PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 31 October 2013

(Extract from book 14)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 22 April 2013)

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Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
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Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr P. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedure Committee — The President, Mr Dalla-Riva, Mr D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, #Mr Ondarchie, Ms Pulford and Mr Ramsay.

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

Environment and Planning Legislation Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Dalla-Riva, Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, #Mr Leane, Mr Ondarchie, Ms Pennicuik, #Mrs Peulich, Mr Scheffer, #Mr Tarlamis, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, #Mr Leane, Ms Mikakos, Mrs Millar, Mr O'Brien, Mrs Peulich, #Mr Ramsay and Mr Viney.

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

 # Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr P. Davis, Mr O'Brien. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Council*): Mr Eideh and Mrs Peulich. (*Assembly*): Mr Burgess, Mrs Fyffe, Mr McGuire and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmar, Mrs Kronberg and Mrs Millar. (*Assembly*): Mr Brooks and Mr Crisp.

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

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

Family and Community Development Committee — (*Council*): Mrs Coote, Ms Crozier and Mr O'Brien. (*Assembly*): Ms Halfpenny, Mr McGuire and Mr Wakeling.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Thomson, Mr Wakeling and Mr Weller.

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

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

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

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

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Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pakula, Hon. Martin Philip [1]	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [3]	Northern Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013

CONTENTS

THURSDAY, 31 OCTOBER 2013

Thursday, 31 October 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PARTNERSHIPS VICTORIA

Bendigo Hospital

Hon. D. M. DAVIS (Minister for Health), by leave, presented project summary.

Laid on table.

PAPERS

Laid on table by Clerk:

Albury Wodonga Health — Report, 2012–13.

Alfred Health — Report, 2012–13.

Alpine Health — Report, 2012–13.

Ambulance Victoria — Report, 2012–13.

Austin Health — Report, 2012–13.

Bairnsdale Regional Health Service — Report, 2012–13.

Ballarat Health Services — Report, 2012–13.

Barwon Health — Report, 2012–13.

Bass Coast Regional Health — Report, 2012–13.

Bendigo Cemeteries Trust — Minister's report of receipt of 2012–13 report.

Bendigo Health Care Group — Report, 2012–13.

Castlemaine Health — Report, 2012–13.

Central Gippsland Health Service — Report, 2012–13.

Dental Health Services Victoria — Report, 2012–13.

Djerriwarrh Health Services — Report, 2012–13.

Eastern Health — Report, 2012–13.

Goulburn Valley Health — Report, 2012–13.

Health Department — Report, 2012–13.

Health Services Commissioner — Report, 2012–13.

Heathcote Health — Report, 2012–13.

Kyabram and District Health Services — Report, 2012–13.

Kyneton District Health Service — Report, 2012–13.

Latrobe Regional Hospital — Report, 2012–13.

Melbourne Health — Report, 2012–13.

Mercy Public Hospitals Incorporated — Report, 2012–13.

Monash Health — Report, 2012–13.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on a proposed excision from Mount Buffalo National Park, pursuant to section 11(3) of the Act.

Northeast Health Wangaratta — Report, 2012–13.

Northern Health — Report, 2012–13.

Peninsula Health — Report, 2012–13.

Peter MacCallum Cancer Centre — Report, 2012–13.

Royal Children's Hospital — Report, 2012–13.

Royal Women's Hospital — Report, 2012–13.

Seymour Health — Report, 2012–13.

South West Healthcare — Report, 2012–13.

St Vincent's Hospital (Melbourne) Limited — Report, 2012–13.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 123.

Tallangatta Health Service — Report, 2012–13.

Western Health — Report, 2012–13.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 12 November.

Motion agreed to.

MEMBERS STATEMENTS

Southland railway station

Mr TARLAMIS (South Eastern Metropolitan) — It saddens me to rise once again in this chamber to speak on the debacle that has become public transport infrastructure in Victoria as administered by this government, specifically the proposed Southland railway station. It is genuinely difficult to know where to begin on this one as this project was supposed to be completed by 2014 in the Liberal government's first term. We are now led to believe the development of this station will be pushed back to 2016 — yet another broken promise.

I spoke in April about the, quite frankly, ridiculous price tag of $13 million the government has attached to this project, which no reasonable person believed

would be sufficient to build Southland station. Now six months later the member for Bentleigh finally let the cat out of the bag when she described this already overdue facility as being 'no frills' in a vain attempt to avoid admitting that the government had botched the costings. This means that Southland station will have no bike cage, minimal shelter, no waiting room, no lifts, no toilets and not even a bus interchange. I remind the member for Bentleigh and her colleagues that this station will be the fourth busiest on the Frankston line, servicing around 4400 passengers per day. To refuse to provide basic facilities like toilets is not good enough; 'no frills' is simply a euphemism for 'inferior', and 'no frills' is not what the member and the coalition promised.

I also note that Westfield-AMP Capital, the joint venture company which owns Southland shopping centre, has yet to commit to partly funding the construction of this station. If it does not, I would hate to imagine what 'no frills' will look like then. Public transport users on the Frankston line might be left with a couple of stepladders to get on board and a handwritten signpost. The minister and the member for Bentleigh need to stop making excuses, stop moving the goalposts on election promises and start delivering for the south-east on public transport.

Children's Week

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — Last week was a special week for Victoria's youngest citizens, who were recognised with special events as part of Children's Week. I joined children at the Little Kids' Day In at Scienceworks, at Sink or Swim — Meet a Lifeguard at Life Saving Victoria, and at the Wodonga Children's Fair. I would like to thank all the organisations that took part in this year's Children's Week, and I look forward to some exciting programs next year.

Early Years Awards

Hon. W. A. LOVELL — The state's kindergarten children were the real winners at this year's Early Years Awards. In an outstanding field, the award winners were Frankston City Council for the Mahogany Rise Child and Family Centre's A Journey to Access and Inclusion program; Northern Area Mental Health Service for Our Time, a playgroup that supports parents with mental illness; and the cities of Ballarat, Brimbank, Maribyrnong, Melton and Wyndham for the *Engaging Children in Decision Making Guide* for consulting children. My special commendation went to Casey, Cardinia and Greater Dandenong councils for their Maternal and Child Health and South East Family Service Alliance.

Public and social housing student scholarships

Hon. W. A. LOVELL — I recently had the pleasure of presenting some year 10 and 11 students who live in social housing or are at risk of homelessness with scholarships to help them stay at school. These scholarships, worth $1100, make a big difference. A survey of last year's recipients showed that 89 per cent of them remained engaged in education, 85 per cent are on track to complete the course content, 62 per cent hope to go on to further studies and 68 per cent have definite career goals. I would like to congratulate this year's 150 recipients, and wish them well for the 2014 school year.

Climate change

Mr BARBER (Northern Metropolitan) — Yesterday the Climate Change Authority told the federal government that a 5 per cent greenhouse gas reduction goal was 'not a credible option'. This group of environmental radicals, including Bernie Fraser and Heather Ridout, said that Australia's efforts were in the middle of the pack and other countries were gearing up for more aggressive action, even as Prime Minister Tony Abbott and the federal Minister for the Environment, Greg Hunt, prepare to slam on the brakes and shut down that same authority. On the same day Victoria's Auditor-General reported to this Parliament that the state government has 'no documented whole-of-government policy and plan for managing the risks of climate change'. Thankfully his tenure is secure.

The Country Fire Authority tells us in its current service delivery strategy that there is no doubt the climate is changing, the atmosphere is warming and the weather conditions associated with high bushfire risk have become more severe in some parts of Australia. I note the use of past and present tense. The Liberals and The Nationals are just not listening. Members of the state government cannot even agree amongst themselves whether climate change is happening, or if it is happening, what is causing it. Shooting the messenger is the only thing left for them to do. On the biggest challenge humanity has ever faced, coalition members are divided, they are weak and they are paralysed.

Cairnlea land rezoning

Mr EIDEH (Western Metropolitan) — Many of my constituents have contacted my office in regard to the proposed redevelopment and rezoning in Cairnlea. They have raised a number of concerns in regard to their safety and what this development will mean for the future of their community. Rezoning of the land on

Ballarat Road and Cairnlea Drive is being proposed by Places Victoria as a mixed-use precinct and will include 156 townhouses, up to 50 apartments and 80 commercial units. But what Places Victoria is failing to tell residents is that the proposed redevelopment is to be constructed on contaminated land.

One of the major parks indicated in the plans is located in one of the key areas where heavy contamination was identified by the Environment Protection Authority. This shows extremely poor planning as it obviously poses a serious risk to the health and safety of people living and working in Cairnlea. Furthermore, this new development will see the destruction of approximately 300 treasured sugar gum trees in our community.

My electorate, and in particular the Cairnlea community, is very culturally diverse. More than 50 per cent of residents in Cairnlea come from non-English-speaking backgrounds, which is why I was shocked to learn that advertising for this consultation process was in English only. How can this be considered to be a true representation of the community's needs? I ask the Minister for Planning to reopen the consultation period and make sure it is widely advertised in different languages in order to engage all residents in the community.

Home Is Where the Hall Is

Mrs MILLAR (Northern Victoria) — Last Sunday I had the great pleasure of representing the Honourable Heidi Victoria, Minister for the Arts, in launching Home Is Where The Hall Is 2013 at the Barfold Mechanics Institute. This annual event will run throughout the month of November and celebrates the role of small halls as community hubs and the community spirit they engender. The launch event was true to the spirit of this fabulous program, being a coming together of those present from Regional Arts Victoria, which plays such a significant role in facilitating arts right across regional Victoria, and the local community, which uses and treasures the local hall. I especially acknowledge Professor Elaine Murphy for her work in maintaining and preserving this hall and its history, and other committee members of the Barfold Mechanics Institute.

The highlight was undoubtedly the showcase of stunning work by the students of Langley Primary School and Redesdale-Mia Mia Primary School. Their imaginative and colourful works filled the little weatherboard hall, which originally — and fittingly — started life as the Emberton school building. On this day there were smiles on the faces of the teachers, parents and all of us in the room as we reflected on the talent and potential of these beautiful children, which filled us all with hope and happiness.

At the event I also had the pleasure of launching a new book by local authors, Ken James and Noel Davis, entitled *The History of Eight Central Victorian Mechanics' Institutes — Barfold, Chewton, Elphinstone, Lyal, Mia Mia, Redesdale, Sutton Grange and Taradale*. I pay tribute to the authors and to all who work to record, remember and preserve local history in their communities. I congratulate Minister Victoria, Regional Arts Victoria and all involved in mechanics institutes and hall committees right across the state of Victoria.

City of Darebin mayoral event

Mr ELASMAR (Northern Metropolitan) — On Sunday, 27 October, I attended a Darebin City Council mayoral event at the Preston town hall hosted by the current mayor, Cr Tim Singh Lawrence. The event comprised an afternoon tea held in honour of Darebin's diverse cultural community. It was very satisfying to speak with the men and women who have worked so hard to integrate and educate us all on the many wonderful cultural differences that exist in Darebin. I thank and commend the council's officers and CEO for an entertaining and well-organised event.

Republic of Turkey 90th anniversary

Mr ELASMAR — On Monday, 28 October, I attended, along with many of my parliamentary colleagues and members of the consular community, the 90th anniversary of the foundation of the Republic of Turkey. The celebration was hosted by the state government of Victoria and held in the beautiful Queen's Hall of this Parliament. My congratulations go to the Consul General, His Excellency Seyit Mehmet Apak, and the Turkish community.

Lake Victoria boardwalk

Mr O'BRIEN (Western Victoria) — On Sunday, 27 October, I represented the Minister for Agriculture and Food Security, the Honourable Peter Walsh, and joined the mayor of the Central Goldfields Shire Council, Cr Barry Rinaldi, and Fisheries Victoria staff to open the boardwalk around Lake Victoria in Maryborough. The 70-metre-long section of boardwalk along the southern shore now links up with the existing walking track, providing access around the entire perimeter of the lake. Lake Victoria is a popular recreational fishery in the township of Maryborough and is stocked annually by Fisheries Victoria with golden perch fingerlings. Since late 2010, over

20 000 golden perch have been released into the lake. Our government's recreational fishing initiative, now in its third year, has funded more than 70 projects to improve fishing opportunities for freshwater and saltwater anglers. We want to keep Victoria a top fishing destination for the many residents who fish annually and tourists who travel here seeking a quality fishing experience.

Ballarat to Skipton rail trail

Mr O'BRIEN — On Friday, 18 October, I had the pleasure of joining several groups to open the restored rail trail between Smythesdale and Scarsdale. This is an important part of the Ballarat to Skipton rail trail. The works connect 11 local towns, including Rokewood, Linton and Haddon. New infrastructure includes linking tracks, bike racks and directional and interpretive signage, including a very innovative app designed to assist users of the trails to slow down and further explore the townships. The project received $97 000 in support from the coalition government's $1 billion Regional Growth Fund. I also congratulate the participants in the opening, which included the mayor of Golden Plains Shire Council, Cr Jenny Blake, Cr Des Phelan and CEO Rod Nicholls, as well as many students from Woady Yaloak Primary School.

Aged-care bed numbers

Ms MIKAKOS (Northern Metropolitan) — I rise to highlight the ever-growing number of public aged-care beds lost under this coalition government. Six facilities have closed — in Ballarat, Castlemaine, Kyneton, Koroit, Melbourne and Williamstown — and just last week a seventh closure was announced in Melton South. Already Rosebud Residential Aged Care Services has been privatised, leaving the Mornington Peninsula with no public sector residential aged-care service.

According to the budget update, the government's planned sell-off of public aged-care facilities is expected to save it $75 million. But at what cost? How can this government claim it has a mandate for these closures? Where in any of its scant election policies did it spell out closing or privatising public aged care?

Since December 2010 there have been 284 public sector residential aged-care beds lost across Victoria, and this number will continue to rise. The government wants to evade scrutiny about what it is doing by infrequently posting on its website the number of public aged-care places available. The latest list posted on the Department of Health website is as old as April 2013, and this was only posted months later, in July. Given the spate of closures of public aged-care facilities, the increasing loss of bed numbers, the growing community concern about the future of their local aged-care facilities and the government's reluctance to advise the community of which facilities are next, the Victorian public deserves to be provided with timely information about existing operational aged-care places. Also given that the final health service annual reports were tabled this morning, the minister should release the latest aged-care figures today.

World Teachers Day

Mrs PEULICH (South Eastern Metropolitan) — World Teachers Day was celebrated on Friday, 25 October 2013, and it provided an opportunity to draw attention to the important role of teachers within our communities. It was an opportunity for the Victorian community to pay tribute to the state's 90 000 teachers, who work in government, Catholic and independent schools in metropolitan and regional Victoria. Students, parents and community members demonstrated their appreciation for the contributions that teachers have made in the classroom and to their community. We remember those people who have believed in us, who have been patient with us, who have persisted with us and, above all, who have inspired us. To all of those dedicated professionals, on behalf of the state government I would like to say 'Thank you'.

Victorian certificate of education

Mrs PEULICH — I would like to wish the very best of luck to the thousands of Victorian certificate of education (VCE) students who are currently undertaking exams. As a former year 12 teacher of English and psychology, I would like to say that there will be many highs and successes and many happy individuals at the end of the course, but there will also be some disappointments. Amongst those disappointments there needs to be an appreciation of the work that has been put in by a lot of people who support the students — teachers and families as well as previous teachers. But anyone can stumble, and people who have achieved stellar heights have themselves had failures on which they have had to build. I would like to remind all of those who may be confronting failures at the end of the VCE examination period that failure is not the falling down, it is the staying down, and if they fall, it is not the end of the world. I wish them all the very best of luck.

South Eastern Metropolitan Region mayors

Mrs PEULICH — I would like to congratulate councillors Angela Long, Micaela Drieberg, Amanda Stapledon, Sandra Mayer and Ron Brownlees — all outgoing mayors across the south-east. They have had their challenges and successes, but on behalf of their communities I would like to thank them for their service.

TOBACCO AMENDMENT BILL 2013

Second reading

Debate resumed from 17 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to say a few words about the Tobacco Amendment Bill 2013. I think I would be speaking for everybody in this chamber when I say that we are always pleased to come to this place to be involved in making laws that will strengthen our fight against tobacco use out there in the community. We want to see fewer and fewer people smoking, and we want to see smoking demonised, if you like. That is probably a bit of an overstatement, but we do.

Hon. D. M. Davis — Denormalised.

Ms DARVENIZA — We do. We want to make sure that people do not see it as being glamorous and sexy and a pastime or pursuit they would like to be involved in. We want them to see it for what it is — that is, a very unhealthy, unhygienic and environmentally damaging pastime. We want to do everything we can to make sure that smoking is decreased in our community and that young people are discouraged from taking up this habit, which is a very addictive habit and one that is very difficult to give up for most people.

Labor is not opposing this bill. We know the impact of tobacco use stretches far and wide across our communities. Tobacco is responsible for almost 4000 deaths in Victoria each year and costs the Victorian community over $5 billion annually in health care and social costs. It is a very significant cost to the community, both in terms of lives and health dollars.

Labor is proud to have introduced all major tobacco reforms in this state, including banning smoking outside pubs and clubs, at workplaces and in cars with kids, and removing the display of cigarettes in shops. As well, with the changes to tobacco laws made by the bill, the government is continuing the work that was undertaken by the Labor government when it was in power. I was proud to be part of that government. We made significant changes to tobacco smoking laws in this state. Those changes were fundamental in influencing other states and even the federal government to bring about far-reaching changes in the use and sale of tobacco products. However, this government is choosing to bring about changes to tobacco laws in a piecemeal rather than a coordinated way, which I believe could create some confusion in the community.

Tobacco reform over the years has helped reduce the number of smokers in Victoria. That is what we are on about and what we want to see happen. Fewer Victorians are now smoking, as demonstrated by the recent report by the Cancer Council Victoria, which showed smoking is at its lowest rate ever — at 13.3 per cent — and we want to see it continuing to decrease.

Despite this progress, the impact of tobacco is sobering. Tobacco is still the leading cause of preventable deaths in Victoria, causing a wide range of cancers, heart disease, stroke, chronic bronchitis and emphysema. These are terrible and lingering ways to die as a result of tobacco use. Some chronic medical conditions can restrict a person's ability to enjoy their life, even if it does not kill them. Having been a nurse prior to getting involved in politics and becoming a parliamentarian, I have seen some of these diseases firsthand. Believe me, nobody wants to contract these diseases, and nobody wants to die as a result of them. This bill will help to ensure that more Victorians cease to smoke and fewer Victorians take up smoking.

The bill amends the law to ban smoking within 10 metres of designated children's playgrounds and skate parks as well as within 10 metres of where children are playing organised sports or training for organised sports. The bill only bans smoking while organised children's sporting activities are taking place; it does not stop parents from lighting up after the game. Adults can smoke once a contest has finished and when children are present. This negates some of the other aspects of trying to denormalise smoking.

The bill bans smoking in outdoor public swimming complexes, including any outdoor dining areas contained within a swimming complex. The definition of a public swimming pool includes all of those that are open to the public, whether privately or local government owned. The bill also makes provisions to increase the number of individuals who can enforce the legislation. However, the government has indicated that this bill will be enforced not by inspectors but by peer pressure. For this to work, there needs to be adequate signage. I believe a public awareness campaign needs

to go along with that signage, just so people are made aware of what their responsibilities are and to take some of the pressure off people who are at the grounds with others who are lighting up.

Both the Municipal Association of Victoria and Netball Victoria have raised concerns about this. They believe unless funds are provided by the state government for adequate signage and a public awareness campaign, there is going to be much community confusion, and I tend to agree with them. Netball Victoria also states that this will potentially put an unfair burden on volunteers and parents, who will be left with the task of telling people to stub out their cigarettes, particularly if the offending individual was not aware that it was a breach to light up within that distance of a sporting event or swimming pool. We can see how this could lead to some confrontation or some uneasiness amongst parents and volunteers and those people who are attending the sporting event or the swimming pool.

The bill seeks to make a number of amendments to the Tobacco Act 1987, including to take account of the plain packaging legislation that was introduced by the former commonwealth Labor government. Victoria no longer needs to prescribe packaging requirements. The bill gives power to the Minister for Health to issue further directives about the promotion of tobacco items in shops. That will ensure that the government can stay ahead of the game in terms of point-of-sale labelling. The tobacco industry may attempt to test the limits of this. The bill provides that the state will no longer be issuing further permits for specialist tobacco retailers, thereby starting to phase out those retailers that we see in our high streets, shopping strips and shopping malls.

Retailers whose business is 80-plus per cent tobacco are currently exempt from some of the stringent rules around the display of tobacco products. Specialist tobacco licences will not be able to be transferred or amended and will cease upon any change of ownership of that specialist retailer. This affects around 140 shops out of the 8000 or so that sell tobacco in Victoria. The bill also seeks to amend the law to allow the state government to better coordinate information sharing with the federal government and others, particularly concerning lists of tobacco retailers and suchlike.

Labor members firmly support the action taken to denormalise tobacco and reduce its harmful effects on society, as well as to reduce the exposure of children and young people to tobacco use. We are concerned that the bill puts a burden of enforcement on the community itself, which in the absence of an effective public awareness campaign may be an overly heavy burden, as I said, particularly on volunteers and parents who are running and overseeing sporting clubs and sporting events. I think it is a piecemeal bill that in no way makes up for Victoria being awarded the Dirty Ashtray Award in 2012.

It is also worth remembering that until recently the coalition in this state still took money from big tobacco. It was only after Prime Minister Tony Abbott finally changed Liberal Party policy in August that Premier Napthine was dragged kicking and screaming to do the same. Since 2004 the Victorian division of the Liberal Party has received around $237 340 from big tobacco and The Nationals have received $35 070.

Whilst we in Labor are certainly not opposing this bill and believe many aspects of it are worthy of support, we have concerns about some areas. But anything we can do to denormalise smoking, particularly for children and young people, is certainly worthy of support. As I said at the beginning of my contribution to the debate, we want to see a continuation of the reduction in smoking, where people are giving up smoking and others are not taking up smoking as a habit. We want that to continue, and we want to do whatever we can to assist in that process. With those few words, I conclude my contribution.

Ms CROZIER (Southern Metropolitan) — I am pleased to speak on the Tobacco Amendment Bill 2013. It is an important bill that continues initiatives undertaken by this government. I congratulate Ms Darveniza on supporting this initiative. Over many years there has been bipartisan support for decreasing the numbers of smokers in Victoria. I thank her and the opposition for their support for this bill.

It is fair to say that Victoria has led the way in many instances in relation to tobacco control, and that has been evident through the many reforms that have taken place in this state. The government is committed to further protecting the Victorian public, and particularly Victoria's children, and this bill is directly related to that. As we know, tobacco smoking causes many ill effects, including respiratory disease, vascular disease and cardiac disease. Smoking is a direct contributor to all those chronic diseases, resulting in enormous and significant cost to not only the individual but also the Victorian health system. Each year around 4000 lives are lost because of smoking. The direct health cost is in the vicinity of $2.4 billion. These are significant figures not only in dollar terms but also in lives lost.

Therefore we should do everything we can to further reduce the rates of smoking. I am pleased to note that the rate of smoking is decreasing. In 2012 the rate of smoking was around 13.3 per cent. That represents a

decrease from 2011, when it was 14.4 per cent, and 2010, when it was 15.35 per cent. In 1998 the rate of smoking was around 21.2 per cent, so we can see there has been a steady decline in the rate of smoking. That is a very good sign for our community, but we need to be doing more. This bill goes further toward denormalising the effects of smoking on children and also further improving the health outcomes for all Victorians.

The bill relates directly to a number of areas. It prohibits smoking in certain public outdoor areas; restricts further the promotion and display of tobacco products; makes it an offence to threaten, assault or intimidate an inspector who is exercising a power under part 3A of the Tobacco Act 1987; and makes a number of other miscellaneous amendments. The bill is really targeted at those young Victorians who are very impressionable and goes a long way to addressing the concerns of many people. We know that in recent surveys the Victorian public has further supported non-smoking around children, and in a survey undertaken by Cancer Council Australia in recent years 83 per cent stated that smoking should not be allowed at outdoor areas where children are present. This bill directly addresses the concerns of those 83 per cent in that survey.

The outdoor smoking bans look at banning smoking around children's playground equipment within a 10-metre radius, areas within a 10-metre radius of the perimeters of public swimming pools, sporting venues during under-age sporting events also within a 10-metre radius, and outdoor skate parks. It is very significant that Victoria is the first jurisdiction to ban smoking in outdoor skate parks. Skate parks are facilities where young people, in particular teenagers and children of an impressionable age, undertake sporting activity.

I was pleased recently to be able to open the St Kilda skate park in the marina reserve, which was formerly an unused space on the foreshore of St Kilda. We now have a tremendous facility there that is attracting a wide range of young people who are using that facility on a regular basis. It has been widely endorsed by many people, including the 2009 World Cup Skateboarding Vert Champion, Renton Millar, who was there at the opening, along with Cr Serge Thomann, who has been an advocate for the skate park, and a number of other councillors.

