the event and, more particularly, how you deal with what is to us, as a society, the alien concept of a suicide bomber. It is unbelievably complex. No-one has a real answer other than that we collectively endeavour to address those issues.

We have seen the results when going through airports and getting onto aeroplanes. We also see it in our building security — even this building. I vividly recall being at a government party meeting in room K a few weeks after 9/11. It was a hot day, the windows were open and a plane flew by. It was interesting to note the perception of those in the room in that everybody froze for just that one moment. I guess that was because it had been seared into our consciousness that no public building was safe. Obviously that was not a danger to us that day, but it is a reflection of how our lives had changed. A plane flying past a public building would not normally have attracted anybody's attention, but all of a sudden it was particularly real to us.

This motion acknowledges the families of the victims, whether they be the victims who were in the two towers, in the Pentagon or on the aeroplanes as hostages, or whether it was those very brave security force members from the police and the fire brigade in New York City — and I call them victims as well. They were the ones we would have seen the most of and, I must say, they were very ably led on the day by Mayor Giuliani, who surprised everybody. People saw him to be at the end of his career, but he admirably showed a steely determination to get out there and take his community with him. We pay tribute particularly to those firefighters and others who lost their lives in trying to get people out of those endangered buildings. That was a great service.

We also want to reflect upon how difficult this has been for some of our Islamic and Arab communities. They were appalled by what happened, but there was almost a taint of guilt by association as, understandably, people in our community were fearful of suicide bombers and were trying to take action to protect themselves. However, there are also a lot of innocent people in our community who abhor this as strongly as I do, but who have felt very uncomfortable in their own multicultural society because of the shame. We do not often reflect upon that group of people, but we need to.

In concluding, it heartened me to see some of the shots of the memorial services, particularly the tribute over the last few days at Ground Zero in New York, and also reflecting back 10 years to when this community rallied at the Rod Laver Arena to celebrate the lives lost, to stand steadfastly together against terrorism and to offer comfort to those who had suffered a grievous loss. I commend the motion to the house.

Mr BARBER (Northern Metropolitan) — As Greens we would like to associate ourselves with this motion. The date of September 11, 2001, is now the descriptor of the event which is seared into all of our memories because so many of us actually watched the tragedy unfold live in real time via our televisions.

We know thousands died, but also, by a miracle, tens of thousands managed to escape from those two buildings. Many of them did so because of the hundreds who rushed into the buildings and put their own lives at risk as public servants and emergency service workers. Those actions made the tragedy much less severe than it could potentially have been.

Since the tragedy there has been, we know, a reaction, particularly from the United States, and reaction to the reaction, and ultimately every country of the world in some way has been affected by the reverberations and ripples that came out of September 11, 2001. That has created enormous pain across our entire globe. For example, as Mr Lenders said, there are those of the Muslim faith who have suffered greatly as a result of this atrocity being carried out in the name of their faith. What we must understand is that those who perpetrated it fully understood that these would be the effects. They fully predicted and intended that America would respond, that this would pit members of different faiths against each other and that there would be a massive increase in the amount of human misery around the world. This was a part of their vision. They were not simply poor or uneducated people lashing out one day in response to a gut feeling. They were well heeled, well educated and able to meticulously plan this event with many behind them understanding exactly what would be the consequences. It was an extraordinarily bad end to a bloody century.

We are now used to seeing visions of destruction and inhumanity on our television screens, but likewise — in my case I have burned this on my brain — there are

other images of celebration and humanity. At 10.45 p.m. on 9 November 1989 there was the fall of the Berlin Wall. It was something about which we all rejoiced when we woke up and saw it on our TV screens the next morning. On 22 October 1999 President Xanana Gusmão returned to East Timor and gave a speech calling for truth and reconciliation.

While the 20th century was at times extraordinarily brutal and the September 11, 2001, event made us think that perhaps things had not improved over that century, intermingled with those visions of destruction and inhumanity we have a vision of freedom and humanity that we can all hold onto. Recognising and noting this anniversary is one way to do that.

Hon. P. R. HALL (Minister for Higher Education and Skills) — It was on 18 September 2001 that I stood in this chamber and spoke in support of a motion moved by the then Leader of the Government, the Honourable Monica Gould. That motion expressed the deepest and most sincere condolences of the Legislative Council to the President and the people of the United States of America. It also expressed our abhorrence of the senseless acts of violence that had taken place just seven days earlier in New York and Pennsylvania. That motion was moved just seven days after the events of September 11, and the world was still in shock at those events and the search for survivors was continuing. It had a profound impact upon us all. I have reflected on the words I used in the course of that debate. I said the world was in shock and that the events of seven days earlier would have a profound and lasting impact on the way in which we understood, acknowledged and behaved in the years to come. I think the impact has been very profound.

Like many of us in the chamber, I guess, I watched television on Sunday night, 11 September 2011, and saw, listened to and heard the stories of some of the people who had been directly impacted on by the events of 11 September 2001. They were stories conveyed to us by the people who were survivors of those events, people who had lost family members in those events and people who had lost workmates in those events. I do not know how other people felt, but I guess my reactions were not uncommon. My emotions were stirred, and the shock came back at the realisation of what had occurred. It is very hard to understand the impact and the cause of those events and to try to understand the motivation of those who committed those acts.

Ten years later the effect is profound. The pain lives on — and deeply so in those directly affected. That is why it is timely for all of us today to join with each other on this motion that we are debating this afternoon to again express our sincere condolences and wishes to those who continue to suffer the pain of those events of 10 years ago.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to join the government and members of the opposition parties in supporting the motion standing in the name of Mr David Davis. I feel it is important for me to say a few words today in commemorating the 10th anniversary of this terrible tragedy. I say it is important for me to say a few words because, just as I represent my electorate and my party in this place, indirectly and by virtue of my background, I also represent the Muslim communities of Victoria.

On the occasion of the 10th anniversary of the 9/11 terrorist attacks I would like to convey my deepest condolences at the loss of the victims who perished in the terrible attacks of 2001 to their bereaved families and the people of the United States. The 9/11 attacks put on display both the worst and the best sides of humanity. The bravery and determination of the firefighters who made the ultimate sacrifice while attempting to rescue their fellow human beings live in the world's collective memories even to this day, 10 years on. The people and the government of the United States must be commended for the courage and resolve they have shown in overcoming the tragedy that was 9/11. The terrorist attacks of 9/11 were acts of pure evil. They were acts of mass murder committed by a group of deranged individuals who obviously had no respect for common decency, let alone the sanctity of human life.

The mass killing of innocent people cannot be justified under any circumstances. It cannot be justified by any cause. It cannot be justified by any ideology, and it most certainly cannot be justified by any religion. I can assure members of this place and the people of Victoria that my views of 9/11 are the views of the great majority of the Victorian and Australian Muslim communities.

Much has been made of the so-called theory of the clash of civilisations between the West and Islam. I do not subscribe to this theory. I see the only clash here as being between evil and good, between terrorism and civilisation. With that I commend the motion to the house.

The PRESIDENT — Order! I take the opportunity to congratulate each of the speakers but particularly to congratulate Mr Somyurek on that contribution.

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

ROYAL ASSENT

Message read advising royal assent on 6 September to:

Accident Towing Services Amendment Act 2011
Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Act 2011
Farm Debt Mediation Act 2011
Justice Legislation Amendment (Protective Services Officers) Act 2011
Local Government Amendment (Electoral Matters) Act 2011.

GOVERNOR'S SPEECH

Address-in-reply

The PRESIDENT — Order! It is my privilege to advise the house that, accompanied by members of the Council, I waited upon the Governor on 2 September 2011 and presented to him the address of the Legislative Council adopted on 30 June 2011 in reply to the former Governor's speech at the opening of Parliament and that he was pleased to make the following reply:

> President and honourable members of the Legislative Council:
>
> In the name and on behalf of Her Majesty the Queen I thank you for your expressions of loyalty contained in the address you have just presented to me.
>
> I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this state.

I thank Mr Elsbury, Mr O'Brien, Mr Somyurek, Ms Hartland and Mr Ramsay for their attendance on that day when we presented the address-in-reply.

NORWAY: MASSACRE

The PRESIDENT — Order! Before we proceed to question time, I bring to the attention of the house a letter I have received from the Ambassador of the Royal Norwegian Embassy in Canberra, which reads:

> Your condolences and sympathy in the wake of the tragic events in Norway on Friday, 22 July, have been a source of support at a very difficult time. Please accept my most sincere gratitude.
>
> The horrific and brutal acts of terrorism in Norway are a national tragedy. They were also attacks on our humanity and our fundamental values: openness, inclusion, engagement and democracy. In the aftermaths the Norwegian government has repeatedly confirmed that the attacks will not change the nature of our democracy.
>
> Norway will continue its international commitment to the values we believe in and continue to stand up for them.

That letter was received after I advised of the motion passed by this house.

QUESTIONS WITHOUT NOTICE

Housing: construction targets

Ms BROAD (Northern Victoria) — My question is to the Minister for Housing. Can the minister assure the house that the director of housing and her senior officers will reach their target of completing the construction of 4500 commonwealth-funded dwellings across Victoria by 30 June 2012, which is less than 10 months away?

Hon. W. A. LOVELL (Minister for Housing) — I thank the former Minister for Housing for her question. I note that when we came to government in December last year there was a requirement for around 2900 properties — sorry, it was 1900-and-something properties — to be completed under these targets by the end of December last year. The former government was nearly 1000 properties behind in that total. We have worked very hard to get that back on track, and we are working — —

Mr Viney interjected.

Hon. W. A. LOVELL — Mr Viney obviously does not want to hear about the failures of the Brumby government, but they are there to be documented: it was nearly 1000 short of the target it should have completed by last December. It was 1000 short — more than half of the target. We have worked very hard to get back on target. We are working towards the target of June 2012 and delivering those properties on time.

Supplementary question

Ms BROAD (Northern Victoria) — In light of the ambitious targets the federal government has set for her department, does the Minister for Housing support the director of housing, Margaret Crawford, returning to her substantive position at the Office of Housing when

her current secondment to the Department of Transport concludes at the end of this month?

The PRESIDENT — Order! I am not sure that is a supplementary question. I think that is entirely different material to what was in the substantive question. I ask the member to repeat the substantive question.

Ms BROAD — My substantive question was: can the minister assure the house that the director of housing and her senior officers will reach their target of completing the construction of 4500 commonwealth-funded dwellings across Victoria by 30 June 2012, which is less than 10 months away.

The PRESIDENT — Order! And the second question.

Ms BROAD — My supplementary question to the minister was: in light of the ambitious targets the federal government has set for her department, does the Minister for Housing support the director of housing, Margaret Crawford, returning to her substantive position at the Office of Housing when her current secondment to the Department of Transport concludes at the end of this month.

The PRESIDENT — Order! Based on the standing orders, I do not regard that as a supplementary question; I think it is a different matter. The tenure or the position of the officer involved is a different matter to the targets Ms Broad was querying in the substantive question. I will give Ms Broad the opportunity to rephrase her supplementary question.

Ms BROAD — Thank you, President. Given that to the best of my knowledge the director of housing is Ms Margaret Crawford, and I referred to the director of housing in my substantive question, could you indicate to me, President, what exactly it is that I am not allowed to refer to in reframing the supplementary question?

The PRESIDENT — Order! I believe the matter the member has taken up in terms of the tenure or the position of the director is very different to the matter she raised in her substantive question, which concerned whether targets would be met.

Hon. M. P. Pakula interjected.

The PRESIDENT — Order! I am sorry, Mr Pakula, but I regard them as quite separate matters. What we also need to be mindful of is that supplementary questions ought be responsive to answers, and whilst the member might not have been happy with the answer — and obviously members have their position on answers — the fact is that the issue raised in the supplementary question bears no correlation at all to the minister's answer, which I think at least in some ways addressed the original question. A supplementary question should follow up on the original substantive matter.

Ms BROAD — I believe I was doing exactly that, President, but I also understand that I am not in a position to argue. By way of supplementary question I ask: in light of the ambitious targets the federal government has set for her department, what instructions is the minister issuing to the director of housing, Ms Margaret Crawford, to ensure the targets are reached by 30 June 2012? I will stop there.

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for reframing her question so I can put on the record that I was right the first time: 2917 dwellings were required to be completed by 31 December 2010. Only about 1900 had been completed when we came to government. We are now back on target, and 75 per cent of the construction program has now been completed. In fact 3566 dwellings have been delivered, and we are working towards the June 2012 target. I am working closely with the department, and we discuss this issue on a regular basis to meet that target.

Ordered that answers be considered next day on motion of Ms BROAD (Northern Victoria).

The PRESIDENT — Order! I refer to a procedural information bulletin which comes out of the Senate and which discusses a range of matters in terms of its proceedings. As members would be aware, we pay some attention to the Senate's practices in respect of our house practices. It is opportune that a procedural bulletin has come out which makes a comment on supplementary questions and which really underpins what I was saying in respect of the ruling that I gave in relation to Ms Broad's supplementary question. It has been issued by Senator John Hogg, and the point made follows a ruling given by President McClelland on 14 April 1986. It states:

> Supplementary questions are appropriate only for the purposes of elucidating information arising from the original question and answer. They are not appropriate for the purpose of introducing additional or new material or proposing a new question, even though such a question might be related to the subject matter of the original question.

That was the issue I had with the particular supplementary question on this occasion.

Mr Viney — On a point of order, President, I did not raise a point of order earlier because you had ruled,

but I ask you to clarify your position on your rulings, either now or subsequently. I draw attention to President Gould's ruling in relation to supplementary questions asked by me some years ago. I do not recall that ruling stating that the supplementary question needed to relate to both the question and the minister's response. My recollection is that it needed to relate either to elucidating further information from the original question or to the minister's response. The President has indicated that it needs to relate to both, and that would be a new development in this chamber, irrespective of the position just outlined relating to the Senate.

The PRESIDENT — Order! Our standing orders say:

> Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the minister's response.

My ruling is consistent with that standing order. I suggest that if a minister came up with an answer that was not apposite to the question asked, and that can clearly happen, then I would have the view that, yes, the member is entitled to pursue the matter in respect of their question, as distinct from the answer. I have more regard for the question than the answer in that respect. Nonetheless, our standing orders actually require me to have regard to both in determining this matter. Supplementary questions are always going to have a degree of subjectivity, particularly where they tend to be prepared on the anticipation of a minister's answer rather than on the actual answer that is given on the day, so there are matters there. Mr Viney can take some consolation from the remarks he has made in his point of order, but on this occasion the guidance I have given the house was accurate for today's proceedings.

Mobile intensive care ambulance: 40th anniversary

Mr O'BRIEN (Western Victoria) — My question is to the Minister for Health, who is also the Minister for Ageing, the Honourable David Davis. I ask: can the minister inform the house how Ambulance Victoria is celebrating the 40th anniversary of the introduction of MICA (mobile intensive care ambulance) units in Victoria?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and his strong support for paramedics in the western side of the state. I was fortunate to attend at Parliament House on Friday night a very significant event, the 40th year of MICA services in Victoria. On 9 September 1971 the state of Victoria became the third place in the world to have a MICA service. It is an important service. MICA paramedics have a high clinical skill set that enables them to perform advanced clinical procedures. They have the capacity to perform airway management, including intubation; the complex management of head injuries; the insertion of intraosseous cannulae; the treatment of life-threatening chest injuries, including pneumothoraces; and the advanced management of a whole range of cardiac conditions.

The MICA paramedics, both current and former, who were among the 250 people who were present in Queens Hall on Friday night are a wonderful group of people. They are people who can take enormous credit for saving lives over four decades. It was my great honour not only to speak informally to many of them but also to address them and say thank you on behalf of Victorians. Over 40 years thousands of lives have been saved by highly skilled MICA paramedics. It is important for Victorians in an all-party sense to put on the record the contribution that MICA paramedics have made.

The Royal Melbourne Hospital and Dr Graeme Sloman were critical to those early days of MICA. The truth is there was some resistance to the early introduction of MICA. The mobile intensive care ambulance service was initially resisted by some health professional groups, but as time progressed it became very clear that this was a mechanism that could save lives. Rather than the accident victim or the cardiac arrest victim being brought to the hospital, early intervention could occur at the site or during the passage to the hospital. MICA has been able to introduce that high-level early intervention, and the ability of MICA paramedics to intervene has saved thousands of lives. I was proud to say thank you on behalf of Victorians. I think it is something that all Victorians are very thankful for.

The government has plans for more MICA units: 10 MICA units were committed to in the election — 10 regional single-responder MICA units — and 4 of those are already in operation in Victoria. We have brought forward the introduction of the MICA rosters in regional cities like Shepparton, Mildura, Warrnambool and Wonthaggi. They have made a significant difference and are already saving lives by early intervention, which follows in the footsteps of the MICA service that began 40 years ago.

Housing: Preston development

Ms BROAD (Northern Victoria) — My question is to the Minister for Housing. I refer to the housing development built by the Office of Housing at 137 High Street, Preston, for public housing tenants.

Can the minister advise the house what was the period between completion of construction and the signing of a lease with the agency that will manage this development?

An honourable member — She is just getting her instructions from the leader.

Hon. W. A. LOVELL (Minister for Housing) — I do not need instructions from anybody, thank you. I thank the member for her question. Yes, this development has attracted some media attention, and I gather the member is asking her question based on the media. For this particular property, a certificate of occupancy was issued on 18 March and a certificate of compliance on 29 March this year. Settlement on the property occurred on 15 April. After heavy rain a few days later, a significant water leak in the basement car park was discovered, along with some other defects, including smoke detectors not having backup batteries, some appliances not working, repairs being needed for doors and some trip hazards, as well as there being some major problems with the fire system and no access for the Metropolitan Fire Brigade to one of the areas that it needed access to.

Hon. M. P. Pakula interjected.

Hon. W. A. LOVELL — This of course, as Mr Pakula points out, was a bit of a debacle. This is a property that was commissioned under the former government. All of these problems occurred because of the former government. This property was not suitable for occupancy due to these defects, and it took quite some time and quite a few plumbers to isolate the water leak, which was coming from a rooftop garden on this particular property. The work on the defects was completed by 21 July at the builder's cost.

On 16 June Housing Choices Australia, the department and the builder inspected the property, and additional specifications were agreed to that needed to be carried out on this property. These additional works were completed by 19 August, when the property was finally ready for occupation by tenants.

This particular property is being leased to Housing Choices Australia. It will house a mix of singles and couples with significant support needs, such as people with mental health issues, people with disabilities, people who are homeless, people with family violence issues and people who are on low incomes. It was not appropriate to move people, particularly people with complex needs, into this property while works needed to be done. Housing Choices Australia has moved into the property and is currently tenanting it.

Supplementary question

Ms BROAD (Northern Victoria) — I thank the minister for the list of defects, and I ask: is it not a fact that the building at 137 High Street was handed over to the Office of Housing in March and that the lease was not signed for nearly six months, with the result that the building sat empty for nearly six months while thousands of Victorians languished on the public housing waiting list?

Hon. W. A. LOVELL (Minister for Housing) — As I outlined in my substantive answer, the property was handed over in March but there were significant defects — defects which needed to be fixed by the builder and which would have prevented tenants with complex needs from moving into the property. During that time there was negotiation with Housing Choices Australia over the lease. The property is now managed by Housing Choices Australia and is currently being tenanted. I remind the member that when we took over government there were 41 212 applicants on the public housing waiting list and that figure has been reduced by nearly 3000.

Ordered that answers be considered next day on motion of Ms BROAD (Northern Victoria).

Rooming houses: government initiatives

Mr ONDARCHIE (Northern Metropolitan) — My question is also to the most popular minister here this afternoon, the Minister for Housing. Can the minister inform the house of the work the government is doing to protect the safety of vulnerable Victorians who reside in rooming houses?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and for his ongoing interest in vulnerable Victorians and their need to be housed. The regulation of rooming houses was a complete debacle under the former government. For 11 years its members sat on their hands and did nothing. We can look back as far as 2002 and see stories in the media about unsafe rooming houses. There were plenty of media stories about it but no action from the government. There was also the death of two people in a fire at a Brunswick rooming house in 2006. This tragic event has haunted their families ever since, but it is something the former government did nothing about.

It was only when the coroner was about to hand down his report in 2009 that the former government moved to form a task force to investigate the safety of rooming houses. The task force handed down its report in 2009.

The coroner handed down his report in 2009. It took the former government almost 12 months to bring legislation into this place so it could develop regulations. That happened in the last sitting period of the last Parliament last year, but in the time between then and the election the government did nothing about developing those regulations. When I walked into the department in December and asked about the regulations and how far the department had progressed in developing them under the former government, I was told that the regulations had not been developed — they were a blank piece of paper.

I refer to a letter from Martin Foley, the member for Albert Park in the Assembly, published in a newspaper last week. He said I have been sitting on the 11 new standards we have developed for rooming house safety and amenity for the past 10 months, that they have been on my desk. The only thing that was left on my desk by the former minister was a blank piece of paper. This government has done the hard work to develop the 11 standards for safety and amenity that are now out in the public arena for comment as part of a regulatory impact statement. We are working towards implementing these standards to protect vulnerable Victorians who are forced to live in rooming houses.

Ordered that answer be considered next day on motion of Mr VINEY (Eastern Victoria).