It is pleasing to see that facility being used, and it has benefited the amenity around the St Kilda foreshore. It is becoming a beacon to attract young people to be more active, and in the words of the Minister for Sport and Recreation, more active more often. Anything we can do to promote sporting activities for young children should be applauded. Again, I think it is a great sign that Victoria has led the way in relation to banning smoking around skate parks. As I said, we are the first jurisdiction to do so.

A number of councils have undertaken their own banning of smoking in outdoor areas. As we know, this bill will provide consistency across Victoria and give certainty, so I take up Ms Darveniza's point when she said it was piecemeal and not coordinated. I would argue that that is exactly what the bill is doing: it is a coordinated approach to implement significant reforms around children's playgrounds and equipment and, as I have just mentioned, facilities such as the skate park I referred to.

When the bill was proposed significant consultation was undertaken across the sector and a number of submissions were received. In fact 7824 submissions were received, of which 599 came from community survey responses, 99 on behalf of organisations and 65 on behalf of sporting clubs and various others. That indicates just how broadly this issue reached the community, and I am very pleased to know that there was such broad consultation and that community members, various community groups and community sectors had input in relation to this very important bill.

The second part of the bill relates to restrictions around the promotion and advertising of tobacco. As we know, display and promotion is a significant way to reach any market. Children are very impressionable, and often they can be very taken by what is seen to be a cool activity, if you like. Certainly in years gone by, in the 1960s and 1970s, it was very common for people in high-profile positions to smoke. Rock stars, movie stars, you name it — they all smoked, and that was influential and made a strong impression on a number of young people. Anything we can do to restrict the influence on young people of smoking advertisements is a good thing.

The specialist tobacconists in the state, of which there are around 145, have historically been able to apply for an exemption to tobacco product display bans. The government is dealing with this issue to ensure that this does not occur in the future. The exemptions will remain for any existing specialist tobacconists, but if the business is transferred or if a new tobacconist is established, then the exemption will not apply.

This is an important measure undertaken by the government. There have been significant reforms in relation to this issue. The minister has been very active in this area. He has introduced a ban on smoking on

patrolled beaches. Life Saving Victoria is very pleased with that ban, which is having a very good uptake. The community is very supportive of that initiative. There is much to be done in this area, but those reforms have been positively received.

I again congratulate the minister on his recent announcement to extend the ban on smoking on train and tram platforms. In a recent media release the minister said the extended bans would aid the health and wellbeing of other public transport users, particularly schoolchildren. We are targeting school-age Victorians to denormalise this activity. I applaud the minister for this initiative. The fines for smoking in covered areas on platforms already apply and can be issued by authorised officers, which includes the protective services officers who have been rolled out across a number of metropolitan railway stations and have been favourably received by both the commuters and the businesses in surrounding station precincts.

In conclusion I commend the minister for his proactive stance in making further reforms, targeting those who are most easily influenced, being children of school age, and bringing this bill before the Parliament. It is another step that will provide consistency across the state. I wish the bill a speedy passage.

Ms HARTLAND (Western Metropolitan) — This bill seems familiar to me, and indeed it is. Many of the elements of this bill are very similar to my recent Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012, which the government voted against. There is one gaping difference between the two bills: the government has once again failed to include a ban on smoking in alfresco drinking and dining areas. This year the Victorian government won the Dirty Ashtray Award primarily for its failure to ban smoking in outdoor areas and also for failing to introduce new reforms. While the reforms introduced by this bill address the latter concern, the most glaring example of inaction remains.

I hate to have to repeat this fact, but Victoria is the only state yet to introduce or commit to introducing a ban on smoking in outdoor dining and drinking areas. As early as 2006 state governments in Australia started banning smoking in outdoor areas and drinking areas, starting with Queensland. In 2010 bans came into effect in Western Australia and the ACT. This was followed by the Northern Territory in 2011 and Tasmania in 2012. New South Wales was the last to legislate to ban smoking in outdoor dining areas and that ban will take effect from 2015. South Australia has signalled its intention to conform, announcing that a smoking ban in outdoor areas will begin in 2016. Victoria is the only state remaining to act on this. Put simply, we are lagging behind — more than seven years behind Queensland, in fact. At one stage Victoria was seen as the leader in smoking reform. Now we have received the Australian Medical Association's Dirty Ashtray Award two years in a row.

I appreciate that the government consulted the community on the development of this bill. However, despite the consultation having closed some five months ago, on 17 May, the government has not made the submissions and the results public. On three occasions I have questioned the minister as to when they will be made public and three times he has been evasive and said he will consider it. This morning I checked the website to make sure they had not been released suddenly, but unless I am reading the website incorrectly I could not find them. I think this may be because the 7824 submissions to the consultation process overwhelmingly called for the smoking ban to include not only children's playgrounds and related recreational areas but also outdoor drinking and dining areas. This is despite the government's effort to suppress this call by not including outdoor dining areas in the consultation questions. I suspect also that the reason the government is loath to make public the consultation figures is that they will show that the Tobacco Amendment Bill 2013 falls short of what the community is calling for in respect of smoke-free areas.

Today I will attempt to amend the bill to include a prohibition on smoking in alfresco dining areas. I hope the government will finally step up and agree to this important improvement to the bill. While the Australian Medical Association's Dirty Ashtray Award was decided in May, it is yet to be physically presented to the Premier. I have the honour of having the award with me today. The Victorian branch of the Australian Medical Association (AMA) has empowered me to present it to the Premier should my proposed amendment to prohibit smoking in outdoor dining and drinking areas be rejected by the government.

Honourable members interjecting.

Ms HARTLAND — It is interesting to hear the interjections that this is a stunt. I would have thought that the AMA was an organisation that was beyond stunts. It is an organisation whose members hold great concern for the community. If government members believe that the AMA presenting the Dirty Ashtray Award to the government two years in a row is a stunt, I have serious concerns about their attitude to these issues. Hopefully it will not come to that.

In respect of other matters included in the bill, the Greens welcome the restrictions on smoking within 10 metres of children's playground equipment and skate parks and in outdoor areas of swimming pool complexes. It is reasonable also to make it an offence to threaten, assault or intimidate an inspector.

The ban on smoking within 10 metres of sporting venues during sporting events, including intervals, training and practice, is important, but I question the wisdom of having it apply only during a match. At that time the children are on a field or a court and not in the immediate vicinity of their parents. I would have thought that when parents and children are socialising before and after a match would be the time when a smoking ban would be most important. In the Greens recent Tobacco Amendment (Smoking in Outdoor Areas) Bill, I proposed a similar ban except that it would commence 1 hour before the official start of a sporting event and finish 1 hour after the official end of the event. In the case of a series of events being played on the one ground, the ban would start 1 hour before the first event and finish 1 hour after the last. I suggest that is a more sensible approach. I also consider a 30-minute window before and after sporting events to be appropriate. Having the ban only during events seems illogical as it would be ineffective in protecting children, which is the government's stated purpose of these reforms.

It seems to me that the reform to stop new specialist tobacconist businesses from being exempt from tobacco product display bans is also a half-measure. If tobacco product displays and advertising create visual cues to prompt people to smoke, then removing these displays and advertising from all retailers is a good thing. Specialist tobacconists have thus far been exempted from full removal of advertising and display. This bill provides that new specialist retailers of tobacco products will not be able to apply for this exemption. The government has said that this will create a fairer playing field amongst tobacco retailers. In a way it will, but it will make new specialist tobacconists comply with rules similar to other businesses, such as supermarkets and milk bars, while existing specialist stores will have special treatment. If the government acknowledges that displays and advertising are a problem, then extending the display bans to all tobacco retailers, including existing specialist tobacconists, is appropriate and should be the proper course of action.

Overall I very much welcome this bill, and it is good to see the government continuing an agenda of reform with respect to smoking, even if it is failing to tackle the more complex reforms, such as the prohibition of smoking in outdoor dining areas. Legislative reform in respect of the sale, advertising and use of tobacco on both a state and federal level is really working, and Ms Crozier spoke to this. The adult smoking rate has been brought down from 32 per cent in 1983 to just 13 per cent in 2012. That is quite remarkable. Legislating for smoke-free areas helps prevent children and young people from seeing smoking as normal and from taking up smoking. Smoke-free areas reduce smoking cues for former smokers and quitters, reduce the number of cigarettes some smokers consume each day and stimulate some smokers to quit. Denormalising smoking is incredibly important, particularly with respect to helping to prevent children and young people from taking up smoking.

Despite the reduction in smoking rates, smoking-related deaths are nearly 12 per cent of deaths from all causes in Victoria. That is about 4000 deaths per year in Victoria alone. As the legacy of past high smoking rates moves through the system we thankfully can expect this rate to go down. Regardless, these figures stand as a reminder of the great cost of smoking addiction. It hurts not only smokers themselves but their families and loved ones.

Whenever we talk about smoking we need to acknowledge what a dreadful and hard addiction this is to give up. I am very lucky; I never started smoking. I have a number of friends who struggled with it for years, and we always have to remember that the smoker themself faces a really difficult situation. I welcome this reform, as I believe it will help prompt individuals, particularly parents, to quit. I acknowledge the fantastic work of Quit Victoria, Cancer Council Victoria, the Heart Foundation and the Australian Medical Association Victoria, which have campaigned for the many reforms achieved in this bill.

Before I finish, I say on a personal note that every time we have discussed tobacco in the chamber a number of people have talked about the personal toll. We all know someone who has died from smoking. We all know someone who has emphysema because of smoking. We all know someone who has severe health problems because of smoking. Anything we can do in this chamber to reduce the number of people who smoke has to be done. I lost my mother at 60, after she had been smoking for some 45 years and had smoked until two days before she died. We can never forget that toll, and we must do whatever we can to make sure that other people are not affected.

Mrs COOTE (Southern Metropolitan) — I am a little concerned about the Greens amendments that Ms Hartland spoke of. I am advised by the Deputy Clerk that she does not have to circulate them.

It is extremely interesting to stand up and speak on the Tobacco Amendment Bill 2013 and to listen, as I have done, to the contributions that have been made this morning. I commend Ms Crozier on giving some very in-depth detail on the success rates of the smoking reforms in the state and indeed the work the Minister for Health, Minister Davis, has done along these lines. I congratulate Ms Crozier on a very comprehensive analysis of what this bill is and how well Victoria is doing as far as smoking and antismoking programs are concerned. I was also particularly interested in Ms Darveniza's contribution. It was going quite well there for a while — she in fact also recognised so many of the dangers of smoking and was talking about how the Labor Party is supporting this bill — until at the end she became critical in a very churlish sort of way, which is exactly the reason I want to talk about the contribution by the Greens.

The contribution by Ms Hartland was quite extraordinary. She spoke about a bill she had actually brought into this Parliament through a motion and pretty much reiterated what she had said then. However, at 8.40 a.m. this morning we were given a list of amendments as a government; we were given pages and pages of amendments to this bill. Ms Hartland knows how this place works. If she were really concerned about this bill and really concerned about her amendments, she would have made quite certain that the minister and the lead speakers in the government knew what she was talking about. I am standing up here today to supposedly, as normal conformity to processes would allow for, talk about the amendments and put our point of view and discuss some of the issues, but we were not even given the courtesy of having the amendments distributed.

This shows Ms Hartland's lack of regard for the real aspect of this bill. She comes in here with situations like ashtray awards — using the Australian Medical Association in her stunt. Let me get it right: I completely support the Australian Medical Association, but the Greens are notorious for coming in here and using stunts, and this was another stunt Ms Hartland was going to use. The Greens should stick to the issues instead of coming here with stunts. They should stick to a very important bill, as this one is. This is extremely important. The Greens are supposedly interested in promoting non-smoking in this state. They should come in here and approach this bill with the respect that it deserves. They need to stop doing stunts and displaying bad manners.

However, I want to talk about the background to this tobacco bill. I commend the minister for his excellent work on the bill. It is considered, thorough and progressive, and we can see from the recent statistics that the government's policies are having an impact. We talked recently in Parliament about banning smoking on beaches. I said at the time that according to a study some 25 000 cigarette butts had been found in a 200-metre section of St Kilda Beach over a 10-week period. That sort of study is very interesting. Since the ban on smoking on beaches was brought in we have not had any complaints; in fact people who use the beach are particularly happy to find the beaches clean, and non-smokers no longer feel threatened by this issue. One of the reasons the ban was brought in was that many children and young people make use of that beach and in fact all the beaches along the entirety of the Port Phillip Bay foreshore.

It is good to see that another piece of very good legislation implemented by this government has worked. It is chipping away at the invidious issue of smoking in the community. I heard Ms Darveniza and Ms Hartland talking about how we must send the right message to children and denormalise smoking, and we all agree. The bill will ban smoking from public places including outdoor children's playground equipment, outdoor skate parks, outdoor areas within the perimeter of public swimming pools and outdoor sporting venues during under-age sporting events. It is important that children are prevented from seeing people smoking in public places and it is another opportunity to denormalise smoking.

In my electorate of Southern Metropolitan Region we have an enormous number of sporting areas, and I would like to talk specifically about Albert Park. We have the excellent Melbourne Sports and Aquatic Centre, which is first rate. We have the Albert Park playing fields, and on any given Saturday morning you will see thousands and thousands of young children involved in sporting activities. Children are playing netball, basketball, cricket, football and Auskick. This bill will make a huge difference to smoking around those children. It is a very important step. As with last year's bill which banned smoking on patrolled beaches, this bill will allow young families to enjoy the outdoors, which is imperative. The bill will ban people from smoking within 10 metres of play equipment and the areas around public swimming pools — another area where families gather and enjoy themselves. This is also important because there are several public swimming pools in Southern Metropolitan Region and once again we want these to be safe for families in every sense.

Smoking at under-age sporting events undermines healthy habits by presenting this unhealthy practice as normal. The bill promotes an important, subtle

message. It is vitally important that we remember the huge steps that have been made in this country to promote the antismoking message. We have to make certain that we reinforce this message at every level, and this bill does exactly that. It builds on a whole suite of bills that the minister has been courageous enough to bring into this place. I commend the bill to the house.

Mr LEANE (Eastern Metropolitan) — The opposition wants to put on record its position on the Greens' amendments. I missed this morning's email with the amendments from the Greens party, as did Mr Jennings; we were dealing with a number of other issues. I acknowledge that the email was sent; however, we have not had a great deal of time to digest what Ms Hartland's amendments seek to do. In saying that, I understand the intent and I appreciate that Ms Hartland has been consistent in her position on these smoking laws. The opposition believes the ban on smoking in alfresco dining areas will eventuate. It has happened in other states and it will happen here. Where the ban has occurred in other jurisdictions there has been dialogue and consultation with affected businesses about what impact the ban would have.

Rather than supporting the amendments contained in Ms Hartland's email, we hope for a day in the near future when this ban will be implemented. However, before that happens there needs to be a period of consultation with stakeholders about the best way to implement the ban without impacting on businesses too greatly.

Mr ONDARCHIE (Northern Metropolitan) — I rise this morning to speak on the Tobacco Amendment Bill 2013 and to pick up on various points made earlier. I want to reiterate that this house of review deserves, is entitled to and should be ensured of due time to make consideration of amendments placed before it. It surprises me — no, actually it does not — that the Greens brought in amendments to this bill at the very last minute. It is another example of the Greens making policy on the run and their disrespect for this place when it comes to giving time for due consideration of amendments. These are the same people who have come into this place and said, 'We did not have enough time for consideration'. They have said it in committee time and again.

Today the Johnny-come-lately, policy-on-the-run Greens come into this place and say, 'We've got something at the last minute; how about you just give us a nod?'. But in saying that, their amendments are worthy of due consideration, of appropriate consideration, of considered consideration. They are worthy of being well thought through. I remind Mr Barber that policy on the run does not work in this chamber. We have to be given due consideration.

Mr Barber interjected.

Mr ONDARCHIE — Picking up the interjection, nothing Mr Barber has said in this parliamentary sitting week should be afforded due consideration. He has blotted his copybook with his interjections this week, absolutely blotted his copybook. I am still waiting for him to apologise to the Victorian people for his outburst earlier this week. I am still waiting for him to apologise to the Victorian people, but he will not, because he puts politics over people. We well remember his interjections about the tragedy of the Black Saturday bushfires earlier this week when he tied them to climate change or a perceived lack of action on climate change. If he is going to interject at all, he should interject with these words: Victoria, I am sorry.

This legislation shows the dedication of the Victorian government to the health and safety of families in Victoria. Just a few weeks ago I pulled my car up at a set of lights and saw in the car next to me a couple smoking away, with the windows wound up, and I thought to myself, 'I wonder if that's healthy?'. But there were two small children sitting in their child restraints in the back of the car. Windows up, they were smoking away, seemingly without a care in the world and with no due consideration for their children's health. It is these sorts of people that I want to ensure cannot smoke near our children in skate parks, public swimming pools, children's playground equipment and in sporting venues during under-age sporting events.

I have been privileged to coach sporting activities, both cricket and football, at senior and junior level, including coaching Milo cricket, the entry level competition for cricketers, which I really enjoyed and recommend to others. Sadly, I remember parents standing around, smoking away while the kids were playing junior sport. I wonder if that was sending the right message. This bill will ban smoking in the outdoor areas of public swimming pool complexes, in the vicinity of outdoor children's playground equipment, at or in the vicinity of skate parks and in the vicinity of outdoor sporting venues, particularly those where juniors are playing sport.

This policy initiative is one of a long line of policies, which have mostly had bipartisan support at federal, state and local levels, aimed at reducing the ability of smokers to harm other people's health. The government plays an important role in encouraging a culture where smoking is not marketed or seen to be marketed as desirable to young people. An example of that is the

restriction on advertising of tobacco products, accompanied by antismoking education programs and making Quit programs available for those who do start smoking.

Approximately 145 certified specialist tobacconists in Victoria have had an exemption to the tobacco product display bans. We intend to close this avenue, which will limit the visibility of tobacco products and create a fairer playing field amongst tobacco retailers by stopping new applications for specialist tobacconist certification and therefore the tobacco product display ban exemption. Existing certified businesses will not be affected; we will continue with the exemption. However, if a business transfers ownership, ceases, has its certification cancelled or moves location, it will not be able to apply for certification again.

Smoking is going to be banned at outdoor children's play equipment areas, at outdoor skate parks, at outdoor areas within the perimeter of public swimming pools and at outdoor sporting venues during under-age sporting events. The bill will make it an offence to intimidate, threaten or assault an inspector who is exercising power under the act. The amendment will offer greater protection for inspectors and will reinforce the important work they do in helping to ensure compliance with Victoria's tobacco control laws. Due to the introduction of the commonwealth government's comprehensive tobacco plain packaging legislative framework, the packaging of tobacco provision in the act that prescribes how tobacco products must be labelled is no longer required and will be repealed.

This will ensure that children are not exposed to second-hand smoke. It will ensure that tobacco products will be less easily able to be advertised to young people, and it will send a clear signal to society that smoking is not desirable. The Victorian government is the first in the country to ban smoking near skate parks. I reject the Greens amendment because it was too little, too late; it requires due consideration at some other time. I commend the government's amendment to the house.

Mr RAMSAY (Western Victoria) — It gives me great pleasure to contribute to the debate on the Tobacco Amendment Bill 2013. I have previously spoken in debates on other bills brought to this chamber in relation to the steps the government is taking to reduce the access to cigarettes and cigarette smoking, particularly by our young but also by the broader community. I do so with some passion and personal experience. I am a reformed smoker. My father died of a smoking-related illness, and I have seen the destruction that smoking does to one's health, to one's family and to the broader community. I have not yet seen the amendments proposed by the Greens, which in typical fashion have been thrown at us without being given appropriate consideration.

Mr Barber — Yes, you saw them two months ago, and you voted against them two months ago.

Mr RAMSAY — I have not seen them today. The proposed amendments have not been given to me, nor was I advised that the Greens would be putting forward any amendments, so I have not had the opportunity to look at and consider the amendments. However, I know that Ms Hartland has spoken passionately about introducing regulation and restrictions for access and use of tobacco, and I thoroughly support her in those endeavours. I have stated publicly in this chamber before that even though we are taking small steps, for me a total ban on smoking in areas where food is consumed or where communities congregate is the most ideal legislation.

Ms Pennicuik — So why don't we have that?

Mr RAMSAY — I can say to Ms Pennicuik that I will be doing my utmost to make sure that the small steps — —

Ms Pennicuik — So you support our amendments then?

Mr RAMSAY — I have not seen them. This is a step-by-step process by which we will get to that end, and I will be an advocate and a passionate supporter. When I go down Spring Street or Collins Street and want to sit in an outside area and have some food I do not want to have an upwind smoker billowing noxious fumes in my face while I am trying to eat, so I can assure Ms Pennicuik that I will be working very hard to push the government along in relation to taking on the challenges of restricting cigarette smoke in areas where we eat, whether it be inside, outside or anywhere else.

Back to this bill, the reforms will see smoking banned at outdoor playgrounds, skate parks and swimming pool complexes and at outdoor sporting venues during under-age sporting events.

Mr Barber — I will hire a brass band if you join us on the crossbench.

Mr RAMSAY — I have to say that after this week's performance from Mr Barber I am reluctant to join him in any capacity.

Mr Barber — More shooting the messenger.

Mr RAMSAY — I am sorry, but Mr Barber's performance this week has been disappointing at the very least and disturbing at the most, and hopefully we will not see the likes of it again.

A range of initiatives will be put in place to inform the public, sporting clubs, swimming pool complex operators and other relevant organisations about the new bans. A public awareness and education program is important because we want people to get the message very clearly and remove any grey areas around what will and will not be allowed in relation to the restriction of smoking in these areas, particularly those that have been identified as areas where young people congregate and use the facilities, like public playgrounds, skate parks and swimming pools. Print and radio advertising and social media will be utilised prior to the bans being introduced and in the period following their introduction. Communication and guidance materials outlining the new laws will also be available on the Department of Health website and provided to local councils and their constituents. Translations of any key messages will also be made available. 'No smoking' signs will be available for local councils and relevant organisations.

It is anticipated that these bans will have a high level of voluntary compliance with limited enforcement required, and I hope that that is the case. This is due to the high level of public support for smoking bans and the fact that most people disapprove of smoking around children.

Although I have not been in the chamber, I suspect much of the detail has been covered in other contributions. I do not wish to reiterate the points that others have made, but I do want to mention these statistics. I note that Mr Ondarchie also did so in his contribution. In Victoria smoking costs approximately 4000 lives and $6.8 billion each year. Evidence suggests that there is no safe level of exposure to tobacco smoke. That brings me back to the final steps that the government has to make in relation to the restriction of smoking in any outdoor areas where communities congregate, eat, drink and socialise.

Adults are role models for children. The more often children and young people see smoking in different settings, the more likely they are to form a view that smoking is socially acceptable and normal. We know that the younger people start smoking the more likely they are to become long-term addicted smokers. Being a reformed smoker, I can assure you that it is very difficult to suddenly stop smoking after a long period. The easiest way to combat smoking is to reinforce the message that smoking is harmful and unhealthy, that it will have a significant impact on your health — particularly as you get older — and that in some more acute cases it will cause death and cause misery to family members. Those messages are being taken up, and it is pleasing to see that there has been a significant decrease in the uptake of smoking. There has also been a significant increase in those who are stopping smoking, like me in earlier years.

Seeing people smoking has been found to trigger a relapse by smokers attempting to quit. That is why it is important to restrict the ability to smoke, particularly in public spaces like the areas identified in this bill. The government is committed to reducing the prevalence of tobacco-related illness and disease in Victoria by denormalising the use of tobacco and ultimately reducing the proportion of people who smoke. One way we are doing this is by banning smoking in the areas designated in this bill today. This initiative will provide children and young people with a healthy, smoke-free environment in which to play and grow, and limit their exposure to the harmful effects of tobacco smoke and smoking behaviours. We will also support smokers who are trying to quit and those trying to cut down.

I do not wish to go on; the bill is fairly simple. The areas of restriction are clearly identified in the bill. I would like to commend the Minister for Health, David Davis, on his passionate pursuance of reform in introducing these steps to reduce smoking in public places. Like the Parliamentary Secretary for Health, Georgie Crozier, he knows that smoking is a killer and that anything we can do to restrict both supply and use, particularly by young people and in public places, is commendable and critical. That is why I commend this bill to the house.

Hon. D. M. DAVIS (Minister for Health) — I am pleased to speak in reply on this important bill, which extends the scope of tobacco control measures in this state. It continues the tradition of all-party support for those measures. It breaks some new ground, particularly with pools, skate parks and children's playgrounds, which are important steps. It is also important to see the banning of smoking in and around children's sporting events. It sends a clear message to parents. It sends a message that empowers people to say, 'No, please put that cigarette out'. This continues the government's focus on ensuring that children and families have the maximum chance to avoid smoking, because of both its harmful effects directly but also the intention to denormalise it, particularly over the longer term.