Rooming houses: government performance

Ms BROAD (Northern Victoria) — My question is to the Minister for Housing. Can the minister advise the house of the government's reasons for not fully implementing the recommendations of the 2009 rooming house task force?

Hon. W. A. LOVELL (Minister for Housing) — There are a number of recommendations that the government is still considering. The regulatory impact statement that I have put out for comment is about safety and amenity. As the member would know, more than one minister is responsible for the regulation of rooming houses. I am working on the safety and amenity, the Minister for Consumer Affairs is working on other areas and we are looking at all aspects of those recommendations.

Supplementary question

Ms BROAD (Northern Victoria) — Is it not the case that the minister's decision to not fully implement the task force's recommendations will mean that there will be no penalties for dodgy rooming house operators who do not meet basic standards?

Hon. W. A. LOVELL (Minister for Housing) — I have not made any decision not to implement the recommendations, so the answer is no.

Planning: metropolitan development

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Planning. I ask: can the minister inform the house what action the Baillieu government is taking toward consulting on a new metropolitan planning policy for Melbourne?

Hon. M. J. GUY (Minister for Planning) — It is funny, is it not, how some things change and some things stay the same. I can tell the house that the Baillieu government is intent on changing the metropolitan planning policy in Victoria. Just as the Labor Party's federal colleagues are intent on changing their leader back to Kevin Rudd, we are intent on changing it. I was going to table for the interest — —

Honourable members interjecting.

The PRESIDENT — Order! The minister was looking at me longingly, which I can understand, but the reality is that he was so provocative in how he started his response to that question that I was at a complete loss to understand its relevance to the question. I thought the barrage by the opposition was probably in order on that occasion. Therefore I did not seek to intervene too quickly. The minister to continue without assistance.

Hon. M. J. GUY — Sometimes you do things for a reason. I thought it was time to wake Labor Party members up after such an appalling question time today. They deserve to have a little bit of provocation just to wake them up.

As I was saying, some things come and some things go. Mr Lenders may go, but planning policy on this side will stay. Mr Rudd may come and the Prime Minister, Ms Gillard, may go, but what will stay, on this side, is our commitment to a metropolitan planning policy that is based on fairness, that is not based on a-one-size-fits-all approach and that is focused around activities areas, urban renewal and building a base of support through consultation, which we have now begun. We are also talking to stakeholders and talking to community groups — just like some people have been talking to backbench colleagues, like Kevin Rudd has, for instance, or like the people who have been leaking to the papers information against Rob Hulls, the member for Niddrie in the Assembly, and telling him to leave. He may leave and Mr Lenders may leave, but planning policy will remain a constant source of strength for this

government, and it is one we are going to begin consultation on.

Hon. M. P. Pakula — And a constant source of income to the Liberal Party.

Hon. M. J. GUY — Funny you say that, Mr Pakula. I am happy to table a list of donations to the Labor Party from developers in the last term, if that makes your job a little easier.

Hon. M. P. Pakula — No, this term. We are talking about the current — —

Hon. M. J. GUY — We will come to that. This government is committed to making urban renewal, activities area growth, outer urban growth and regional growth things we develop into new planning policy with consultation — consultation which we have now begun with councils and consultation which the Minister for Public Transport and I will work on together the first time around. There will not be a strategy released on transport followed by one on planning 12 months later. There will be a metropolitan planning policy that focuses on transport and planning growth to make sure that we have infrastructure in place where development is occurring and that growth around our activities areas is centred, is clear, gives certainty to councils and gives security to communities. There will be a consultation phase that is not tokenistic or set up, like the previous government and the Windsor Hotel, but one that is genuine, one that seeks real feedback and has an impact and one that this government will leave as a legacy to Victorians that they can be rightly proud of.

Housing Week

Ms BROAD (Northern Victoria) — I have a question for the Minister for Housing. I refer to the celebration of social and public housing communities initiated by the Kennett government, and I ask: can the minister advise the house of the budget for Housing Week in 2011?

Hon. W. A. LOVELL (Minister for Housing) — We have not actually set a date for Housing Week as yet.

Supplementary question

Ms BROAD (Northern Victoria) — As the minister has said that Housing Week is 'about empowering public housing residents and celebrating their achievements', can she inform the house of why she has been unable to confirm funding — and a leak will do at this point — for Housing Week this year and why she is not able to promote, set or announce any dates for Housing Week 2011?

Hon. W. A. LOVELL (Minister for Housing) — We are exploring opportunities to better celebrate the achievements of public housing tenants and to spread that over a longer period of the year so that tenants and public housing can be highlighted in a positive manner over a greater period of time.

Ordered that answers be considered next day on motion of Ms BROAD (Northern Victoria).

Manufacturing: Nexteer Australia

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade, the Honourable Richard Dalla-Riva, and I ask: can the minister outline to the house recent exciting developments relating to the future of manufacturing in Victoria?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I wish I could say I had lost my voice as a result of Essendon's win on the weekend, but unfortunately it is a result of the flu. Victoria is the manufacturing capital of Australia, and we know that it is one of the great places in the world where manufacturers come. I was pleased — and I am sure that all members would be excited to know about it — with the announcement made last Friday of a large and highly significant investment in next-generation automotive manufacturing in this state. Nexteer Australia will be investing $126 million to develop and manufacture — —

Honourable members interjecting.

Hon. R. A. DALLA-RIVA — Those on the other side do not like to hear the good news, but this is the reality of what we have been doing: Nexteer Australia will be investing $126 million to develop and manufacture new lightweight electric power steering systems right here in Melbourne. For those opposite, it is going away from hydraulics to electric power steering, and to make it even easier for them: EPS. Do they understand EPS?

Hon. M. P. Pakula — What did you do to get this?

Hon. R. A. DALLA-RIVA — What have I done? Mr Pakula again interrupts — you really are thick sometimes, because I am about to tell you what we have done. Your ears seem to be painted on.

The PRESIDENT — Order!

Hon. R. A. DALLA-RIVA — In the next few years this investment will deliver over 250 new skilled jobs to Victoria, $150 million annually in exports and $27 million in local research and development activity. This will mean that Victoria will be one of the very few places in the world manufacturing this latest steering system technology. Nexteer Australia won this investment, with the support of the Victorian government and the federal government, against tough competition from other global locations. It is one of Victoria's biggest automotive investments in two decades and will dramatically strengthen the sector's research and development, manufacturing and export capabilities.

This investment represents a major vote of confidence by a large global company in the skills and capabilities of Victoria's automotive manufacturing sector. It reaffirms what this state has to offer in terms of its highly talented workforce, its excellent research and development facilities and its world-class specialist skills in design and engineering. The Victorian government has worked very closely with Nexteer to secure this major investment as part of the vision to revitalise an internationally competitive manufacturing sector here in Victoria. We very much welcome Nexteer Australia's involvement in helping to advance our automotive sector to the next frontier of high-tech manufacturing.

The new plant was supported through the commonwealth's Green Car Innovation Fund to develop more fuel-efficient, low-emission vehicles. For those opposite, I place on record my appreciation to the federal Minister for Innovation, Industry, Science and Research, Senator Carr, and his office, for their cooperative engagement on this issue. We work together. We have a common goal, and that is to support industry — unlike the naysayers opposite. With the new plant Nexteer is moving from being a low-volume local component supplier to being a high-volume global supplier. We will be exporting motor vehicle componentry to China and Thailand, to countries where those opposite would like to have people import products. The difference is that we are actually about creating jobs and investment here in Victoria.

Mr Viney — On a point of order, President, as you and other members know, I have never sought a withdrawal in this place — not once. I have a fairly thick skin. I want to know, President, given that ministers have referred to other members of this place twice in two weeks as 'thick', whether this is now acceptable parliamentary language. I would like to know because I might want to use it on members over there.

The PRESIDENT — Order! I advise Mr Viney that it is not acceptable parliamentary language. I called Mr Dalla-Riva to order when he used that term to ensure that that did not persist. If the member who was the subject of that reference wished to ask for a retraction, the Chair would support that. From my perspective, that sort of terminology is not parliamentary, and I totally uphold the point of order.

Anglesea power station: health impacts

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Health. The minister would be aware of the call by certain citizens of Anglesea in relation to their concerns about the impact of living adjacent to a coal-fired power station and coalmine. That is the general concern, but in particular their concern has been heightened by the relocation of a school to a site near that coalmine. Has the minister received their call, and what action is he taking in response to that?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for the note he handed to me, which lays out a number of points.

Mr Barber interjected.

Hon. D. M. DAVIS — It is a copy of the letter with some annotations and so forth, Mr Barber. I will make a number of general points first. As I understand it, these matters around the Alcoa mine are the responsibility of the Minister for Energy and Resources. They relate to an agreement with Alcoa that dates back to 1961. As I understand it — and again I am not the responsible minister — it was a 50-year lease.

Mr Lenders interjected.

Hon. D. M. DAVIS — I am trying to be helpful to the house and to Mr Barber.

Honourable members interjecting.

The PRESIDENT — Order! The minister, to continue without assistance.

Hon. D. M. DAVIS — As I understand it, the Alcoa agreement is the responsibility of the Minister for Energy and Resources. It relates to a lease that was signed by Alcoa in 1961. As I understand it, there is a 50-year lease and a 50-year option on that lease. I understand that concerns have been raised with the minister and others. I also understand that concerns

have been raised about the location of a school near that mine. I understand the school was completed in December 2010 or thereabouts. I also understand that — and I say this as a former shadow environment spokesperson and as the minister representing in this place the Minister for Environment and Climate Change — the monitoring of air quality and related matters is the responsibility of the Environment Protection Authority.

I have had discussions on these matters with my colleagues. I am also particularly aware that Alcoa — as I understand it and am informed — has complied with all of its contractual and legal requirements.

Supplementary question

Mr BARBER (Northern Metropolitan) — The minister's response was neither a yes nor a no. The government recently determined that the health impacts of wind turbines are so grave that no-one should have to live within 2 kilometres of one unless they choose to do so. In this case the health impacts of coalmines and coal-fired power stations are extremely well known. I am pretty sure the minister's department did not give him any advice in relation to the health impacts of wind turbines. In this case the minister has been asked by members of the community to assure them of their public health. Part 5 of the Public Health and Wellbeing Act 2008, for which the minister is responsible, allows the minister to either initiate a public inquiry or to undertake a health impact assessment. Will the minister do so in this case?

Hon. D. M. DAVIS (Minister for Health) — The member is correct in pointing out that the government has recently put forward a number of matters around wind farms. My colleague the Minister for Planning did that. I make it clear that the new arrangements — as I understand it, and I stand to be corrected by the minister — apply to future wind farms and not retrospectively to wind farms that are already in operation. In the case of this mine there is an existing contractual and legal position. That is my information from the responsible minister. I will take on board the minister's points, but my information is that the company has complied with its legal and regulatory responsibilities.

Victorian Training Awards

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Higher Educations and Skills, who is also the Minister responsible for the Teaching Profession. I ask the minister to explain to the house why he is wearing that magnificent jacket.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Today I have the absolute honour and privilege of showcasing the extraordinary talents of a young man, Nathan Cahir, who is studying for an advanced diploma of fashion design and technology at Gordon TAFE. This particular occasion arises out of some tradition in history set by my predecessors, former ministers for tertiary education and training, the Honourable Jacinta Allan, the member for Bendigo East in the Assembly, and Bronwyn Pike, the member for Melbourne in the Assembly. The custom of previous years has been that ministers attending the Victorian Training Awards have been dressed in designs by young fashion design students. I was challenged to participate in this tradition by my colleague Mr O'Brien. I was challenged to frock up for the event, and I was saved by Nathan, who volunteered to design a suit for me to wear on the occasion. The creation I wear today is an example of some of the extraordinary talents displayed by young people studying in training institutes around the state.

So it was that on Friday, 2 September, I was joined by colleagues from both this chamber and the other chamber at the Victorian Training Awards, which is now an annual event showcasing the extraordinary talents of young people in Victoria. It was a great night, and we saw a wide collection of winners from right across the state. As I said, this particular jacket was designed by Nathan, and it would be wrong of me not to show the lining. The lining is also designed by Nathan; it represents the facade of Gordon TAFE.

It was a great night. Nathan is a humble young fellow who was not there on the night; he did not wish to be there and have accolades heaped upon him, which I am sure would have happened. I thank him publicly for making the night for me. On top of that there were some other excellent winners on the night.

The Victorian Vocational Student of the Year Award was won by Lisette Mill from South West Institute of TAFE; the Victorian Trainee of the Year Award went to Amanda Divola from Bendigo TAFE; the Victorian Koori Student of the Year Award went to Stephanie Dalton from GippsTAFE in Morwell; the Victorian School-based Apprentice of the Year Award was won by Jessica Pendlebury from GOTAFE and Assumption College, Kilmore; and the Victorian Apprentice of the Year Award went to Colin Wilson from Holmesglen.

The Victorian Teacher/Trainer of the Year Award went to Scott Robinson from Victoria University; the

Victorian VET Client Service/Support Excellence Award was won by the team from the skills recognition centre at the Gordon, Geelong; and the Victorian VET in Schools Excellence Award was won by Carrum Downs Secondary College.

The Victorian Employer Award for Apprentice Development was won by Mercedes Benz of Melbourne; the Victorian Small Employer of the Year Award was won by Bell's Transport of Bendigo; the Victorian Employer of the Year Award went to the GEO Group Australia Pty Ltd of Fulham, which runs the correctional facility there; the Victorian Industry Collaboration Award was won by SPC Ardmona and the Australian Manufacturing Workers Union food division; the Victorian Small Training Provider of the Year Award was won by Flexible Training Solutions in Bulleen; and the Victorian Large Training Provider of the Year Award was awarded to South West Institute of TAFE.

I was pleased that my colleagues Mr Elasmar, Mr O'Brien and others in this chamber and the Assembly were able to join me on the night. It was a great night, and I know that I have the support of all members of this chamber in recognising the outstanding young talents of people involved in training in Victoria.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions: 114, 181, 223, 227–30, 596, 597, 615, 617, 620, 628, 634, 646, 666, 677, 751, 762–6, 797, 810, 811, 818, 819, 838, 839, 375, 876, 882, 891, 892, 894, 896, 902, 916, 918–22, 927, 942, 944, 952, 953, 955, 957, 964, 968, 969, 972, 978, 986, 988, 989, 993, 998, 1000–2, 1004, 1008, 1013, 1028, 1036–46, 1080–4, 1086–90, 1092–106, 1108–22, 1124–38, 2264, 2267, 2273, 2274, 2287, 2294–7, 2301–3, 2308, 2310–19, 2321, 2543–609, 2614–22, 2740, 4263–358.

The PRESIDENT — Order! I take this opportunity to indicate that Ms Pulford has written to me seeking my ruling in relation to an answer to a question on notice provided by the Minister for Health.

Question 621 sought specific statistics relating to the number of acute and subacute beds at Ballarat base hospital on specific dates. The answer referred Ms Pulford to two annual reports. Ms Pulford states in her letter to me that the information she requested is not contained in the annual reports. I have had this matter investigated and am advised that although the Ballarat Health Service's annual reports contain information about numbers of bed days, they do not contain details of the actual number of beds as requested by Ms Pulford. I therefore direct that question on notice no. 621 be reinstated to the notice paper.

I advise the house that I have also received a letter from the Honourable Mary Wooldridge, Minister for Community Services. It says:

> I refer to the resolution passed by the Council during the last sitting week:
>
> > 'That this house calls on the Minister for Community Services to seek advice from the Victorian child safety commissioner on the need for the regulation of child beauty pageants.'
>
> This matter is the portfolio responsibility of the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell, MLC, who I am aware has spoken on it.

PETITIONS

Following petition presented to house:

Rail: Laburnum service

> To the Legislative Council of Victoria:
>
> The petition of certain citizens of the state of Victoria draws the attention of the Legislative Council to implications of the new train timetable on the Belgrave and Lilydale lines that has dramatically reduced the services at Laburnum station with fewer services to the city from 7.30–9.00 a.m. as more trains run express through the station. This is causing inconvenience to commuters.
>
> The petitioners therefore request the reintroduction of express services that stop at Laburnum station.

By Mr LEANE (Eastern Metropolitan) (18 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 10 of 2011, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Adult Community and Further Education Board — Report, 2010–11.

Agriculture Victoria Services Pty Ltd — Report, 2010–11.

Casterton Memorial Hospital — Report, 2010–11.

City West Water Limited — Report, 2010–11.

Crown Land (Reserves) Act 1978 —

Minister's Order of 24 August 2011 giving approval to the granting of a licence at Domain House Reserve.

Minister's Order of 29 August 2011 giving approval to the granting of a lease and licence at Torquay and Jan Juc Foreshore Reserve.

Dairy Food Safety Victoria — Minister's report of receipt of 2010–11 report.

Djerriwarrh Health Services — Report, 2010–11.

Dunmunkle Health Services — Report, 2010–11.

East Wimmera Health Service — Report, 2010–11.

Edenhope and District Memorial Hospital — Report, 2010–11.

Education and Early Childhood Development Department — Report, 2010–11.

Emerald Tourist Railway Board — Report, 2010–11.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2010–11.

Growth Areas Authority — Report, 2010–11.

Hepburn Health Service — Report, 2010–11.

Heywood Rural Health — Report, 2010–11.

Inglewood and Districts Health Service — Report, 2010–11.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in respect of Statutory Rule No. 92.

Kooweerup Regional Health Service — Report, 2010–11.

Lorne Community Hospital — Report, 2010–11.

Mental Health Review Board incorporating Psychosurgery Review Board — Report, 2010–11.

Moyne Health Services — Report, 2010–11.

Murray Valley Citrus Board — Minister's report of receipt of 2010–11 report.

Murray Valley Wine Grape Industry Development Committee — Minister's report of receipt of 2010–11 report.

Omeo District Health — Report, 2010–11.

Orbost Regional Health — Report, 2010–11.

Otway Health and Community Services — Report, 2010–11.

Phytogene Pty Ltd — Minister's report of receipt of 2010–11 report.

Planning and Community Development Department — Report, 2010–11.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme — Amendment C81.

Boroondara Planning Scheme — Amendment C159.

Brimbank Planning Scheme — Amendment C125 Part 2.

Cardinia Planning Scheme — Amendment C158.

Casey Planning Scheme — Amendment C132.

Glen Eira Planning Scheme — Amendments C84 and C88.

Glenelg Planning Scheme — Amendment C70.

Greater Bendigo Planning Scheme — Amendment C154.

Greater Geelong Planning Scheme — Amendment C257.

Horsham Planning Scheme — Amendment C25 Part 4.

Maroondah Planning Scheme — Amendment C77.

Melbourne Planning Scheme — Amendment C183.

Monash Planning Scheme — Amendment C106.

Moonee Valley Planning Scheme — Amendments C97 and C105.

Mount Alexander Planning Scheme — Amendment C46.

Moyne Planning Scheme — Amendment C51.

Victoria Planning Provisions — Amendment VC82.

Wellington Planning Scheme — Amendment C65 Part 2.

Queen Victoria Women's Centre Trust — Minister's report of receipt of 2010–11 report.

Robinvale District Health Services — Report, 2010–11.

Rural Northwest Health — Report, 2010–11.

State Services Authority — Report, 2010–11.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 — No. 92.

Family Violence Protection Act 2008 — Nos. 93 and 95.

Gene Technology Act 2001 — No. 91.

Magistrates' Court Act 1989 — No. 90.

Personal Safety Intervention Orders Act 2010 — Nos. 89, 94 and 96.

Victorian Civil and Administrative Tribunal Act 1998 — No. 97.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 86, 88 to 92, 97 and 99.

Sustainability and Environment Department — Report, 2010–11.

Tallangatta Health Service — Report, 2010–11.

Terang and Mortlake Health Service — Report, 2010–11.

Timboon and District Healthcare Service — Report, 2010–11.

Transport Accident Commission — Report, 2010–11.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2010–11 report.

Victorian Curriculum and Assessment Authority — Report, 2010–11.

Victorian Environmental Assessment Council — Final Report on the Metropolitan Melbourne Investigation, August 2011.

Victorian Institute of Teaching — Report, 2010–11.

Victorian Registration and Qualifications Authority — Report, 2010–11.

Victorian Skills Commission — Report, 2010–11.

Victorian Strawberry Industry Development Committee — Minister's report of receipt of 2010–11 report.

Victorian Urban Development Authority — Report, 2010–11.

Victorian Veterans Council — Minister's report of receipt of 2010–11 report.

Yarrawonga District Health Service — Report, 2010–11.

Youth Parole and Youth Residential Boards — Report, 2010–11.

Zoological Parks and Gardens Board — Report, 2010–11.

The PRESIDENT — Order! I want to make some comments in this regard because a significant number of reports will be presented to the Parliament this week. I am aware that the government in the past has expressed the view that it was unfortunate that in previous government terms so many reports were tabled at one time and that there might be a perception that certain matters were being concealed because of the number of reports being tabled.

I indicate to members that we all need to be aware that the requirement for the tabling of these reports is set out in legislation — in the Financial Management Act 1994 — and there is a very tight timetable for the presentation of those reports. They refer to the financial year ending 30 June 2011. The agencies and departments at that point obviously need to compile their annual accounts. They need to have them audited, they need to have commentary on those reports and indeed this year they have had to meet an earlier deadline than in previous years. Therefore, whilst it might be unfortunate from the point of view of members, the media and the public that these reports are tabled in significant numbers at particular times of the year, that is the only way they can be managed.

I must say that today I was rather disconcerted that a person actually tackled one of the staff of the Parliament over the number of reports that were tabled. I think that was most improper. If anybody has a concern about the number of reports that are tabled, then they may well take it up with me or the Speaker and discuss those matters. Indeed we might take it up with the government in terms of the actual reporting times that are set out in legislation. It is not the responsibility of officers of the Parliament, and they should not be criticised for simply following appropriate procedures and meeting the legislative requirements that are set down by government.

Furthermore, agencies and departments, it must be clearly understood, are working under tight time frames in terms of the compilation of those reports, and there are limited opportunities in sitting weeks to provide those reports to the Parliament. I think we all need to be mindful of that.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notices given.

Ms PULFORD having given notice:

The PRESIDENT — Order! Ms Pulford has already given notice of her intention to make a statement on a report. Which report does she wish to proceed with?

Ms PULFORD (Western Victoria) — I will proceed with the report I have just mentioned.

The PRESIDENT — Order! The previous notice will be removed.

Further notices given.

Mr LEANE having given notice:

The PRESIDENT — Order! Mr Leane has already given notice of his intention to make a statement on a report.

Mr LEANE (Eastern Metropolitan) — I would like to run with the report I just mentioned.

Further notices of motion given.

Mr DRUM having given notice of motion:

The PRESIDENT — Order! Mr Drum has already given notice of his intention to make a statement on a report.

Mr DRUM (Northern Victoria) — I choose the report I just mentioned.

Ms Broad — I seek a point of clarification from the President. Following on from the Leader of the Government's reference to there being 330 answers to questions on notice today, I have subsequently been handed answers to 2 questions on notice which are undated. I seek clarification as to whether this is a change of practice, because this is a matter that has been raised in the house, and whether that is now the practice — that is, that answers to questions on notice by ministers are now undated.

The PRESIDENT — Order! There is no requirement of the house that answers be dated. That is my clarification of the member's query.

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 14 September 2011:

(1) notice of motion 156, standing in the name of Mr Lenders, relating to the disallowance of certain regulations;

(2) notice of motion 151, standing in the name of Mr Barber, relating to the production of documents relating to the carbon pricing modelling prepared by Deloitte for the Department of Premier and Cabinet;

(3) the notice of motion given this day by Mr Tee relating to the revocation of Victorian planning provisions amendment VC82;

(4) order of the day 14, relating to the production of documents relating to the *Herald Sun* online sentencing survey;

(5) the notice of motion given this day by Mr Somyurek relating to the Victorian manufacturing sector;

(6) order of the day 15, relating to the production of documents relating to the Australian Grand Prix Corporation; and

(7) notice of motion 131, standing in the name of Mr Pakula, relating to freedom of information decision making.

Motion agreed to.

MEMBERS STATEMENTS

Frankston Community Fund

Mr TARLAMIS (South Eastern Metropolitan) — On Saturday, 3 September, I had the pleasure of attending, with a number of my colleagues, the Frankston Community Fund spring fundraising ball, which was held at the Frankston Arts Centre.

The Frankston Community Fund is a charitable trust account set up for the Frankston community by the Frankston City Council under the Lord Mayor's Charitable Foundation local government charitable trust account scheme, and this was its major fundraiser. The fund's aim is to build capital that will grow in perpetuity, generate interest and dividends, and provide funding to support the work of local charities and community organisations through a grants program.

This year the ball attracted over 180 attendees, who were treated to a wonderful dinner, great entertainment and an opportunity to bid on some fantastic auction items. I understand that over $23 000 was raised on the night. I congratulate the mayor, the Frankston City Council, the many sponsors and all those who attended for making the night such a resounding success.

Brenda Gabe

Mr TARLAMIS — On another matter, I would like to pay tribute to Brenda Gabe, who was posthumously awarded the 2011 Sir John Monash Community Leadership Award at a ceremony held recently by the City of Monash. This is not the first time I have paid tribute to Brenda in this place, but it is the first time this award has been presented posthumously.

Having retired from work because of multiple sclerosis, Brenda dedicated her life to helping others. Brenda was a steadfast and passionate volunteer and in particular an advocate for people with disabilities. She worked tirelessly to champion the rights of all and made an outstanding contribution to the local and broader community, and it was for this contribution that she has been recognised with this award. Sadly Brenda passed away in April.

Ballarat: 2014 FISA World Masters Rowing Regatta

Mr RAMSAY (Western Victoria) — Last week was a good week for the Ballarat community, with two significant announcements. It was with great pleasure that I represented the Minister for Tourism and Major Events, Ms Asher, with the Minister for Public Transport, Terry Mulder, at the announcement that the Baillieu government has secured another major sporting event for regional Victoria. Rowing's international governing body, FISA, has awarded the 2014 FISA World Masters Rowing Regatta to Ballarat, which will host the event at Lake Wendouree.

As a world-class facility, Lake Wendouree is no stranger to hosting high-level rowing events, having played host to the 1956 Melbourne Olympic Games rowing regatta as well as various King's Cup events, Victorian rowing championships, national rowing regattas and the 2002 World Masters Games rowing events. I will be looking forward to working closely with the Ballarat City Council in making sure that Lake Wendouree is in a fit and proper state to host this very important event. The event will add to Ballarat's impressive line-up of sporting and cultural events, such as the current Ballarat International Foto Biennale, the Ballarat Begonia Festival, the Mars Cycling Australian Open Road National Championships and the Jayco Herald Sun Tour.

Rail: Wendouree service

Mr RAMSAY — More good news for Ballarat was the announcement by the Minister for Public Transport, Mr Mulder, that post 9 October, the number of trains for Wendouree passengers will more than double providing greater flexibility for the Ballarat community to be able to travel to Melbourne for special events. With more than a doubling of the weekend trains for Wendouree — —

The PRESIDENT — Time!

Climate change: Climate Institute report

Mr SCHEFFER (Eastern Victoria) — I commend the release of the Climate Institute's *A Climate of Suffering — A Report on the Human Cost — the Real Costs of Living with Inaction on Climate Change*. Most of us who follow the debate on the impacts of climate change generally focus on the frame set out in books such as Ross Garnaut's 2011 review, which concentrates on the natural environment, the economy and technological innovation.

A Climate of Suffering opens another important line of examination — that is, the personal and human effects of climate change. The report looks at the impact that climate change is already having on our health through our food supply, nutrition, diseases, mental health, premature deaths, bereavement, depression and self-harm resulting from the increasingly intense fires, storms and floods that are sweeping Australia and the globe. Admittedly it is difficult to attribute any single severe weather event such as the February 2009 fires or Cyclone Yasi to climate change, but scientific opinion is that these events are consistent with expectations.

We are familiar with the increasing health stresses experienced by rural communities, which are compounded by the immediate and long-term effects of severe weather. We can expect this to escalate when we take into account the massive future dislocations that communities will encounter — and the Murray-Darling Basin comes to mind. *A Climate of Suffering* outlines how climate change — embodied in droughts, fires, extreme high temperatures, floods, cyclones and loss of soil productivity — results in social dislocation that severely harms the health of individuals and communities. This publication is a must-read for anyone who cares about our continued social viability.

United States of America: September 11 anniversary

Hon. W. A. LOVELL (Minister for Housing) — The passage of time is a subjective thing. When you are young a year seems like an eternity, but when you are older 10 years can go by in a flash. And so it seems with this week's 10th anniversary of the September 11 attacks in the United States of America, which claimed the lives of nearly 3000 people. All but the youngest of us remember exactly where we were when we heard that the Twin Towers that dominated the New York skyline had been the subject of a terrorist attack. We were quickly glued to our televisions — I watched as the second plane hit and stayed glued to the screen all night — watching scenes of terrified people running away from the World Trade Centre through the cloud

of toxic ash and later returning and desperately searching for family and friends.

For those of us with the benefit of distance, the time has gone quickly while we were busy doing other things. We cannot truly understand the loss and pain still felt by those whose families were changed forever by these attacks, but we feel for them. On this 10th anniversary our thoughts are with those people from all over the world, including Australia, who lost family members and friends in those horrific attacks. Our thoughts are with the children who have grown up without parents. We share their hopes for the future — that we never again see terror on this scale and that the memory of the victims will live on.

Gaming: Pink Hill Hotel

Hon. M. P. PAKULA (Western Metropolitan) — In July last year the Victorian Commission for Gambling Regulation, now described by the Minister for Gaming as the independent gambling regulator — how times change! — approved an application by the Pink Hill Hotel in Beaconsfield for a soundproof children's play area adjacent to the gaming room and bistro.

At the time the suitably outraged member for Malvern in the Assembly, now the minister, described it as a decision by the 'Brumby government's gambling regulator', cited it as evidence of John Brumby's 'moral bankruptcy', and called the decision 'outrageous' and 'completely socially irresponsible'. Then of course he released the coalition's gaming policy before the last election, and as expected said he would not allow it if he became the minister.

We are now nearly 10 months in, and this practice is so morally bankrupt and so completely irresponsible that this outraged minister has done exactly nothing about any of it — that is unless you count the announcement last week of a working group that will have a bit of a look at it. As Paul Bendat from PokieAct has been quoted as having said:

> The Baillieu government has done nothing to enact this promise other than refer it to a committee weighted in favour of the pokie industry.

Mr Bendat can sniff the minister's phoney outrage a mile off, and before long Victorians will as well.

Ayen Chol

Ms HARTLAND (Western Metropolitan) — My statement today is about the community response to the terrible death of Ayen Chol and the way the community has come together to assist a family that was in need of support financially and emotionally.

Ayen Chol died after being attacked by a dog in St Albans. She was four years old. Her young cousin was also injured in the attack. Ayen's family are Sudanese refugees who arrived in Australia in 2004 after spending three years in a refugee camp in Egypt. Her family was making a new start in Australia.

Her kindergarten, the St Albans Main Road East Early Learning Centre, raised over $20 000. City West Water, Victoria Police, the Brimbank Metropolitan Fire Brigade station, Brimbank City Council, the Spectrum Migrant Resource Centre and the Victoria University Convention Centre organised a fundraiser last week where they raised a further $7000. I was able to attend, along with 200 other people.

I spoke to people who were directly involved on the night Ayen was killed about what a profound effect the event had had on them. The fundraising was a way that we could respond in a positive way to express how we felt and how we wanted to support the family. We should give praise to the people who organised the fundraiser, especially Senior Sergeant Trevor O'Shannassy, Inspector Michael Grainger, Kerry Hewson from Brimbank council, Ruth Harley from City West Water, and Wambui Thirimu from the Spectrum Migrant Resource Centre. This fundraiser allowed the community to respond to a terrible event.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! Time!

Antonine College: Cedar campus

Mr ELASMAR (Northern Metropolitan) — On 19 August I attended the official opening and blessing of the atrium and new buildings at the Cedar campus of Antonine College in East Coburg. Bishop Abikaram blessed the new facilities and spoke about the importance of our youth's education. Sister Daad El-azzi, the principal of Antonine College, gave a heart-warming address to the assembled dignitaries.

The new college facilities are a result of hard work and planning by the federal government via the Building the Education Revolution fund, and it was represented by Mr Kelvin Thomson, the federal member for Wills. I wish the staff and college students all the very best in their new additional facilities.

Victorian Training Awards

Mr ELASMAR — On the evening of Friday, 2 September, with colleagues from both houses I

attended the 2011 Victorian Training Awards presentation ceremony. All of the nominated finalists were marvellous and absolutely deserved to win their respective awards. I was very glad that I did not have to choose the recipients. I must say that Minister Hall looked particularly splendid in his suit, specially designed for the occasion by Nathan Cahir, a third-year student from the Gordon Institute. I was impressed with the quality of all the entrants. They are too numerous to name, but I congratulate them all.

International Prostate Cancer Awareness Month

Hon. P. R. HALL (Minister for Higher Education and Skills) — The lapel badge I wear today is that of the Prostate Cancer Foundation of Australia. I wear this lapel badge today because September is International Prostate Cancer Awareness Month. This is an important month. Men, particularly men of my age, should be aware of the insidious nature of this particular cancer, and they should note the fact that in 2010 almost 20 000 men were diagnosed with prostate cancer. Tragically more than 3000 men died because of it.

A couple of weeks ago I was joined by Allan Cunningham and Colin Birmingham from the Latrobe Valley prostate cancer support group, and I commend them on their efforts in raising this issue in our local community in the Latrobe Valley.

One in 11 men will develop prostate cancer by the age of 70, with the group most commonly at risk being those over 50 years of age. I fall squarely in the middle of those age groups, as do many in this chamber, so I will be having a test, and I encourage my male colleagues to take notice that this is prostate awareness month and to look to their own health by having a check-up as well.

Geelong: food and wine events

Mr KOCH (Western Victoria) — Last week I was delighted to represent the Deputy Premier and Minister for Regional and Rural Development, Peter Ryan, at the Toast to the Coast, Geelong Wine Pour and Geelong Wine Show events. What wonderful events to be able to launch! The Toast to the Coast, celebrating its 10th anniversary, is the only event in the Geelong region that actively promotes and showcases regional wine and food from the Geelong, Surf Coast, Colac Otway, Bellarine and Golden Plains regions.

The Toast to the Coast, Geelong Wine Pour and Geelong Wine Show events have become key drives of economic and tourism benefits for the region through the promotion and sale of local produce. In fact Geelong Major Events estimates that Toast to the Coast events generate in excess of $1 million annually. This is wonderful for the social and economic viability of the region and for Victoria as a whole.

I was pleased to announce that the Victorian government is supporting the Toast to the Coast, Geelong Wine Pour and Geelong Wine Show events with a $40 000 grant. This funding is being used for professional marketing to support a high-level promotion and awareness campaign for these events, which are held over three months from September, and to promote the Geelong region as a tourism, event, food and wine destination. I congratulate the organisers of this unique event and encourage all members and their friends to visit the Geelong region to enjoy the wonderful food and wine produced there.

SENTENCING LEGISLATION AMENDMENT (ABOLITION OF HOME DETENTION) BILL 2011

Second reading

Debate resumed from 1 September; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to rise to make a contribution on the Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011 and to indicate that the opposition will not be opposing the bill. In doing this I indicate that the opposition's position on the substantive features of this bill has been put on the record extremely well by the member for Altona in the other place, Ms Hennessy, and by other opposition speakers. However, in my brief contribution today I will go to some of the germane matters to which the opposition would like to draw attention.

It is important for the house to note that this bill is not an end in itself; it is part of a wider law and order agenda which is being enunciated by the Baillieu government. Whether or not the abolition of home detention ultimately has any utility will be judged on whether this change makes Victorians safer in any substantial way. I have to say that the opposition has its doubts about that. Members of the opposition have concerns to which I will go in my contribution, but when one considers the very small number of convicted persons that are on home detention in the state of Victoria and the nature of their offences, one sees that the opposition is within its rights to argue that this change is more window-dressing than anything else.

As I have indicated in regard to a number of other measures that have been brought before the Parliament by the government, this is a change which the government campaigned on and for which it has a mandate. This is a change which the government will introduce, and it will be judged on the success or otherwise of the measure. However, this measure should be considered not only in terms of its success but also in terms of its utility when compared to its cost. There is always an opportunity cost in these things — that is, every dollar that is spent on the corrections system is a dollar that cannot be spent on some other area of government responsibility. When the government continues to pour more and more taxpayer dollars into the corrections system, then I think it needs to be able to demonstrate at the end of that process that there has been a dividend for Victorians with regard to a safer community and better and more just outcomes across the board.

So far the government has made claims about the abolition of suspended sentences, but it has not really done much at all. It has added three more offences to the rather lengthy list of offences for which suspended sentences are unavailable. As well it has abolished suspended sentencing for a further three but only if they are not dealt with summarily in the Magistrates Court.

The government made promises about the provision of street-by-street crime statistics and data to Neighbourhood Watch, a promise that has not been fulfilled, and the government now acknowledges it will not be fulfilled. We also had the spectacle before the Public Accounts and Estimates Committee where the Minister for Corrections was asked about all the law and order and sentencing measures the government was proposing and what the crime reduction dividend for Victorians would be.

It was put to the minister that if the government was going to spend more and more of what is a finite and constrained public purse on the corrections system, it would be the expectation of the opposition that the government would have in those circumstances provided to itself an estimate of what it thought the reduction in crime would be. How much safer would Victorians be in reality as a result of all that extra spending and as a result of all those penalty increases the government is proposing? The answer from the Minister for Corrections at the time was the rather extraordinary response that crime rates might not go down in the next 4 years or 8 years but they may go down in 20 years.

There was also the revelation in the budget papers that rates of reoffending, of recidivism, are projected to go up over the forward estimates period, even though there was an eight-year decline in recidivism under the previous Labor government. One of the things the corrections system has to do is reduce the rates of reoffending. If the corrections system simply increases the likelihood that people are going to come out of prison and go back to a life of crime, any fair person would argue that a corrections system that makes that more likely is a corrections system which is heading in the wrong direction.

We have to be absolutely clear as a Parliament that when we talk about being tough on crime, when we talk about harsher sentencing, when we talk about all those things they are not ends in themselves. The end, the objective, is a reduction in crime, a reduction in the rates of reoffending and an increase in community safety. Unless these measures deliver on that, what you have done is spend an enormous additional amount of taxpayer funds on a corrections system for no apparent benefit to the community.

We do not believe the abolition of home detention of and by itself will make Victorians safer. It is a measure that the government appears to believe will have that effect. Government members when they were in opposition simply mouthed platitudes and abuse about Labor's so-called soft-on-crime approach, so perhaps it is incumbent on them when talking on this bill to actually outline how the abolition of home detention will make Victorians safer in any concrete way.

I know the government's position is that this bill will deliver greater consistency and certainty in sentencing. I know it is the government's position that it will relieve the impact on families, remove from families the pressure to consent to a home detention order and shift the cost of imprisonment from families to the state. But I think it is important to go back over some of the facts about the home detention system. It was introduced by the previous government in 2004 as both a court sentencing option as an alternative to prison and an option for the adult parole board in its deliberations.

Home detention is a sentence to be served at home once a judge has found that a prison term of up to 12 months is an appropriate sentence. A conviction is recorded and home detention acts as an alternative sentence to imprisonment for use by a judge. It is not a penalty of and by itself; it is a way that a judge can administer a penalty in a circumstance where that judge believes it to be appropriate in all the circumstances of the offence. It is a penalty which is restricted to non-violent, low-risk, low-security offenders who meet the eligibility criteria in the act. It is limited to 80 offenders and it is limited to the Melbourne metropolitan area.

Any person who lives at the premises where the offender is to be placed has to consent to the order and the offenders are supervised by the home detention unit. They have an electronically monitored curfew. That is a system that has, by and large when one looks at the statistics, worked effectively. I do not believe it has been responsible for the kinds of problems or abuse that government members used to complain about when they were in opposition.

It is also important to go through some of the statistics about home detention. In the seven years the home detention regime has been in place a total of 575 home detention orders have been made, which on average is less than 100 a year. Only 105 of those were court-ordered, front-end home detention orders. The vast majority were parole board ordered, so it was the parole board making a determination that home detention was an appropriate penalty for an individual upon release. The fact is that over seven years of operation the courts have ordered 105 instances of home detention as an alternative to prison — that is, on 15 occasions a year on average.

More than 100 of the 575 orders have been made for offenders who were over the age of 51 years of age. Overwhelmingly they are individuals convicted of theft, fraud and driving-related offences. When you talk about the efficacy of the program and the number of individuals who have done the wrong thing while on home detention — who have seriously transgressed while on home detention — of the 575 home detention orders, 35 have been revoked over the seven-year period, so somewhere between 5 per cent and 10 per cent. Right now approximately 20 offenders in the state of Victoria are subject to home detention orders.

It is important for everybody to remember that a home detention order can be revoked if it is breached, certainly in regard to a major breach. In those circumstances an offender would serve the rest of his or her term in prison. It is also worth noting what might occur in the absence of home detention orders being an option for judges. It is not the case that the removal of the home detention order option for judges will automatically result in a period of incarceration. A judge is not going to be required to order jail time for someone for whom that judge might otherwise have ordered home detention. A judge might instead order a community-based order for that individual.

What you might find is that the government ends up with a perverse outcome: a bill which on its face is designed to be tough on crime and to ensure that jail means jail might in fact mean that rather than putting someone on a home detention order, where they are monitored and subject to a curfew and where they are effectively incarcerated in their home, a judge might instead, because that option is no longer available to him or her, release that person on a community-based order.

Ms Pennicuik interjected.

Hon. M. P. PAKULA — As Ms Pennicuik says, many probably will. So rather than being tough on crime and rather than ensuring that jail means jail, the effect of taking an option away from judges might be that half the people who would have been on home detention will be incarcerated in the prison system, which means more cost to the corrections budget, and the other half will be out on community-based orders when they might otherwise have been on home detention orders, so it is the worst of all worlds — that is, more money being spent in the corrections system and more people out on community-based orders, meaning more cost in that part of the corrections budget as well.