I am indebted to the Greens for their amendments, and I will speak to those in any detail that Ms Hartland wants

in committee in a moment. I note that the matters around outdoor dining in particular are complex. There has been wide consultation by the government on that and other matters, and it is not possible to assess the material presented by the Greens in a short period. That would require the government to go out and consult extensively with industry and those who are impacted. For that reason, we will not support the amendments in committee, although we note that the intent is something we share. Over time these steps will occur. It is my view that the government is taking significant steps in this direction, and we have begun a significant process of consultation.

Mr Barber interjected.

Hon. D. M. DAVIS — I would say, Mr Barber, that you will see several bills on tobacco control over the next 12 months, in fact, and they will be important bills that deal with further tobacco control measures. The government has taken an incrementalist approach here, and deliberately so. We think there are a number of areas — the ban on tobacco smoking between the flags at beaches was very successful; it sent a very clear message in the period coming into summer. The capacity of the chambers, and the Parliament as a whole, to send a clear message to the community reflecting broad community views is important. In no way do I diminish the capacity for us — —

Mr Barber — Has the beach been re-evaluated?

Hon. D. M. DAVIS — It is in the process of being, and the initial evaluations show that it has been broadly accepted and that there have been almost no prosecutions, if any. We know that where those steps have occurred, they have occurred very successfully. We believe that is a good example of empowering people in a particular zone to say 'no' to smoking and, in effect, to self-police a particular area. In my view that will apply with this bill. In areas, for example, such as children's playgrounds, the fact that people can say, 'It's actually illegal to smoke here', will mean that it is effectively being self-policed. That has been the history of these tobacco control measures.

The other aspects of the bill that are important are those that require further restrictions on displays, and over time they will make a significant impact. The government is proud of this bill. We see it as a further set of steps. It is particularly important with respect to children and families.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. D. M. DAVIS (Minister for Health) — I seek leave to allow Ms Crozier to sit at the table.

Leave granted.

Clause 1

Ms HARTLAND (Western Metropolitan) — I will ask a few brief questions. In his reply the minister talked about the government taking an incremental approach on these issues. Can he give some indication about when consultation on bans on smoking in outdoor dining areas will begin and when he expects to bring in the next set of bills, specifically in relation to outdoor dining?

Hon. D. M. DAVIS (Minister for Health) — I can indicate to the member that the consultation the government has done was broad-ranging, covering not only bans on smoking in outdoor dining areas but a whole range of other measures as well. That is being closely examined at the moment, and any further steps will be a matter for cabinet to consider.

Ms HARTLAND (Western Metropolitan) — Is the minister saying the consultation has already occurred or that it will occur? Because as I understand it, there were 7000 responses, but there was no question regarding outdoor dining.

Hon. D. M. DAVIS (Minister for Health) — The consultation was indeed broad, and a whole series of submitters made commentary about tobacco control measures in a broad sense. It was not complete consultation, but there is significant information through that broad consultation — with community, with councils, and with various groups. But for further steps in any area, there will be additional consultation and steps.

Ms HARTLAND (Western Metropolitan) — Could the minister then talk about when he will start the consultation regarding outdoor dining? When can we expect the next bill regarding outdoor dining?

Hon. D. M. DAVIS (Minister for Health) — I indicate that further tobacco control measures will be taken in the forthcoming period. The government will take further consultation on those measures and outdoor dining will be included as one of the areas, but it will include a number of other areas as well. As to when a bill comes forward, that will be a matter for cabinet to decide.

Ms HARTLAND (Western Metropolitan) — Could we expect to see that bill in this term of government?

Hon. D. M. DAVIS (Minister for Health) — It will not surprise Ms Hartland that I will not telegraph each and every step in this area. We are doing this in a methodical way, as I think she will understand. In this Parliament she has seen a series of bills come through, taking further tobacco control measures in — as I have described it — an incremental but targeted way. That process will continue. The exact date will be a matter for cabinet and other decision-making processes.

Ms HARTLAND (Western Metropolitan) — I understand the process by which the government is doing this, but it seems to me that the major gap in all of this legislation has been around outdoor dining. It is not an unreasonable question to ask: can we expect to see the issue of outdoor dining addressed in this term of government? I know the minister is saying this is up to the cabinet, but we are talking about another 14 months of this government. I would have thought it was reasonable to be able to say it will occur at some stage. I am not asking for the date; I am just asking generally.

Hon. D. M. DAVIS (Minister for Health) — It is a reasonable question; however, I do not accept that outdoor dining is the only area in which we need to take further steps. I believe there are a range of areas. The government will decide on those areas in a thoughtful way, in consultation with other relevant groups in each area, and will come forward with further bills as it sees appropriate. I will not today telegraph the order or the timing of those. The community will want us to do that in a thorough way, and we will.

Ms HARTLAND (Western Metropolitan) — I have one final question. It is my understanding that 7824 submissions were received as part of the consultation in regard to this bill. Looking at the website today, these have not been made public. Can the minister say when those submissions will be made public so people can have an understanding of what the community is looking for?

Hon. D. M. DAVIS (Minister for Health) — I can say that some of those will be made public and some will not. Some people have submitted in a confidential way, and their submissions will not be made public. Other submissions are in effect public now, such as submissions by councils and other parties who have made their submissions available. The government will release most of the submissions in due course as it steps through its legislative and consultation processes.

Ms HARTLAND (Western Metropolitan) — Sorry, I have one more question. Can the minister define 'due course'? I understand there are issues about privacy and that some people will not want their submissions made public, but I do not think it is such a difficult thing to say approximately when these submissions will be released.

Hon. D. M. DAVIS (Minister for Health) — Subject to the government's processes of broad consultation as we proceed with other tobacco control measures, they will be made public as soon as is reasonably possible. I have no desire to delay that, but I will use those submissions to help inform our consultation and next steps.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Ms Hartland has proposed two amendments. I will explain this to members. Amendment 1 to clause 4 is a consequential amendment and test for Ms Hartland's more substantive amendments 2 to 4 and 9 and 10, in which she is seeking to insert new sections into the bill, which would in turn insert clauses into the principal act related to smoking in outdoor areas. I ask Ms Hartland to move her amendment 1.

Ms HARTLAND (Western Metropolitan) — I move:

1. Clause 4, line 5, omit "definition" and insert "definitions".

I will give a very brief explanation of this amendment, because we have gone over it thoroughly during the debate. These amendments relate to outdoor dining and drinking areas. I believe we should have a process in which we ban smoking in outdoor areas. This amendment is very straightforward: it is about banning smoking in outdoor dining areas.

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her discussion of this issue and her proposal of these amendments. In this instance the government will not support these amendments. This is not because we do not support the intent or the direction of the amendments. The government does see that there is a logical set of steps that would see further restriction on smoking in outdoor dining areas. The government has begun processes of consultation on that issue. We will continue those. We do not believe we have had sufficient time to assess these amendments. I accept that amendment 1 is a test for the other amendments. In that circumstance the government believes that it would not be responsible of it to support these amendments, and I do not propose to support them in this instance at this time. The government will assess it further and, as I

say, will take further steps in tobacco control in the forthcoming period.

Ms HARTLAND (Western Metropolitan) — I will add one more comment. These amendments mirror what the government is attempting to do; these amendments just make this bill stronger. They are not contradictory to what the government is attempting to do; they assist it. I am disappointed that again the government will not support the amendments. I wish I knew when we could expect legislation from the government on this issue.

Hon. D. M. DAVIS (Minister for Health) — I accept Ms Hartland's disappointment, but the government will take steps in this regard over time. We have begun some consultation processes, as I outlined previously. In my view it is not possible to responsibly support these amendments without enough time to fully analyse exactly what they do. I accept that they have been proposed in good faith by Ms Hartland, and we will certainly note them as we proceed with broader discussions.

Committee divided on amendment:

Ayes, 3

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

Noes, 35

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

Amendment negatived.

Clause agreed to.

Clause 5

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Ms Hartland's amendment 5 to clause 5 is a test for her amendments 6 to 8. Ms Hartland seeks to insert a definition of 'prohibited smoking period' into the principal act.

Ms HARTLAND (Western Metropolitan) — I move:

5. Clause 5, page 6, line 28, after "during" insert "the prohibited smoking period in relation to".

This is a very straightforward amendment. I am hoping the government will accept this, because we are literally talking about adding 30 minutes before the game and 30 minutes after the game. We think this is an oversight. When parents, grandparents, friends and whoever are at a match, they watch the match but the actual socialisation often happens just before and just afterwards. To have a 30-minute window on either side of the match just makes sense to us, and we are hoping the government will accept this amendment.

Hon. D. M. DAVIS (Minister for Health) — I thank Ms Hartland for moving this amendment. I agree with its intent, which is to widen the time period and, in effect, to widen the catchment of people who would be impacted by the ban at children's sporting events.

The government looked at a version of this provision in the period when the bill was being constructed, and the notes that I have from the department summarise a couple of those points that were made. Again I say this amendment came to us today, but we drew back on the consultation the department had in the period as we were framing the bill.

I am just going to note this here. On the extension of the ban to 30 minutes before and after an under-age sporting event, including training sessions, it is important that legislation with which members of the public are required to comply is clear, easy to understand and enforceable. Feedback received during the consultation suggested it would be very difficult for a member of the public to recognise when a ban was applicable if it were to commence, for example, 30 minutes before the start of a sporting event. As such the ban has been developed to apply during an under-age sporting event. This was also the advice of the office of parliamentary counsel: that it would be too difficult to enforce a ban commencing 30 minutes before and ending 30 minutes after the event. It was actually something we considered.

What I am prepared to say to Ms Hartland is that if the bill as it stands is passed, as it is implemented and the children's sporting events aspect is implemented, we will look afresh when another bill comes to this Parliament as to whether that extension can be made. But at the moment I accept the point from parliamentary counsel and the department that it might be too difficult to recognise the time periods. I would prefer to see the bill implemented first, but I do give

Ms Hartland a commitment that once the bill is implemented we will examine whether it could be widened for a period before and after events.

Committee divided on amendment:

Ayes, 3

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

Noes, 35

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

Amendment negatived.

Clause agreed to; clauses 6 to 13 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so, I thank members for their contributions. I note this is another bill that has passed with all-party support; it is a historic bill. I also place on record my thanks to the department: Laura Andrew and her team in the tobacco control unit, Department of Health, for their support throughout this process; and I thank the many Victorians who made submissions to the various consultations that the department and I have undertaken. It is a good outcome, and I thank members for their contributions.

Motion agreed to.

Read third time.

PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2013

Second reading

Debate resumed from 17 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to speak on the Professional Boxing and Combat Sports Amendment Bill 2013, and I advise that the opposition is not opposing the bill. I will speak briefly on the bill because it is reasonably simple. The bill strengthens the controls in relation to the probity of those who are involved in boxing. It is about the requirements for those who seek to have a licence to participate in boxing or control for those who are existing participants in boxing. It applies to promoters, referees, judges, trainers and timekeepers and requires them to be licenced.

As I said, the opposition does not oppose the bill, and in fact, we are pleased — —

Mr Drum — So support it!

Mr TEE — I will come back to Mr Drum's comment. We are pleased on the one hand, but we are also very concerned on the other. We are pleased that it is a requirement to be a fit and proper person to hold a licence, and in order to do that the Professional Boxing and Combat Sports Board needs to consider whether you are fit and proper to hold a licence, and whether it is in the public interest for you to hold a licence. That is a new requirement and, as I said, we certainly endorse that outcome. Our concern, since Mr Drum has asked, is the way that this requirement is being implemented. We could talk about burying the industry in red tape because for anyone to work their way through the steps involved would require athletic abilities.

What is needed is to obtain a prescribed application form, which is then sent to the Chief Commissioner of Police, who has to supply written advice within 28 days. You get the application form, you fill it in, you send it off to the board and it is referred to the chief commissioner, who then provides advice to the board within 28 days. The chief commissioner must outline the reasons to the board, so there is a requirement for the chief commissioner to provide written reasons. Once the board gets the advice it must make a decision and provide written notice of its decision. So you refer it to the chief commissioner, it comes back to the board, which then makes a decision, which can then be referred to the Victorian Civil and Administrative Tribunal. If it goes to the Victorian Civil and

Administrative Tribunal, the chief commissioner is dragged in again, and the tribunal must ask the chief commissioner for the advice that they have provided.

As I said, we do not oppose the provisions; we are just concerned about the clunky and cumbersome way in which the requirements will be enforced and the way the chief commissioner will be dragged in, not once but twice. I suspect they are onerous red tape provisions for organisations such as those involved in boxing. That is our concern.

I note also that these provisions were originally removed from the act in 1996 by the then Kennett government, so I suppose the current government has had a change of heart from the position that was held in 1996 when the provisions that were in place at the time were removed.

As I said, we do not oppose the strengthening of the requirements around probity, we do not oppose the requirements ensuring that people who are involved in this industry are fit and proper people and for those reasons we do not oppose the bill.

Mr DRUM (Northern Victoria) — It is an honour to rise in this place to talk about the Professional Boxing and Combat Sports Amendment Bill 2013. Victoria and Australia have a very proud history of boxing, going back many decades. My first memory of the sweet sport would go back to Lionel Rose's glory days, in the boxing ring more than his singing profession, but he certainly hit the charts with *Pick Me Up On Your Way Down*, which is interesting.

Mr Barber — What about 'Thank you for just being you'?

Mr DRUM — Interestingly, I am not the only one in the chamber who can remember the great Lionel Rose and his amazing fights. He was the first Indigenous Australian world champion. He took the crown over in London and then came back and defended his crown here against Japan's Fighting Harada.

The late 1960s and 1970s certainly were the glory days of Australian boxing. Whilst we had had world champions before, such as Les Darcy, it was an amazing time in which to grow up. At that stage we had *TV Ringside* every Monday night and boxers interviewed on football programs and on *World of Sport*. The Australian boxing champions were household names in the 1960s and 1970s. They were highly regarded and well respected. In those early days Australian boxing had a very strong reputation which matched that high profile. The feeling was that the sport was above board, and that gave everybody confidence.

We also had Johnny Famechon, a great Australian boxer who won a world title in a different weight division to Lionel Rose. He also won a world championship fight by defeating Fighting Harada from Japan. Fighting Harada had a very dear place in the hearts of Australians boxing fans. He would come out to Australia and put on amazing bouts with some of our champions. He acted with an amazing degree of courage and honour and carried himself very well. He endeared himself to the Australian boxing fans, over those two bouts in particular.

We also had another range of world champions who came after those two. Right through the 1970s and into the 1980s the perception was that the sport was clean. We did not have the innuendo and worries that have built up over the last 10 to 15 years. Barry Michael and Frank Ropis had great fights, as did Barry Michael and Lester Ellis. Kostya Tszyu came onto the scene. He was a Russian-born Australian boxer and was the first to unify the light welterweight division across all four of the different weight classes, having won world titles awarded by the World Boxing Organization, the World Boxing Association, the International Boxing Federation and the World Boxing Council. He was a great fighter as well and the first boxer in 30 years to be able to do that.

We also have Anthony Mundine, who is still fighting at the age of 38. Anthony Mundine's father, Tony, was an Australian champion. Tony Mundine fought in this country for 16 years and was never beaten by an Australian. He was able to lead boxing in this country in a way that few others, if any, have ever been able to match. It was an amazing record that he strapped together over many years. He fought in a way that gave his son, Anthony Mundine, a fantastic role model to follow.

I am not quite sure that Anthony Mundine has been able to live up to the class that his father exhibited over many years. However, Anthony Mundine has been the one fighter who has been able to draw the crowds, sell the sport and put the sport on the front page and the back page. I am not sure it has been for all the right reasons. In fact some boxers, including the Tasmanian world champion boxer Daniel Geale, have come out recently and said that Anthony Mundine has not been good for the sport because of his inability to act with the sport as the priority, as opposed to selling himself. It is causing a degree of friction in the sport. Whether or not any publicity is good publicity is a contentious issue

when it comes to some of the better boxers in this country at the moment.

It is also worth noting that Sugar Shane Mosley was due to fight Anthony Mundine in Sydney only last week, and Mosley went home in the days prior to that bout because he had not been paid a certain amount within an agreed time line. Not only did he go home to America, but he did so spouting that Australian boxing is now akin to boxing in the old Mafia days and includes the things that dogged American boxing. That is certainly not the reputation that we need spread in places like America — particularly in Las Vegas, where many great fights take place.

When you go back to the great days when Famechon took on Jose Legra in London and won a world title and when Lionel Rose fought Fighting Harada and won a world title, they were absolutely heroes of this nation. Today the fighter who is possibly our best is a contentious character — people love him or hate him. More than that, the reputation of our sport is so severely damaged that it will be very difficult for us to attract the best boxers in the world to come out here as boxers did in the not-too-distant past.

It was not so long ago that Jeff Fenech, the undefeated fighter, went over to Las Vegas to fight Azumah Nelson, possibly the greatest fighter Africa has ever produced. That amazing fight in Las Vegas went the distance of 12 rounds. I think the only people who thought that Jeff Fenech did not win the fight would have been in Azumah Nelson's corner, as well as the promoter of that event, Don King. Certainly every Australian who was watching that fight would have thought that their own boy in Jeff Fenech was going to remain undefeated — that he was going to pick up a fourth weight division world championship and return home a national hero. He did anyway because Australians loved Jeff Fenech and he used to tell us continually, 'I love youse all'. That was his catchcry.

That was when people started to realise that certain promoters around the world were able to control the decisions of fights. I may have been naive because I thought that did not go on. In researching the sport to make a contribution to the debate on this bill I found that there have been many queries, going back to the 1940s, some of which I will mention. With the fight promoted by Don King, it will never be known whether the judges got it right and Australians were just a little biased in supporting their fighter, whether the judges simply got it wrong on the night or whether the judges had been gotten to.

A few years later, in the late 1990s, there was an investigation into the International Boxing Federation and the sport of boxing generally. Some 23 boxers and 7 promoters — including Don King and the no. 1 promoter at the time, Bob Arum — were found to be guilty of organising the results of fights through bribes. That sent some shock waves through the industry, to think that so many boxers were actually paying promoters. The research shows that in those days you were able to pay your way up the rankings in the weight divisions in a particular organisation. The IBF has been tarnished to the greatest degree, as it was found to be tainted by bribes.

Once you find out that Don King was involved in organising the decisions on fights, you go back to look at all the fights where Don King was the promoter, had his own stable and was effectively able to create the whole play. He was able to bring people through, build their profiles and reputation and match them against particular fighters to ensure that he got the right result through bribes. It certainly paints a picture of a sport that once had an honourable history and reputation but now people are sceptical about. They have no confidence in the legitimacy of the decisions.

As I mentioned earlier, it is possibly a bit naive to suggest that that was not going on even through the glory days of the sport. Back as far as 1947 there were stories that the Mafia were involved in fighting, including organising the decisions. It is said that the Mafia were involved in a fight that Jake LaMotta fought in 1947. There was no doubt that he was involved in taking dives to support various decisions. Obviously he was lent on by some people that others would not like to say no to. That created turmoil in the sport back as early as 1947.

It is interesting to note that while that has been going on for a while, there is a real disquiet in the industry at the moment. That is why the government has taken the steps it has in introducing this bill. It has done so to effectively protect the sport from being run by people who cannot pass the fit and proper person test. The fit and proper person test takes up a large part of what this bill is all about. The term 'fit and proper person' is a term that is not only used in sport and boxing promotion, gaming and the application of licences but it is also a term we have used for other aspects of our society. It is not unusual for people who want to put in an application to own a firearm to have to pass a fit and proper person test. We also use this test of character when people are looking at a licence to operate a gaming venue. Obviously with the handling of many hundreds of thousands of dollars on a weekly basis, with large gaming venues — casinos and so forth —

we also have this fit and proper person test. It applies to people who need to get a licence to sell liquor. Real estate agents also have to pass a fit and proper person test, as do motor car traders.

There is a whole raft of industries and sectors within these industries where we use this fit and proper person test to make sure that people in our community have confidence in these areas. Ownership of firearms, the selling of liquor, the control of gaming venues and the selling and purchasing of real estate and motor vehicles are all areas that can potentially lend themselves to forms of corruption and fraud and to unscrupulous operators getting into those industries and causing serious concern to the community. Therefore the term 'fit and proper person' has effectively been applied to all of those industries as well for many years.

When it comes to boxing, it is not as though this term has not been used in other states. We have New South Wales, which uses the term 'fit and proper person' in the application for a boxing promoters licence. South Australia, Western Australia and Tasmania have this provision within their legislation as a safeguard for attracting the types of people we need to have involved in professional boxing and combat sports.

To actually get what we are looking for in this bill, the legislation is going to give the Professional Boxing and Combat Sports Board, which was established by the 1985 legislation, the responsibility of considering the character — the probity, honesty and reputation — of a person prior to granting them a licence. That will be an important role for the board to take on. It will give the board the opportunity to seek further information if, upon receiving an application for a promoters licence, it feels there is a need for additional information to be supplied. There is going to be an opportunity for the board to seek further information to answer any queries it may have on a person's reputation and history.

It is not only about character. There are also going to be questions asked about a promoter's financial capacity because obviously you do not want to have the situation that happened last week, where we bring one of the world's better fighters out to Australia and for one reason or another — perhaps they did not have enough money to properly advertise the event, or they did not get the merchandise or the marketing done properly — you find that they are bereft of sales at the ticket office and there is not the capacity to pay the travelling fighter from overseas. If the advertising and the sponsorship and everything have not been properly orchestrated, it leaves a bad taste in everybody's mouths and leaves a whole range of questions unanswered. All of a sudden it puts the sport back into a very poor light.

It is critically important that the board now has these powers and responsibilities to look into the character of an applicant to make sure that they are someone of the highest integrity and honesty and have a reputation of being able to handle these types of events. They should have a reputation of being financially capable of running the event from the early stages, from the promotion right through to the culmination and clean-up after everything has come and gone. That certainly requires considerable capacity as well. The board will have powers to effectively search for and obtain as much information as it sees fit. That is a very critical part of this bill.

There is also a provision in the bill to ensure the automatic prohibition of certain applicants, so that when they put their application forward to obtain a boxing promoters licence the Chief Commissioner of Police will have a say in checking the records of Victoria Police to see whether or not there is a reason why the applicant should not be able to go through the process. These powers currently do not exist. There is a gap that currently exists between the chief commissioner and the Professional Boxing and Combat Sports Board. With this legislation we are going to be able to bring those bodies together and share that information back and forth to ensure that if someone has already been warned off a racecourse or a casino and precincts associated with those two areas, they will automatically be prohibited from obtaining a boxing promoters licence. That is something that, again, will only be able to be applied through the passing of this legislation.

There will be some other indicators as well; it is not just whether or not you have been warned off some precinct. If you have been convicted of an indictable offence and sentenced to 10 years or more in prison, that will immediately disqualify you from obtaining a boxing promoters licence. Most people would agree with that type of enforcement. Being subject to a control order or an exclusion order by the Chief Commissioner of Police will also disqualify you. If you have committed the type of offences we are talking about that have a comparable penalty or are comparable in nature, maybe under a different name, in another state or another jurisdiction, then you will also be immediately disqualified from obtaining a boxing promoters licence upon application in Victoria. Again, that information can only be shared by the chief commissioner.

There are also provisions in this legislation for the chief commissioner to handle the sensitive and protected nature of some of this information in a manner that is going to both protect the board and not let the board be

used by people of questionable character who may want to find out how much information and knowledge of their underworld dealings the police have. There are many questionable characters who may use this process to see whether the police have an official record of their dealings, and we need to be able to prevent that type of activity from taking place. We do not want to have this legislative process used by people as a fishing expedition to find out how much information is currently sitting within Victoria Police's records. There will be provisions within the legislation to deal with sensitive and protected information. It is important that this type of information remains confidential and that results based on the information handed down are handled in a very sensitive manner. The legislation ensures that this sensitive information will be protected in discussions between the board and the Chief Commissioner of Police.

Under the legislation if people are denied the opportunity to apply for a boxing promoter's licence, that decision can be reviewed by the Victorian Civil and Administrative Tribunal. If the disqualification has occurred as a result of some sensitive information being obtained, there will be a process for the very careful exchange of information between the chief commissioner and the board.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Jacaranda Village

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Ageing. The CEO of Jacaranda Village in Red Cliffs, Sue Bowditch, was quoted in the *Sunraysia Daily* of 4 September as advising that 'the facility had lost 4 per cent of its income "overnight" about two years ago after the state government reviewed the unit price paid to public residential aged-care services'. I recently met with Mrs Bowditch, and I was impressed with her and her staff's dedication to the residents. She is concerned that the facility will go broke unless something is done urgently, within the next one or two years. I understand the minister has also recently met with her. Will the minister be reviewing the unit price, and will he take into consideration the facility's remote location, relative size and the fact that it is not part of a health service in responding to its financial position?