As I have indicated, the opposition will not oppose the bill because we believe this was a matter of significant political contest between the Labor Party and the now government before the last election. I note here a media release from the now Attorney-General going back as far as 24 August 2009. I have seen the coalition's justice statement and justice policy, which were released before the election, and I recall some of the spirited debate about this that occurred before the election. What we say to the government is, 'On your head be it', because if it insists on implementing this approach, the opposition will not stand it its way. The government took this to the election, we debated it and the coalition won.

But let me say this, at the end of the day this policy will not be judged on whether the Attorney-General is able to put out a media release on the day this bill passes through this chamber saying, 'More-tough-on-crime success for the Baillieu government'. This policy, like all the other government tough-on-crime policies, will be judged by whether the rate of crime falls, whether recidivism falls and whether the Victorian community is genuinely safer. That will all be judged in the context of the massive increase in spending that is going to occur not just in the corrections system but also in the court system as more cases are contested, as fewer guilty pleas are entered, as the delays in courts increase and as there is more and more strain on legal aid. The success of the policy will be judged by determining whether the money spent could have been better spent on health, education, transport and all the other things the Victorian government could do with its money.

At some point this will be subject to a comparative analysis of whether all the extra money, all the extra resources and all the extra time spent both in the court system and in the corrections system, which could have been spent otherwise, actually delivers a dividend to Victorians in terms of reduced crime rates, reduced recidivism and a safer community. We will just have to wait and see whether the government is able to deliver on that.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011. The purpose of the bill is to amend the Corrections Act 1986 and the Sentencing Act 1991 to provide for the repeal of provisions relating to home detention orders.

To pick up on the first point raised by Mr Pakula, we agree wholeheartedly that this is not a bill to be considered in isolation; it is a bill to be considered as part of the suite of policies that the coalition parties took to the 2010 election, when we received a mandate from the Victorian people to deliver a restoration of truth in sentencing, law and order, protection of the community and community safety, because the community was becoming increasingly concerned about the level of violence and the failure to protect ourselves from those elements in the community that seek to harm people, particularly with violence and other serious offences. This commitment was made to the electorate to end the charade of prison at home by the abolition of home detention.

With regard to the suite of policies, particularly the major reforms that will be debated shortly in the other place in relation to the community correction orders — as well as the legislation for the abolition of suspended sentences for the most significant offences that was passed earlier this year and the abolition of other suspended sentences that will come — they are significant reforms designed to correct a number of what have become sentencing anomalies in the present regime. In the present regime jail does not mean jail in that when you are sentenced to what is technically a term of imprisonment it may not mean that you will spend any time in jail at all; in the case of a suspended sentence it means rather that your sentence will be wholly suspended. In the instance of the subject matter of the bill we are debating today, home detention, you would serve that term of imprisonment not in a jail, as we generally understand the term, but rather in your own house. Effectively it turns your home into a prison.

The reasons that these anomalies have arisen are varied, and they have occurred over time. The solutions that the coalition, as a result of its election in November 2010, has brought to the Parliament already, and will continue to bring to the Parliament, will effectively simplify the regime to restore a proper hierarchy of sentences ranging from fines to community correction orders and imprisonment. In relation to the abolition of home detention, it was a legal charade that was regarded as a term of imprisonment when in essence it was served at home.

Presently there are a suite of regimes available for not imprisoning offenders, including community-based orders (CBOs), which are probably well known; intensive correction orders; combined custody and treatment orders; and intensive correction management orders. The complexity of these regimes being reduced to a single regime, combined with the abolition of home detention, will allow greater flexibility in both the front end of sentencing of offenders under the Sentencing Act 1991 and the back end of consideration of parole by the Adult Parole Board of Victoria. Each policy in this suite of policies is important. They will all interact with each other, and they all have a similar purpose, which is to restore community safety and confidence.

That brings us to the second point raised by Mr Pakula in his contribution, which was similar to a point raised earlier in relation to the Sentencing (Further Amendment) Act 2011 — namely, how this policy change will correlate with the cost of correctional facilities and whether it will lead to a disproportionate allocation of resources to the correctional facilities. The reason that this question cannot necessarily be given a defined monetary answer is that the cost to the community of breaches of public safety, in particular of violence, is not just a monetary cost.

The cost is primarily to the victim of crime who has a personal cost to themself of an indeterminate sum. As a victim of crime they will have to either live with the physical injuries or, potentially, suffer the loss of their life. If they are a family member of a crime victim, they may have to live with the loss of a loved one or the maiming of or an otherwise significant injury to a loved one. These costs are not easily quantified. There are certain actuaries et cetera who put costs on various physical injuries for certain purposes, but these sorts of policies cannot be measured in a purely budgetary sense. Rather, what is important is to restore faith in the law and order system and to correct the behaviour of potential offenders in the community at the outset or, if they have already offended, to stop them from reoffending.

That takes me to the third point raised by Mr Pakula in relation to the corrections system. He was concerned

about the impacts of this particular bill and the policy of abolition of home detention on potential reoffending. We say that we hope the first point of impact of this policy and this bill will be the prevention, minimisation or mitigation of the potential to offend in the first place at the very front end, which is in our community. It is true that this particular aspect of the suite of coalition policies on law and order relates to home detention, which is not available for violent offences, but its abolition is part of the suite of policies for truth in sentencing. The legal fiction of home detention was an important aspect of, at the very least, the perception and the actuality that jail did not mean jail. If you are restoring truth in sentencing, it must be considered across the whole of your policies.

On Mr Pakula's last point, he talked about a perverse outcome where in his view a tough-on-crime approach would deliver not toughness on crime but the potential for more CBOs. We say, respectfully, that this is misunderstanding the purpose of this suite of policies. The policies are primarily directed at restoring truth in sentencing, so jail means jail. If you are sentenced to jail, you are sentenced to jail. There are parole periods to be considered with that.

The traditional way for people to be released back into the community is under the supervision orders associated with parole. Likewise, the previous suite of community-based orders, intensive correction orders and combined custody and treatment orders provide options for non-jail, as do fines. What truth in sentencing will restore is that the judge, when considering a sentence, will be able to consider the suite of options in their proper hierarchy and not engage in legal fictions such as suspended sentencing or, in this instance, home detention being treated as a sentence of incarceration when in fact it is a release into your own home.

One of the key differences, then, will be the difference between a sentence under a community corrections order or a sentence under a home detention order. The big thing about home detention is that it effectively makes the family members of the person who has offended their custodians in the home. The difference between that and a community corrections order is quite significant, in that with a community corrections order you live in your home but do work in the community for the benefit of the community and your family members do not become your jailers. That is one of the concerns that has been expressed about some aspects of home detention.

In terms of the history of this issue, not only did the coalition take this policy to the last election, but when this particular, I will say, experiment with home detention was introduced by the Bracks government back in 2001 it was defeated in this house by the coalition parties, which had control of this chamber at the time. It was reintroduced and passed in 2003, when control of this chamber fell to the then government. Nevertheless, it was opposed by the coalition, and it took this clear policy to the 2006 election, but obviously it did not secure a mandate at that stage. However, the opposition spokesman for corrections at the time, who is now the Minister for Manufacturing, Exports and Trade in this place, spoke clearly about the coalition's opposition to this experiment.

The coalition policy in this regard has been well known for 10 years. It was then taken to the 2010 election when the successful mandate, as was referred to by Mr Pakula, was delivered in terms of the coalition victory. There should be no doubt that law and order and the failure of the previous government to secure law and order and safety in the community were seen as some of the big failings of the previous government.

At the end of his contribution Mr Pakula made the point that the government will be judged on its ability to deliver on its commitment to restoring both confidence in the community and law and order, and he contrasted that to the ability of the electorate to judge the government on how it delivers on that and where money could otherwise be spent. That is exactly why at times it is so important to analyse the record of the previous government in relation to some of the decisions on which the electorate judged it and found it to be wanting.

There has been talk about the cost of doing things. I would like to remind the house of the cost of the desalination project, the cost of the myki program and the cost of the north–south pipeline — the $1 billion white elephant for which Victorians had to forgo their taxpayer dollars, money which could have been spent on correctional facilities, our roads and bridges, and other pieces of infrastructure that we regard as so important. The previous government was judged on its failings in that regard.

This government is more than happy to be judged on its policies in relation to law and order because it is endeavouring to do what it can to deliver truth in sentencing and restore faith in a way that does not add a cost burden to the community. If the cost of crime can be brought down at the outset, it obviously provides a non-pecuniary benefit to people — namely, that they are safe. There would be a benefit in livability, a benefit in amenity, a benefit in useability of public transport and a benefit in a cost saving to our criminal justice

system and a cost saving to our community. We are endeavouring to bring in these policies in a way that will save the taxpayer dollar, if it is to be looked at in pecuniary terms, but more importantly that will save lives, save the community from violence and make this city more livable and this state a great state to be in.

I will shortly conclude. As a piece of legislation this is quite a simple bill. Its provisions in part 2 effectively repeal the home detention regime that was brought into the Corrections Act 1986. It does that effectively under clause 6, which repeals division 4 of part 8 of the principal act. The bill also provides for important transitional arrangements to deal with family protection notices provided for under previous legislation passed in this house, which need to remain in place until the offenders serve their time. I do not believe that is opposed. Part 3 of the bill provides for amendments to the Sentencing Act 1991 to bring into effect the abolition of the home detention regime.

With those comments, I commend the bill to the house. I know it is not opposed by the opposition; I am not sure if there will be a contribution from the Greens. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting the Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011. The bill amends the Sentencing Act 1991 and the Corrections Act 1986 to remove the ability of the courts and the Adult Parole Board of Victoria to order that an offender serve a period of home detention instead of a period of imprisonment.

Home detention has operated in Victoria since 2004 under the provisions of the original bill that was passed in 2003 and also under the provisions of an amending bill that was passed in this house in May of last year. The reason the Greens will not support the bill is that it is not based on any evidence; it is based just on a populist campaign the coalition was running prior to the election and has been running since the election with regard to sentencing. It is the view of the Greens that the courts — and in this case the Adult Parole Board of Victoria, but the courts in particular — need the widest range of sentencing options available to them. We do not support the campaign and program the coalition commenced with the previous bill, which abolished certain suspended sentences. There were already some offences for which suspended sentences were not available, but the bill brought in earlier this year added to the list of offences for which suspended sentences would not be available.

We now have this bill before us, which will abolish completely the option of home detention, which the courts and the adult parole board have availed themselves of in quite a modest way. It has not been the case that the courts or the adult parole board have run wild in terms of imposing home detention rather than imprisonment, or, in the case of the adult parole board, in allowing people to apply for home detention as they near the end of their sentence.

In fact if members have looked at the report done by the Melbourne Centre for Criminological Research and Evaluation for Corrections Victoria and the Department of Justice in 2006, and at a subsequent report done by the Sentencing Advisory Council in 2008 on home detention, and if members have read the research brief prepared by the parliamentary library — and I thank it again for the excellent work it has done with the research brief — they would have seen that, although several hundred people had applied to the adult parole board and to the courts for home detention, in terms of the adult parole board in 2005–06 there were 35 home detention orders; in 2006–07, 47; in 2007–08, 63; in 2008–09, 83; and in 2009–10, 87 orders were made by the adult parole board. They will also see that in 2005–06 there were 14; in 2006–07 there were 42; in 2007–08, 21; in 2008–09, 18; and in 2009–10 there were 10 orders by the courts.

It is not as if an inordinate number of home detention orders have been imposed by either the courts or the adult parole board. However, they have been assessed by the adult parole board and by the courts, and there are strict criteria by which people are either eligible or ineligible for the option of home detention. Obviously those who are immediately ineligible include people who have a history of violence, people who have been convicted of sexual or violent offences or, under the Justice Legislation Amendment Bill 2010, people who have had intervention orders or family violence orders against them. Corrections Victoria and the home detention unit do a lot of work in assessing not only the offender but also the others affected — the co-residents or family members of the offender — in determining the offender's eligibility for home detention in the first instance.

As I said, it is the Greens policy that the courts should have before them the widest possible range of sentencing options. The courts have all the evidence in terms of the offence committed, the circumstances under which it was committed and the circumstances of the offender and their family. They have that information before them, so they are in the best position to judge the best possible sentence.

Mr O'Brien said in his contribution that over time the options available to courts have been widened through suspended sentences, home detention, intensive correction orders, community-based orders, Koori courts et cetera. It is a hallmark of a good and progressive justice system that it allows the courts the widest possible options to deal with offenders in their specific circumstances. Mr O'Brien is correct in saying the bill is fairly simple in that it completely repeals the home detention provisions of the Sentencing Act 1991 and the Corrections Act 1986.

The bill allows home detention orders that are currently in place to run their course. Clauses 11 and 24 of the bill insert new transitional provisions to preserve existing home detention orders. I foreshadow that I would like to take this bill into committee briefly. I mentioned that to the minister when he was in the chamber before, and he was amenable to it.

Clauses 11 and 24 seem to mean that anyone who needs to refer to the act in relation to an existing home detention order will have to find a historical version that predates these amendments. I am not sure whether this has been done with any other legislation. I am concerned that this will cause unnecessary complexity for anyone dealing with home detention orders from now on and will do so until the last person on a home detention order has that order lifted. That is an anomaly in the bill which needs some explanation. It certainly does not get any explanation in the second-reading speech.

When I was last in the chamber I spoke on the Justice Legislation Amendment (Protective Services Officers) Bill 2011 and I mentioned that the second-reading speech by the Minister for Police and Emergency Services was only two pages long; the second-reading speech for this bill is not even a page long. The Minister for Corrections said in the second-reading speech:

> The aim of the government's policy of abolishing home detention is to ensure truth in sentencing and restore the community's confidence that jail means jail.

Mr O'Brien repeated that sentiment several times in his contribution. That was a concern with home detention in its first iteration. It was raised in the 2006 report I mentioned before, the evaluation report conducted for the Department of Justice by the Melbourne Centre for Criminological Research and Evaluation.

It is worth noting in my contribution that this report looked at many of the concerns that people have raised regarding the impact upon family members or other co-residents of the offender who is living out the home detention order — and such orders are never longer than 12 months; the average is 5 months and some are quite a bit shorter. The Federation of Community Legal Centres Victoria and Domestic Violence Victoria also raised this concern in their submissions on the original bill.

The 2006 report, which was also referred to by the Sentencing Advisory Council in the chapter on home detention in part 2 of its report on suspended sentences, basically found that the whole system had positive results. In particular it found no evidence of problems from its evaluations and interviews with offenders and the people with whom they lived. I think that is partly because the people who have undergone home detention have not had histories of violence and have not been convicted of violent offences. The most common offences are fraud, breaches of suspended sentences and driving without a licence — those types of offences, not violent offences. Its success is also because of the work that is done before allowing any person to undergo home detention.

Even though the range of people who have undergone home detention is not wide, I strongly believe that home detention should be given more of a chance, given the evaluation report, the Sentencing Advisory Council's report and the newly operating provisions of the bill that was passed last year — the Justice Legislation Amendment Bill 2010, which extended home detention.

Going back to what the minister and Mr O'Brien said about jail meaning jail and that abolishing home detention is about ensuring truth in sentencing, the legislation introduced last year made home detention a stand-alone provision; it was not imposed on a person instead of a jail term. Originally a person could be convicted of an offence, have a jail sentence imposed on them and that could be converted into a home detention order. That situation was changed by that legislation. Jail means jail does not come into it because the person is given a home detention order as their sentence. Being given a home detention order and serving out a home detention order is truth in sentencing, because that is the sentence imposed by the court.

We believe the courts should be exploring even more sentencing options because the evidence is clear that it is best to keep people out of jail, particularly people who are not violent offenders or a danger to the community. Jail is not good for offenders and it is not good for the community. In his contribution Mr Pakula talked at some length about reoffending and recidivism. We know the rates of recidivism have been falling in

Victoria; they are much higher for custodial sentences or incarceration in prison than they are for non-custodial sentences. The evaluation undertaken in 2006 on home detention orders found that while the recidivism rate was expected to be around 7 per cent, it was in fact 1.5 per cent.

Mr O'Brien interjected.

Ms PENNICUIK — Mr O'Brien says that was because they cover less violent offences. He is running my argument for me, which is that these people should not be in jail and that it is good they are given a home detention order because they are not likely to be recidivists. Home detention orders — and other orders like community-based orders — reinforce the idea that those orders are given because the likelihood of an offender reoffending is possibly lower than with other offenders. That idea is reinforced by the non-custodial sentence, which is an outcome we should be looking for in a modern, progressive justice system.

A government running a program of so-called truth in sentencing and jail means jail is taking us back to a place we should not be going. We should be moving towards more sentencing options and less custodial sentences. That is the best way if we want to rehabilitate prisoners, if we are talking about low-risk offenders, which is what we are talking about here.

The legislation passed by the Parliament last year made a home detention sentence a stand-alone order that the court could apply in circumstances that it thought were appropriate, and that has been occurring. With all that in mind I will be moving a reasoned amendment to this bill, which I have circulated to the other parties and can now circulate to members in the chamber. I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until an independent, public evaluation of the operation of the provisions introduced by the Justice Legislation Amendment Act 2010 has been conducted'.

I have already referred to the evaluation done five years ago, in 2006, after two years of the operation of the first home detention regime. The legislation introduced last year brought in some different provisions for home detention orders. A home detention order had to be a stand-alone order; judges and the Adult Parole Board of Victoria had more discretion, because there was an increase in the flexibility given to the consideration of prior offences when determining a home detention application; and the provisions included a judicial veto preventing the adult parole board from making home detention orders in some cases.

Some of those provisions came out of the recommendations made by the Sentencing Advisory Council in 2008. It also recommended — and this was raised and discussed during the debate on the legislation last year — that the option of home detention be extended to people outside Melbourne, because it was discriminatory to provide the service just to people residing within 40 kilometres of Melbourne.

It is now five years since a substantive evaluation was done, and a new act is in operation. There should be some evaluation of the provisions of the new act, and the views of stakeholders should be taken into account before we go down the track of abolishing a sentencing option that courts can apply in appropriate circumstances. It is interesting to read what the Sentencing Advisory Council said in its final report on suspended sentences. It talks about home detention, and in chapter 5 it recommended:

> The specific purposes of home detention should be to allow for:
>
> > the adequate punishment of an offender in the community;
> >
> > the rehabilitation of an offender in the community; and
> >
> > the monitoring, surveillance and supervision of an offender.

All of those things can be achieved with home detention, as appropriate, given the circumstances of the offence and the offender.

I mentioned before that some concerns have been raised by the Federation of Community Legal Centres Victoria and Domestic Violence Victoria, but the evaluation report in 2006 found that, while those concerns should always be kept in mind — in my contribution last year I mentioned the issues that need to be kept in mind when agreeing to home detention orders — by and large the people who were the subject of a home detention order and the families living with those persons who were interviewed said it was, on balance, more of a positive experience to have home detention than imprisonment. They were able to make that comparison because, going by the figures I read out before, most of the home detention orders were granted by the Adult Parole Board of Victoria, not by the courts, so those people were coming to the end of their sentences of imprisonment and had applied for home detention before going on parole.

The families were already used to the fact of the person having been in prison; they had lived with that situation, and at the time of the interview they were living with the home detention situation, and the vast

majority made that point. In fact the evaluation was that there was no evidence that there was a significant problem. If members had read the report — I am not sure how many have read it — they would not be able to support this bill, because the evidence is that home detention has worked well for those people who have experienced it.

The families made the comparison and said it was better for them to have the person on home detention than to have them in prison, because it meant they did not have to drive long distances to visit the person and to then go through all the trauma of separation and everything that goes with that. It also meant that the person could have more contact with their family.

We believe there needs to be a period of time for home detention to remain in place, be evaluated and perhaps be improved. Certainly all the evaluations in other states have also come to the view that it needs to be improved.

Mr O'Brien — Queensland has repealed it.

Ms PENNICUIK — Mr O'Brien said Queensland has repealed it. I know that. It still operates in South Australia and the Northern Territory, and the new government of New South Wales has indicated that it supports home detention and that it will continue in New South Wales. In the interests of justice and rehabilitation we should be supporting its continuation in Victoria.

I am sure that the Law Institute of Victoria has written to all members who speak on justice bills, indicating its opposition to the bill and its support of the continuation of home detention. It referred to the 2006 report, which I have already mentioned, and stated that the key findings of the report were that breaches and revocations were low, which I did not mention before. There were only five breaches of home detention orders in the first two years. I am not sure how many there have been since then.

The institute also said that, despite initial concerns about the potential for home detention to expose families to risk or unreasonable compliance, there was no evidence of significant risk, and the overwhelming response of the families was supportive of home detention. It also stated that while the expected percentage of recidivism with home detention was 7.6 per cent, the actual number was 1 per cent, with one home detainee on remand. It occurred to me while looking through the literature on this issue that that is another area where home detention could be examined and used in appropriate circumstances rather than putting people into the remand centre.

In terms of cost benefit, the program yielded superior outcomes for less cost than the alternative of imprisonment, and there were additional non-costed benefits in terms of low parole breach rates, the reduced cost of crime and improved family outcomes. The 2006 report found that for every $1 spent on home detention $1.80 was saved. If you look at it just in terms of cost, you will see it is much cheaper by miles than incarcerating a person in the prison system, the cost of which is around $87 000 a year at the moment. The government and the previous government have a program of building more prisons and filling them up with people. I say that is the wrong way. We should go back and look at different ways, such as non-custodial sentences for people who are not threats to the community, in order to, as Mr Pakula said, reduce the rate of reoffending and increase the rate of rehabilitation. That is how you make the community safer.