Hon. D. M. DAVIS (Minister for Ageing) — There is a long list of questions there. I would say that Jacaranda Village is an important service, and it is very strongly supported by the local member of Parliament, the member for Mildura in the Assembly, Peter Crisp. He and I have met on a number of occasions with Jacaranda Village representatives. What is true is that 11 years of Labor neglect saw the failure to upgrade the infrastructure at Jacaranda, and they have certainly come to talk to us about those challenges. They have also been unable to get grants from the previous federal government, which was unfortunate because they deserved to get them. Clearly Jacaranda is an important service. The government has increased funding to Jacaranda and does support it. Peter Crisp is a very strong supporter of Jacaranda Village, and I have undertaken to work with Jacaranda Village to help strengthen its service.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — I know the minister has met with this service, yet he is seeking to indicate that he is not aware of the problems. He should look at its annual report, which says:

> The state shift to bring all services into line on one unit price instead of recognising the different service models in place has subsequently led to a substantial drop in our required funding income.

I ask: will the minister take steps to guarantee that the people of Red Cliffs will not have Jacaranda Village close?

Hon. D. M. DAVIS (Minister for Ageing) — It is important to realise that the shadow Minister for Health is engaged in a campaign where she roams around country Victoria trying to upset people with nonsense.

Mr Lenders — On a point of order, President, I put to you that the minister is clearly debating the question. He has been asked a question on government administration, and his response has been to reflect on the activities of a member of the opposition. I ask you to direct him to cease debating the question.

The PRESIDENT — Order! I am conscious that the minister has only 60 seconds on this occasion to answer a supplementary question, so it is important that he get to answering the question as quickly as possible. His opening remarks have been fair enough at this point, but I must indicate that I am really pleased that today Ms Mikakos asked a question that was very specific. It did not invite the minister to debate the issue because it was not surrounded by a significant preamble. The member has tried to put a question seeking a direct answer without anything that invites debate, and I would ask the minister to be cognisant of that as he completes his answer.

Hon. D. M. DAVIS — The point I was making is that in Ms Mikakos's sweep around country Victoria she visited Jacaranda Village and left it with some incorrect information. I can be quite clear that the government has strong support for Jacaranda, strong support for country services of its type in particular — —

Ms Mikakos — Can you guarantee it stays open?

Hon. D. M. DAVIS — Absolutely. We are very strong in our support of Jacaranda. I cannot be more clear than that. I have met with its representatives a number of times, Peter Crisp is certainly a very strong supporter, and we are working with them to find a way through. We inherited a service that had not had capital spent on it for a number of years.

Honourable members interjecting.

Hon. D. M. DAVIS — That is the record of your government. We are very determined to support it and get very good outcomes for people in the Mildura and Red Cliffs area.

Regional and rural hospitals

Mr KOCH (Western Victoria) — My question without notice is to the Minister for Health, my colleague the Honourable David Davis. Is the minister aware of any misinformation being spread about country hospitals?

Mr Lenders — On a point of order, President, on the construction of the question, if a question needs to be about government administration, I assume a competence level of government and assume that government administration is not about misinformation, so I put to you that the question is inviting debate, unless the Government Whip is of the view that the government is into misinformation.

Hon. D. M. Davis — On the point of order, President, government administration certainly includes refuting misinformation that is being spread around country Victoria by some in the opposition, and I seek to correct some of that misinformation. It is important for country communities to understand the facts.

The PRESIDENT — Order! I indicate that I had some concern about the construction of the question, which I was contemplating when the point of order was raised, because I believe the way the question was put seeks some speculation and opinion but particularly invites debate. I agree with the Leader of the Government that it is valid for the government to discuss issues or information that might be in the public arena that is not accurate in terms of government policy and practices, but the minister needs to be mindful of my view that answers to questions should not be about debating the policies of others or unduly reflecting on the opposition outside correcting that information. I accept that the Leader of the Government plans in this answer to go to specific issues and matters of fact. The minister needs to be warned that I would be concerned about any move towards debating. I accept the point of order in the context that I was also concerned that the way that question was constructed did give the minister carte blanche as far as debate was concerned.

Hon. D. M. DAVIS (Minister for Health) — President, I thank you for your guidance on this matter, and I thank Mr Koch for his question. Around country Victoria as annual reports have been released there have been some who have tried to put pieces of misinformation into the public domain. Whilst in some annual reports it may appear that state funding has reduced, in fact that is not the case. In a number of cases the apparent fall in state funding is due to the removal of money by the commonwealth and money that was not paid through the funding pool but was paid directly to hospitals. Some members of the opposition might want to think carefully before they misrepresent funding levels, given that the additional funding came late in the piece — —

Mr Lenders — On a new point of order on the question, President, we have moved now to a hypothetical on what oppositions may do with annual reports tabled today. The minister is now debating a hypothetical response that the opposition might have to an annual report that was tabled this morning. I put to you, President, that this is in a number of areas straying even further into debating, because a hypothetical on what an opposition might do is not government administration.

Hon. D. M. DAVIS — President, these are not hypotheticals; they are actual statements by people in country newspapers. They are not hypotheticals, and they are incorrect. I want to make sure that the community understands fully that funding has increased to these hospitals and indeed — —

The PRESIDENT — Order! Let us not debate the point of order. This one is a bit disconcerting for me; it is not black and white. I am struggling with it a bit because I have sympathy with the point of order that has been raised in the sense of where this strays into debate as an answer. The minister certainly started his answer positively. He referred to issues that were raised in annual reports and was looking at putting a government perspective on those, and I thought at the

outset certainly he was not directly criticising the opposition as such; he was saying that certain people might draw conclusions from those annual reports and he wished to correct the perceptions they might have. I ask the minister to contain the debating aspect of his answer and stick to areas of fact in terms of where the position on funding might be at odds with what the perception might be.

Hon. D. M. DAVIS — If I can continue, I will say that there have been a number of people who have made commentary in country newspapers about reduced funding, when in fact funding has increased. Some of the funding has been labelled differently this year because it came via the federal government rather than through the standard pool.

In a number of instances in country Victoria hospitals have been provided with public holiday supplementation. Last year people may well remember there were additional public holidays, in the sense that where public holidays land on a weekend they need to be provided as an additional public holiday. That leads to additional costs in health services in a number of cases and that supplementation has been provided. That stands in stark contrast to my experience in 2010–11, when the previous government did not provide supplementation. On coming to government we had to provide additional money to pay for the additional public holiday payments.

In a number of cases across country Victoria payments were made for additional public holiday supplementation, which are reported distinctly from the earlier period. There were also a number of cases where, as I say, commonwealth funding was converted in different ways — for example, at Alexandra the commonwealth contribution to block funding was converted and paid direct to the health service. The commonwealth contribution to the service at Koo Wee Rup was converted to block funding and paid direct to the health service. In East Wimmera $133 000 of commonwealth contribution to block funding was converted. There were additional grants provided in a different way to those services.

I want to be quite clear that there is increased, not decreased, funding to those services. It is important that the community understands that when the money was pulled out by the commonwealth due to a dodgy population adjustment, the money was eventually forced to be repaid due to community activity, but it was repaid and badged differently — although ultimately the money did get there. It is important that the community understands that the opposition, which supported those cuts by the commonwealth and the removal of money, in a shameful episode where that money was withdrawn by the commonwealth and paid by a different mechanism, is now trying to argue that those cuts applied by the commonwealth government — the then Gillard government — are in some way due to the state government's activity. Nothing could be further from the truth, but the misinformation applied by the opposition — —

The PRESIDENT — Order! Thank you, Minister.

TAFE regional facilitation managers

Mr LENDERS (Southern Metropolitan) — My question without notice is to the Minister for Higher Education and Skills, Mr Hall. Can the minister confirm that his TAFE Reform Panel recommended the appointment of regional facilitation managers, and that two of the members of the panel have subsequently been contracted to fill these positions without tender?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I can confirm that we have facilitation managers working in each of the three regions in regional Victoria to assist with the transitional funding which has been made available to TAFE institutes. I can confirm that two of those people were members of the TAFE Reform Panel. As to the way in which they were appointed, this was an employment arrangement undertaken by the department, but I know that the people concerned were chosen to undertake that job because of their knowledge of the sector, which was enhanced by the work they did as part of the TAFE Reform Panel. They are persons in whom I have absolute confidence. They will assist government and TAFE institutes to come up with the best possible strategies to ensure that TAFEs remain strong and sustainable providers for vocational training in regional Victoria.

Supplementary question

Mr LENDERS (Southern Metropolitan) — The process of appointment is under some cloud because there was no tendering, and there is speculation as to what the task ultimately is. To assure me, and the house more generally, would the minister be prepared to have a probity auditor monitor all the appointments that have come out of the TAFE reform task and report back to the community on the outcome of that probity audit?

Hon. P. R. HALL (Minister for Higher Education and Skills) — In response to Mr Lenders's question, it might be a bit of a fishing expedition that he is embarking upon, because there have not been any probity issues raised with me regarding the appointment

of people to those particular positions. What I will do is take advice on the means and requirements that the appointment process required, and if there are any irregularities, then I will report back to the house.

Children's facility funding

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Children and Early Childhood Development, Ms Lovell. Can the minister provide recent examples of how the children's facilities capital program is delivering for Victorian communities?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his question and his ongoing and longstanding interest in early childhood development in Victoria. I note that the member served as a board member for Kindergarten Parents Victoria prior to entering Parliament, so I know he has had a longstanding interest in these matters.

I am delighted to inform the house that over the past few weeks a further 12 children's facilities capital projects have either opened or commenced. On 3 October the member for Carrum in the Assembly, Donna Bauer, turned the first sod to commence the Edithvale Family and Children's Centre project. That centre will provide 109 additional kindergarten places. On 3 October the first sod was turned to commence construction of the Parkdale Family and Children's Centre, which will be a 125-place centre in Parkdale, and that was done by the member for Mordialloc in the Assembly, Lorraine Wreford.

On 7 October, together with Mr Elsbury and Mr Finn, I attended the opening of the Alamanda Early Years Centre, which was opened by the Premier. That provides a further 99 places in the city of Wyndham. On 9 October the Murrindal Children and Family Centre in Rowville was opened by the Minister for Police and Emergency Services and member for Scoresby in the Assembly, Kim Wells, and that centre is also in Richard Dalla-Riva's electorate of Eastern Metropolitan Region.

On 9 October Mr Ondarchie and I attended a sod-turning ceremony at Keon Park Children's Hub in Reservoir. That centre will provide 66 additional places. On 10 October the Phillip Island Early Learning Centre was opened by the member for Bass in the Assembly, Mr Ken Smith, with 106 additional places at that centre.

On 12 October the Nara Community Early Learning Centre in Preston was opened by Craig Ondarchie, a member for Northern Metropolitan Region — the kinder king. That service will provide 22 additional places. On 14 October the Tarralla Kindergarten in Ringwood East was opened by the Minister for Ports, David Hodgett, who is the member for Kilsyth, which is another centre in Mr Dalla-Riva's electorate. On 23 October the Epping Views Family and Community Centre in Epping was opened by me and Mr Ondarchie. That centre will provide 66 additional places.

On 24 October the Orbost Early Education Centre was opened by Tim Bull, the member for Gippsland East in the Assembly, providing an additional 60 places. On 25 October the Pasadena Preschool in Mildura was opened by the member for Mildura in the Assembly, Mr Peter Crisp, with a further 30 places. On 26 October Paynesville & District Kindergarten was opened, also by Tim Bull, and provides a further 24 places.

These are fantastic facilities servicing families throughout Victoria. The state government has invested more than $10 million in these projects, and that has leveraged a further $25 million in investment from community groups and local government. These projects will service families into the future and that will provide for the future education and care of Victoria's children. The Napthine government is proud of its investment in early education. We know that Ms Mikakos has an objection to the amount of money that we have put into children's services — —

Ms Mikakos interjected.

Hon. W. A. LOVELL — Because she tweeted last year — she tweeted for all to read — that we had given enough money to kinder — —

Ms Mikakos — On a point of order, President, the minister continues to come in here and mislead the house. In fact on numerous occasions I have called on the government to invest more money into kindergarten funding, and she has failed to acknowledge that most of the money has come from the federal government.

The PRESIDENT — Order! Ms Mikakos, what is the point of order?

Ms Mikakos — The minister is misleading the house, President, because she is failing to acknowledge that I have on numerous occasions called for this government to put more money into capital infrastructure for kindergartens.

The PRESIDENT — Order! Ms Mikakos is debating; she is not raising a point of order. Members

need to understand that when they raise a point of order they are seeking to have an issue resolved that is in conflict with our standing orders and procedures. They are not given an opportunity to have a bit of a run at a debate.

Mrs Peulich — On the same point of order, President, the member is also reflecting on the minister by making an allegation that she is misleading the house, which she knows can only be done by moving a substantive motion.

The PRESIDENT — Order! Mrs Peulich, that is true, but then the minister is also making allegations against the member, and the member is responding to them. I am in a difficult position. The minister, in my view, has started entering into some debate, which obviously has been challenged. I understand, but you are right; where particularly an accusation of misleading the house is made — which certainly was not or maybe got close to a point of order — that should be by substantive motion or one of the other mechanisms of the house rather than by raising a point of order. Does the minister wish to complete her answer, without debate?

Hon. W. A. LOVELL — I would just like to quote the shadow minister for children and young adults from 17 April last year on Twitter when she said, 'Yes, that's been happening — —

Mr Lenders — On a point of order, President, again on the issue of government administration, the minister has outlined grants to a number of kindergartens, and now she is referring to a tweet from an opposition member, which I put to you is debating and not an issue of government administration.

The PRESIDENT — Order! I am concerned that, as I indicated, the minister is starting to enter into a debate, and I think that following my comment the remarks she was making were again leading to debate. The minister, to complete the answer — but without debating.

Hon. W. A. LOVELL — The Napthine government is proud of its investment in early childhood facilities following on from 11 years of neglect from the Labor Party.

Prison capacity

Ms PENNICUIK (Southern Metropolitan) — My question is to the Minister for Corrections, Ed O'Donohue. It is no secret that there is serious overcrowding in the state's prisons and holding cells in the courts and police stations, which is resulting in accused persons not attending court and health and safety issues for all concerned in the prisons, courts and police stations. On 17 May I wrote to the minister asking whether Corrections Victoria had produced any reports or papers regarding the capacity of the greater use of community correction orders to reduce demand in the corrections system without any risk to the community. The minister responded on 9 July, but did not answer the question. I wrote to him again on 13 August requesting this information, but so far I have had no response. Has Corrections Victoria been looking at the greater use of community correction orders for non-dangerous offenders to reduce demand across the corrections system, and if so, what is the possible reduction in demand that could be achieved?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Ms Pennicuik for her question. When this government came to power we inherited a corrections system that was in crisis. In Ms Pennicuik's correspondence to me of 17 May, which she cited in her question, she referred to the Auditor-General's report of November 2012 into prison capacity planning. On page 25 the *Prison Capacity Planning* report says:

> the government —

that is, the previous government —

> did not support Department of Justice's funding applications for a new male prison in … 2008–09 —

the first time —

> … 2009–10 —

the second time —

> and 2010–11 —

the third time.

There are capacity challenges within the prison system, which this government is working through, which this government is addressing, which this government will fix. We will fix Labor's refusal to fund a new prison. We will fix Labor's botched, bungled, Ararat prison project.

Mr Lenders interjected.

Hon. E. J. O'DONOHUE — As a former Treasurer of Victoria Mr Lenders should be ashamed of the way the previous government botched the Ararat prison project. This government has fixed that project, but because Labor botched it it is at least two years delayed — 350 beds that should be operational now; 350 beds that should be in the system.

Ms Pennicuik asked me a question about community correction orders. As we know, the government came to power with a very clear agenda, very clear policies, around community correction. We have abolished Labor's home detention scheme, where people are nominally sentenced to prison but are sitting at home on their couch and going to the fridge and watching Foxtel. We are in the process of abolishing suspended sentences, and this house has passed the relevant legislation. In its place this government has put in place a flexible community correction order that empowers the judiciary to respond to individual people and individual circumstances — whether that is alcohol monitoring, whether that is GPS monitoring, whether it is exclusion zones, or whether it is with work orders so that offenders pay their debt to the community — by removing graffiti, by doing work in the community and by delivering good works to the community.

Ms Pennicuik asked me what evaluation has been done or what is being done in relation to community correction orders. I am pleased to inform the house that as part of the funding this government has allocated to the community corrections system, in addition to the 150 new community corrections officers, funding has been allocated to evaluate the new community correction order. I am happy to advise Ms Pennicuik that that evaluation has three phases. The final phase is due mid next year. It is being conducted by PricewaterhouseCoopers in partnership with the Australian Institute of Criminology. We will await that evaluation.

But of great credit to Corrections Victoria are the fantastic and hardworking people of Corrections Victoria who do a great job, a very difficult job, both in the community corrections space and in the prison environment. They do a terrific job and are a key part of the community safety infrastructure and community safety program. They recently won an international award recognising the success of the implementation of the community correction order and the service model to support those orders. I congratulate community corrections.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — I concur with the minister that the staff at Corrections Victoria do a great job. Does the evaluation that the minister mentioned extend to evaluating whether the further use of community correction orders would reduce demand in the prison system, as opposed to how community correction orders are working per se? My issue is with using more community correction orders to reduce demand in the prison system rather than providing more beds in the prison system, so using those orders to free-up prison beds used by low-level offenders who are no risk to the community. Does the evaluation consider that issue, and will the minister table the report in Parliament?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Ms Pennicuik for her supplementary question. As I said in my substantive answer, the design of the community correction order is intended to be flexible and to empower the judiciary to make an order appropriate to an offender. As I said, it can include a monetary bond as a result of recent changes. It can include a work order. It can include an exclusion order. It can include GPS monitoring, after this government has delivered on its election commitment to include GPS monitoring in these orders. It can include alcohol monitoring. The community correction order is a flexible order which this government will continue to review and evaluate. We will continue to seek feedback from the judiciary and other sources to strengthen it where appropriate. We fundamentally believe that this is a much better model than the hotchpotch of orders that the previous government used, such as home detention and suspended sentences. We are very pleased with the way the community correction order has been adopted.

Plan Melbourne

Ms CROZIER (Southern Metropolitan) — My question is for the Minister for Planning, Mr Guy. I ask: can the minister advise the house what action the government will take through its Plan Melbourne strategy to protect sensitive areas of our central city from overdevelopment?

Hon. M. J. GUY (Minister for Planning) — I thank Ms Crozier for her sensible question about Plan Melbourne on how it will assist with protecting our central city areas from overdevelopment. It is important that we start looking at bringing mandatory controls back into the planning system, which is something that had been missing for about 11 years under the previous government. Before considering the question from Ms Crozier, it is worthwhile noting the recent Housing Industry Association figures released yesterday, which show Victoria with a 36 per cent increase in private house sales and a 27 per cent increase in private house approvals. Victoria is leading Australia in both those fields, which shows that confidence has well and truly returned to housing markets in Victoria. That is one of the reasons we need to look at mandatory controls, because confidence has well and truly returned to the housing market in this state both in high-density

housing and in detached homes throughout our suburbs and regional areas.

Plan Melbourne initiative 4.2.3 is around protecting unique city precincts and our waterways from inappropriate development. That was missing from previous strategies. This government will look at investigating areas such as the Bourke Hill precinct, East Melbourne and sensitive locations around Port Phillip Bay that need to be protected with mandatory controls. It has taken this government, the Liberal-Nationals government, to say that there are sensitive areas of our central city that need to be protected. While we support density in defined locations and high rise in the right locations, it is also important for governments to play a role in protecting areas that need to be protected.

What a shame we did not have a government with this kind of will before the Windsor Hotel development was approved. What a shame we did not have a government that would exhibit controls that could potentially give this level of protection to the Bourke Hill precinct once and for all. This level of mandatory control is not unique to this government. We have proudly rolled out the neighbourhood residential zone, which gives widespread protection and mandatory controls in terms of height and subdivision across that zone throughout the state of Victoria.

We have also put in place the Yarra and Maribyrnong River controls, which are now being rolled out across our two iconic rivers. This government has offered those river controls to other councils through Plan Melbourne to ensure that we are protecting sensitive areas of Melbourne that need to be looked after. We do not have a tropical climate such as that of Brisbane or the harbour that Sydney has, but we do have iconic waterways that need to be protected. Unlike any other government before it, the coalition government will do the work to ensure that we can protect those sensitive areas of Melbourne. This includes the issues raised in Ms Crozier's question about the central city area or those relating to our precious rivers and streams. We will do the work to make sure that Melbourne remains the world's most livable city.

Health system performance

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. I am interested to know how well he knows the report of his own department. Page 171 of the report indicates that one-third of semi-urgent patients in Victoria are waiting longer than 90 days. On page 172 it indicates that the number of emergency department presentations during the last year has gone down, yet only 73 per cent of patients were seen on time. On page 174 ambulance response times to emergencies are as low as 73 per cent with the emergency response time within 15 minutes. What is the page reference and the performance indicator that the minister can take pride in in this report that indicates his three years of stewardship have been a success?

Hon. D. M. DAVIS (Minister for Health) — There are many things in here. Mr Jennings might want to start at the other end of the report, which provides the overall summaries of the outcomes.

Mr Jennings interjected.

Hon. D. M. DAVIS — No, I was thinking of the forewords and the response to a whole range of issues.

Our hospitals are treating more patients than ever before, they have more funding than ever before, and they have bigger increases in the numbers of nurses and doctors than ever before. If I look at the Austin Hospital, I could say that there has been an 8.6 per cent funding increase since we came to government with 26 more doctors and 145 more nurses. At Alfred Health there has been an 11 per cent increase in funding, an increase of 53 in the numbers of doctors and in nurses an increase of 36. He might notice that there is a very big capital development at Eastern Health called Box Hill Hospital — a $447 million capital development.

Mr Jennings — Who committed the money for that?

Hon. D. M. DAVIS — Mr Jennings should take a trip around the rest of Melbourne. He might come to the old dental hospital site and notice that there is a $1 billion project there that will deliver a comprehensive cancer centre. This government allocated the money, this government has sorted out the way forward for the comprehensive cancer centre and this government is going to deliver that comprehensive cancer centre.

Mr Jennings might want to take a drive in country Victoria. He might want to go to Bendigo to note the progress of the $630 million capital investment that has been put in place for the Bendigo Hospital. The Partnerships Victoria report was tabled in the chamber today. Mr Jennings might not have read that as yet, but when he does he will see that we have enormous value for that project. That will be the most remarkable project in country Victoria. We will see a huge new hospital built there for people.

Mr Jennings could move to Mildura, where we are actually expanding the hospital — something his government refused to do. Or he might want to go to Geelong, where he would notice the nearly $200 million of capital building going on in that city and the area around it. Massive outcomes for the community are going to be delivered over the next period.

Mr Jennings might want to move elsewhere. He might want to move to Ballarat, where we are going to build a helipad. That project is moving very fast indeed. The Minister for Planning, Mr Guy, cleared the way recently with a planning instrument to make sure that helicopters will be able to land on the new helipad that is proceeding there. That is something that Labor would not do over 11 years. In fact Mr Koch moved a motion here in 2004 to build that helipad, and Labor opposed it.

Mr Jennings might notice that the return of $107 million is reported in the annual report. His crew, if I can describe it that way, supported commonwealth cuts to our hospitals. Last year $107 million was cut from our hospitals, and Labor actually voted in favour of the cuts. We voted against the cuts, and we worked with local communities to make sure that they were not implemented and that the $107 million was returned. That is something I am proud of. Mr Jennings might not be proud of where he stood on the $107 million cuts made by his government in Canberra, the Gillard government.

The PRESIDENT — Order! We have been over this ground on many occasions. In the context of the question that was put today and the minister's substantive answer thus far, I regard it as now moving into debate. The point is made. The minister should desist from debating and come back to what he sees as some of the highlights of the report, as he was invited to do.

Hon. D. M. DAVIS — I will come back to the report. I draw the member's attention to page 14. I will quote from that page of the report, which is about commonwealth funding reductions. The report says:

> Through its *Mid-year Economic and Fiscal Outlook 2012–13* released in October 2012, the commonwealth announced a reduction in its 2012–13 funding to Victorian health services — —

The PRESIDENT — Order! Time, thank you, Minister.

Hon. D. M. DAVIS — Of $107 million — —

The PRESIDENT — Order! Minister! Earlier this week I actually pulled up a member for speaking over the time. I do not like doing that; it does not look great. On that occasion the member said that she was not in a position to hear me due to interjections. I do not want ministers continuing their answers after I have called time, particularly not when I have come back on another member in the same vein. It needs to be fair to all. We have time limits for a reason, and members must ensure that they stick to those.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Page 171 of *Department of Health Annual Report 2012–13* records a failure on elective surgery targets, page 172 a failure on emergency department targets and page 173 a failure on ambulance response targets. I invite the minister to advise: in terms of the delivery of services to people in Victoria, what is the one performance indicator in this document of which the minister is proud?