I could not resist taking this opportunity to raise the case of Derryn Hinch. I have a copy of the sentencing order from the Magistrates Court of Victoria dated 21 July 2011, wherein Derryn Hinch was sentenced to five months of home detention. In the sentencing order Magistrate Rozencwajg said:

> Indeed, it was on the basis of your medical condition —

I am sure everyone knows that Mr Hinch had undergone a liver transplant —

> that you asked I impose a form of suspended sentence of imprisonment.
>
> In doing so, you acknowledged, in court, the irony of that submission, coming from a man who had publicly advocated the abolition of suspended sentences, and no doubt, to whatever degree, influenced the public and political debate on that issue. Legislation has recently been passed restricting the ability of the County and Supreme courts to impose suspended prison sentences with the intention to extend these legislative provisions to this jurisdiction in the future.
>
> Your present situation before this court in fact highlights the significance of judicial discretion in the sentencing process and that each case has its unique factors requiring a balancing process which results in tailoring sentences to the distinct facts of the offence and the individual circumstances of the accused. A one-size-fits-all approach, without judicial discretion, will result in courts being transformed into vehicles for injustice.
>
> Solely for reason of your medical condition, I have had you assessed for a home detention order which will commit you to serve your sentence of imprisonment in your home, subject to certain conditions. You have indicated that you are more than willing to accept such an order and indeed you have been assessed as suitable.

> Ironically, as we speak, a bill is before Parliament which will amend the Sentencing Act and deprive courts of such a sentencing option. You may very well be the last person in this state to be sentenced to a HDO in its current form.
>
> It would be well for you to reflect on these matters when next you enter the public debate, as indeed you have in the past, on such issues as the abolition of suspended sentencing or, even more pressing, the current issue of mandatory minimum sentences as contemplated by the government.

It is interesting that of the five conditions imposed by the magistrate, one was that Mr Hinch would not be able to engage in gainful employment and the other four were about not communicating via interview, the internet, Facebook, Twitter or in any other way, which I am sure, given Mr Hinch's background as a journalist for some decades, was probably the harshest punishment of all.

It is ironic that a man who has campaigned against suspended sentences and, I would presume, home detention, has been granted that by the courts. I raise it because I agree that it was appropriate to have a home detention order in Mr Hinch's case; he was not a threat to the community in any way other than by what he said. His frail health meant that it would have been an injustice to send him to jail for five months. I agree with what the magistrate said and that it is ironic. Mr Hinch asked for the imposition of a home detention order. He did not stand up in court and say, 'Hello. I am a conscientious objector against suspended sentences and home detention orders. I want you to send me to jail'. I say that with some jest, but what I mean to say is that I think he is an example of the sort of person for whom a home detention order is entirely appropriate. If this bill passes the Parliament, we will be taking that option away from the courts, and I do not think that is a good thing.

If the court were faced with Mr Hinch after this bill passed, I am not sure what sentence would be imposed. I am sure the court would not want to send Mr Hinch, or someone like Mr Hinch in similar circumstances, to jail for five months, so I presume that that individual would get a community-based order. What the government is saying — that jail means jail and abolition of home detention will mean more deserving criminals will go to jail — is dishonest. It is not the case. The issue is about having options that serve justice well and ensure that a punishment is imposed and that it is a punishment that fits the crime while taking a compassionate and humanitarian approach to the offender, who in this case is in frail health.

In my opinion this has been the right outcome for Mr Hinch. I mention that because of the serendipity of the circumstances. I raise it as an example because I do not have before me the examples of every other person who has been given home detention, and this one, of course, has been in the public arena, reported in the press, and I have a copy of the sentencing order there.

I do have some questions to ask the minister in committee in regard to clauses 11 and 12, but I also have some other questions. I think the government should reconsider this approach. I think it is going down the wrong path in terms of taking away sentencing options from the courts, and I hope the opposition will support my reasoned amendment that the bill not be read until we evaluate the results of the opposition's own bill to extend the operation of home detention, which was introduced into this place only last year.

I am at a loss to understand why the opposition gets up in terms of bills like this, does not defend its own initiatives while it was in government and says that the reason it is not doing so is that the government has a mandate. I do not accept that. The government has a mandate to govern. The opposition party should be sticking to its principles and defending what it put in place, just the same as we stand here and say, 'This is not the right way to go. This is not in the interests of justice. This is not creating a progressive justice system that works for rehabilitation to reduce reoffending and make the community safer'.

The government has a mandate, but it does not have a mandate on every single thing or promise that came out of its mouth. Who is to know on what issues the previous government was voted out and this government was voted in? I think a lot of it had to do with public transport, desalination, myki et cetera and not too much to do with this. I think that if you went out into Spring Street and said to the first 10 people you came across, 'Was the abolition of home detention the reason you voted for the last government?', most of them would have no idea what you were talking about.

This whole idea of mandates is an absolute furphy that gets thrown around all the time. What is important is that the government governs responsibly. This is not a responsible bill; it takes the justice system backwards rather than forwards. It takes options away from the courts, and that is not a good thing in terms of justice. It leaves the courts with less flexibility. I do not know why Mr O'Brien was busy talking about how this was supposed to make it more flexible. It will actually make it less flexible. The Greens will not support this bill.

Mr LEANE (Eastern Metropolitan) — I choose to speak only on the reasoned amendment and to put the opposition's position on the reasoned amendment

Ms Pennicuik has just moved and spoken to. As indicated by the lead speaker for the opposition, Mr Pakula, this is a bill that the opposition does not intend to oppose. Taking on board what Ms Pennicuik just said in her contribution, the opposition does concede that this was a position that the Liberal-National parties did put very clearly in the election campaign. The opposition does concede that it is in opposition and that therefore the government does have a mandate in this particular area. In conceding that and in saying that the opposition does not oppose the bill, we cannot see ourselves in a position to support Ms Pennicuik's amendment.

Mrs PETROVICH (Northern Victoria) — I commence my contribution by congratulating the Attorney-General, Robert Clark, and I pass on to him the appreciation of his work to implement reforms. I pass on the well wishes of many of the legal fraternity who use terms such as 'breath of fresh air', 'considered' and 'hardworking', which is in stark contrast to the terms used during the previous 11 years.

This bill represents the commitment of the Baillieu government to abolish suspended sentencing. The former government in its dying days and in response to our policy belatedly moved to adopt a component of the coalition's policy of abolishing suspended sentences. This was to rectify the 2006 legislation which the former government said abolished suspended sentences for serious offences, but suspended sentences continued in an undefined, exceptional circumstances capacity. This created further ambiguity and confusion for the judiciary and in terms of outcomes.

I believe suspended sentences are a fiction; there is a pretence that offenders are serving a term of imprisonment when they are living freely in the community. Many offenders incur no real punishment whatsoever and, in that case, they make no amends to the community. They are often given suspended sentences and then released to go on to commit further crimes, which is in contrast to some of the statistics and assertions that Ms Pennicuik made in her contribution.

This bill is a first step. There will be a continued commitment by this government. It is the first step in delivering on our election commitments. The bill abolishes suspended sentences for a range of additional serious crimes — namely, recklessly causing serious injury, commercial drug trafficking, aggravated burglary and arson. I have to say that when you look at those sorts of crimes you realise they are not petty crimes; they are serious offences. In terms of recklessly causing injury, we only have to go back to the video footage of the CBD, including the King Street district, to see some of the violent bashings that occurred there. That was made worse by police shortages in previous times. We saw gang violence and extreme violent crime involving implements. I do not think that sort of behaviour can be tolerated by a civilised community. The penalties need to match the crimes.

The community spoke out very loudly to us and said it was not happy, it did not feel safe and street violence was an issue for it. When working during the election campaign I met a large number of people by doorknocking in my electorate. There were pockets of people who were very worried about safety in their own homes and hoon behaviour. Street violence was up there as one of the things that was worrying people. They were very clear they did not want to tolerate that.

There is the effect of commercial drug trafficking on communities and families. As a parent I want these people to receive a high penalty. These people are parasites on the community. They take advantage of the vulnerable. They prey on young people and make their money out of misery. As part of that, organised crime was rampant over the last 11 years. We saw a great amount of evidence of organised crime as a result of this sort of behaviour. Mums and dads want to know that the people who are pushing and peddling this illicit material are penalised to the highest degree.

When we talk about aggravated burglary we are not talking about somebody snatching a handbag, which is an act which is violent enough. We are talking about people who are committing a premeditated and violent crime. As victims will testify, this leaves victims absolutely shattered. They are often assaulted violently. They have the right to feel safe and be protected. One of the arguments that was used today was that we should be looking for alternatives in terms of the punishments for this type of crime, but we are not talking about soft crime and we are not talking about being soft on crime. We are talking about extremes and giving some clear direction.

Mr Pakula in his contribution said the bill is not an end in itself and we will be judged. I think that is right; I think we will be judged. This is part of a suite of reforms. It was very clear that on 27 November last year we were judged on our merits, and Labor was judged on its 11 years of a failed experiment. Home detention was part of that mix. We were very clear; we never deviated from where we were going in terms of crime reform.

It is important to note that the Baillieu government is not saying that every person who commits one of these offences must go to jail. But when the judiciary decides

that a jail sentence is not appropriate, it then has the option of openly sentencing an offender to a non-custodial sentence rather than them being forced to go through the scenario and fiction of being sentenced to a period of imprisonment where they will actually be in their own home.

As we talked about before, we need to be very clear that jail does mean jail. This is not a farce where people can look to receiving home detention. As part of a preventive program it will be very clear to those people who commit those serious offences that there are some very tough penalties and that they will be heading towards the jail system.

It is very important to differentiate here. Where we are going is part of a reform. We have seen a state in disarray with fudged police figures relating to violent crime. Previously we had a state where gangland killings were rampant and where a gangland killer could be murdered whilst in custody, and hardly any eyebrows were raised by the previous government. A reduction in reoffending can be obtained by prevention but also by leaving little doubt in the minds of those committing these crimes that there will be no soft options: if you do you the crime, you do the time.

For Mr Pakula to say this legislation represents a cost to taxpayers with no real net effect is feeble to say the least. This government is taking action, as it committed to do prior to the last election, and the Victorian community was clear about the direction of its policy. We left the community in little doubt about where we were heading. The judiciary now has the capacity to use non-custodial sentencing where jail is not appropriate. I am sure every case that comes before the judiciary has layers of complexity, intensity and variance. The bill will abolish suspended sentences for crimes such as recklessly causing serious injury, commercial drug trafficking, aggravated burglary and arson. Let us be clear: the community is sick and tired of a soft-on-crime approach.

I will complete my contribution by addressing Ms Pennicuik's reasoned amendment, which states:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until an independent, public evaluation of the operation of the provisions introduced by the Justice Legislation Amendment Act 2010 has been conducted.'.

I have a number of questions about that. I think it is fairly clear that the second reading of this bill will not be refused; we have heard from the opposition that it is not opposing the second-reading motion. But I am not clear on what the mechanism is for this evaluation. There is no clarification of that.

It is quite interesting to note that, having been so clear on our commitments to the Victorian community about community safety and about changes to the justice system, an evaluation was made at the election on 27 November last year. It is very clear that the community has made that decision: it has put its faith in the Baillieu government. It has asked us to make these changes and to ensure that people are not in peril from people who are committing violent crimes, who are trafficking in drugs, who are committing aggravated burglary and who are committing arson. As I said, these are not soft crimes we are talking about. These are not crimes that are suitable for home detention. These are serious offences.

The home detention experiment has been conducted. There are alternatives, and I think we do have options that allow the judiciary to take a non-custodial approach where appropriate. It is very important that the reasoned amendment be defeated.

I will go back to say the government intends to introduce legislation during this term of Parliament that will reform Victorian sentencing and the practice of law. It will introduce baseline non-parole periods for serious crimes, four-year statutory minimum sentencing for gross violence and comprehensive, flexible community corrections orders that will restore justice for the community.

It is very easy to become emotive on these issues, but having spent time with people whose lives have been wrecked by serious crime, I think we have a responsibility as law-makers to ensure that we make a serious attempt to prevent crime by providing enough police to do their work and to ensure that our streets are safe to walk down and that those people who think it is okay to commit these crimes are given serious sentences. Hopefully this will serve notice for those who are considering participating in some of these activities. Looking at most of the crimes that we are talking about today, they are premeditated actions — there is some real intent — and hopefully this tougher stance will ensure that these people think twice about partaking in these sorts of seriously bad behaviours.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the bill before the house. My colleague Mr Pakula has already indicated that the opposition is not opposing this bill, but let me say the Liberal-Nationals coalition government talks about honouring its election promises to the people of Victoria. It makes much of abolishing the home detention provisions

under the Sentencing Act 1991. This may sound laudable, but whom does it benefit to do away with home detention? In the past this program has been used successfully to rehabilitate and reintegrate low-risk prisoners back into the community, in consultation with their immediate families.

The prison population is already at breaking point, if we read the national newspapers and believe the prisoner action groups. It is all fine and good to preach law and order and talk about getting tough with criminals, but the next question is: does the government intend to build new or extend the current Victorian prison facilities? If so, when and what money has been allocated for such projects?

Intensive community-based orders sound very tough, but what do they actually mean in real terms? We must remember of course that the people of Victoria believe this government has resolved to abolish suspended sentences and home detention. What we will see is a massive increase in community-based orders. In actuality there will be fewer custodial sentences being served by criminals because members of the judiciary know full well that there is no room to house these prisoners. What we will have is more criminals on the streets of Melbourne and Victoria, not fewer. We all want to see violent criminals locked away, but what will happen when it comes down to housing them and Victorian taxpayers are asked to fund a location for a new prison?

I do not want to repeat everything that has been said by speakers before me, but I would like to reiterate what my colleague Mr Leane has said to the house: we are not opposing the bill, and we will not be supporting the reasoned amendment moved by Ms Pennicuik.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise and speak on the Sentencing Legislation Amendment (Abolition of Home Detention) Bill 2011. As previous speakers have said, this bill will amend the Sentencing Act 1991 and the Corrections Act 1986 to repeal provisions relating to home detention orders. As we know, these have been in place since 2004 and they provide Victorian courts with the sentencing option of home detention.

Currently two types of home detention orders come under the Sentencing Act 1991. A court may order a sentence of imprisonment of under a year to be served under home detention. This is otherwise known as front-end home detention, but it is restricted to a number of eligibility requirements. I want to speak to one of these eligibility requirements — that is, it is only available to offenders residing within 40 kilometres of the Melbourne GPO.

Mr O'Brien — That is discrimination.

Ms CROZIER — I agree with Mr O'Brien, and I was going to discuss it in relation to his constituents. Ms Pennicuik has said we should be part of a modern and progressive justice system; in actual fact this is an inequitable system that is discriminatory to those people who reside in rural and regional Victoria. I know Mr O'Brien has great concerns for his constituents.

The other eligibility requirement in relation to front-end home detention is that it is not available to offenders convicted of sexual offences, violent offences, serious violent offences or drug offences under schedule 1 of the Sentencing Act 1991, or for offences involving a firearm, a prohibited weapon or stalking. A home detention order also takes into consideration other people residing at the same accommodation, their need to consent to the order being made and that the offender is assessed as being suitable. There are quite a lot of restrictions in relation to front-end home detention.

Ms Pennicuik — Whose side are you on?

Ms CROZIER — I remind Ms Pennicuik that I am going through the eligibility criteria for home detention. I point out that in relation to the Corrections Act 1986, the adult parole board can order that a minimum-security-rated prisoner who has served at least two-thirds of their minimum term of imprisonment and are within six months of their earliest release date may serve the remainder of their sentence under home detention. This is back-end home detention.

The Victorian home detention program commenced in 2004. In his contribution Mr Pakula referred to statistics and the efficacy of the program since that time. Mr Pakula made some points in relation to costs, but, as Mr O'Brien quite rightly pointed out, how can you put a cost on victims of crime? Without trivialising any crime, whether serious or minimal, the impacts on victims of crime can be quite substantial. That is the point about which the government is very concerned. We have listened to the community on a number of occasions, particularly in relation to its concerns with the soft-on-crime stance taken by the previous government.

There are real perceptions held by the public about various aspects of home detention. Quite rightly the community wants governments to take a stronger stance on behalf of victims of crime. As Mr Pakula said, this was a government commitment. He referred to a 2009 media release from the then shadow Attorney-General, Mr Clark, which said the coalition government would take this to the election as part of its platform of commitments. It was part of the coalition's

policy prior to that. As Mr O'Brien pointed out, it was outlined by the previous shadow minister in 2006.

This bill will promote truth and transparency in the sentencing process, and it will restore confidence to the Victorian community. As has been stated before, this was taken to the Victorian community as part of a suite of commitments on law and order.

I want to mention another aspect of home detention. It does not only affect victims of crime; it has an impact on other people surrounding those who undertake home detention. The co-residents, if you like, of those under home detention orders have a number of concerns. There is a feeling of responsibility for assisting the detainee to conform to the order. They might be embarrassed about residing with a home detainee. There is a perception that the government needs to be in control, rather than that control being moved into a private home. There is also a perception that co-residents are under government surveillance, which causes concern to some people who have to reside with people under home detention.

I do not want to overstate what has already been said, but in conclusion I want to say that the government has had extensive consultation with victims of crime, the community and the various law and order stakeholders and agencies. I thank the opposition for supporting the bill, but we will not be supporting Ms Pennicuik's amendment. It was a commitment of the Baillieu government to simplify and clarify sentencing practices and to restore confidence within the Victorian community. I commend the bill to the house.

Mr VINEY (Eastern Victoria) — As has been made clear, the opposition will not oppose this bill, but the basis for that decision needs to be clarified. It is not because the opposition has a history of, a belief in or a policy attitude of being soft on crime. In fact some of the propositions put forward during this debate are logically and deeply flawed. The suggestion that this bill is important for victims of crime is simply nonsense. People who have committed violent crimes against a person have not been able to access home detention. That has not been an option available to the courts where people have been convicted of such significant charges. Nor were people who were involved in organised crime, as proposed by Mrs Petrovich, the subject of home detention orders or soft-on-crime policies when the opposition was in government. That is deeply flawed logic.

In opposition the government took a policy position in this regard in an attempt to reinforce the political position it was taking against the then government. It criticised the government's performance in terms of crime, and as part of that political tactic announced that it would be ending home detention. Let us be real: it was part of a political tactic. That is the reality of what was put forward. What we say is that this bill is going to have absolutely no effect in terms of the commitment to reduce crime in this state because courts used the option of home detention for people who committed such crimes as driving offences, minor drug offences, fraud and other offences. These are not victimless crimes, but they are not the crimes of people who have committed violent acts towards other persons. Whilst there are victims as a result of these crimes, in the context of what the government members have been proposing here today, those crimes have not been committed by perpetrators of violent acts or violent criminal behaviour. That is absurd.

I think we need to be a little real and honest in this debate. The truth is that in a race to the bottom the Liberal and Nationals parties decided they were going to put up a proposition to end home detention that they thought would have public appeal. They did it without considering the significant policy implications of that position, such as the fact that removing a sentencing option for magistrates and judges means they will have to make sentencing decisions with less options. When they make a sentencing decision now they will have to choose between a fine, a community-based order or prison. There are many people charged and convicted of offences where judges and magistrates are reluctant to imprison them for those charges.

All the government is doing with this legislation is removing an option for the courts, magistrates and judges in making their sentencing decisions. That is all it is doing. This policy position is not sustainable in terms of either the empirical evidence or the effect of reducing crime and recidivism. The position the government is taking will not assist any of that. People such as Mr O'Brien, who has had a career in the law, understand that full well as would Ms Crozier. I would have thought that Mrs Petrovich would understand it too, given that her husband is a practising lawyer. Government members full well understand that all this legislation is doing is reducing the options available to the judiciary and the magistracy when they make their sentencing decisions in relation to people who have been convicted.

The opposition is not going to join the government in a race to the bottom. This is a policy position the government took to the election and one that it is going to have to live with on implementation. The government is going to have to live with the problems that will arise from reduced options. It is a policy position that will mean more people are given jail terms, and despite the efforts of all governments over many years we know that jail is not a particularly

effective mechanism for preventing recidivism. We all know and understand that. There need to be options that seem to be appropriate and that will improve the position of the person being sentenced. We all understand that, but the government is now reducing those options.

This decision is likely to increase costs, with more people being jailed, and potentially increase recidivism. Alternatively it will increase the number of people who are given community-based orders instead of home detention. If the government's position is that it wants to increase the number of community-based orders, that is fine, but the government should be clear about it because I am not sure that is the political tactic it was trying to achieve. This legislation is nothing more than the government honouring a commitment it made for political purposes. It made that commitment because it wanted to make political points about crime.

For Mrs Petrovich to suggest that the previous government was soft on organised crime is laughable. It was the previous government that set up the task force. It was the previous government that effectively ended the gangland wars that were occurring in this state. It was under our watch and due to our actions that they were stopped. I have not once read a suggestion that Carl Williams or any of the other people who were involved in organised crime should have been sentenced to home-based detention. There was never any such suggestion of it in anything I ever saw. Home-based detention has never been an applicable sentence for that level of criminal activity.