The PRESIDENT — Order! I will allow the minister to answer, but I must say that to me the supplementary question seems identical to the substantive question.

Mr Jennings — On a point of order, President, my initial invitation to the minister was to name one thing he is proud of. Now I have narrowed the question to what performance indicator he is proud of.

Hon. D. M. DAVIS (Minister for Health) — Let me go through this steadily for Mr Jennings. There are many of those performance indicators. In consumer participation the target was 75 per cent and the actual figure is 81.4 per cent. Eligible newborn screening for hearing deficit before one month of age was 98.5 per cent, well above target. For hand hygiene compliance the target was 70 per cent, but the actual figure is 76 per cent.

Mr Jennings interjected.

Hon. D. M. DAVIS — Where would Mr Jennings like to go next? We have effected a lot of unplanned readmissions. Where would Mr Jennings like to go — to quality service admissions and so forth? Wherever he wants to go across our hospital system there is a good performance. We have seen more patients than ever before. It is an outcome that the community can be proud of, whether they are in country Victoria or in the city, and it is a better performance than that under the previous government.

Graffiti prevention and removal grants

Mrs MILLAR (Northern Victoria) — My question is to Mr O'Donohue, the Minister for Crime Prevention. Can the minister update the house on what actions this government is taking to help prevent and remove graffiti in our local communities?

Hon. E. J. O'DONOHUE (Minister for Crime Prevention) — I thank Mrs Millar for her question and her interest in crime prevention matters, in particular graffiti. As the house is aware, the crime prevention portfolio is a creation of this government, with a $35 million program over four years.

Mr Leane interjected.

Hon. E. J. O'DONOHUE — I will take up Mr Leane's interjection. I can tell him that it is going very well. We are partnering with local communities to respond to local concerns about crime and perceptions of crime. Our crime agenda is more than the additional police, more than the protective services officers and more than the issues we are dealing with in corrections. It is about responding and working with local communities. One of the key cornerstones of that is our anti-graffiti program.

Graffiti is a scourge on our landscape, and this government is determined to tackle graffiti. Not only is it unsightly and offensive, it is a criminal act. There is nothing glamorous about defacing public and private property. That is why as part of the community crime prevention program we have provided a range of opportunities for local communities to respond to graffiti problems. Today as part of three funding rounds the coalition has provided $900 000 in grants to local communities for 57 projects across this great state of Victoria.

In addition to our graffiti grants program, I am pleased today to announce the allocation of portable graffiti removal systems to Victorian councils. In a new initiative the coalition government is making more than 300 portable graffiti removal systems available, free to local councils and community groups to further support community-based graffiti removal activities across Victoria. Portable graffiti removal systems are valuable assets in the fight against graffiti in local neighbourhoods. They are ideal for use by community groups to remove graffiti in situations that are too small to warrant — —

Honourable members interjecting.

Hon. E. J. O'DONOHUE — The opposition may wish to trivialise the issue of graffiti in our community. I am very pleased to announce today the provision of these portable removal systems in partnership with local communities across Victoria. Today I am announcing that 199 portable systems will be allocated to 58 councils across Victoria. This means that 73 per cent of all Victorian councils will receive at least one free portable graffiti removal system, empowering local communities to respond to the scourge of graffiti.

I am also pleased to report to the house the success of the graffiti removal and crime prevention exhibit at the recent Royal Melbourne Show. A graffiti removal trailer and portable graffiti removal systems were on display at the show, and free graffiti removal kits were also provided to members of the community. More than 700 free graffiti removal kits were handed out. Those free kits included graffiti removal cleaning agents, scrubbing brush, steel wool, cleaning rag, face mask, safety glasses and goggles; and each kit contained enough cleaning agents to remove up to 10 square metres of graffiti. These are wonderful results. I encourage Victorians to continue to tackle graffiti in their community.

Finally, I pay tribute to the community crime prevention unit within the Department of Justice that has overseen this innovative program. We are very proud of the work the government is delivering as part of its crime prevention agenda, and I am very pleased today to announce the allocation of 199 portable systems across 58 councils.

Health system performance

Mr JENNINGS (South Eastern Metropolitan) — The Minister for Health did so well to explain his annual report to Parliament that I thought I would give him another opportunity. In his last answer he referred to the commonwealth government's withdrawal of $107 million during the course of the financial year, which it subsequently returned to the hospital system. Can the minister explain to the house why, as shown at page 37 of the financial statement, the income to his department has reduced by $1.5 billion, and indeed his government's output appropriation to his department has reduced by nearly $2 billion — by $1.957 billion — during the course of that financial year?

Hon. D. M. DAVIS (Minister for Health) — What I can indicate is that in fact the funding overall has increased to hospitals and health services. We have operated efficiently over the year. We have ensured that we have got an outcome for the community that is a very efficient outcome. More funding for our health services, in aggregate, is what we have done over the

financial year. The total funding to our health services, to front-line service delivery, has increased in this year. Our money and our resources have been focused on hospitals, health service and the delivery of better outcomes for our hospitals.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, you would appreciate that I would be very anxious about misleading the community with any false interpretation I may make of this $2 billion reduction, so I would like the minister in his answer to make it crystal clear to anybody who might misrepresent this report by indicating where the $2 billion has gone.

Hon. D. M. DAVIS (Minister for Health) — What I can say, as I have said, is that total funding to our health services has increased.

Mr Jennings — That is not what this says, and that is not what the question was.

Hon. D. M. DAVIS — It is actually what it says: total funding. It is an accounting treatment, and in fact total funding to health services has increased.

Visual arts training

Mrs COOTE (Southern Metropolitan) — My question is for the Minister for Higher Education and Skills. Could the minister advise the house on any initiatives he may be involved in to promote training in the visual arts?

Hon. P. R. HALL (Minister for Higher Education and Skills) — What a great question from Mrs Coote. I welcome it, and I know that she is very interested in visual arts and that she is fortunate to have a number of fine institutions in her electorate. I cite, for example, the National Gallery of Victoria and the Victorian College of the Arts, and there are a number of others that are very strong in terms of their display and promotion of visual arts in this state.

Indeed Mrs Coote and other members who represent her electorate can look forward to some further developments in visual arts training institutions in that electorate, with Northern Melbourne Institute of TAFE (NMIT) having plans to locate to the former Prahran site of Swinburne University of Technology. I know its intention is to strengthen creative arts delivery, including visual arts, at that particular facility.

In talking about NMIT, I had the occasion last Tuesday to visit an exhibition put on by the diploma of visual arts graduates from NMIT at an exhibition titled Blood, Sweat and Turpentine, which was at the Open Space Gallery in Franklin Street in the CBD. If any members have the opportunity to visit that exhibition, I would encourage them to do so. The work of 18 young emerging artists was on display, and some of it was really fantastic.

I made a commitment to provide three prizes, called the Minister for Higher Education and Skills Emerging Artist Award, and I had the very difficult decision of choosing three pieces of work to be the recipients of that prize. The prize has a modest financial contribution towards the artist, but more importantly it will mean that those three chosen pieces of artwork will hang in my ministerial office at 2 Treasury Place for the next 12 months.

That is a continuation of what I have done in supporting the Victorian Curriculum and Assessment Authority's Top Arts exhibitions. Those who visit my ministerial office can view some of the very fine work of Victorian certificate of education (VCE) students. I am encouraging and inviting members to have a look at the NMIT exhibition in the Open Space Gallery in Franklin Street or alternatively to pay me a visit some time. I would be happy to show them some of the artistic work of both the VCE students and now also the NMIT students.

I congratulate all those who were involved in the delivery of training programs and the individual artists. I was particularly impressed with the quality of the work of the NMIT diploma of visual arts graduate students and their exhibition. It is well worth a look, and I think NMIT as an institution can rightfully lay claim to being one of the pre-eminent providers of arts training in the state of Victoria. NMIT, for the interest of members, is now 101 years old, having recently celebrated its centenary. It provides training for over 550 nationally recognised qualifications. It is a fine institution and one which is expanding. Again, I congratulate all those students involved in that great exhibition.

PERSONAL EXPLANATION

Minister for Higher Education and Skills

Hon. P. R. HALL (Minister for Higher Education and Skills) — With the indulgence of the house, I want to make a quick statement. It concerns my receipt this morning of a letter from the member for Eltham in the other place, Steve Herbert. In that letter Mr Herbert referred to the answer I gave to Mr Lenders when he asked a question yesterday. Mr Herbert pointed out that I falsely associated him with a comment about a public

servant in an article in the *Age* of 28 October. Having reviewed the newspaper, I think Mr Herbert is correct in saying that it was not him who made the claims in that particular statement to which I referred, but indeed it was Fairfax Media. If that had occurred in relation to a member of this house, I am sure that a withdrawal would have been sought, and so I extend to Mr Herbert the courtesy I would extend to other members of this chamber by withdrawing the comments I made yesterday which incorrectly associated Mr Herbert with a comment printed in the *Age*.

PALACE THEATRE DEVELOPMENT

The PRESIDENT — Order! During question time the Minister for Planning was asked a question with respect to the protection of certain values and heritage aspects of Melbourne's CBD and indeed some of the waterways and so forth. It seems an appropriate time for me to inform the house that on behalf of the Parliament, the Speaker and I have lodged an objection to the Palace Theatre hotel development.

We have done that cautiously because, obviously, the Parliament as such does not get involved in planning issues or indeed policy areas. On this occasion, given the importance of this precinct and the Parliament's position, we were concerned. We undertook some investigation as to what impact that development as proposed might have on the Parliament. We were particularly concerned about overshadowing and some of the impacts on this building and the precinct.

Initially the work we did was on a larger proposal, a taller proposal, and I acknowledge that the proposal has been revised by the proponent. However, our investigation indicated that there would still be some impact on the Parliament building, and to that extent we have lodged our concerns about that development and the impact it may have.

I thought it appropriate that I inform the Parliament of that action.

Sitting suspended 12.57 p.m. until 2.03 p.m.

PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2013

Second reading

Debate resumed.

Mr DRUM (Northern Victoria) — I am part way through my contribution to the debate on the Professional Boxing and Combat Sports Amendment Bill 2013. Earlier I was talking about the reasons why an individual may be automatically prohibited from being granted a boxing promoters licence. I explained that those reasons are: being convicted of an indictable offence and sentenced to 10 or more years in prison, being subject to a control order, being subject to an exclusion order by the Chief Commissioner of Victoria Police in relation to racecourses or the casino or having in another jurisdiction committed any comparable offence, although it might have had a different title. In the case of those types of offences, the chief commissioner would inform the board that it would be inappropriate for that person to obtain a boxing promoters licence.

It is also an offence for any member of the board to disclose that type of information. The bill puts in place safeguards to protect that information. Disclosure would be an infringement under this legislation, and the offence would carry 30 penalty units, which at the moment is equivalent to a $4330 fine. Disclosing such information is a very serious offence. The changes in the legislation will give applicants the comfort they need if they are truly interested in obtaining a boxing promoters licence. A conversation will take place between the Chief Commissioner of Police and the board, and certain information will be passed between the two, and this legislation has been put together in a way to ensure that their information stays confidential. The board will refer an application to the chief commissioner immediately upon receiving it, and the chief commissioner has 28 days to advise the board of his view.

Both the board and the chief commissioner must have regard to what is in the public interest. This is another aspect of the bill that should give Victorians comfort. Each individual will be judged on not just previous offences, reputation and other issues that may be associated with unsavoury individuals but also on a public interest test. These provisions should give everybody comfort that the board will take into account all of the issues.

The bill also provides the board with the ability to cancel existing licences if it determines that an existing licence-holder is not a fit and proper person or that it is not in the public interest for that person to hold a licence. This is also important. The bill is not just about new applicants; it will enable the board to conduct a broadbrush review of existing licence-holders. In Victoria there are some 46 people who hold licences for boxing promotion.

There are a number of other people who work in the sector. The bill introduces controls around timekeepers who may be employed in the operation of a fight.

Previously timekeepers have been associated with the industry but have not needed to be registered or hold a licence. However, with the ever-increasing professionalism of the sport, and with a cloud hanging over the sport as to its integrity, it is important that these integral members of the industry are included in the regulations. About 14 people are regular timekeepers in the state of Victoria at the moment; they will now be registered, receive a licence and have the ability to be a timekeeper and officiate at events.

The bill also puts in place a 12-month time limit for people who have been deemed not to be a fit and proper person or that it not be in the best interests of the public for them to obtain a licence. During that 12-month period they will be ineligible to apply again. This is a common-sense provision. If someone is deemed on a particular day not to be a fit and proper person, it is reasonable to expect that the circumstances will not change overnight. Once a person is deemed to be ineligible for or unsuitable to be granted a boxing promoters licence, they will have to wait a further 12 months before they can reapply. That will certainly save the industry from vexatious applicants who continually front up with application after application, clogging up the system and tying up people's working hours. It will let everybody get on with the job of running the boxing industry.

It is worth acknowledging that many of the other states have similar legislation. I commend the minister for the work that he has done in bringing this bill forward. There is no doubt that this work needed to be done. The bill is necessary because not only is it critical that we ensure that the sport is 100 per cent clean but we also need to have that perception. Unless we can generate confidence in the integrity of industry and change the perception in the broader world so that people see that boxing is a clean game and that fights will in fact be won or lost on their merits, we will continue to be unable to attract the bigger fights to Australia.

That is certainly critical in the state of Victoria. As we continue to build on the state's reputation as a major events host, this is a further opportunity. We have to go back to those glory days when we had fights such as Jeff Fenech fighting Azumah Nelson in a rematch at the Carlton football ground with 45 000 people paying serious money to go along and watch two great athletes. This is seriously a major events issue. It would be incredibly difficult to try to work out what such an event would be worth as a tourism attracter to the city of Melbourne. We have been bereft of such events over the past 10 years or so.

As I said, currently in Victoria 46 people have a boxing promoters licence and 35 people have a matchmakers licence. Promoters and matchmakers work in tandem so that we have the events we see every now and again. The bill provides for a set of circumstances in which a person will be prohibited from holding a licence. Those circumstances will be worked out in consultation with Victoria Police. This is another of the decisions that will not be made on a whim but will be well thought out in conjunction with the police.

Another aspect of the bill that is worth pointing out is that professional boxing does not have a peak organisation such as many of our other sports in this country and this state have. The Australian Football League is a very heavily regulated peak association that effectively governs its sport. Cricket Australia also is very strong on discipline amongst its own people. Crowd control at cricket matches is undertaken by Cricket Australia. Racing Victoria is also a very strong peak association that looks after the integrity of its particular sport. Professional boxing does not have such a peak association. Therefore it is necessary for the government to step into the space and effectively give the sport the protection that it needs so that its reputation can be enhanced once more. It is expected that people involved in professional sport will take appropriate steps to ensure that they operate in a competent and responsible manner. Again, the bill is about not just bringing a higher quality of person into the sport but also making sure that the people in the sport at the moment actively work at promoting the sport, putting on the events and acting in an appropriate manner each and every time.

I understand that Mr Tee had some complaints and said that some of the regulation is overly onerous. Government members do not agree with that. We suggest that the provisions of the bill are legitimate and well weighted, with no overreaching and nothing being underplayed. We believe they fit the current circumstances. We certainly make no apology for putting some more onerous regulation and stipulation around who can and who cannot promote an event.

The probity tests will come into effect as soon as the bill becomes law. Once a person has a promoters licence they will not need to apply for a permit for each individual event. Once a person is considered to have passed the probity test, to be of integrity and a fit and proper person to run a fight event, they will not need to address any additional regulation or submit further paperwork. Once a person has their licence they will be able to set about hosting such events.

At the moment we have a high-quality board running professional boxing. The board members are treated like all directors of government or state entities. Before they are appointed to the board, they must undergo probity and criminal record checks and searches of registers for bankruptcy and disqualification from being company directors. It is worth noting that the members of the board who will be making the decisions that need to be made in concert with the Chief Commissioner of Police have had their own situations looked into.

As I said, the chief commissioner may inform the board that someone may not be of a fit and proper character or it may not be in the public interest for them to have a licence. That information will be balanced with the board's own investigation and the information that the board has at its disposal. Unless the automatic instant prohibition rules come into play, the advice given by the chief commissioner will be taken as just that — that is, it will be given special consideration by the board as advice given. It will be critical that that advice be treated in a confidential manner.

I commend the Minister for Sport and Recreation for introducing the legislation into the house to bring Victoria into line with New South Wales, South Australia, Western Australia and Tasmania and to bring the boxing industry into line with several other industries that have been applying a fit and proper person test for many years. The hope with this legislation is that over time the sport of professional boxing can ensure that all bouts will effectively be decided on merit and that the integrity that was once enjoyed in this industry can be regained.

It will take many years for that to happen. It has taken many years for the reputation of professional boxing to fall to a very low level, and it is going to take years to regain the faith of the average boxing fan. We do not want to see any more debacles like we saw recently in Sydney, where an American fighter went back home claiming that the Australian fight scene is akin to the Mafia-controlled boxing of the old days. That is not the Australian way. It is not the Victorian way. The credibility we have lost over the last decade in the sport of boxing may now have a new beginning based around a new framework. We certainly hope so.

I earlier referred to Les Darcy, the great boxer who was born in the late 1800s and died in 1917 at the age of 21. He was one of Australia's great fighters. He was a middleweight. He was only 5 foot 6 inches tall, but he also held the Australian heavyweight championship. He was certainly someone who put this country on a great footing. He was certainly a different kettle of fish to maybe our best boxer of the day, Anthony Mundine, who may be one of the greatest crossover athletes we have ever had, being an amazing Rugby League player before he then switched across to become a world champion boxer. Les Darcy was very different, but I suppose that is what it is all about. We need to create an industry that will cater for all these different types of boxers and enable the very best to rise to the top on their merits and their merits alone.

Ms HARTLAND (Western Metropolitan) — Because Mr Drum has just given such an amazingly comprehensive outline of this bill I am not going to go into detail. The Greens will be supporting this bill. It is about professional boxing and combat sports. They are dangerous sports, and they need to be well regulated. It is only appropriate that the fit and proper person test apply to people involved in this sport, as it does in New South Wales, South Australia, Western Australia and Tasmania. We can look at other industries where the fit and proper person test applies, such as anything to do with firearms, the gaming industry, liquor sales, private security, real estate agents and motor car traders. All people involved in those activities are subject to fit and proper person tests, so it is quite logical that people involved in boxing and combat sports should also be.

I know Mr Drum will interject on this point and say that the Greens are always bad sports or hate everything, but I personally do not understand the sport. I do not understand why it is that someone would want to be involved in a situation where they are basically being beaten. We need to look at some of the work the Australian Medical Association has done around the long-term effects of boxing and combine that with the sport. This is a bill that goes to regulation. The issues I have with boxing are personal. This is a good bill, and the Greens will support it.

Mrs MILLAR (Northern Victoria) — I am pleased to rise today to speak on the Professional Boxing and Combat Sports Amendment Bill 2013. Professional boxing has a proud tradition as a sport both in Victoria and more generally internationally, but it is fair to say that professional boxing and other combat sports have the potential to be abused if appropriate standards of conduct and professionalism are not further provided. In 1975 Victoria introduced the first statute in Australia to control professional boxing contests and protect the safety of participants. It followed a commonwealth inquiry into boxing and combat sports after the death of a young boxer in Geelong in 1974, which was the same year Muhammad Ali defeated George Foreman in the famous Rumble in the Jungle in Zaire, which was one of Don King's first ventures as a professional boxing promoter. Don King was probably the most famous boxing promoter of all time.

An additional law to control martial arts in Victoria was introduced in 1986 and was subsequently amalgamated with boxing legislation in 1996 to bring all professional contests in the fields of boxing and martial arts under the control of one board. Further amendments in 2001, including a change of name to reflect the focus on professional contests, resulted in a fully integrated scheme for the regulation of professional boxing and combat sports. The Professional Boxing and Combat Sports Act 1985 established a board that, among other functions and duties, licenses people to act as promoters, matchmakers, trainers, judges and referees.

The bill before the house today addresses the current arrangement whereby people must be granted a licence regardless of their character or reputation. Under the current legislation the board must issue or renew a licence to any person who has submitted the correct paperwork and fee; has an appropriate knowledge of the act and its regulations, as well as the rules of the sporting contest; and agrees to comply with any conditions that would be placed on a licence. This is at odds with a number of other states, including New South Wales, South Australia, Western Australia and Tasmania, which require fit and proper person tests as part of the regulatory framework for professional boxing and combat sports.

The Victorian coalition government is committed to ensuring that professional boxing and combat sports are run by people of good character and reputation. This already applies to a wide range of sports and professions and is in line with community expectations. The bill rectifies the current situation by giving the board discretion in issuing licences so it can consider whether a person is fit and proper, as well as considering the public interest, when it decides whether a person should hold a licence to operate in the industry.

The term 'fit and proper person' is as defined under common law. In the High Court of Australia's 1990 decision in *Australian Broadcasting Tribunal v. Bond* (1990) 170 CLR 321, the court was of the view that the expression fit and proper person 'takes its meaning from its context, from the activities in which the person is or will be engaged and the ends to be served by those activities'. Further in that decision, the court said:

> The concept of 'fit and proper' cannot be entirely divorced from the conduct of the person who is or will be engaging in those activities. However, depending on the nature of the activities, the question may be whether improper conduct has occurred, whether it is likely to occur, whether it can be assumed that it will not occur, or whether the general community will have confidence that it will not occur. The list is not exhaustive but it does indicate that, in certain contexts, character (because it provides indication of likely future conduct) or reputation (because it provides indication of public perception as to likely future conduct) may be sufficient to ground a finding that a person is not fit and proper to undertake the activities in question.

Under this bill the board will be the decision-maker which applies these standards to the context.

The bill amends the criteria for issuing licences to participate in the professional boxing and combat sports industry as a promoter, matchmaker, referee, judge or trainer by allowing the Professional Boxing and Combat Sports Board to determine whether a person is a fit and proper person to hold a licence and whether it is in the public interest for that person to hold a licence. The number of persons likely to be affected is currently less than 400 and includes 46 licensed promoters, 240 trainers, 35 matchmakers, 43 referees and 40 judges. It is important to note that the bill does not apply to the approximately 1100 registered boxing and combat sport contestants in this state, as contestants are considered to have less potential to adversely affect the reputation of professional boxing and combat sports.

The bill will require timekeepers to be formally licensed rather than merely being listed by the board, as is the current practice, so that the role of timekeeper is subject to the same probity considerations as other roles relating to professional contests. In operation, the board will give regard to available information relating to a person's character, honesty, probity and reputation and may include financial matters as well as criminal activity. The bill provides for application forms to be changed to allow the board to obtain relevant information from applicants when they apply for a licence and to request any further information prior to making a decision.

Under clause 5 the bill defines circumstances whereby a person is automatically prohibited from obtaining or holding a licence under the act. These circumstances include being convicted of an indictable offence and sentenced to imprisonment for 10 or more years; being subject to a control order under the Criminal Organisations Control Act 2012, either as an individual or as a member of a declared organisation; being subject to an exclusion order by the Chief Commissioner of Police in relation to a casino or racecourse; and comparable convictions and sentences, as well as comparable orders, in other states or territories. New section 6A inserted into the principal act by clause 6 of the bill allows the board when considering the probity of applicants to refer applications to the chief commissioner, who must provide advice to the board within 28 days. The board must give special consideration to advice that indicates an applicant is not a fit and proper person or that it is

not in the public interest to issue a licence, and the chief commissioner must give reasons to the board so that it can rely on that advice when making its decision.

The bill includes provisions to protect any sensitive information used by the chief commissioner when providing advice to the board in the event that the board's decision is reviewed by the Victorian Civil and Administrative Tribunal (VCAT). It is also important that criminal intelligence remains confidential, as to release it publicly, or even to the applicant, may compromise an ongoing police investigation or the safety of investigating officers. Confidentiality will also avoid abuse of the licensing and appeals regime by those seeking to discover what criminal intelligence is held by Victoria Police in relation to themselves or others. If VCAT receives an application to review a decision made by the board to refuse, to not renew or to cancel a licence, it must ask the board whether the reasons for its decision were based on advice provided by the chief commissioner, and if that is the case, VCAT must then ask the chief commissioner if any of the advice provided to the board was based on protected information. If advice provided by the chief commissioner was based on protected information, then VCAT must follow special procedures to protect that sensitive information.

These procedures are largely based on provisions in the Private Security Act 2004, and they were developed in consultation with VCAT. The special procedures include appointing a special counsel to represent the applicant and also the board if it is not privy to any protected information and it is conducting all or part of the hearing as a closed session. There are also measures to prevent the release of protected information when VCAT makes its decision. The board can change its decision at any time before VCAT makes a final determination on its review of the board's decision, or the chief commissioner may ask the board to reconsider its decision without the benefit of protected information. Either action will result in the VCAT proceedings being brought to a close, which will provide a final recourse to protect sensitive criminal intelligence.

The bill provides for the board to vary, suspend or cancel existing licences if it determines that an existing licensee is not a fit and proper person or that it is not in the public interest for that person to continue to hold a licence. To prevent these proposed provisions being easily circumvented the bill creates a duty for a licensed promoter to neither employ nor enter into a business relationship or arrangement relating to a professional contest with any person who has been refused a licence or has had their licence cancelled because they are not a fit and proper person to hold a licence or because it is not in the public interest for that person to hold a licence. Likewise, a person who has been refused a licence or has had their licence cancelled because they failed to meet probity requirements will be barred from reapplying for at least 12 months. People who are automatically prohibited will be able to reapply only if their circumstances change and they are no longer prohibited from obtaining or holding a licence under the act.

This bill will ensure that professional boxing and combat sports meet the standards of professionalism expected in many other sports and business activities — standards which are firmly supported by the public. The principle here is that professional boxing and combat sports must not only be seen to be clean sports but also be clean sports. It is important that the Victorian community has confidence in the sports. I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I rise to make a few remarks in support of the Professional Boxing and Combat Sports Amendment Bill 2013. The purpose of the bill is to amend the Professional Boxing and Combat Sports Act 1985 in order to strengthen controls relating to the probity of industry participants. Specifically the bill requires that certain specified requirements be met by a person before a licence can be issued to or renewed by the person under that act, provides for the cancellation or suspension of a licence under that act if certain specified requirements are not met by a licence-holder, requires a person acting as a timekeeper to be licensed, enables the Chief Commissioner of Police to provide advice to the Professional Boxing and Combat Sports Board in respect of a person applying for or holding a licence under that act and makes a range of consequential and other amendments to the Casino Control Act 1991 and the Racing Act 1958.

What is the purpose of the legislation? We are a sports-loving nation, both in terms of viewing and participation. Many sports have oversight bodies — for example, the Australian Football League, Cricket Australia and Racing Victoria. Having an oversight body is even more important when there is betting involved in order to make sure that corruption is minimised or eliminated and the integrity of the sport is protected. I believe in the integrity of all sport, whether there is betting involved or not. I am a strong opponent of the use of performance-enhancing drugs in sport by people of any age, and I think our aspirations should always be to keep our sports clean, irrespective of the temptations. Of course there is big money involved, and that is why it is so important, especially where there is

betting involved, that we have the utmost faith in the integrity of the sport and that we keep corrupt elements out. All of the overarching sports bodies have policies and procedures relating to safety and integrity, with each of those bodies adopting an approach and a structure that reflects the individual characteristics of that sport.

Although I am not a great lover of boxing and combat sports, I know that many people are, and there are certainly a lot of sporting idols. Mr Drum went through a number of Australian boxing idols, who are much admired in the community. A local idol in my area is Johnny Famechon, who lives in Frankston. Recently I attended a fundraising dinner that was organised in his honour with a view to raising money to build a life-size bronze statue of him. There was a great turnout for the event, particularly from the boxing fraternity. There are many people who are much admired for what they have achieved. Many of them have come from fairly disadvantaged backgrounds to rise to the pinnacle of their sport and earn the admiration of the nation.

Professional boxing and combat sport is a unique sector, and unlike other sports has no single body with oversight of it. This is one of the reasons the government has the role of regulating the industry to promote safety, reduce the risk of malpractice and, following the passage of the bill, hopefully to uphold the integrity of the sport. I commend the Premier, Denis Napthine, and the Minister for Sport and Recreation, Hugh Delahunty, for bringing this legislation to the Parliament. I think it will go a long way towards upholding the integrity of Victoria's professional boxing and combat sport industry.

The legislation responds to concerns that people of questionable character can enter the sport unchallenged. The proposed amendments will address an issue with the Professional Boxing and Combat Sports Act 1985, which provides that people must be granted a licence regardless of their character or reputation. That is unheard of in any other sporting endeavour. It has the potential to give the impression that it is acceptable for people of questionable character to be involved in professional boxing and combat sports, which is clearly out of step with community expectations. The bill will rectify that by giving the board discretion in the issuing of licences, so that it can consider whether a person is a fit and proper person — and there is case law to define that — as well as the public interest when it decides whether a person should hold a licence to operate in the industry.

This obviously represents an important shift from current arrangements. As mentioned, the board currently has no choice but to issue a licence to a person who can demonstrate that they have the knowledge and the skills to run a boxing or combat sporting contest no matter what that person's character or reputation may be. The proposed changes include some very good integrity measures, including probity checks of promoters. A lot has been said about one particular individual, whom it has been speculated this legislation is somehow intended to target. I reject that outright. The proposed legislation also includes probity checks of matchmakers, referees, judges, trainers and timekeepers. It also proposes automatic bans for people holding a professional boxing and combat sports licence based on specific criteria and provides for the board to be able to obtain advice from Victoria Police on the probity of applicants and licence-holders. As is the case in relation to all sports, the government wants to know that all licenced participants in the sector are of good character and good reputation. It is critical that the board have the regulatory powers to make these licensing decisions, which are a reflection of community expectations.

I do not intend to speak on this bill at any great length, but I want to commend Victoria Police and the Professional Boxing and Combat Sports Board for their hard work and assistance in developing these changes, which have been the product of much discussion and research in order to find the best way of addressing the concerns of the sector. I have no doubt these measures will be successful. Both organisations charged with responsibility for this sector will have an integral role in ensuring that these sports meet our highest expectations of probity, and I wish the bill a speedy passage.

As I said, the board will have discretion in issuing licences, so that it can consider whether a person is a fit and proper person as well as the public interest angle when it decides whether a person should hold a licence to operate in the industry. These amendments have been prepared diligently in response to a number of reviews. It is not proposed that the bill increase any fees or penalties. In relation to those currently set out in the Professional Boxing and Combat Sports Act 1985, changes in the bill will result in timekeepers being formally licensed by the board rather than being entered on a list, but an application fee is not being set for timekeepers at this time. An application fee for timekeepers will be established in 2014 through a regulation impact statement.

The bill also proposes to add one new offence to the Professional Boxing and Combat Sports Act which will allow a fine of up to 30 penalty points, which represents $4330.80 at the present time, to be imposed if a member of the board or an employee of the department

inappropriately discloses any information relating to the probity of an applicant or licence-holder. The bill also proposes to add to the duties of promoters under section 13 of the act, the breach of which is subject to an existing offence with a fine of up to 120 penalty units — that is $17 323.20, based on the current value of the penalty units — or up to 12 months imprisonment, or a combination of both.

Mrs Millar outlined the number of people who would be affected by the changes. Approximately 320 people currently hold licences to operate as promoters, matchmakers, referees, judges and trainers under the act, including more than 60 people who are licensed to undertake more than one type of role. Probity checks will also apply to timekeepers. In 2013, 14 people have been used as timekeepers with the board's permission. There are approximately 46 current licence-holders who are promoters, 35 who are matchmakers, 43 who are referees, 40 who are judges and 240 who are trainers. The total number of licences is 404, so it is a substantial number of people.

Are there any existing licensees who are prohibited persons? I do not believe anyone is aware whether any licence-holders would be prohibited persons under the proposed changes, as neither the board nor the department have the power to seek that information from Victoria Police in order to make that determination. But no doubt we will have the machinery in place to be able to do that — to sort the wheat from the chaff in order to protect the industry and make sure that it keeps out any corrupt practices and is hallmarked by practices consistent with our expectations of sport, especially where there is betting involved and where human life can be endangered. With those few words, I commend the government for bringing forward this legislation to protect the integrity of the sport. I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak in the debate on the Professional Boxing and Combat Sports Amendment Bill 2013. I should put on the record at the start of my contribution that I do not necessarily like boxing as a sport. I have got a little bit of a thing about grown men standing in a wired-off ring punching the you know what out of each other. To be honest, I am not sure I am that excited about it. But I do recognise that it is a sport, that there is an element of fitness to it and that people enjoy both participating in and watching boxing, so I am not going to make any value judgement about that other than to personally say that I am not a big fan of being punched in the head by somebody else.

This bill will amend the Professional Boxing and Combat Sports Act 1985 to provide for the board to consider the probity of industry participants, with the objective of upholding the integrity of the professional boxing and combat sports industry whilst maintaining a balance with the act's current purposes of controlling professional boxing and combat sports, reducing the risk of malpractice and promoting safety. It is a sport in which we should encourage more safety. It is an opportunity for younger Australians, boys in particular, to find a way of dealing with their rush of enthusiasm in a safe, respectful manner.

This bill amends criteria for issuing licences to participate in the professional boxing and combat sports industry, including the roles of promoter, matchmaker, referee, judge and trainer, by allowing the Professional Boxing and Combat Sports Board, which I will refer to as the board, to consider whether a person is a fit and proper person to hold a licence and whether it is in the public interest for that person to hold a licence.

The bill defines circumstances whereby a person is automatically prohibited from obtaining or holding a licence under the act. The circumstances that I am talking about include the following: being convicted of an indictable offence and sentenced to imprisonment for 10 or more years; being subject to a control order under the Criminal Organisations Control Act 2012, either as an individual or as a member of a declared organisation; being subject to an exclusion order by the Chief Commissioner of Police in relation to the casino or racecourses; and comparable convictions and sentences, as well as comparable orders, in other states or territories of this country.

The bill also includes provisions to protect sensitive information used by the chief commissioner when providing advice to the board in the event that the board's decision is reviewed by the Victorian Civil and Administrative Tribunal. There are some things that should remain with the police commissioner. These provisions are similar to existing statutes and have been adapted to reflect the fact that the chief commissioner provides advice to the board, which is the decision-maker.

The bill also makes several amendments to the act in order to facilitate its overall objective, including new powers for the chief commissioner to share information with the board, controls for disclosure of information relating to probity by the board and staff of the department, and repeal of powers relating to the delegation and review of decisions that will no longer be appropriate once this act is amended.

Simply, this bill proposes to protect the integrity of boxing and combat sports. It is about sending a very clear message to not only all those involved in these types of sports but also other people involved in the various codes of sports that we play, support and promote within Victoria. We want to make sure that they are protected, because Victoria has a great history when it comes to sport.

Victoria is known as the sporting state in Australia. Melbourne is known as one of the sporting capitals of the world — with the AFL Grand Final, the Boxing Day cricket test, the Australian Open Tennis Championships, the Australian grand prix — and there are a wealth and range of other fantastic activities that happen here in Victoria. Sport is a very big business when it comes to tourism, and Victoria has a significant reputation not only in Australia but across the globe with its capacity to share, embrace and celebrate sport.

For a period of my career I was a manager at the then State Electricity Commission of Victoria in Broadmeadows. We had a problem in our poles and wires business of young people with too much time on their hands getting the old magnetic cassette tapes and throwing them over the top of our electricity wires. It set off a beautiful flurry of activity — sparks, fireworks — and the kids really enjoyed it. What it did to our business was horrific, with power outages, trucks on the roads and our work people trying to identify where the problem was. The problem was that there were too many kids wandering around the area with not too much to do. So we decided, with the local community, to build a gym and boxing ring. We were pleased when Jeff Fenech, the great Australian boxer, came down to help us open that boxing ring. It provided a new facility for kids to be occupied, to improve their fitness and to improve their respect for each other. It helped our business to operate much more efficiently. This is an important bill because we want good people operating in sport, not the not-so-good people. I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — I am pleased to make my contribution to the Professional Boxing and Combat Sports Amendment Bill 2013. I congratulate the government and the minister in particular on bringing the bill to the house. So much rides on this. I am not quite aligned with some of the comments that Mr Ondarchie just shared with us. I am quite fulsome in my support of boxing, especially when it is correctly regulated. This amendment to the Professional Boxing and Combat Sports Act 1985 goes a long way towards making sure that things are fairer and safer and that the kinds of corrupt practices and malfeasance that have become legendary in certain sports and have in some ways tainted boxing, can be eradicated. This is a most commendable amendment to the act.

So many young people who have had problems with their self-esteem and have mixed with the wrong people and come from areas of disadvantage and so on have been put on the straight and narrow when they have been taken under the wing of and been able to train in boxing gymnasia, because they have gained pride and it has boosted their self-esteem. Boxing is legendary; it has had tremendous drawing power, particularly for young men, for as long as the Marquess of Queensberry rules have been in place. I can think of some examples, especially of some young men I had the opportunity to teach in the 10 years I spent at the Box Hill Institute of TAFE. Some of them who had difficulties in life and came from a disadvantaged background saw a lot of benefits derive from boxing, and I applaud the sport.

People who box competitively as well as in amateur competition have to be some of the fittest people on earth. I really admire what they do to get themselves into shape. When I was looking to be a fit person myself, my personal trainer put me through a lot of Boxercise, but I hung up my gloves after I broke my leg — —

Mr Leane — I'm glad to hear that!

Mrs KRONBERG — I used to have a reasonable right jab and left hook, which might surprise some people in this chamber. I am quite passionate about the sport and the benefits it can bring to people. I think there is nobility in the sport of boxing, even though some of its negative aspects have obviously been highlighted. It is a great sport for all who want to stand and deliver.

I will get down to some of the technicalities. The fundamental change proposed in the bill is to give the Professional Boxing and Combat Sports Board scope to consider whether a person is fit and proper to hold a licence. Of course there is one particular personality who has had a high profile and their ongoing role has been the subject of conjecture. The bill allows the board to assess whether or not it is in the public interest for a person to hold a licence in the first place. The proposed changes include probity checks — that is a no-brainer — for promoters, matchmakers, referees, judges, trainers and, importantly, timekeepers will be brought under this jurisdiction. We know there can be a little bit of malfeasance from time to time by timekeepers, no matter which sport they are providing that discipline for. The changes also include automatic bans from holding a professional boxing and combat sports licence based on specific criteria, and an ability

for the board to obtain advice from Victoria Police on the probity of applicants and licence-holders.

The amendments address a problem in the Professional Boxing and Combat Sports Act 1985 where people can be granted a licence regardless of their character or reputation, which can drag the sport down and blacken its often noble and rehabilitative capabilities. A lot of communities come together for the sport. The community certainly stops when our boxers are on the world stage. It seems like everybody in the country stops when some of those people compete in international competitions and bring home world championship belts.

People believe the act sanctions people of questionable character who are involved in professional boxing and combat sports, which is clearly out of step with community expectations. People want the sport to be legitimised so parents are happy for their children to take part in it and continue to focus their training and the development of their self-esteem under the tutelage of competent and mentoring trainers so their personal growth strategy is brought to bear. The last thing we want is anybody interfering with that process, particularly if children want to take it to the next stage and enter competition and maybe take the gigantic step into the professional arena.

In essence, the bill rectifies that situation by giving the board discretion in issuing licences so it can consider whether a person is fit and proper, as well as applying the public interest test when it decides whether a person should hold a licence to operate in the industry. That is important, because one of the things that makes my blood run cold is the mixed martial arts competitions we see, where some of the conduct is a bit unbridled. I will confess to spending the best part of a decade following karate tournaments around the country, so I have seen a bit of contact sport in my time. But cage fighting clearly takes it into another league.

The amendments have been prepared with a specific purpose, which is to uphold the integrity of the industry by strengthening controls for the licensing of industry participants. Back in December 2008 the then minister responsible for the act, the Minister for Sport, Recreation and Youth Affairs in the previous government, determined that cage fighting and contests conducted in enclosed rings, such as the Octagon used in the Ultimate Fighting Championship, were combat sports for the purposes of the act. The minister wrote to the board in 2008 seeking its continued cooperation in not issuing permits for any event that includes cage fighting. I say amen to that. Such contests become gladiatorial.

The disciplines involved and the respect for the Marquess of Queensbury's rules, which we applaud when we see our athletes competing in boxing tournaments such as the Olympics, are distorted by the extreme conduct of these combative sports. This position currently remains in effect, and that is very comforting. The board issues permits for professional mixed martial arts contests, so long as these events do not contravene the position that has been held since 2008. Each year between 10 and 20 professional mixed martial arts events are conducted with the board's approval.

This legislation introduces some new offences. One new offence is added to the Professional Boxing and Combat Sports Act 1985, which will allow a fine of up to 30 penalty units, at $4330.80 per unit, to be imposed if a member of the board or an employee of the department inappropriately discloses any information relating to the probity of the applicant or licence-holder. The bill also proposes to impose a fine of up to 120 penalty units on promoters, under section 13 of the act, which is subject to the existing offence. That should get their attention. Each penalty unit is $17 323.20 for the current value of the penalty units or up to 12 months imprisonment, or a combination of both. Having delivered some opinions and compliments about the importance of this amending bill, I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

WORKPLACE INJURY REHABILITATION AND COMPENSATION BILL 2013

Second reading

Debate resumed from 17 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PULFORD (Western Victoria) — This legislation is the latest chapter in a long history of conservative governments seeking to diminish the rights of injured workers and Labor governments seeking to stop them from doing so, or restoring those rights as required. In 1985 in this house the Accident Compensation Act 1985 was passed, and that only occurred because there was a tiny window in the history

of the Victorian Legislative Council when the Labor Party had a majority and was able to pass legislation such as the Residential Tenancies Act 1986, the Occupational Health and Safety Act 1985 and the Accident Compensation Act 1985. It was a busy little window indeed, and some enduring reforms were passed.

That legislation has been amended many times over the years, including most memorably when the Kennett government thought it would be okay to do away with the common-law rights of seriously injured workers. The community was outraged. Of all the extraordinarily arrogant acts of the Kennett government, this was probably the one that most crystallised in the minds of working people in Victoria that this was not a government that was on its side. The amendment of this legislation was one of the key pledges made by Steve Bracks in 1999, and I believe it is one of the reasons that Victorians on that occasion decided to change the government.

This legislation gives effect to the government's commitment to oversee a rewrite of an act that has over the years become very complicated. This is a complex area which deals with a complex set of issues, but amendments over the years had made it pretty clunky. The government undertook to rewrite the legislation, and when it did so the government said this would occur in a way that had no detrimental effect on workers benefits.

On behalf of the Labor Party, my colleague Robin Scott, the member for Preston in another place, outlined what we believe are the three clauses in this legislation — and I note it is a very big piece of work — where the effect of the rewrite is not consistent with the government's statement that no-one's access to compensation would be diminished by the rewrite. Mr Scott and his colleagues in the lower house and some of our friends in organisations that work with and help injured workers to access their compensation rights are to be credited with having initiated amendments that were supported by the government in the Legislative Assembly in the last sitting week. It is an unusual thing in this Parliament for the government to accept opposition amendments, but in this case it did. I would suggest that that was an acknowledgement that these were useful improvements that would enable the government to fulfil its commitment to rewrite the act in a way that did not have a negative impact on benefits.

One of the great motivations for me personally in becoming a politician was around the issue of the removal of common-law rights for injured workers. As members of Parliament, members of the community, people in unions, people in workplaces and people involved in campaigns in community organisations right across the state know, there are lots of different ways to effect change. But there was a period of a couple of years where day in, day out my job consisted of explaining to people who had been injured at work the difference between what the law said on the one hand and their idea of fair and just compensation on the other. In taking any phone call from an injured worker, the very first question would always have to be, 'What date were you injured on?'. We had a scheme where somebody injured on one side of the cut-off date had access to common-law rights, statutory benefits and a weekly payments regime from another era, and people injured literally on the other side of that date had a vastly different set of rules. This inconsistency is one of the things that made the legislation very complicated.

I think that any legislation around people's benefits or rights where, to provide advice to people about a situation that applies to them, you first have to know the answer to the question of what date the bad thing happened is a pretty inelegant way for legislators and institutions like the Victorian WorkCover Authority to be providing a scheme, in this case, or some type of legal resolution that is at least logically consistent.

I personally was struck by the power of legislators to do really bad things or to do really good things. I always welcome the opportunity to talk about injured workers when it presents itself in this place, which it does from time to time, because for many years this was the work that I did. The impact of an injury on a person's life is the kind of thing that can never be seen in statistics, actuarial assessments, annual reports or claims assessments. The consequences for the friends, family and workmates of people who have been badly injured at work are profound, and it is really important that we get this right. It is important that the government has consistently said that it will not seek to diminish the benefits for injured workers. The amendments that my colleague Robin Scott moved in the lower house hold the government to that commitment and give proper effect to it, and that is a very good thing.

The stability of the scheme is very important. The Labor Party is proud of its record in government of being able to walk and chew gum in relation to workers compensation, reducing premiums on six occasions, reducing the burden on Victorian employers, increasing and improving benefits in a number of ways and ensuring that this occurred with a viable and robust scheme. A great deal of effort also went into prevention. Prevention is, of course, the most important thing. Somebody not getting injured — that has got to

be our goal all of the time. A great deal of work has been done in Victoria over a number of years now in terms of community awareness campaigns around the importance of safety at work and the need for people to speak up if there is a lack of safety in the workplace. I certainly encourage the government to continue to support those kinds of campaigns, some of which have been very powerful. I note that around 42 000 workplace visits by WorkSafe occur each year in Victoria to promote and encourage safe work practices. It is always so much better to avoid the injury.

The three clauses of the legislation that were amended in the lower house are clause 20, which the Labor Party believed could be used to stall the resolution of lump-sum impairment claims and deny seriously injured workers the ability to initiate their common-law claims; clause 313, which it believed would undermine the judicial oversight of medical panels and reduce the capacity for injured workers to seek judicial review of medical panel opinions; and clause 269, which proposed to remove the protection of the Harman rule of evidence, meaning that in some contested aspects of claims certain evidence could be used in serious injury applications and/or common-law actions. These issues were resolved by the amendments that were moved by Labor in the lower house.

The other thing I would note is that in relation to the issue around medical panels, the government was seeking to undermine a matter before the High Court. The *Kocak v. Wingfoot* matter is on appeal. The decision made it clear that medical panel opinions are subject to judicial review. This matter is before the High Court. We believe the Napthine government's attempt to pre-empt the High Court decision in this matter was really inappropriate, and that was something that we sought to resolve.

This legislation has been improved. Anything that makes workers compensation a little less complicated and convoluted without diminishing benefits can only be a good thing. It is an incredibly complex area, and it has profound consequences for people's lives and livelihoods. I have no doubt that those involved in the rewrite of this complex legislation had an enormous job. As I said, I commend the work of my colleague Robin Scott in holding the government to its promise to undertake this review without diminishing the rights of workers.

As I said at the outset, the Labor Party has consistently sought to provide an effective safety net for people who are injured at work. The Liberal Party's record on this matter has at times in Victorian history been absolutely shameful. This is something we have vigorously fought about across the chamber in other parliaments. However, this is perhaps not an occasion for a vigorous fight about workers compensation, because the matters on which we disagreed were resolved in the other place.

With those words, I urge all members to spare a thought for the people who are living the experience of a workplace injury. I wish them all the very best in their recovery and rehabilitation. I am sure all members will join with me in committing to the Victorian community that we will continue to be vigilant about workplace safety and continue to encourage employers and employees alike to avoid injuries in the first place.

Mrs MILLAR (Northern Victoria) — I am very pleased to rise to speak today on the Workplace Injury Rehabilitation and Compensation Bill 2013. This bill honours a coalition government election commitment to streamline and consolidate the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 into a single act that is simpler and easier to use. The new bill translates the current legislative framework for workplace injury and compensation into a format that is more user friendly for both workers and employers.

This bill delivers on the government's commitment to reduce the regulatory burden associated with workers compensation legislation, making it easier for both employers and workers to access the legislation and understand their rights, obligations and responsibilities. This is important in the framework of the current legislation, which is widely acknowledged in both the courts and the community to be complex, cumbersome and unduly complicated.

Calls for a recasting of workers compensation legislation into a consolidated and simplified form have occurred over a significant period, including in the 2008 final report of an independent review of the Accident Compensation Act 1985 undertaken by Peter Hanks, QC. The first recommendation was to recast Victoria's accident compensation legislation into a comprehensive act, arranged logically and expressed in plain language. This bill brings that recommendation to fruition.

Working as I did in the field of human resources and industrial relations over a period of 25 years, this is an issue which is dear to my heart. I have witnessed firsthand on many occasions the anxiety and frustration of both injured workers and their family members and also those of employers in seeking to navigate the complexity of workers compensation legislation and the workers compensation system. As Ms Pulford just said

in her contribution to the debate from the other side of the chamber, workplace injury has a real and profound impact. Working closely with affected parties, both the workers and the employers, leaves a real and abiding impact. The impact is real, frequent and burdensome. The opportunity to reduce some of this very real frustration and anxiety can be realised through this bill before us today.