Let us be real and honest in this debate. In opposition the government decided it was going to race to the bottom in the debate on crime, which is not something the Labor Party, either in opposition or in government, has ever engaged in. Our position has always been about what is in the best policy interests to achieve the best outcomes for this community. Our position is that in opposition we acknowledge that the government put this up as a policy and can legitimately put it forward and have it passed in this place, which is why we will not be opposing it. At the same time we say the government should be real and honest, and instead of suggesting this is some kind of response to its perceptions of our being soft on crime, which never existed and which was never a policy position of the Labor government, it should acknowledge that this response is none other than a political tactic. We understand that, and we are prepared to allow the government to implement its policy, but what we say is that it will be on the government's head because it will not achieve the objectives it has set.

House divided on amendment:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms
Hartland, Ms (*Teller*)	

Noes, 34

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	O'Brien, Mr
Crozier, Ms	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Ramsay, Mr
Elsbury, Mr (*Teller*)	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tarlamis, Mr
Jennings, Mr (*Teller*)	Tee, Mr
Koch, Mr	Tierney, Ms
Leane, Mr	Viney, Mr

Amendment negatived.

House divided on motion:

Ayes, 34

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	O'Brien, Mr
Crozier, Ms	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Darveniza, Ms	Pakula, Mr (*Teller*)
Davis, Mr D.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Ramsay, Mr (*Teller*)
Elsbury, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tarlamis, Mr
Jennings, Mr	Tee, Mr
Koch, Mr	Tierney, Ms
Leane, Mr	Viney, Mr

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Motion agreed to.

Read second time.

Committed.

Committee

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I seek leave for David O'Brien to sit at the table with me.

Leave granted.

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Once home detention is not an option available to the courts — and particularly to the Adult Parole Board of Victoria because the evaluation reports indicate that many more people are awarded home detention orders through the adult parole board than through the courts — what sentences will be given to people who may previously have gotten home detention orders? Has the government done any assessment as to whether they are more likely to be incarcerated or more likely to be given community-based orders or intensive correction orders?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for her questions. I will confirm that she is correct in terms of the front end of the detention orders being made at the courts. Since Corrections Victoria commenced data collection on home detention in March 2004 a total of 617 orders had been made until 31 July this year. Of these orders, 113 home detention orders were made by the courts and 504 home detention orders were made by the adult parole board. Of these orders, 492 of the offenders were male and 125 were female. There are currently 38 offenders on home detention orders in Victoria. Of those orders, 7 were made by the courts — that is, they are the front-end orders — and 31 were made by the adult parole board; in other words, they are the back-end orders made whilst the offenders were in prison. When are the last of the home detention orders due to expire? The last of the back-end orders — in other words, the adult parole board home detention orders — is due to expire on 26 February 2012. The last front-end home detention order — in other words, an order set by the courts — is due to expire on 25 April 2012.

I remind Ms Pennicuik that transitional arrangements will apply. The bill will preserve existing home detention orders made prior to the date of commencement of the repeal. These orders will be permitted to run their course. This approach will respect the principle that legislative changes should not disturb existing orders. When no order has been made prior to the commencement date the bill clearly states that a home detention order cannot be made, regardless of any outstanding application or request for assessment. This will mean that courts will be able to make alternative sentencing decisions if a request for an assessment was made prior to the repeal and the adult parole board will be prevented from making further orders.

Ms PENNICUIK (Southern Metropolitan) — That is very useful information, but my question goes to the fact that there are now some 600 people who have gone through this system. As I said in my contribution to the second-reading debate, that is not a huge number of people, but home-based detention has been the right thing for those people. Quite a lot of work was done by Corrections Victoria to make sure that it was the right thing for those people. I want to know whether the government or the Department of Justice has done an assessment of whether the abolition of home detention means that the types of people who have been put under home detention are now likely to receive sentences of imprisonment, or does the government feel they are more likely to be given community-based orders or other non-custodial orders?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will clarify a few misconceptions at the start. One is that the coalition went to the election in November 2010 with a clear commitment to abolish home detention as part of its law and order policy. I recall in this chamber back in 2003 the then opposition opposed it. I was the lead speaker opposing home detention. In 2001 in this chamber the then coalition opposition opposed the home detention legislation introduced by the Bracks government in its first term. I seem to recall that even at the time of the 2006 election, when I was the corrections spokesperson, we opposed home detention. We have always been very clear on our policy position with respect to home detention. We heard it in the debate from Mr Pakula, the lead speaker for the Labor Party, that they respected the fact that we went to the election with this policy clearly outlined.

I will make a second point. Of the numbers that went on home detention, 35 breached home detention during the period of the program. The consequences of breach proceedings have included fresh sentences, the cancelling of orders and the returning of offenders to prison. There is a whole range of variations as to why they breached. There were drug reasons, alcohol reasons and tampering with equipment reasons. There were — —

Ms Pennicuik — Minor breaches.

Hon. R. A. DALLA-RIVA — I will not take up the interjection, but they were the back-end detention orders, and the 20 at the front end included committing further offences — again, related to alcohol, unauthorised activity, drugs and other issues. It is not correct to indicate, as was suggested, that home detention worked on all occasions. Clearly there were occasions when it did not work, and that resulted in the return of those offenders back into the prison system.

In relation to Ms Pennicuik's further question, 'What other options are available?', I will take advice. I just

wanted to get clarity, because obviously we are talking about the front-end sentencing and the back end, which is by the adult parole board. In terms of what other sentencing options there will be, the advice I have is that part 3 of the Sentencing Act 1991 relates to imprisonment, a combined custody and treatment order, a drug treatment order, an intensive correction order, a community-based order, a fine — and the last one that is not there is the finding of no guilt; I guess that would be the other option. In terms of the adult parole board, it still has parole options; it still has those available in terms of the process. So there is a whole range of options. I gather, as you would have to understand, that each case that is before the courts would be on its merits. As to the suggestion about home detention that because we are removing that as a policy position there will be no other options, in fact there are quite a few options under part 3 of the Sentencing Act 1991.

Ms PENNICUIK (Southern Metropolitan) — Thank you; I knew there were other options. My question was whether the government had done any sort of assessment as to what the impact of the abolition of home detention might be on the uptake of those other options. I have asked that twice, and the minister has not chosen to answer it. But he has supplied me with some other information, which were more up-to-date figures than I was able to obtain in terms of the amount of home detention orders that were imposed by the courts and through the adult parole board, and also the number of women who had undergone home detention orders.

There are two questions that I want to follow up; maybe I can ask them one at a time. The answer the minister just gave me was that the only option the adult parole board has now is parole, which is the option it always has — a sentence is given to an offender with a non-parole period, and then there is parole, so that has been with us forever and a day. But since 2004 there has been an option for the adult parole board to grant to some offenders — low risk et cetera, and we can see who they all are if we look through the literature on the types of offences — home detention. It seems the adult parole board has taken up the option of home detention for a range of offenders between parole, when they are released straight into the community, and being imprisoned. One of the reasons I wanted to move the reasoned amendment was so we could have more of an evaluation of how that is working. It seems to me it is being taken up by the adult parole board as a viable option and as a good way of reintegrating offenders into the community.

The minister also said that 35 people had breached the home detention orders, and on his figures that is 5 per cent or less, which is very low. He also mentioned some of the breaches, which were having an alcoholic drink or tampering with equipment, which are not major and seem to be minor breaches of the home detention orders. With all of that in mind, and also the other things the minister said, which were that it has been the policy since 2001 and 2003 et cetera to oppose home detention, we have had two evaluations since then — one in 2006 and one by the Sentencing Advisory Council in 2008 — which have been pointing towards the positive aspects more than the negative aspects of it, and that it is a positive option. Why has the government chosen to ignore all that evidence, which the minister basically just presented back to me, and stick with this policy while the evidence is actually pointing to the success of home detention?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for her approach to it, but let me be very clear. The coalition government went to the election with a very clear agenda: that we would abolish home detention. We saw that as a soft option; we make no bones about that. We made it very clear when the legislation was brought in here in 2003 and I stood on the other side at the back there and said that we would oppose home detention. We have been consistent with that policy all the way through. We have now had the election. The people have spoken, and they have said that they would like home detention to be abolished. The legislation that we have before the chamber is reflective of the community's expectations.

The other point Ms Pennicuik makes is that it seems there are no other options available. In fact the courts have many options.

Ms Pennicuik — The adult parole board.

Hon. R. A. DALLA-RIVA — I am getting to the adult parole board. But there are many options for the courts, and we are sending a very clear message to the community that if a person has committed an offence, the courts will have a variety of options, including community-based orders or imprisonment. Our strongly held view is that if a person is sentenced to a term of imprisonment for an offence that is committed, we believe there should be the restoring of truth in sentencing and not the back-end model that is currently in existence with home detention. If somebody is given a sentence of two years imprisonment, it does not mean that the last six months is in home detention. That is our policy position; we have made that very clear. The Greens may disagree, but that is how we see it.

The other point I raise relates to some evidence — Martinovic's literature review of the impact of home detention on co-residents — cited by the parliamentary library research service in research brief 8 — —

Ms Pennicuik — Yes, I've read it, Minister.

Hon. R. A. DALLA-RIVA — You have read that? It is important to read it into *Hansard*. At page 8 the research brief cites Martinovic's 2007 report 'Home detention — issues, dilemmas and impacts for detainees' co-residing family members' from *Current Issues in Criminal Justice*, volume 19, no. 1, pages 90–105, and quotes her as arguing:

> … although the punishing conditions of home detention are exclusively imposed on detainees, their co-residing family members are also somewhat punitively, albeit unintentionally, affected by them.

She is described as listing five potentially negative effects experienced by co-residents. They are detailed in the briefing paper; I do not propose to go through them.

There is an argument that home detention is a pure form of sentencing, but there is a range of impacts. I raised this point in 2003. I remember that certain women's groups were concerned about the impact on women who might feel they had to be the caregiver of somebody on a home detention order. We raised this issue as part of our argument. I will not go through it because it is in *Hansard* if members wish to read it. We are unashamedly of the view that this is the policy position we took before the election, and we are now delivering on that election commitment.

Ms PENNICUIK (Southern Metropolitan) — The minister obviously wants to go back to the second-reading debate. I have to pick up on what he has just said, because he selectively quoted from page 8 of the research brief. The report does quote Ms Martinovic as saying what the minister quoted her as saying, but further down the page she is described as citing some of the beneficial effects of home detention on co-residents. The research brief describes her as saying:

> … co-residents are more likely to experience positive effects of home detention where the order is of optimal duration and relationships are already supportive.

The evaluation conducted by the Department of Justice came out with the same view. The minister and I could go around and around in circles on this, but I do not wish to do that.

The point I am trying to make is that since the coalition has had this policy — in 2001, 2003, 2006 et cetera — reports and evaluations have pointed to the benefits of home detention in the main outweighing the disbenefits. I agree with the minister that it does not always work, but then again prison does not always work either — in fact it works a lot less often.

The other issue was about women. I quote from page 35 of the 2006 evaluation report:

> A comparison of those offenders accepted onto the program to those who applied shows that women are more likely to be accepted onto home detention than men …

I would like to go to that issue. There has been a disturbing rise in the number of women being incarcerated in the last two years; in fact the number has almost doubled. In this debate we have been talking as if it is only men who have gone onto home detention orders, but in fact quite a few women have done so. I am interested in the government's view about the benefits of home detention for women, particularly non-violent offenders who have committed drug-related offences often for reasons not related to their own drug use or their desire to be drug traffickers. I am interested in whether the government has looked at the benefits of not incarcerating women in those circumstances.

The DEPUTY PRESIDENT — Order! I thank Ms Pennicuik for not proposing to go around and around in circles with the minister for two reasons: firstly, she might get giddy; and secondly, she might find that the Deputy President stops her. The minister, to reply.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — What was the question?

Ms PENNICUIK (Southern Metropolitan) — While there are fewer women in prison than men, the evaluation report shows that they are more likely to be accepted for home detention than men. I am wondering whether this is of benefit to many women, especially those who have not committed violent crimes et cetera, so they are not separated from their children.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that each case will be assessed on its merits. I go back to the fact that the option of home detention will be removed for women who could potentially be incarcerated, whether they have children or are in other circumstances, but that does not remove the option for community corrections orders or other forms of community service. Again this is a policy position, but there are options other than imprisonment.

Ms PENNICUIK (Southern Metropolitan) — I have just one more question on clause 1. In my contribution earlier I mentioned the case of Derryn Hinch. I used him as the perfect example of someone suited to a home detention order because of his health. A period of incarceration of five months would probably have been very detrimental to his health. I am concerned about the other options, such as a community-based order or an intensive correction order, that are now left for someone in a position similar to that of Mr Hinch, who has very poor health but is not a danger to the community. I would not imagine that he would be able to fulfil the obligations of a community-based order, so what would be the situation for someone who is in similar circumstances? What would happen to them?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Ms Pennicuik is asking what would happen if there were another Derryn Hinch issue, as there is no home detention. That is hypothetical, because in the end it would depend on the case, it would depend on the circumstances, it would depend on the judge and it would depend on the jury, if a jury were involved. It would depend on a whole range of aspects. If there were another Derryn Hinch before the courts, the only difference would be that there would be no home detention under the coalition government.

The options available to the courts, as I have outlined before, are provided under part 3 of the Sentencing Act 1991. They could be imprisonment, a combined custody and treatment order, a drug treatment order, an intensive correction order, a community-based order or a fine. A whole range of other options are available. To take a hypothetical view, I think Ms Pennicuik is assuming that every person who is on home detention would automatically have gone to jail. If we look at the offenders, we see that they are not high-risk offenders. Other options would probably have been available for them which would not necessarily have included imprisonment.

I repeat — and we have been very clear — that we went to the election as a coalition in opposition saying we would be strong on the issue of home detention. Now in government, we are not ashamed of that. We made it clear that we would be abolishing home detention, and with the passage of this bill that will be the case. I finish by saying that this bill is part of a suite of law and order reforms to restore truth in sentencing that we announced during the election campaign.

The DEPUTY PRESIDENT — Order! For the benefit of the committee, I advise that hypothetical questions are permitted in the committee stage, the reason being that it is reasonable for members to paint scenarios as a result of the legislation and to ask a minister how a scenario might operate in practice under the legislation, whereas hypothetical questions might not be appropriate in question time or in other forums.

Ms PENNICUIK (Southern Metropolitan) — Deputy President, thank you for that, because it seems to me that a person in that particular circumstance has had the best option removed. There may be other options, but the best option for that person is being removed by this legislation. I have no further questions.

Clause agreed to; clauses 2 to 10 agreed to.

Clause 11

Ms PENNICUIK (Southern Metropolitan) — My question on clause 11 is the same as the one on clause 24. If the question on clause 11 gets answered, we will not have to prosecute clause 24.

It seems that in relation to the transitional provisions and the application of home detention orders that are in place now, people have to go and find an old copy of the act. I am not quite sure how that works. My question is: has this ever happened before, and how is it going to work practically?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — My advice on the transitional provisions is that this kind of thing is common. That is the purpose of the transitional provisions — that is, to preserve the operation of an act in existing circumstances. Practitioners and Corrections Victoria staff will have no difficulty with these transitions. They are the people who will be working with these provisions on a daily basis. The advice I have is that the historical versions of acts are still available on the 'Victorian law today' website, so they will all be there.

I was asked a question before about old home detention orders. The reason they have been called 'old' is because they are old. They have been thinking about this for weeks! They are 'old home detention orders' as opposed to 'home detention orders'.

Ms PENNICUIK (Southern Metropolitan) — I suspected that might be the case, but the issue had been raised, so I thought I would raise it here in committee. I have no further questions on the bill.

The DEPUTY PRESIDENT — Order! On the bill?

Ms PENNICUIK — Correct. I had a query about clause 17, but I do not wish to proceed with that. This question I had on clause 24 has also been answered, because it is exactly the same question.

Clause agreed to; clauses 12 to 28 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT SAFETY) BILL 2011

Second reading

Debate resumed from 1 September; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise to speak on the Transport Legislation Amendment (Public Transport Safety) Bill 2011. In doing so I indicate to my colleagues in the government that if any of them expects me to take them through to dinner, they probably should not make that assumption.

Hon. R. A. Dalla-Riva — We're onto it!

Hon. M. P. PAKULA — I am glad the minister has acknowledged that the government is onto that. I indicate that the opposition will not be opposing the bill; indeed public transport safety is a matter dear to the heart of members on all sides of the chamber. I also indicate that the shadow Minister for Public Transport, Ms Richardson, the member for Northcote in the other place, put the opposition's position on the substantive matters of this bill on the record in her contribution to the second-reading debate in that house. In those circumstances I do not intend to go over that ground again — —

Mr Barber interjected.

Hon. M. P. PAKULA — Nor do I intend to respond to gratuitous commentary and interjections from the Greens. I further indicate that this is a matter with which I have some familiarity as a former Minister for Public Transport.

I note that the explanatory memorandum of the bill says:

> The purpose of the Transport Legislation Amendment (Public Transport Safety) Bill 2011 is to make improvements to public transport safety by strengthening the rail and bus safety schemes.

Indeed this bill does that in a number of very minor ways. In some respects it implements some of the recommendations that the Ombudsman handed down in December 2010, and in other respects the bill makes a number of minor changes to either outdated or erroneous pieces of legislation, so the bill has the effect of correcting some of that.

I want to make a few points about this bill and public transport safety more generally and in particular note that this proposed legislation is being implemented prior to the Parliament seeing any legislation for the setting up of the public transport development authority, an authority promised by the minister which so far has not been implemented.

Mr Barber — It has got a mandate.

Hon. M. P. PAKULA — Mr Barber says it has a mandate. I am not contesting that; I am making the point — —

Mr Barber — You can test it tomorrow on wind farms.

Hon. M. P. PAKULA — I am not contesting that; I am making the point that we have not seen the detail of the public transport development authority. We do not know what responsibility will be left for the minister once that authority has been set up, and we do not know what interaction there might be between the matters that are contained in this legislation and possible responsibilities of the authority. We seem to know that the head of that authority will be Ian Dobbs, the former head of the Public Transport Corporation in the time of the Kennett government.

We are not yet clear on what that will mean for the director, transport safety — whether that position will continue to be a statutory office and whether the current occupant of that position will remain within the transport bureaucracy — and how the interaction between the Secretary of the Department of Transport, the director, the public transport development authority and the minister will occur once the authority has been set up. I make that point simply to suggest that perhaps it would have made more sense for that to be clear before this piece of legislation was introduced.

I make the point also that this legislation makes some changes in regard to the way the operators report on incidents involving authorised officers, and I note that Ms Richardson queried whether those changes will also apply to protective services officers. However, given that the protective services officers will not be engaged by Metro Trains Melbourne or Yarra Trams, it would appear that that will not be the case. That does beg the question: why would it not be the case?

It also serves to highlight the regret that the opposition has about two elements of the previous regime: the commitment to substantially increase the number of premium railway stations and also the commitment to staff each and every station on the metropolitan network with Metro staff who would have a responsibility for not just security but also the timeliness of trains leaving the station, the ability to sell tickets and the ability to check fares et cetera. We regret the fact that neither of those commitments has been maintained by the current government.

We also note that there are provisions in this bill for dealing with disputes between safety authorities. As was pointed out in the other place, that seems to be more a response to things that might occur one day than to things that have already occurred. There does not appear to be any record of these kinds of disputes between safety authorities. You can imagine that there might be disputes between VicRoads and Yarra Trams or between VicRoads and the director, transport safety, in regard to the creation of tram super-stops. There are times when the director needs to intervene in disputes between various authorities that are responsible for different parts of the transport network.

In relation to the tram platform stops, it is curious that a government that is bringing in a piece of legislation that is supposedly about enhancing safety on the network would simultaneously be cutting the amount of money available for the building of Department of Veterans' Affairs-compliant tram stops by 75 per cent. That is not just a matter of access; it is absolutely a matter of safety.

I remember when I became Minister for Public Transport, having spent 20-plus years as a motorist, probably sharing with thousands of other Victorians the occasional frustration at roads being narrowed when tram super-stops were built. As members would know, in recent years a large number of them have been constructed along St Kilda Road, at the end of Fitzroy Street, within the CBD et cetera. The then director of public transport, Mr McKenzie — I am not sure if he is still the director — apprised me of a salient point of which I was not previously aware. He said that unlike other tram stops throughout Melbourne there had never been a fatality at a tram super-stop, and that is so to this day. That is because they are configured not just to provide access for people but to ensure that people can get on and off trams with maximum safety before they cross the road to the footpath. The government should seriously reconsider its current trajectory in regard to the building of tram super-stops.

The bill also introduces new rules with regard to the responsibility of authorities for level crossing safety. Again, that is something the previous government took seriously. We upgraded level crossings, principally on the basis of safety assessments based on the Australian level crossing assessment model. To any fair-minded person, on that basis the grade separation of New Street, Brighton, would not be a current priority for the government. We are yet to see, subsequent to the minister's idiosyncratic performance at the Public Accounts and Estimates Committee, any decision by the government on how it intends to pursue that grade separation. If safety is the criterion that the government intends to apply to its decision making, then grade separating New Street will not be one of the first things that the government does.

There is a range of acts that were passed by the 55th and 56th Parliaments under the previous government, like the Transport Integration Act, the Rail Safety Act and the Bus Safety Act. They were all major reforms in this area to improve not only the integration of the public transport system but also safety. This bill is an addition to that record of reform, but, as I indicated at the outset, it is nothing more than a minor addition. With those words I commend the bill to the house.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mr BARBER (Northern Metropolitan) — This legislation actually deals with some quite important public policy matters, and the treatment of this bill so far in this house and the other has not focused particularly on the issues that many Melbourne public transport users are quite concerned about. Yes, there are a number of routine matters in the legislation, but at the same time there are two quite important changes that are being made. One is in relation to the oversight of authorised officers — ticket inspectors, if you like. The other relates to the role and powers of the independent safety regulators, particularly Transport Safety Victoria. In a classic example of the way the Liberal-Labor duopoly likes to run itself, it is waving this one through. First of all it is pretending there is nothing of any import in the legislation, and secondly, it is hoping to wave the bill through as quickly as it possibly can.

The provision of the bill relating to authorised officers says that when incidents involving authorised officers occur, those incidents must be noted within 48 hours rather than within the original 14-day period. This arises out of the Ombudsman's report, which itself arises out of many other reports that have slowly but surely peeled away the problems with the way authorised officers are organised and controlled. They are, after all, a private police force, and they have considerable powers. Anybody who thinks the characterisation 'private police force' is overblown should have a listen to this:

> The director of public transport, Department of Transport, may authorise persons to exercise the following powers where that officer reasonably believes that an offence has been committed:
>
> require a person to state his or her name and address;
>
> request a person to provide evidence of the correctness of name and address;
>
> arrest a person if necessary to:
>
> ensure appearance of the person at court;
>
> preserve public order;
>
> prevent continuation or repetition of an offence;
>
> ensure the safety or welfare of the public or the person concerned;
>
> remove a person and that person's property from a bus, train or tram or from company premises or property;
>
> require a person to produce a valid ticket and proof of entitlement to a concession fare entitlement.

That last one might be what you would think would be one of their powers if you called them 'ticket inspectors', but in fact as authorised officers they have most of the effective powers of police when it comes to detaining and holding you.

It is something of a scandal that over many years incidents have been occurring and there was a belated response from past governments and now a quite small response from the present government. Bear in mind how we got here with authorised officers. First of all we had the privatisation of the public transport system. Over time, under the incentives that those operators were given, they worked out that the best way to build their revenue was not to build a better system but in fact to enforce more. Across the three modes, most notably on trams and trains, over a period of years we have built up to where we now have hundreds of authorised officers.

Many of the problems that occurred came to light, and the Ombudsman ultimately conducted an investigation and presented a number of quite frightening cases. In the back of his report, in the public interest he released closed-circuit television footage from cameras on train stations showing authorised officers abusing their powers. The government's response to this has been to put these puny measures in the legislation so that now there is simply the requirement that the department be notified of incidents within 48 hours rather than 14 days. Of course, that is better than nothing.

When we are talking about notifiable incidents, we are talking about the things listed in the gazetted regulations of the Transport Act 1983, such as:

> 1. An incident or occurrence which involves any authorised officer (AO) or passenger, which at the time results in a personal injury being observed or suspected which has resulted, or may result, in significant medical treatment.
>
> 2. An incident or occurrence which involves any valuable property of a passenger being seriously damaged during any interaction with an AO irrespective of fault.
>
> 3. An incident or occurrence which is likely, in the attendant circumstances, to be controversial —

that, I think, is something like a circular definition —

> 4. An incident or occurrence which involves a child or other vulnerable person where the operator or AO is aware that the incident or occurrence is likely to lead to a complaint about any AO's exercise of discretion.

'Vulnerable person' could be a wide term. During the committee stage of the recently introduced legislation about the powers of protective services officers (PSOs), we had a considerable dialogue with the minister at the table at the time, the Minister for Employment and Industrial Relations, on how they would treat vulnerable persons — that is, people who do not speak English, people with a mental illness and people affected by drugs. The police have enough problems dealing with these people effectively and fairly. When that legislation was before the house we argued that PSOs would not have the full suite of training that police officers have. This document indicates that authorised officers will find themselves in the exact same position: without training, without oversight and with the expectations we put on police officers.

The list goes on:

> 5. An incident or occurrence which gives rise to a reasonable suspicion by an operator that an AO may have breached any condition of authorisation, or the code of conduct, in such a way that the action might adversely impact the perceived suitability, competence or good repute of any AO.

Those are the sorts of things that transport operators, who have AOs working for them, particularly on trams and trains, are meant to be notifying the department about simply as a first step. The Ombudsman found that that notification was not occurring.

During the process of putting together the Ombudsman's report, the departmental staff started to take the issue a little bit more seriously. They realised they had a problem, but only when the Ombudsman continued the process of putting together his report. Since the report has been released we have not heard much about what the government has been doing in this area, but I have requested under the Freedom of Information Act 1982 details about the notifiable incidents that fall within the categories I have just read out.

The government has told us that before November 2010 the way it kept track of these incidents was to put a note on each officer's file when a report was made. The government has told us that if we want to backtrack and find the types and numbers of incidents that were occurring, it would have to open up 500 different files and check them all individually. Is it any wonder so much problematic behaviour has been going on when the filing system makes it extremely difficult even to track incidents?

The government also told us in its correspondence on my freedom of information request that since November 2010 the information has been stored on an electronic database and that it has recorded 800 notifiable incidents in eight or so months. That is a lot of incidents; it is three incidents a day as far as I can tell.

We do not know under which categories those incidents have occurred, but any incident that has occurred which is on the list I referred to earlier is of concern. We do not really know whether the problems in regulating authorised officers are escalating or whether it is just that there has been an extremely low level of reporting and that the government is now starting to get serious about reporting. Will those numbers increase as we go along? We do not know yet. Because of the delay in providing a response to my freedom of information request, I will have to sit in this chamber and vote on a measure without full access to information. Hopefully when the minister is before the chair during the committee stage of the bill we will get into that issue in some detail.

Another issue relates to the regulation of safety. This is the bit where quite blithely, I think, the minister and his snoozing shadow minister in the other place have just pretended that there is nothing going on. They have tried to wave the whole thing through. In the Transport Integration Act 2010 the government of the day trumpeted Transport Safety Victoria's independence from the minister. The current minister, Mr Mulder, the Minister for Public Transport, while he was the shadow minister said the then Public Transport Safety Victoria body was not independent enough. Every time there was a major safety incident, he argued that PTSV was too close to the department and the minister of the day and that we needed the federal rail safety body to come to investigate.

I have an article from the *Age* of 6 May 2010. I managed to track it down because it is actually on Mr Mulder's own website. In relation to a number of trains going through red lights and particular investigations that arose at that time, including an incident at Craigieburn where a Metro suburban train failed to stop at two red signals and rammed into the back of a stationary freight train, Mr Mulder is reported as saying:

> When you have got a serious accident like this, it is which is a state government agency — to be investigating … Mr Mulder called on the federal transport investigator to look at the crash.

As a matter of law PTSV has not been subject to direction by the Minister for Public Transport or anyone in the department until now — until this bill has appeared before the house. What we find here is that the government has discovered for some reason that there is or can be potentially a conflict between two safety regulators — that is, PTSV looking at public transport on roads, mainly trains and buses, and VicRoads, with its responsibilities for safety, as well as occasionally in the case of VicRoads or a municipal council being a constructor of works.

We are told in this legislation that sometimes the two regulators might disagree and someone proposing a new development — for example, a tram stop — would not be able to comply because they had been told two different things by two different independent safety regulators. What has been the government's response to this? To get rid of both of them and put the minister in charge. It is goodbye to the independence of the PTSV and goodbye to any real attempt, I think, by two regulators to get together to solve a problem, because if it is a tough one they will just hand that up, knowing the minister will end up dealing with the controversy.

It is no surprise that the department would put this up to the minister. It is no surprise, I suppose, to those who have become a bit cynical to see that the minister, who once said PTSV is not independent enough, is now quite happy to see himself override PTSV and/or

VicRoads on what could be some quite crucial, controversial and difficult issues concerning the regulation of transport when it is on roads.

There are also a number of other matters in the bill that relate to who is regulated by the Transport Integration Act 2010. When that act was introduced in 2010 we were told it would integrate transport and make everything work smoothly. Now we are told it has unwittingly set up a conflict between two different safety regulators. The government's immediate knee-jerk response to that is to put itself in charge and do away with independence. The Labor Party sees no problem with this. After having been briefed by the department it is quite happy with the idea, and no doubt when it comes to it the government and the Labor Party will be sitting together on the government side of the house while three lone Greens are over here speaking up for principles which I thought were settled but which now apparently are to be tossed out, with minimal discussion or scrutiny to this point.

I will save some further questions and some statements that I may need to make for when the bill is considered stage by stage in committee.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to speak on the Transport Legislation Amendment (Public Transport Safety) Bill 2011. As Mr Pakula said, it makes miscellaneous amendments to the Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983, the Rail Safety Act 2006 and the Bus Safety Act 2009. The explanatory memorandum highlights the purpose of the bill, stating:

> The bill broadly aims to promote public transport safety by making a number of amendments to the bus and rail safety regimes that apply to public transport operators.
>
> The bill also aims to reduce the regulatory burden on transport operators by —
>
> > aligning safety management requirements applying to rail operators with national provisions;
> >
> > allowing registered bus operators providing services to disabled people to continue using drivers who hold probationary driver licences; and
> >
> > providing greater flexibility in the scheduling of compulsory bus safety inspections and the requirements for accreditation as a bus operator.

The bill also provides a mechanism for the resolution of conflicts, as Mr Barber outlined, and makes a number of other minor miscellaneous amendments.

I will commence by picking up some of the points made by previous speakers Mr Pakula and Mr Barber. Mr Barber raised two issues in his contribution to the debate. The first was that of authorised officers, and he spoke at some length about the problems as he perceives them with the regulation of authorised officers. As he articulated, in bringing in this bill the government is actually increasing the scrutiny on authorised officers. It is reducing the notification time from 14 days to 48 hours, which will enable the department to respond much more quickly to investigate matters, speak to witnesses and try to obtain closed-circuit television footage — to respond in a timely fashion as a result of that change from 14 days to 48 hours.

Mr Barber also spoke of the potential conflict between the two regulators. He may not appreciate or may not like the solution that is provided, but a clear solution has been provided in the unlikely event that such a conflict occurs. It is prudent to provide a clear mechanism for the resolution of such a conflict. While Mr Barber may not like the resolution that is suggested, this is prudent legislation that responds to those two discrete issues that he has raised.

In his contribution to the debate on this bill Mr Pakula spoke about a range of matters that are not related to this bill, such as premium stations and protective services officers, which have been matters of significant debate on other pieces of legislation that have been before the house or in other forms of debate in this house. Mr Pakula expressed disappointment that the public transport development authority legislation was not being debated before this bill. Whatever legislation is introduced into this place relating to the creation of a public transport development authority no doubt will have within it transitional provisions that pick up a suite of legislative issues and, if appropriate, matters relating to this bill. I do not particularly see that as a very strong argument for delaying the passage of this bill.

As Mr Barber mentioned, the issue with relation to authorised officers in part flows from the Ombudsman's report of December last year. I refer to the report on the Ombudsman's own-motion investigation into the issuing of infringement notices to public transport users and related matters of December 2010. The Ombudsman found:

> … that the oversight of the authorisation of public transport officers and their subsequent compliance with conditions attached to that authorisation is inadequate.

But again, the bill responds to that commentary by tightening government scrutiny and oversight of passenger transport companies, with reporting times reduced, as I have previously mentioned.

The bill aligns safety management requirements applying to rail operators by bringing increased harmonisation between a number of Victorian rail safety provisions and the national model rail safety bill, including provisions about safety management systems. A safety management system sets out how an operator intends to manage day-to-day safety risks on the rail network. Under the national model, safety management systems are only required of accredited operators — that is, persons who manage rail infrastructure or run rolling stock — which is a reflection of the greater risks to be managed by those operators who have day-to-day responsibility for running those systems.

Consistent with the national model, the bill confirms and ensures that only accredited rail operators are required to have a safety management system. The director, transport safety, is the contracting party on behalf of the state under the franchise agreements with Metro, Yarra Trams and V/Line; the operators are the network operators with day-to-day responsibility for managing rail safety. The franchise agreements place that responsibility squarely on the operators. The director does not have on-the-ground control of rail operations. The director is the contract manager on the franchise agreements. For that reason the director is not required to be accredited.

The provisions being inserted by this bill clarify and ensure that under the Rail Safety Act 2006 it is not intended, and never was or has been intended, that the director, transport safety, or his successor should be required to have a safety management system. This was not the intention of the Parliament in passing the Rail Safety Act in 2006, and the amendment in this bill removes any doubt about this.

The bill responds to particular discrete issues in a reasoned and measured way. It should help address some of the concerns that the community and the Ombudsman have had about authorised officers. It makes various miscellaneous amendments in a prudent example of good housekeeping, and it addresses some interjurisdictional issues. For those reasons I support the bill and look forward to its passage through the house.

Mr ONDARCHIE (Northern Metropolitan) — It is a pleasure to rise tonight to speak on the Transport Legislation Amendment (Public Transport Safety) Bill 2011. I was interested in Mr Barber's contribution tonight, and I found it curious. If members will pardon the pun, I have to say that it was a little off track. I am not sure if he was left waiting at the station or if he missed the bus, but as he went about criticising the government and the Labor opposition I found that he was almost a self-appointed independent watchdog. That was an interesting perspective for him to take. I remind Mr Barber and those in the house tonight that the purpose of this bill is nothing more and nothing less than to make improvements to public transport safety by strengthening the rail and bus safety schemes.

This bill makes miscellaneous amendments to the Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983, the Rail Safety Act 2006 and the Bus Safety Act 2009. This bill limits the regulatory burden on transport operators and provides a means of resolving potential conflict between decisions of rail and road safety regulators. It modifies the rail, tram and bus safety schemes, and it tightens the government's scrutiny and oversight of the management of authorised officers either employed or engaged by passenger transport companies.

This bill aligns safety requirements that apply to all rail operators with national provisions. To obtain the best regulatory and safety outcomes legislation must take into account the practical realities involved in effective regulation. This bill reduces the regulatory burden by aligning the safety management requirements that apply to all rail operators with those national provisions. It clarifies the application of rail safety duties during loading and unloading operations. It ensures that Victoria can enter into reciprocal arrangements with transport ministers of all the other states and territories so rail safety regulators can act in a cooperative manner. It allows registered operators of minibuses to continue to use probationary licensed drivers where it is currently the case.

The bill avoids increasing the regulatory burden on minibus operators to provide services to disabled and other vulnerable people in our community. It also provides greater flexibility in the safety inspection regime by introducing a 14-day leeway period around the 12-month anniversary of the previous inspection. This bill also allows greater flexibility for the director, transport safety, in decisions to accredit persons holding convictions for fraud and dishonesty offences over 10 years old under the bus safety accreditation scheme. This is a simple, responsible and, as my learned colleague Mr O'Donohue has said, reasoned bill.

Dispute resolution mechanisms where transport safety regulators have a difference of opinion that cannot otherwise be resolved under the shared jurisdiction are dealt with by this bill. It avoids those regulatory bodies being caught in a stalemate between regulators.

My colleague Mr O'Donohue touched on the Ombudsman's report. The Ombudsman's report said

that around 545 authorised officers are employed by transport operators and that during the 2009–10 period the department issued 171 835 traffic infringements. A total of $638.4 million was generated in revenue from ticket sales but another $15.6 million was generated from infringements or statutory fines. During the 2008–09 period 189 complaints were raised about infringement notices issued to public transport users. An analysis of the results showed insufficient training of authorised officers in the use of discretion when issuing those infringements. It showed the department's processing of authorised officers' reports was not rigorous or transparent enough. Often commuters who complained and wanted an internal review did not even receive a response.

This bill goes a long way to improving public transport safety and the mechanisms around it. In his contribution Mr Pakula talked about tram super-stops and, having listened in detail to his contribution, I almost thought that he built them brick by brick himself; it is amazing the things for which people will take credit. This is a simple bill, and it is one that should go through without any objection, despite the views of the self-appointed independent watchdog. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. M. J. GUY (Minister for Planning) — I seek leave to have Mr O'Donohue join me at the table.

Leave granted.

Clause 1

Mr BARBER (Northern Metropolitan) — In relation to clause 1(a), the purpose of the bill, which is to provide a mechanism for resolving conflicts between Transport Safety Victoria (TSV) and other road authorities, what is the impetus for the bringing forward of this bill? What incident or occurrence led this to be recognised as a problem?

Hon. M. J. GUY (Minister for Planning) — I am informed that a dispute in relation to a super-stop in Swanston Street was the impetus.

Mr BARBER (Northern Metropolitan) — So we have an instance where Transport Safety Victoria had one view on the appropriate design, if you like, of that super-stop and presumably some other body had a different view. I do not know who it was. It could have been a road authority; it could have been Melbourne City Council or VicRoads. Melbourne City Council of course was the proponent of that stop. Can the minister tell me what the nature of the dispute was in regard to that particular stop?

Hon. M. J. GUY (Minister for Planning) — I am informed that there was an initial dispute between Transport Safety Victoria and the Melbourne City Council in relation to some safety aspects of the super-stop, which were resolved.

Mr BARBER (Northern Metropolitan) — That is a good news story then, but I reiterate my concern that the government seems to be determining that this will never happen again and the way it is doing it is by destroying the independence of TSV, which is otherwise guaranteed in the Transport Integration Act 2010, and putting the minister back in charge of these decisions. Clearly these were crucial matters. There will be many more super-stops and other issues of design relating to trams on-road. There could also be issues arising of buses on-road and it is my view that this is a dangerous step to be taking. There is a good reason why we have an independent public transport safety regulator and there could have been a better way for the government to deal with this; it could have determined simply which regulator was the appropriate regulator.

In the case that Minister Guy flagged, Melbourne City Council was both the regulator — it was the road authority — and the proponent of works. Using the minister's example, the appropriate measure the government should have taken in this case was to have brought forward amendments that removed any doubt that TSV is the regulator rather than simply destroying its independence. I have real difficulty with that.

I also have some questions about clause 1(b)(i), which provides a shorter period in which incidents involving authorised officers are to be reported. I have in front of me a copy of the current schedule which describes notifiable incidents; I read it when I was contributing to the debate on the second-reading speech. I understand that the government has already determined there are going to be changes to the list of notifiable incidents. Is the minister able to tell me what those changes are proposed to be?

Hon. M. J. GUY (Minister for Planning) — What Mr Barber says is correct. Arising from the Ombudsman's report there will be some changes to the categories; they cover complaints against authorised officers, criminal offences, damage to property,

disciplinary action against authorised officers, including termination, injury, use of force and lawful arrests.

Mr BARBER (Northern Metropolitan) — These provisions arose out of the Ombudsman's report. The Ombudsman's report also made a number of recommendations about the management of authorised officers, particularly in relation to national police checks. Can the minister tell me if at the current time all of the officers who are authorised have undergone a national police check?

Hon. M. J. GUY (Minister for Planning) — That kind of detail I would like to take on notice and I will get back to Mr Barber. I do not have it with me.

Mr BARBER (Northern Metropolitan) — Also, recommendation 4 of the Ombudsman's report said that there should be a review of:

> … all current officers' authorisation records and where officers do not meet the department's authorisation criteria, they should be flagged for closer scrutiny upon their re-authorisation.

Can the minister tell me whether that recommendation has been implemented and, if so, how many were flagged?

Hon. M. J. GUY (Minister for Planning) — I am advised that this recommendation is in the process of being implemented, but I cannot identify how many were flagged.

Mr BARBER (Northern Metropolitan) — I will take it from that that as we stand here the process is not complete.

Moving to clause 1(c), we see that the bill will make changes to ensure that the requirement to maintain a safety management system only applies to accredited rail operators. Can the minister tell me what the impact of this change will be? If we go from rail operators to accredited rail operators, who is excluded now?

Hon. M. J. GUY (Minister for Planning) — Operators who do not manage track, for example. A tourist railway might even fall into that category.

Mr BARBER (Northern Metropolitan) — My understanding is that they all need to be accredited, so who is a rail operator who is not accredited?

Hon. M. J. GUY (Minister for Planning) — Allow me to correct myself. I apologise, Mr Barber. Tourist railways do need to be accredited. What I should have said was that people who have private sidings, for example, are not.

Mr BARBER (Northern Metropolitan) — Is the Department of Transport a rail operator?

Hon. M. J. GUY (Minister for Planning) — No.

Mr BARBER (Northern Metropolitan) — How about VicTrack?

Hon. M. J. GUY (Minister for Planning) — Yes.

Mr BARBER (Northern Metropolitan) — VicTrack is a rail operator. A rail operator means either a rail infrastructure manager or a train operations manager. Of course rail infrastructure includes really everything to do with trains and trams. If VicTrack is a rail operator, will it be an accredited rail operator and therefore, as a result of this bill, will it have to have a safety plan?