The value of reducing this anxiety to members of our community who are certainly otherwise experiencing great difficulties in their day-to-day lives is immeasurable. Workplace safety and rehabilitating and compensating those who have had serious workplace injuries is important to all Victorian workers and employers. Although Victorian workplaces have never been safer, many Victorians are still affected by workplace injury every year, and the importance of the workers compensation legislation to the Victorian community cannot be overstated. Tragically, there are also deaths occurring in Victorian workplaces, and that is something which we must all work to eliminate. This is something to which I believe all Victorians are very strongly committed.

In debating this bill, it is of much significance to note that the bill does not change the type or rate of benefits available to injured workers, nor does it change the way that premiums are calculated. This principle underpins the new bill and is an important assurance for the community.

The bill consolidates the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 into a single piece of legislation. Matters regarding compensation, rehabilitation, return to work, dispute resolution, self-insurance, WorkSafe insurance, premiums and the administration of the WorkCover scheme will all be contained in one act. The bill will restructure the legislation, remove or streamline obsolete and redundant provisions, identify opportunities to streamline compliance requirements and improve the readability of the legislation. Importantly, the rewrite has been undertaken on a no-benefit-change basis.

The bill simplifies the legislation and makes it easier to access and understand. Some of the key improvements are: a more logical structure and sequence has been established; the style and language of some outdated provisions in the legislation has been modernised; and various provisions have been restructured to make them easier to read and understand. Flow chart diagrams in the bill provide a visual snapshot to aid understanding of various processes which are described in the bill. Various redundant or superfluous provisions have been removed.

The bill includes a number of minor amendments aimed at removing ambiguities, clarifying the intention of various provisions and correcting a number of drafting anomalies. The bill also includes a number of minor policy changes that improve administrative processes or reduce scheme costs and the regulatory burden. As noted above, none of these amendments impact in any way on the entitlements of injured workers.

This bill will replace the Accident Compensation (WorkCover Insurance) Act 1993, which will be repealed entirely. Relevant provisions from that act have been consolidated into the bill to create a single, streamlined piece of legislation. This means that compulsory workers compensation insurance and payment of premiums will now be determined according to the provisions of the bill.

The bill will apply to workplace injuries and deaths arising from or in the course of employment on or after the commencement date. If this bill becomes law, it is expected to become operational on 1 July 2014. The existing benefits schemes in the Accident Compensation Act 1985 will be retained for workers with injuries arising before that commencement date.

In future all claims will be made under this legislation, whether for compensation under the new act or under the Accident Compensation Act, which will continue in a substantially reduced form. Entitlements for claims will then be determined according to the relevant benefits scheme in place at the date of injury. A small number of claims for injuries that arose before 12 November 1997 will continue to be lodged under the Accident Compensation Act.

The premium provisions in this bill set out the new premium legislative framework under which all employers are insured for WorkCover claims through the operation of the act rather than under a contract of insurance. The bill will apply to all employers who are required to pay premiums pursuant to the bill for the 2014–15 premium year, as well as employers who are exempt. The Accident Compensation (WorkCover Insurance) Act will be repealed upon commencement of the bill but will continue to apply to employers who have an obligation to pay premiums before the commencement of the bill.

Various provisions setting out entitlements and obligations for certain older periods of time will be retained in the Accident Compensation Act. There are

approximately 20 different benefit schemes that govern claims for compensation under the Accident Compensation Act. Various complex transitional rules applying to existing benefits schemes will also be retained in the Accident Compensation Act such as the transitional rules relating to the calculation of pre-injury average weekly earnings and the calculation of weekly payments. While the Accident Compensation Act will be retained as a benefits scheme for injuries arising prior to the commencement of the bill, a large number of provisions in the Accident Compensation Act will be repealed where it is unnecessary to have two sets of provisions covering the same matters.

The bill includes a number of administrative and minor reforms to remove ambiguities and correct drafting anomalies, improve administrative efficiency and reduce the regulatory burden for workers, employers and others. As an example of that, part 2 of the bill provides that in the circumstance where a worker does not supply a medical certificate when lodging their claim form, as required by the legislation, the worker will now be able to attend conciliation to resolve their claim instead of having to go to court to do so. This is a significant improvement, reducing burden on the courts and stress and anxiety for the parties concerned.

Three changes have been made to the return-to-work provisions in part 4 of the bill. The first change is to address a contradiction in how the employer's obligation to return a worker to work after an injury is expressed in the legislation. A contradiction has been removed to make it clear that the one-year period in which an employer is required to return a worker to work includes any time during which a worker is not fully fit for work. Again the benefit of this is apparent.

The second change addresses an anomaly arising from provisions that govern where an employer disputes a return-to-work improvement notice. Under the Accident Compensation Act, these provisions meant that where an employer disputes a return-to-work improvement notice, the one-year period in which an employer is required to return an injured worker to work would continue counting down. The bill addresses this anomaly and makes clear that the period in which a worker must be allowed to return to work does not include any period in which an improvement notice is disputed. Another change in part 4 of the bill is to clarify that the return-to-work obligations of workers are only enforceable 'to the extent reasonable'. This will then be consistent with how the return-to-work obligations of employers are expressed under the legislation.

There are a small number of minor changes to clarify benefit provisions and to address any existing anomalies. They include a change to the pre-injury average weekly earnings provisions to ensure that workers who take leave at less than their full rate of pay prior to being injured have their pre-injury average weekly earnings calculated based on their normal rate of pay — that being an important clarification. The bill makes clear that where a worker is engaged in employment, but does not have a current work capacity because their employment does not constitute suitable employment within the meaning of the bill, their weekly payments must reflect the income they are earning from their employment.

The bill also ensures better decision making in relation to impairment benefit claims by making clear that these claims may be suspended where insufficient factual information has been provided to support such a claim. The bill addresses an important anomaly arising under the Accident Compensation Act where a partially dependant partner of a deceased worker is excluded from compensation. The bill makes clear that partially dependant partners are entitled to share in compensation whether the deceased worker has full dependants or no other dependants at all.

Minor changes have been made to medical panel procedures in order to improve the efficiency of medical panel referrals. The changes include amendments relating to time limits for the submission of material to a medical panel after a matter has been referred. The bill clarifies that the requirement for a medical panel to give written reasons for its medical opinion means that the standard of those reasons should reflect a tribunal of medical experts. This will ensure that a medical panel's reasons cannot be challenged on the basis that they are inadequate and will allow panels to continue to operate efficiently and effectively.

All employers will be covered by WorkCover insurance under the bill and will be required to be registered with the authority. The bill introduces a right for employers to seek review of their premium notices at the Victorian Civil and Administrative Tribunal if they are dissatisfied with the authority's review decision. That right complements the existing right employers have to seek review in the Supreme Court.

A regulatory impact assessment undertaken by PricewaterhouseCoopers has found that the bill is expected to reduce administrative costs by an average of $2.3 million per annum over the first 10 years following implementation. That includes savings for WorkCover insured businesses and claims agents, who will spend less time referring to legislation in relation to

claims, premiums and other obligations. That represents a significant benefit to Victoria and further supports the case in favour of this bill.

In conclusion, Victoria can be justifiably proud of its record in reducing the incidence of serious workplace injuries and its commitment to continue to reduce workplace injury into the future. Victoria's workplaces have never been safer in terms of injury rates. Victoria recorded a record low injury rate in 2011–12. Additionally, the premium cut announced by the government for 2012–13 further enhances Victoria's position as having the lowest average workers compensation premiums in Australia and the lowest average rate in Victoria's history. The government is proud of its achievements in maintaining safe workplaces and low premiums, while still providing quality benefit support for injured workers.

This bill will further strengthen the workers compensation scheme in Victoria by providing simplified legislation that will make it easier for employers and workers to understand their important rights, responsibilities and obligations. The bill will also reduce administrative burden on employers and improve the efficient delivery of compensation to injured workers. This improved legislation will consolidate Victoria's position as the leader in workers compensation in Australia. I commend the bill to the house.

Mr MELHEM (Western Metropolitan) — I welcome the introduction of the bill to the house. I also welcome the government's change of heart in accepting the amendments to the bill that were put forward by my colleague in the other place, Robin Scott, the member for Preston. In its original form the bill would have taken away some rights enjoyed by injured workers under the current legislation. However, this bill does a lot of good things, and that is why the Labor Party is supporting it in its current form.

I want to make some comments about workers compensation and the bill. In my previous job I was involved in representing injured workers for over 23 years. I know what it is like for injured workers and their families. The injury does not just have an impact on the injured worker; it has an impact on the whole family. I was fortunate to be involved in the last review of the workers compensation legislation undertaken by Mr Hanks. It was one of the major reviews undertaken during the Bracks and Brumby governments, subsequent to the initial review that Labor conducted in order to bring some justice and fairness back to workers compensation legislation after it was ripped apart by the Kennett government.

The initial review delivered two things that we are still enjoying today. The first thing it did was put fairness back into the system. Injured workers in Victoria are able to enjoy some of the best benefits in the country. Secondly, as a result of changes put in place by the Labor Party employers enjoy the lowest premiums in the country. That is a credit to the former Labor government and to this government, which continued with Labor's approach. When I first heard that the government was looking to review the accident compensation acts I said to myself, 'Here we go again'. However, I congratulate the minister because the benefits for injured workers have been maintained.

Let us talk about the reason why we have workers compensation and safety regulation in this state. Who are the real stakeholders? There are two: workers and employers. Government is a stakeholder because it manages the scheme, but at the end of the day workers and employers are the main customers, if you like. For workers it is about making sure they go home safe. We need to make sure we have the right safety regulations in place and that we have the funding and resources necessary to enforce those regulations. The money collected from premiums goes a long way towards making sure that we can enforce whatever regulations we have put in place.

In the event of an injury — and unfortunately thousands of Victorian workers get injured every year, and some of them even lose their life as a result of workplace accidents — we need to make sure there is adequate compensation. The last thing an injured worker wants to worry about is whether they will get paid this week or whether they will get paid the same amount they were receiving before they were injured. We need to make sure that workers do not have to worry about those things and can instead concentrate on getting better.

I have seen far too many workers lose everything after an injury. An injury can have a strong psychological effect. They worry about whether the employer will get them back to work. That is why rehabilitation has to include a return-to-work program, and that needs to be enforced. All sorts of things have to be put together. It is very important that when an injury occurs workers do not have to worry about the financial burden; they need to be assured that their employer is obliged to provide them with a return-to-work program and bring them back into the workforce.

The second point is that in order for employers to continue to operate and invest in this state we need to ensure they do not pay high premiums. I may stand corrected, but I think Victoria's premiums stand at

around 1.38 per cent, which are the lowest in the country. That is something we need to maintain. Unfortunately the state government recently decided to put its hands in the till and take about half a billion dollars out of the WorkSafe Victoria fund over three years and move it into general revenue. I believe that in the first two years of doing this the state government has taken out nearly $400 million, and it will probably take another $100 million or $200 million this financial year. That is wrong. The money should be kept in the system.

The former government could have done something similar, but it did not. Instead it took $250 million out of the system to introduce WorkHealth, which helped over 700 000 workers have a health check in their workplace. Thousands of lives were saved because of that initiative. It was a great scheme, but unfortunately it has come to an end. That money is now going to go into general revenue.

I support the bill, and I hope the next time that we are talking about accident compensation or WorkCover legislation it is in relation to how we can continue to improve workers' benefits and enhance the enforcement of health and safety regulation in this state. I hope we will not be coming back to this place under any government to look at cutting workers' conditions or benefits. With those comments, I commend the bill to the house, and I hope members will support it.

Ms PENNICUIK (Southern Metropolitan) — In speaking on the Workplace Injury Rehabilitation and Compensation Bill 2013 I will first note that today is the last day of this year's WorkSafe Week, which ran from 21 to 31 October. WorkSafe Week is run every year by WorkSafe in conjunction with trade unions, workplaces and employers to highlight the need to be always vigilant in ensuring that workplaces are safe and people are not injured, killed or made ill by their work. In saying that, I echo the comments made by Ms Pulford in her contribution that we should keep foremost in our minds that the purpose of workers compensation and workers compensation insurance, and occupational health and safety in the first instance, is to prevent injury and disease at work. We should also have in our minds those workers who at the very time that we are debating this bill are suffering from a workplace injury or illness or are affected by someone who has suffered one. They may be a family member, friend or work colleague.

I have noticed that the speakers in the debate on the bill so far have all been involved firsthand with occupational health and safety and workers compensation in their working lives and so they know firsthand the trauma and heartbreak of death or serious injury at work. That experience never leaves anyone who has faced it. I am sure everyone who has spoken — and Ms Tierney, who will speak soon — has seen it. Those mental pictures never leave you.

Many other workers suffer from less serious injuries, which still affect their lives in an ongoing way. Others suffer from workplace illnesses that may manifest themselves a long time after exposure — for example, asbestos-related diseases — and yet others suffer from many other diseases and illnesses that can result from exposure in the workplace or at work.

On a personal note, earlier Ms Pulford reminded me that it was through both of us working in the occupational health and safety area that we first met many years ago.

Ms Pulford — How many years ago?

Ms PENNICUIK — A while ago — possibly last century! During the time that I worked for the Australian Manufacturing Workers Union I worked in the area of environmental issues. Then I worked at the Australian Council of Trade Unions in the occupational health and safety unit, and I also got to know Ms Tierney. Because of that background, these issues are dear to our hearts.

When I looked at the words I used in my contribution to the debate on the Accident Compensation Amendment Bill 2009 that went through the Parliament in March 2010, I noted that the first thing I said about it was that it was the size of the Melbourne telephone book. Lo and behold — here is another bill the size of the Melbourne telephone book. The Accident Compensation Amendment Bill had some 394 pages, while this has 700-and-something pages. This bill consolidates two acts, the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993. One of the other things I said at the outset of my contribution in March 2010 was that one of the recommendations of the Peter Hanks review was that the act should be rewritten in plain language. I certainly supported that and said so at the time, because we were adding a whole lot more amendments to the act and making it even more complicated.

The government has gone through the exercise of producing this bill. I would say that it is welcomed by anybody practising in the field. Be they injured workers, union representatives, lawyers or employers, I think anybody who has to deal with this issue would welcome this bill. It does the main things that it says it does — that is, get rid of or expunge from both acts

provisions that are redundant — and it certainly is written in more plain language and better ordered in terms of the logical sequence so that a person who wants to know what to do can follow the provisions. The flow charts in the bill are also helpful. So many improvements have been made to the two acts that the bill replaces.

The government has gone to some lengths to assure the community — workers in particular with regard to their rights and entitlements under workers compensation and employers with regard to their rights and obligations — that no material change has been made to their rights, entitlements and obligations. Some changes have been made. I will not go through them, as they have been outlined in the second-reading speech and Mrs Millar went through them in some detail. I agree that those changes slightly improve the regime.

Ms Pulford talked about the history of changes to workers compensation legislation. In 2010 I remarked that members were considering the 10th set of amendments in 18 years. This bill represents the 11th set of amendments to the workers compensation regime in 21 years, so that is an average of a set of amendments about every two years.

I thank the Assistant Treasurer for arranging a briefing on the bill. It was most welcome because, as I said, it is a very big bill. I have made my through my bill, but I did not have the resources or the time to sit with the other two acts to compare what exists now and what is in this bill. That is a mammoth task. I pay tribute to the Law Institute of Victoria and the Victorian Trades Hall Council. They had people go through it with a fine-tooth comb. It is no small feat to have done that. I know that they raised issues that were taken up by Mr Scott, the member for Preston in the lower house. Even though the government had given assurances that the bill would result in no detriment to workers' rights or entitlements or to procedures, some were identified by the Law Institute of Victoria and the Trades all Council. They were brought to the attention of the government, and to the government's credit amendments were made to the bill in the lower house.

Amendments were made to clause 200, which creates a procedural mechanism whereby an agent of WorkSafe or a self-insurer could delay a serious injury claim and by extension delay a common-law claim. Two small words 'or other' were omitted from that clause. The original clause 313 undermined the judicial oversight of medical panels with the effect that medical opinions, which may be binding on judges considering serious injury applications even where such an opinion is based on inadequate reasons, by confining the remedy that may be sought in the event that a medical panel provides inadequate reasons to a recasting of those reasons, would be of detriment to the applicant. It was considered that that needed to be changed, so some additional words were included in that clause.

The original clause 269 was also amended because it was contrary to the usual rules of evidence — that is, the Harman rule — that material may be used in proceedings other than the subject proceedings. In other parts of the law — for example, in the recent swathe of legislation on the Independent Broad-based Anti-corruption Commission that has been passed — the Harman rule applies. That clause was also remedied, by the deletion of the words 'evidence given or'.

I have looked at the bill and gone through all the amendments that were tabled in the lower house. I have gone to those clauses to make sure that those amendments are there in the copy of the bill I have in front of me now. I have assured myself that that is the case, but, in terms of assurance for members of the community who are very interested in the passage of this bill, it would be useful for the minister in his right of reply to just make it very clear that the bill has been amended, as the government promised it would be. Everyone should be assured of that, even though, as I say, I have assured myself by looking at the subject clauses.

I thank the minister for his briefing and thank also his advisers, Ms Georgette Apostolopoulos, Ms Linda Timothy, whom I have known for a long time, and Ms Penny Dedes for their assistance in going through the major provisions of the bill. WorkSafe has put together some good material to explain what is going on in terms of the clarifications, the streamlining and the structure of the new bill that consolidates these two acts. There is some good information on the website et cetera. In terms of that issue, it is a good development to at least have these two acts consolidated, which has been needed for a long time.

I will take a moment to have a look through the WorkSafe annual report, noting the new chair of the board and the new CEO, who has been in place for around six months, I think.

Hon. G. K. Rich-Phillips — 12.

Ms PENNICUIK — Twelve months. I note that the WorkCover insurance scheme is a $12 billion scheme. The premiums collected in the last financial year were $1.852 billion, and a $193 million dividend went to the government — not something we would have

necessarily supported, and in fact did not support in this place. The report talks about the WorkSafe strategy from 2012 to 2017 and its target for improvements and injury claims.

Mrs Millar in her contribution said that workplaces had never been safer and that workplace injuries are lower et cetera, but it is always worthwhile to remind ourselves that this is all based on the number of claims. When people say there are fewer workplace injuries of this type or that type, we must remember that possibly the only injuries we have very clear data on are, unfortunately, people who are killed or very seriously injured in a traumatic incident. Many other injuries, such as low-level injuries that are less serious, or workplace disease, do not show up in workers compensation claims.

When people say that workplace injuries are down, they really mean that workplace claims are down. That does not necessarily mean that workplace injuries are down; it means that fewer people have claimed for an injury. That is something the whole community always needs to be reminded of — just because claims are down does not mean that injuries are down, particularly in terms of chronic diseases or diseases of long latency. We always need to be reminded of that, because it is very easy to just jump at the figure and say, 'Workplace injuries are down', when it is actually the number of claims that are down. They do not necessarily mean the same thing.

Despite provisions that were put into the new act in 2010 by the previous government, such as provisions to make it an offence to discriminate against a person for making a workplace injury claim, that is still an ongoing problem in many workplaces where people feel pressured not to make claims, for example, and there is still a stigma. That is sometimes a contributor to the lack of people making claims to which they are in fact entitled.

I remind the chamber of the previous changes to the Accident Compensation Act put forward by the previous government three and a half years ago, which the Greens supported because there were many improvements under the act, particularly to the amounts of payments that workers were entitled to, as well as some other improvements. However, there were some problems with the bill, and I am sure members of the ALP will remember that I moved quite a large number — I think it was 14 — amendments to the bill, and it certainly took up the major part of one day. They were issues I felt strongly about, and I just want to quickly run through those now.

Those issues include the tightening up of the eligibility for workers to claim for stress-related or psychiatric injuries that were inserted into the act by that bill and extending the definition of 'management action' in work, arising from recommendations of the review conducted by Peter Hanks, with which I did not agree. I did not agree with Peter Hanks on his conclusions, and I did not agree with the tightening up of those provisions, particularly as at the time, and even now, the percentage of stress-related claims was not going up, and the cost of stress-related claims was not high.

I also pointed out that during my time at the Australian Council of Trade Unions we ran a national campaign on stress at work. We discovered that workers were suffering from stress at work and were suffering psychological injuries, but only 4 per cent of all the leave taken was under workers compensation. People were using their own annual leave, their own sick leave and other types of leave, including unpaid leave. Very few of them were availing themselves of workers compensation; in fact 96 per cent of them were not availing themselves of that. I do not think it would be very different now, and it would probably be worse because of the completely unnecessarily tightening up that was put into the act by the previous government.

Mrs Millar raised an issue about the return-to-work obligations of employers. Prior to the 2010 bill employers had a responsibility to assist workers to return to work if it did not create an unjustifiable hardship. That has been watered down to words to the effect of — I do not have the exact words — whether it is reasonable in the circumstances. Again, it was a watering down that was unnecessary, and we did not support it. I could not see the rationale for the particular amendment relating to the cessation of benefits for a worker if a worker resigns or is terminated or moves out of Victoria. It applied to so few workers, but it would be to their detriment.

The way that conciliation officers were appointed was changed so that rather than being appointed by the Governor in Council they would be appointed by the senior conciliator. People had to serve out a waiting period before receiving compensation, and also those workers who were on benefits could only receive superannuation after 52 weeks of being on benefits — a whole year. I make the point that these are particularly badly injured workers and that provision was a detriment to them. There were also reductions in benefits if very injured workers were unable to return to work after 52 weeks. I thought the amendments put in place by the previous government were provisions that we could have done without and were detrimental to workers. Nevertheless the bill we have before us now

does not diminish any of the entitlements that are currently in the Accident Compensation Act.

There are pros and cons to this bill. The pros are that the bill is much easier for everyone to work with, and I look forward to some improvements to the scheme in terms of workers entitlements in the years to come.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Workplace Injury Rehabilitation and Compensation Bill 2013. This is another significant piece of legislation that is being debated this afternoon, and I thank those members who have already contributed it, particularly those members opposite, Ms Pulford, Mr Melham and Ms Pennicuik, for supporting the bill and acknowledging the benefits it will provide, specifically the benefits for injured workers that have been maintained through this process. I also acknowledge my colleague Mrs Millar who clearly outlined the technicalities of the bill and how the recasting of the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 will streamline the process and make for a much improved system.

This is a significant bill. It is one of the many pre-election commitments that the coalition government is delivering on, and I am pleased that we are doing so. The two acts that we are discussing, the Accident Compensation Act and the Accident Compensation (WorkCover Insurance) Act have a long history. Combined, they are almost 30 years old, consist of hundreds of pages and over time have been subjected to more than 100 amendments or thereabouts. I know Ms Pennicuik has taken time to do a lot of research in relation to the bill, and I commend her for doing so and also for seeking advice from the department on this bill and on the previous acts.

It is well documented that the Accident Compensation Act has been criticised by the courts and its users for being difficult to read, difficult to understand and therefore difficult to apply. We have heard from other speakers about the reviews that have taken place in previous years, which were initiated by the previous government, and this bill brings those acts together.

Anyone who has had to deal with workers compensation claims or has tried to wade through the acts that the bill deals with will understand the complexity of the current legislation. As I said from the outset, the bill consolidates, or recasts, the Accident Compensation Act and the Accident Compensation (WorkCover Insurance) Act into a single piece of legislation, which will reduce the regulatory burden associated with workers compensation claims. The simplification of the legislation will be of enormous benefit to not only those who are injured or who are undergoing rehabilitation or receiving compensation for a workplace injury but also to their employers.

I have a thorough and personal understanding of some very significant workplace injuries, having been an employer, and coming from a farming background, I am only too familiar with the many terrible injuries that occur on farms on an all-too-frequent basis. From my own experience I have an understanding of severe injuries such as broken necks and amputations and also exposure to harmful chemicals. I take into consideration the importance of protecting our workers in a whole range of industry sectors. All of us in this place want to see workers protected while going about their daily work. I pay tribute to the WorkSafe campaigns for highlighting the importance of workplace safety. Those campaigns are particularly targeted and very powerful in their message, and having watched them over recent years I have found them to be very moving; they strike a chord. Anything we can do to ensure a safer workplace is a good thing.

The bill reduces the regulatory burden for injured workers as well as businesses and employers. Anything we can do to decrease regulation and make the process easier is good. From the information that was provided I note that the re-drafting of the bill makes the legislation easier to navigate and provides a more logical and structured sequence. It is user-friendly, and in their contributions both Mrs Millar and Ms Pennicuik mentioned the flowcharts, which will assist people to understand the various processes they should follow, the contact procedures and the legislation itself. While I have been listening to the debate I have gone onto the WorkSafe website and looked at the various elements of the flowcharts. They are very detailed and I am sure they will provide great assistance to people when they are trying to work out how to put in a claim or get information. The flowcharts included in the legislation will also ensure an easier process for anyone trying to understand the legislative requirements.

When people are affected by a workplace injury, whether it is an injured worker or their employer, the ease with which they will be able to understand their rights and obligations will be of enormous benefit. That is very important, and the bill enables the easy navigation that I have just outlined to occur.