Hon. M. J. GUY (Minister for Planning) — I am advised that the bill does not change the current position in relation to VicTrack.

Mr BARBER (Northern Metropolitan) — That was my question. Who does it change the current position in relation to?

Hon. M. J. GUY (Minister for Planning) — I believe only operators of private sidings.

Mr BARBER (Northern Metropolitan) — I just want to return to the earlier issue of conflicts arising between regulators. We talked about tram stops as an example. Can the minister tell me whether rail level crossings fall under a category where both the road authority and Transport Safety Victoria could come into conflict over their different views on what is a safe operation?

Hon. M. J. GUY (Minister for Planning) — They are not covered by the arrangement. They are specifically excluded by the bill.

Mr BARBER (Northern Metropolitan) — So level crossings will only fall under the responsibility of TSV? Is that correct?

Hon. M. J. GUY (Minister for Planning) — That is correct.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — This is the clause that we have an objection to. It is not just the definitions, but all the way through the various parts of clause 3, which ultimately substitutes the minister in

place of an independent safety regulator. The bill does it for what will be a crucial set of issues right now but also into the future — that is, the management of on-road public transport, particularly buses and trams. Members may be aware that there is continuous controversy over the issue of accessibility to trams when they are out in the middle of roadways. There have been extensive political debates fought about the placement of super-stops. Ultimately those super-stops, or something similar, will have to be rolled out across the network in order to achieve compliance with the federal Disability Discrimination Act 1992. There are issues of safety that run alongside those of accessibility. I would be happier if TSV was being vigilant on those issues. It may just be me, but I do not particularly trust VicRoads to put the safety of public transport passengers first. I believe TSV does that.

The most recent example of this may be the one the minister gave, which is the issue of Swanston Walk. But this will be ongoing across the system, particularly as we inevitably build up the level of public transport with further provision of trams and buses. It is of great concern to me that what we are doing with that controversy is throwing a political actor straight into the middle of it. We do not want that to happen in any other area. So far as the Transport Integration Act 2010 is concerned all of the off-road safety issues will continue to be managed by a dedicated and fully independent regulator, but in this instance for some reason the department or the minister has got leery of the fact that these controversies are going to arise and the solution is to abolish the independence of the regulator. We will be voting against clause 3 and inviting others to join with us.

Hon. M. J. GUY (Minister for Planning) — I just make the point that Mr Barber refers to what he believes might be a series of incidents. Again, I point out that there was only one incident and that was the one he was talking about at Swanston Walk, which was resolved. It is obviously a highly unlikely event. We see it as a prudent move to make these changes. I say again that only one incident has been reported and it was resolved.

Mr BARBER (Northern Metropolitan) — Now I have to get up and disagree, because the particular solution they came up with for accessibility to trams in Swanston Walk was a kind of rollover stop. It is a raised stop that, effectively, allows drivers to drive onto the tram stop. There has been plenty of controversy associated with what we might call super-stops or raised stops if you like, but now this particular solution that has been come up with in Swanston Walk I believe is the one that is going to be rolled out across the network.

I believe the only way the government is going to achieve compliance with the federal Disability Discrimination Act 1992 for trams is for it to take the exact solution that has been put in in Swanston Walk and roll it out on roads that will often be much bigger have higher speed limits and have many other conflicts and are nothing at all like Swanston Walk. I can see that there are going to be endless problems.

If the minister says there is no problem, then I do not know why we have the bill before us. If we do have problems, conflicts and some genuine difference of opinion over what is a safe outcome, then obviously those differences are arising out of the particular perspective of TSV versus a local council or VicRoads, which is quite possibly operating as both a proponent of works and a regulator under the Road Management Act 2004 and thereby under this legislation. To me that is a red flag that we should not be going down this path.

Once this bill has passed — which inevitably it will with the government using its numbers — it will be a lot harder. I believe these processes will become more buried, and the line between an independent regulator and a political actor with a political agenda will become very blurred. I find it quite disturbing that we are so casually stripping away the independence of the safety regulator for what seems to be convenience when there are clearly other legislative solutions that could have been brought forward.

Committee divided on clause:

Ayes, 35

Atkinson, Mr
Broad, Ms
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Darveniza, Ms
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Eideh, Mr
Elasmar, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Jennings, Mr
Koch, Mr
Leane, Mr
Lenders, Mr
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr (*Teller*)
Pakula, Mr (*Teller*)
Petrovich, Mrs
Peulich, Mrs
Pulford, Ms
Ramsay, Mr
Rich-Phillips, Mr
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms
Viney, Mr

Noes, 3

Barber, Mr (*Teller*)
Hartland, Ms (*Teller*)
Pennicuik, Ms

Clause agreed to.

Clauses 4 to 34 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the house do now adjourn.

Minister responsible for the Aviation Industry: responsibilities

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the minister responsible for the Aviation Industry, and I am delighted he is in the chamber. Last Thursday I joined my colleagues Mr Tarlamis and Mr Somyurek at a Kingston municipal breakfast. We gathered there at 7.30 in the morning, and we had a briefing by a number of economic development officials from the City of Kingston. One of the issues that came up was a query, I think it is fair to say, from the City of Kingston. It was trying to work out exactly what role the state government has in aviation and particularly, as there is a minister responsible, what that minister responsible for aviation is doing.

There were some issues raised about economic development and whether there was too much pilot training at Moorabbin and whether that was affecting urban amenity and they should perhaps go to Tooradin or Coldstream. I do not pretend to understand one way or the other about this, but it was an issue that people were seeking advice on. There were also a range of issues raised about Moorabbin Airport.

I helpfully asked the question: what are you seeking to have members of Parliament do? Often at these municipal breakfasts councillors ask members of Parliament to lobby. I asked: is it that you want the minister responsible for aviation to come and meet you? Is it that you want the Department of Business and Innovation to come and meet you? And what is it that you want from the minister? The council was not particularly forthcoming, because in fairness there were a number of councillors and economic development officers there. So I tried again. The member for Mordialloc in the Assembly, Ms Lorraine Wreford, demanded that the council invite the minister to come and asked whether the minister had actually been invited to come, which was a very good question.

I note that the minister was invited in his capacity as a local member and that local members cannot attend all these breakfasts.

Hon. G. K. Rich-Phillips — No, they cannot.

Mr LENDERS — I know they cannot. I know that Mr Rich-Phillips took a great interest when I was a minister in whether I attended the City of Greater Dandenong breakfast. Nevertheless, the action I seek is that the minister actually meet with and explain to the City of Kingston what state aviation ministers do. I noticed on Ms Wreford's website that he meets with all sorts of air cadets and other people, which is all very good, but I ask him to meet with representatives of the City of Kingston and explain to them how as a state minister he can assist them with issues they have at Moorabbin Airport and in particular explain to them what a state minister responsible for aviation, who is a local member, actually does.

Rooming houses: Southern Metropolitan Region

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Housing, Ms Lovell, and it is to do with rooming houses. I would have to say that in Southern Metropolitan Region, particularly in the lower house electorates of Albert Park and Prahran, there have been rooming houses for a considerable time. In fact in St Kilda rooming houses have been part of its fabric for a considerable time.

That raises its own problems, because in the past there have been major concerns, problems and tensions — tensions about urbanisation, most recently, and gentrification and tension between the people who live in the rooming houses, many of whom have multiple concerns and complex needs. For example, there are many people who have drug and alcohol issues, people with an intellectual disability, indigenous Victorians, people with mental health issues and people who are very vulnerable within our community who live in rooming houses.

Over many years it has been interesting for me to watch and observe some of these very vulnerable people living in fear and confusion and with insecurity. It has

been seriously disturbing to have seen some indiscriminate landlords rorting the system and lording it over and exploiting some of these vulnerable people. I was particularly pleased to see the new regulations the minister has brought in, which she dealt with in great detail this afternoon in question time in this chamber.

I would have to suggest that rooming houses, particularly those in and around St Kilda, continue to be an issue. They are in St Kilda because they are close to the infrastructure of the Sacred Heart Mission, the Brotherhood of St Laurence, the Salvation Army and the needle exchange as well as methadone programs. The Gatwick is a particularly famous rooming house and is one of the oldest there.

We do not have to cast our minds back very far to remember what happened with the closure of the Hollywood Hotel. If ever there was a misnomer, it was the Hollywood Hotel, because I can assure members that it was very disturbing to see. It was sold by the owners for development, and it was very difficult to re-house the people who were the residents. At that time it was a major concern for the council in particular. There are also rooming houses in Prahran and in part of the lower house electorate of Caulfield, which is in Southern Metropolitan Region.

The action I seek of the minister is that she ask her department to alert the City of Stonnington, the City of Glen Eira and the City of Port Phillip to these changes and how they will impact on the rooming houses in and around St Kilda, Prahran and Albert Park.

Harness racing: funding

Hon. M. P. PAKULA (Western Metropolitan) — The matter I wish to raise is for the Minister for Racing, and it concerns funding for harness racing. Harness racing runs something like 500 race meetings per annum in Victoria, with about 20 per cent of those meetings occurring at Tabcorp Park in Melton, with close to 250 being spread between seven of the larger regional tracks and with a much smaller number of races being spread amongst a range of smaller rural and regional tracks.

It is a very challenging environment for Harness Racing Victoria. Moonee Valley was a loss-making venture for the code, and HRV's success in extracting itself from that lease and setting up at Melton has been a major positive for the industry. But the code is almost exclusively reliant on wagering money, and with the rise of sports betting and High Court challenges, that revenue stream is growing only slowly and is at some risk.

It is those circumstances, with the need to get prize money up to attract owners and to get the size of race fields up, that has provoked the board of HRV to look to find efficiencies and new revenue streams but also to ensure that it is offering an attractive product with the best racing infrastructure.

Notwithstanding all of that, the Baillieu government was elected having promised to reopen six country tracks — at Boort, Gunbower, Ouyen, St Arnaud, Wedderburn and Wangaratta — so that they can each run one meeting per year. That is the prerogative of the new government, and undoubtedly the independent HRV board will comply with the minister's directive. What is not clear is how much the initiative will cost and how it will be paid for. As I indicated before, HRV, with a mind towards the overall health of the code, has worked hard to find economies of scale, and it has done this very well.

The action I seek from the minister is that he advise the house of two things: firstly, how much the implementation of his policy commitment will cost in total; and secondly, how it will be paid for. Specifically, will the money come from the unclaimed dividends commitment? Will it be money that Harness Racing Victoria would have received in any case, or is it additional money above and beyond that which HRV would have otherwise received for it to improve and enhance the infrastructure that the code so desperately needs to go forward?

Schools: Kyneton

Mrs PETROVICH (Northern Victoria) — My matter is for the Minister for Education, Martin Dixon. I was invited to visit Kyneton Secondary College on 29 July and Kyneton Primary School on 12 August to meet with representatives of the schools' councils and the Macedon Ranges Shire Council. I was shocked by the lack of maintenance and how 11 years of neglect by the previous Labor government has left these schools in the lurch and in need of repair. The representatives I met had been absolutely convinced that the major K–12 consolidation project was proceeding under the previous government, but this commitment was not delivered or even budgeted for.

Since then I have been amazed to hear from the CEO of Cobaw Community Health, Anne McLennan, that it has also been let down in its plans to be part of this new precinct. This adds further insult to injury for Kyneton and surrounds. The region has not been treated as the important regional priority it is. This is despite Kyneton being represented by Geoff Howard, the member for Ballarat East in the Assembly, and neighbouring areas

being represented by Joanne Duncan, the member for Macedon in the Assembly, who were part of the previous government for 11 years. The kindergarten is also now required to step in and assist those who lost their federally funded Take a Break child-care places. I am astonished at the extent to which Labor, both state and federal, has let this community down. The money required will not be available immediately, as it was not included in the forward estimates by the previous government. We have been left to fix the mess that was created by Labor's mismanagement.

I understand that an audit of Kyneton Primary School is in progress, and I thank Minister Dixon for his prompt attention to this issue. I also thank the minister for his commitment to visit Kyneton in late September — I think it will be on 22 September. I ask for further clarification on the question of Cobaw Community Health being part of this plan, as it seems to be incongruous with it being an education precinct.

Operation Newstart: Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister responsible for the Teaching Profession, Peter Hall. It relates to a program called Operation Newstart, which provides outdoor recreational, vocational and therapeutic experiences for young people at significant educational risk. The program is facilitated by a dedicated team of professionals from the education, police and mental health sectors.

Operation Newstart Eastern, which covers around 60 state secondary colleges in six municipalities in Eastern Metropolitan Region, was established in 2009 but suspended at the end of term 1 in 2010 following staffing issues with both the police and the Department of Education and Early Childhood Development. While it seems that the police commitment to re-establish this program will be available in 2012, there need to be some discussions around the provision of support by the eastern metropolitan region of the DEECD. Unfortunately the eastern metropolitan region is the only DEECD region not involved in supporting an Operation Newstart program; in fact the southern metropolitan region supports three programs. This program is badly needed in Eastern Metropolitan Region.

The action I seek from Minister Hall is that he meet with the executive of Operation Newstart Victoria through its chair, Ross Miller, and the executive officer, Phil Wheatley, to discuss the best way of reviving the program for Eastern Metropolitan Region from the commencement of term 1 in 2012.

Israel: Melbourne protests

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Attorney-General. It concerns the boycott, divestment and sanctions campaign against the state of Israel. We have seen on the streets of Melbourne protests directed at Max Brenner stores — violent and disturbing protests by union members, Palestinians, Greens and assorted other leftie nutbags attacking Israel — —

Ms Hartland — On a point of order, President, the Greens did not attend those rallies, and I ask the member to withdraw the phrase 'leftie ratbags'.

The PRESIDENT — Order! I think he said 'nutbags' actually. At any rate I do not consider that to be parliamentary language. I ask the member to withdraw the word 'ratbags', 'nutbags' or whatever it was — and obviously the Greens have dissociated themselves from those protests.

Mr FINN — Good luck to them. I withdraw, President, and hope that freedom of speech reigns forever in this country.

The protesters say this is about an attack on Israel, another country, but is it really? Are these people protesting against Israel, or are they indulging in good old-fashioned anti-Semitism? Is this political protest or religious bigotry? Many participants in the protests have long histories of antagonism towards Judaism and contempt for Jews generally. I am a great believer in freedom of speech, as I mentioned just a moment ago, but it is intolerable that these protests are occurring in our country and in particular in our city. We know what a lot of these no-hopers are really on about when they take to the streets. This sort of anti-Semitism would have been quite at home in Germany in the 1930s. I find it absolutely astonishing that it is happening here in Melbourne in 2011.

The reason I raise this matter tonight is because there may well have been a number of quite blatant breaches of the Racial and Religious Tolerance Act 2001. I am not a great fan of that particular act, but at this point in time it is still the law. If a law such as the Racial and Religious Tolerance Act 2001 exists, then we should use it to protect those who are under attack from people who take to the streets in the way we have seen over recent months.

I ask the Attorney-General to investigate if a breach has occurred and to take the appropriate action. If such a

breach has occurred, I ask that he identify those who are involved and that he bring charges against them.

Fertility control clinics: protests

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Attorney-General, and it concerns a public safety issue. Women are being harassed by those who seek to influence or punish them for getting medical advice and assistance, including abortion. Neighbours are being intimidated and confronted by the bullying behaviour. The bullying and intimidation includes photographing and filming people, with threats to place those images on the internet. This has been the case especially in Albury and typically includes threats of harm. We should remember that security guard Steve Rodgers, who was only 44 years of age at the time, was shot dead at the Fertility Control Clinic in East Melbourne. I have seen the bullying firsthand, and I have also seen news reports about it.

Abortion and other women's health services are lawful, but people also have the right to protest against them. How do we maintain those two rights? This is the conundrum I set for my parliamentary intern, Hilary Taylor of Monash University. Hilary provided a well-written, clear report entitled *Accessing Abortion — Improving the Safety of Access to Abortion Services in Victoria*. The report was the joint winner of the Presiding Officer's prize for interns — —

Mr Finn — On a point of order, President, I seek some clarification. My understanding is that Ms Hartland is talking about something that is occurring in Albury, which of course is not in Victoria but across the border in New South Wales. I wonder how that can be related to legislation or administration in Victoria.

Ms HARTLAND — On the point of order, President, if I could clarify the matter. I did mention the East Melbourne clinic as well. This intimidation is occurring in Albury, and Mr Finn is right, it is occurring outside this jurisdiction, but I am primarily talking about the East Melbourne clinic.

The PRESIDENT — Order! I accept Ms Hartland's explanation. In consideration of Albury matters, the Chair would have regard to the fact that many Victorians use Albury facilities — and Albury ought to be part of Victoria at any rate! Albury is recognised as a regional centre, so any comments in that respect might well be relevant, albeit that the actual legal jurisdiction is with another state. Nonetheless, I heard Ms Hartland talk about other centres before she drew on the example of what was happening in Albury, so I will allow her to continue in that vein.

Ms HARTLAND — The intern's report has been published on the 'Victorian Greens' website. The report recommends bubble zone legislation be enacted by the Victorian Parliament. Bubble zones are designated areas where protests may not occur, but they are typically placed so that protests may take place nearby. Our own Victorian Parliament provides a shining example of a bubble zone via the Parliamentary Precincts Act 2001. Every day the lower steps of this building are the venue for colourful, peaceful protests, but the higher steps and the colonnade are off limits.

The staff of the East Melbourne clinic and nearby residents want a bubble zone to extend only as far as the edge of the narrow pavement in front of the clinic. This would also allow the neighbours free passage without being bullied and intimidated and it would benefit local businesses. Protests could continue on the other side of the street where there are no houses or businesses. My request of the Attorney-General is that he read the report and consider the implementation of bubble zones.

The PRESIDENT — Order! I add that that report was a joint winner of the Presiding Officer's prize in the parliamentary intern program this year. That is not necessarily an endorsement of the subject matter, notwithstanding that it was a well-reasoned case put by the young lady who wrote that report, but it certainly indicated the fine research work that was done.

Responses

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I have written responses for adjournment matters raised by Mr Ramsay on 4 May, Ms Broad on 1 June, Mr Pakula on 29 June, Mrs Coote on 16 August, Mr Koch on 30 August and Mr Somyurek on 1 September.

A number of members have raised matters this evening. Mr Lenders raised a matter for me in my capacity as Minister responsible for the Aviation Industry with respect to a local MPs meeting that he attended recently in the city of Kingston. Mr Lenders raised the issue of advising the City of Kingston as to the role of the Minister responsible for the Aviation Industry in the Victorian jurisdiction. Mr Lenders is being disingenuous at best and mischievous at worst given that in a past life he held the portfolio of Minister for Financial Services, which of course is an area where the commonwealth has legislative jurisdiction but nonetheless there was a role for a Victorian minister. So

it is with the Victorian aviation portfolio, an industry development portfolio through the Department of Business and Innovation, as Mr Lenders well appreciates, whether he told Kingston City Council that or not.

The Victorian government is proud of what has been achieved in aviation and aerospace in this state. We believe it has enormous potential, and that is why the Victorian government is committed to developing that sector and has put resources in through the budget this year to develop that sector.

One of the key infrastructure elements of the aviation industry in this state is of course Moorabbin Airport, which is where a large proportion of flying training in this state occurs. One of the largest flying training operators in the world is based at the Oxford Aviation Academy at Moorabbin Airport. I was pleased to open its new headquarters at Moorabbin earlier this year. I am familiar with the operations at Moorabbin and the contribution that airport makes to the aviation sector. I am also conscious of the issues surrounding that operation. It is a site that has been operating for some 52 years. It is in the heart of the city of Kingston, and we appreciate that there are interface issues concerning the City of Kingston. Mrs Peulich has raised this issue with me in the past, as has the member for Mordialloc in the other place, Ms Wreford. The government is engaging with Moorabbin Airport on these issues through the department, as am I as the minister, and we will continue to do so.

Mrs Coote raised a matter for the Minister for Housing with respect to rooming houses. She raised the issue of vulnerable people in rooming houses, particularly in the St Kilda area, and asked the minister to bring to the attention of the councils of Stonnington, Glen Eira and Port Phillip the issues around the government's approach to rooming houses in addressing the concerns of these vulnerable residents.

Mr Pakula raised a matter for the attention of the Minister for Racing with respect to the funding of harness racing through Harness Racing Victoria. I will refer that matter to the Minister for Racing.

Mrs Petrovich raised a matter for the Minister for Education with respect to the Kyneton education plan and the inclusion of a health service in that plan. I will refer that matter to the Minister for Education.

Mr Leane raised a matter for the Minister responsible for the Teaching Profession with respect to Operation Newstart, and I will pass that matter on to Minister Hall.

Mr Finn raised a matter for the attention of the Attorney-General with respect to the so-called boycott, divestment and sanctions protests and whether those protests offend against racial and religious tolerance legislation in this state. I will refer that matter to the Attorney-General.

Finally, Ms Hartland raised also for the attention of the Attorney-General the issue of protests surrounding abortion clinics, in particular the East Melbourne clinic, and the possibility of a bubble zone being created around that clinic to separate clients of the clinic from protesters. She referred to a report prepared by her parliamentary intern, and I will pass that matter on to the Attorney-General.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 9.25 p.m.