In relation to the easing of the regulatory burden, hundreds of hours are lost in overregulation. It is far too common across a range of business sectors. We are continually hearing that that is occurring here in

Victoria and throughout Australia, and I am very pleased that the member for Kooyong, Josh Frydenberg, who is Parliamentary Secretary to the Prime Minister in the new federal government, will be overseeing regulation in a whole range of areas.

I digress a little from the bill, but in relation to the burden on business of overregulation, the inefficiencies and loss of productivity are quite incredible. In a piece Josh Frydenberg wrote for the *Australian* recently he said that at a federal level the former government was responsible for introducing more than 21 000 additional regulations in the last five and a half years, despite a promise of a 'one regulation in, one regulation out' policy. That astounded me. It is understandable that businesses want a far more streamlined process. They want to have red tape cut and the regulatory burden decreased, and this bill goes to ensuring a decrease in regulatory burden in relation to the very important issue of workplace safety and workers compensation claims.

I am pleased — and I think it was acknowledged by those opposite — that the framing of this legislation was informed by consultation done with a wide range of important stakeholders, including from the legal and medical professions, a number of unions, I am led to believe, and importantly from employer groups. Bringing all those stakeholders together to discuss the issues was very important.

Mrs Millar in her contribution went through a number of issues in relation to the minor amendments contained in the bill. One of those was ambiguity and the need for this bill to remove ambiguities. I note that in Mr O'Brien's contribution to the second-reading debate he gave a very clear example of how the changes would benefit a worker who did not provide a medical certificate when lodging a claim form after he or she had suffered a workplace injury. Under the existing legislation that worker would have to attend court to get an outcome, but under the new legislation they will be able to attend conciliation to resolve their claim.

I think that demonstrates the simplification of the system this legislation will effect. It was a very good example that I think all members can identify with and agree to be a desirable change. We do not need people who are injured or undergoing rehabilitation, who are already stressed and dealing with a number of other considerations, to have to present to court. If they can go through the conciliation process and lodge their claim, that will be a far more efficient and easy process for all concerned. As I said, there are a number of other technical amendments, which I will not go into, as other members have covered those very clearly.

As I said, there has been consultation with stakeholders in relation to a number of other areas. The introduction of the legislation will not change the type or rate of benefits available. A worker who is currently entitled to benefits will be entitled to the same benefits after the commencement of the legislation. I think that is important to note. I also note that all claims made after the commencement of the legislation will be lodged under it irrespective of the date of injury.

In conclusion, the bill provides for changes that will reduce costs, improve administrative efficiency and reduce the regulatory burden for employers, the injured workers and those legal and health service providers involved in the claims process. A number of people are normally involved in the process when there is an injured worker. As I have just outlined, the streamlining of the system will result in significant benefits, including an increased ease for workers in navigating the claims process and an improved understanding of how to make a claim and have it dealt with in a timely fashion, so I am sure these changes will be well received by those affected, whether they be workers, who provide so many benefits to our Victorian economy, or those employers who have to deal with these issues on a daily basis.

Victoria continues to lead the way in Australia in a number of areas, and this legislation will ensure that when it comes to workers compensation legislation Victoria leads the rest of the country. As has already been noted, Victoria has the safest workplaces, at the lowest average cost — of 1.298 per cent on average of their premiums — to business. We have a very good track record on that. Ms Pennicuik discussed claims in relation to injuries and also discussed dreadful outcomes that sometimes occur that are not captured in the data. Nevertheless, I think the statistics are still very significant and worthwhile and should be put on the record, and all of us in this chamber can be very pleased that Victoria continues to lead the way on this. We should all do as much as we can to ensure that we have the safest workplaces in the country. I congratulate Minister Rich-Phillips on his work in this important area, and with those words I commend the bill to the house.

Ms TIERNEY (Western Victoria) — I rise to make a contribution to the debate on the Workplace Injury Rehabilitation and Compensation Bill 2013. Reading through the bill, the briefings and various other commentaries, including *Hansard* from the lower house, brought back many memories of the 18 years that I served in the vehicle industry.

When I reflect on those 18 years I recall many instances of workplace injury. On the production lines at Ford, Toyota or Holden down at Fishermans Bend the major injuries sustained were through repetitive work. We had carpal tunnel, sprains and strains and very serious wear and tear on the spine. If I think of the truck plants, where the componentry was much larger and the mechanisation more limited, I think of the injuries that we saw there where fingers, hands or arms were amputated in equipment. I think of the smash repair shops that I either worked in or visited, the use of chemicals and how those chemicals impacted on the lung performance and skin of those who worked with them. I think of the times that I have visited friends and workmates lying in bed in hospital. I also think of all those workers I knew and continue to know who are going through rehabilitation and working very hard to make sure that they can re-enter the workforce and contribute more to their family life.

We all know that it is one thing not to be able to be at your workplace because you have sustained an injury and another to suffer the tremendous impact that it has on your personal life and that of your family. That is why it is so important for government and legislators to be highly aware of the issues around workplace safety. It is not just a matter of making sure that the policy framework is accurate. The very specific finer details that particularly impact workers need to be studied and examined to the nth degree, because it is quite easy to see the detrimental impact that one line or two words can have on workers, employers and the families involved. That is why I have taken a particular interest in speaking today — because I know the impact of workplace injury and rehabilitation.

As we have heard from previous speakers, Labor's amendments have been agreed to by the government in the other place. I also wish to reiterate that the opposition now supports this bill. However, it must be mentioned that when the bill was introduced in its original form, Labor saw that there were significant issues contained in it that, if not amended, would have adversely affected the rights of injured workers in this state. The rights of workers and their safety goes to the heart of the Labor Party and the broader labour movement. That is largely because we have unfortunately had direct experience of these matters. Sadly, the same cannot be said for the Napthine government and other conservative governments. The original form of this bill is testament to that. It has taken the opposition and other organisations, such as the Victorian Trades Hall Council and the Law Institute of Victoria, to set it right.

With this in mind, I mention the shadow minister for WorkCover, the member for Preston in the other place, Robin Scott. I congratulate him on his work in relation to these amendments. His considered approach and persistence have led us to where we are today. I also acknowledge the work of the Victorian Trades Hall Council and the Law Institute of Victoria in independently bringing to the government their views in respect of the original bill. Their diligence, resources, time and absolute commitment to these issues need to be recognised as we hopefully see the passage of this bill today.

The most important thing for the families of all Victorians who go to work each day is that they return home safely and uninjured. In 2013 more than 28 000 Victorians have been injured at work and lodged claims with WorkCover, and of course the year is not over. More than 42 000 workplace inspections have been conducted in that same period. In relation to injury in the workplace, this is significant and important work because the impact of suffering an injury in the workplace is enormous. In my opening remarks I talked about some of the experiences I have witnessed, but debilitating pain from workplace injury can also lead to stress, depression, feelings of uselessness, frustration and anxiety. All those states and conditions can lead to further problems in the home and affect the entire family. As well as the devastating human impact, workplace injury is responsible for significant detrimental impacts on the Victorian economy and on the local workplace. The effects of workplace injury are widespread; it affects everyone.

To go to the specifics of this bill, to put it in its most simple form, it brings together two very important, complex and large pieces of legislation. That in itself is a major task. The detailed work that needs to be done in terms of crossing off and making sure that the meaning and sense of both pieces of legislation, when incorporated into one, is correct and accurate and will stand the test of time cannot be underestimated. I thank those who did a lot of the groundwork and background work leading up to this bill.

The minister stated in his second-reading speech that the original draft of this bill was a no-benefit-change bill. As I mentioned earlier, a number of significant institutions, organisations and law firms disagreed with the Napthine government's position and conveyed their comprehensive apprehension about the bill, in particular three specific areas — clauses 200, 269 and 313 — and presented those problems to the opposition as well as the government. I thank them for raising those matters with us, and previous speakers have gone to the various points that were raised.

Given that I understand the guillotine is about to occur, whilst I applaud the government for picking up Labor's amendments and making this a piece of legislation that Labor is happy to vote for, I do not think it is too unfair to wonder whether the government would have acknowledged or accepted those amendments if it were not the fact that a statutory majority was required for the passage of this bill. I cannot understand why these three areas were not picked up. At best, you could say that with these three areas it might have been laziness or a failure to get the language right; at worst, that it was a deliberate attempt by this government to diminish the rights of Victorian workers who have been injured at work whilst publicly stating that the bill was a no-benefit-change bill.

In conclusion I say that the opposition is pleased to support this bill in its amended form because the Labor Party will always support legislation that protects a worker's right to work in a safe workplace as well as protecting all people who have been injured at work. The Labor Party will always support the rights and expectations of workers to work in a safe workplace. If people happen to get injured at work, the Labor Party will always work to ensure that the workers receive compensation so that they can still provide for their family whilst they receive rehabilitation. Along with the opposition's amendments, which I am again pleased to say have been accepted by the government, I commend the bill to the house.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I would like to make a few remarks in summing up on the second-reading debate. The Victorian WorkCover scheme is regarded as the best workers compensation scheme in Australia. We can all be proud of what has been achieved over the last 25 years. Taking up Ms Pennicuik's comments in her contribution to the second-reading debate about the level of workplace injury, I can say that the level of workplace claims in Victoria is the lowest of any in Australia. Using claims as a proxy for injury, we can assume from that that the level of workplace injury in Victoria is the lowest in Australia. We see, based on claims per million worker hours, which is the new basis for assessing claims, that we are on a downward trend in Victoria, and we continue to be on a downward trend, and that is a very positive thing. At the same time, we have in Victoria the lowest WorkCover premiums of anywhere in Australia.

This is also a trend which has continued over the last decade or so. I was delighted last year to deliver a 3 per cent reduction in WorkCover premiums to an average of 1.298 per cent of payroll. We have some very sound fundamentals in our workplace accident compensation scheme. The basis of that scheme has been for a long time — since 1985 — the Accident Compensation Act (ACA). This piece of legislation has been amended more than 100 times since its passage in 1985. As Mr Melhem noted in his contribution and Ms Pennicuik noted in hers, the Accident Compensation Act was subject to review by Peter Hanks, QC, in 2008 and 2009. The first recommendation of the Hanks review was that the Accident Compensation Act be rewritten in a consolidated, simple, plain language format. I am delighted that the Napthine government is delivering on the first recommendation of the Hanks review in the Workplace Injury Rehabilitation and Compensation Bill 2013, which is before the house this afternoon.

A number of speakers in their contributions have referred to some amendments made to the bill in the other place. I will briefly touch on those in response. The first amendment I refer to related to clause 200. That amendment was in response to a concern that clause 200, as drafted, allowed for what would conceivably have been an administrative block to claims for impairment benefits moving forward. I can inform the house that that was not an intention of clause 200 as drafted, but an amendment was made in the other place, and accepted, to put that matter beyond doubt, and that amendment will continue through with the passage of the bill in the house today.

The second amendment I refer to that was made in the other place related to clause 269, which related to the use of documents and evidence given in proceedings with respect to another proceeding. This is the issue relating to the Harman rule, which I think Ms Pennicuik commented on in her contribution. Again, it was not the intention with clause 269 to deviate from the current provisions of sections 44 and 48 of the ACA, but by the acceptance of the amendment in the other place, this matter has also been put beyond doubt. I confirm that the current operation of sections 44 and 48 of the ACA will continue in clause 269 of the new legislation.

The third matter I will touch on is clause 333, which related to an obligation to participate in a conference and comply with certain statutory offer and counteroffer processes with certain claims in relation to clause 334. A concern was raised that a potential interpretation of that clause would mean that current prelitigation requirements which are set down in the new bill in clause 333 would not need to be complied with. That again was not the intention of the legislation. An amendment was made, and accepted, in the other place to put that matter beyond doubt so that that current practice is confirmed. That amendment will also go forward with the passage of the legislation in the Council this afternoon.

The fourth amendment I would like to touch on related to clause 313, which is in relation to medical panels and the durability of reasons given by medical panels on particular matters. When the requirement for the giving of reasons was put into the Accident Compensation Act in 2010, it was the intention that the reasons for a medical panel decision not be subject to judicial review and not be grounds upon which a decision of the medical panel could be reviewed by the court. The intention of requiring reasons was so that reasons were available to the parties. It was not the intention of the legislation that those reasons be grounds for a court intervening in a medical panel decision.

As a consequence of a matter which has moved to the High Court, the Kocak matter, there was concern that the legislation as existed in the ACA and was proposed in the workplace bill could have given scope to medical panel reasons being the basis upon which a medical panel decision could be overturned by a court. A provision was put into clause 313 to make it clear that the adequacy of reasons was not grounds on which a court could overturn a decision, and that it was only on matters of law that a medical panel decision could be subject to intervention by the court. That approach was not accepted in the other place, and a subsequent amendment was made to clause 313 so that the wording as it currently exists in the Accident Compensation Act 1985 goes forward without the rider that was proposed that the adequacy of those decisions not be grounds for a judicial intervention.

I can inform the house that, subsequent to that amendment — and that amendment will go forward in the bill today — the High Court delivered its judgement yesterday on this matter. I am informed that the decision of the High Court validates the original interpretation of the Accident Compensation Act — that is, that the adequacy of reasons by a medical panel is not grounds on which to overturn the decision or intervene in the decision of the medical panel. This was the intent that the government was seeking with its proposed wording in the original clause 313 before it was amended in the other place. While that amendment goes forward in the bill from the other place, the interpretation of that provision will be as was intended prior to that matter proceeding to the High Court — the decision made by the court.

In conclusion, this bill is an important piece of legislation that delivers on the government's commitment with respect to a clean rewrite of the Accident Compensation Act, consistent with what was recommended by the Hanks review. It is the most significant piece of legislation in terms of rewriting accident compensation legislation since the mid-1980s. I thank members for their support of the legislation, and I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so, I would, firstly, like to thank the members of the house who participated in the debate this afternoon for their contributions: Ms Pulford, leading the debate for the opposition; Mrs Millar; Mr Melhem; Ms Pennicuik, leading the debate for the Greens; Ms Crozier; and Ms Tierney. I would also like to thank the parties in the Parliament who have supported the passage of this important piece of legislation. I particularly acknowledge Mr Scott, the member for Preston in the other place, for his work and goodwill in addressing amendments and matters as the bill went through the other place last sitting week.

Finally, I would like to particularly thank the accident compensation rewrite team at the Victorian WorkCover Authority for all their work over the last almost three years in putting this legislation together. I particularly thank Penny Dedes and Linda Timothy, who have worked extensively on this project over that period of time. Also from my own office, I thank Georgette Apostolopoulos for her work on and engagement in this project over that period of time. This is an important piece of legislation. It will change the way in which the WorkCover compensation scheme is used and increase the ease of using that legislation. I commend the bill to the house.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! I am of the opinion that the third reading of this bill requires it to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! In order that I may determine whether the required majority has been obtained, I ask those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

TRANSPORT ACCIDENT AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Transport Accident Amendment Bill 2013 (the 'bill').

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purposes of the bill are to amend the Transport Accident Act 1986 to improve the operational and administrative efficiency of the Victorian transport accident compensation scheme, and to update and extend certain claimant benefits to persons injured in transport accidents.

Human rights issues

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

Medical treatment without consent

Section 10(c) of the charter act provides that a person has the right not to be subjected to medical treatment without his or her full, free and informed consent.

Clause 21(2) amends section 71(1) of the Transport Accident Act 1986 (the 'act'), which provides the Transport Accident Commission (the 'commission') with the power to require an injured person who claims or receives compensation under the act to submit, 'from time to time', for medical examinations. Clause 21(2) extends the commission's power to direct persons to undergo a medical examination to include persons who claim compensation from the commission otherwise than under the act. A person who refuses or fails without reasonable excuse to comply with a request to submit for examination will have their right to compensation under the act suspended. The commission is not liable to pay compensation under the act to a person during this period of suspension, but may still be liable for damages outside the act.

The nature of an examination conducted pursuant to this clause will not, in most cases, involve any procedures which could constitute medical treatment. Further, the examinations will not limit the right in section 10(c), because such examinations will only take place where consent has been provided. While there is a consequence for failing to submit to an examination, in that it may mean that a person ceases to be eligible for compensation under the act, this does not mean that a person submitting to an examination was coerced to do so. Consequently, the right in section 10(c) is not limited.

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. Several clauses of the bill permit the commission to access information that is likely to be private and otherwise confidential.

Clause 21

In addition to the right to freedom from medical treatment without consent, I have also considered whether the obligation in clause 21(2) to submit to medical examinations limits the right to privacy. Medical examinations required under this clause serve the important purpose of accurately assessing the commission's liability for transport accidents. As discussed above, such examinations will only occur with consent. For these reasons, I do consider that clause 21(2) does not arbitrarily or unlawfully interfere with the right to privacy.

Clause 24

Clause 24 inserts a new provision into part 4 of the act. The provision requires a person who makes a claim for compensation to, upon a request by the commission, sign an authority releasing relevant medical or other information to the commission for the purpose of processing, assessing or otherwise managing the claim. An authority to release information under this clause is effective and cannot be revoked until the claim is finally determined.

Although this clause provides the commission with access to personal information, it is clearly necessary to properly administer the scheme, and to prevent fraudulent or inaccurate claims for compensation. It also improves administrative efficiency by ensuring that the commission is able to access all relevant information to a transport accident injury, without the need to request and receive additional authorities. The nature of the information to be accessed is clearly confined by clause 24 to serve these legitimate purposes.

I also note that persons injured in a transport accident voluntarily bring themselves within the ambit of this clause by making a claim under the act. They do so on the understanding that all matters relevant to their statutory entitlements, including particulars of injury and rehabilitation progress are to be scrutinised and assessed. Moreover, a person may at any time revoke an authority by withdrawing their claim for compensation.

Additionally, section 131 of the act provides that past and current employees of the commission must not disclose

personal information obtained pursuant to clause 24 for any purpose other than except as authorised by or in respect of a matter or for a purpose arising under the act.

In my view, clause 24 does not infringe the right to privacy as it does not constitute an arbitrary or unlawful interference with the right.

Clause 31

Clause 31 amends section 127 of the act, which concerns the commission's powers to access the employment information of an injured person who makes a claim for compensation. Specifically, clause 31 extends the definition of 'employer' in this section to include all employers of an injured person up to three years prior to the transport accident, and the employers of that person after the accident. It also extends the section to cover employers of independent contractors and volunteers who are injured in a transport accident.

The clause is necessary to enable the commission to undertake an accurate assessment of the appropriate loss-of-earnings compensation to be provided to the injured person. It also ensures that the commission can deliver proper vocational rehabilitation services to the injured person. Only information which the commission reasonably requires to fulfil these functions will be sought under this clause. Moreover, clause 31 is subject to the secrecy provisions in s 131 of the act, and a person may deny the commission access to information by withdrawing their claim for compensation at any time.

In my view, clause 31 is therefore appropriately confined and subject to adequate safeguards, and is compatible with the right to privacy as protected by s 13(a) of the charter act.

The Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill is the result of the government's commitment to maintain the integrity and improve the operational efficiency of the Transport Accident Commission scheme to ensure it remains financially viable so that it can support injured Victorians well into the future.

The objectives of the bill are to clarify the Transport Accident Act 1986 (the act), increase some client benefits and address anomalies.

Legislative amendments relating to the original intent of the act

As a community we know much more about mental illness than we did when the TAC scheme was established in 1986. The government understands that recovering from a transport accident can be a very emotional and challenging time. This bill introduces clauses that, for the first time, set out clinical criteria of what constitutes a severe long-term mental or severe long-term behavioural disturbance or disorder for the purposes of serious injury. This provision has been developed in consultation with the Department of Health, including the chief psychiatrist. The clinical criteria will encourage people who were directly exposed to a transport accident and who have suffered a recognised mental illness or disorder to seek treatment by a registered mental health professional to improve their chances of getting their life back on track as soon as possible.

Spinal injuries arising from transport accidents have long been assessed according to the American Medical Association's *Guides to the Evaluation of Permanent Impairment* (fourth edition) ('the AMA guides'). A decision of the Supreme Court, *Serwylo v. TAC*, has now changed the way that spinal impairments are assessed. The core of the Serwylo case was related to the assessment of multiple fractures. Multiple fractures had previously been assessed with reference to whether they resulted in multiple levels of spine segment structural compromise, rather than by the simple presence of multiple fractures (of any kind) in an assessment region of the spine.

The outcome of Serwylo is that many scores for spinal injuries which were previously assessed at category II — 5 per cent whole person impairment — are now to be assessed at category IV in the 20 per cent or 25 per cent range.

The Serwylo decision creates significant inequities among Victorians who are injured in transport accidents whereby some spinal injuries that result in relatively low levels of disability will be compensated substantially more than other injuries, such as brain injuries, that result in more significant disability.

The TAC has reviewed a range of possible solutions to address the consequences of this court decision and notes that guidelines have been implemented in other jurisdictions to regulate how examiners make assessments of multiple spinal fractures. Guidelines are in place for the motor accidents authority in NSW, which has a set of guidelines that modify the AMA guides and provide extensive guidance about the methodology of assessing impairment, including spinal impairment.

This bill will enable the government to introduce guidelines to address this and any other anomaly that arises in the application of the AMA guides. Any guidelines issued will be subject to a regulatory impact statement.

The bill will clarify that the injury or death of a person through suicide, an intention to commit suicide or predominately through their own negligence does not give rise to an action by another person for damages in respect of mental injury (including nervous shock) where the other person was not directly involved in or witnessed the transport accident.

The bill also confirms three other aspects of the scheme where there has been some challenge to the interpretation of the act. These are:

that a person must have an accepted claim for compensation for their own personal injury in order to obtain a determination of impairment;

that the term law of a place outside Victoria includes a law of the commonwealth to ensure that compensation cannot be obtained from two sources for the same injury; and

to confirm that incidents involving the opening or closing of train, tram and bus doors are transport accidents.

Legislative amendments relating to increased client benefits

Currently under the act, family counselling benefits are capped at $5870 per claim. This bill will increase the cap on family counselling benefits to $15 000 per family claim. This will allow an immediate family member of a person who is killed or severely injured in a transport accident significantly improved access to mental health treatment to address their understandable grief. It is intended that this provision will apply to both new and existing claims.

Currently, travel or accommodation expenses for members of the immediate family visiting an injured person in hospital are capped to $7310. The bill will increase this benefit to $10 000 to be indexed annually. It is intended that this provision will apply to both new and existing claims.

The TAC can currently reimburse the reasonable travel expenses of a client who is required to attend approved medical and rehabilitation services, travel to/from work in certain situations and travel to/from school for an eligible student. The bill extends reimbursement of reasonable travel costs to persons attending a registered training organisation, TAFE institute and university.

The TA act currently provides for the payment of burial or cremation expenses up to $10 592.66 in the event of a death arising from a transport accident. The bill provides a far more flexible approach for assisting bereaved families by expanding this entitlement to cover a broader range of funeral expenses up to $14 135 and provides for this amount to be indexed in line with the consumer price index.

Following a transport accident, a key TAC rehabilitation objective is to return a claimant to work. The TAC is currently able to pay up to 12 weeks of taxi travel to support claimants who are otherwise able to return to work but have difficulties with the commute. The bill will extend the period available to receive assistance with travel to work from 12 weeks to 24 weeks.

In 2004 the TAC introduced individual funding agreements (IFAs) for severely injured clients. The TAC remains committed to implementing effective IFAs consistent with the philosophical approach that is now a feature of disability service provision across most Australian and a number of international jurisdictions. It is noted that self-purchasing is also the identified philosophical approach to the delivery of services under the national disability insurance scheme. The act currently has a cap of $200 for aids, appliances or apparatus that can be purchased by clients under the terms of the IFA. The bill increases the cap to $1000.

Legislative amendments relating to improve the operational efficiency of the act

Currently, the TAC funds the reasonable cost of medical reports obtained by or on behalf of a client, in relation to injuries sustained in a transport accident. On average, clients attend eight medical examinations over the course of their claim, of which, only two are commissioned by the TAC. The remaining examinations are commissioned by the client's legal representative in support of legal claims. To address the need for a client to attend multiple examinations and to minimise the occurrence of a client attending duplicate examinations in relation to the same specialisation, this bill will enable the TAC to reimburse medico-legal report expenses if the medico-legal report is requested jointly by the TAC and the person who is injured. It is intended that this provision come into operation on 1 July 2014 to inform and assist medical practitioners of this new policy change.

Legislative amendments address anomalies and mop-up of the act

The government is pleased to announce the winding up of the TAC's obligations in relation to Pyramid Building Society and associated entities. The outstanding moneys of approximately $2400 have been transferred into the Consolidated Revenue Fund in order for part 2A of the act to be repealed under this bill.

The bill addresses an anomaly for dependent children who were under the age of 18 at the time of the transport accident to ensure they can make a claim for dependency benefits at any time before attaining the age of 21 years, if no dependency claim has been made on their behalf. This right is already available to children who are injured in a transport accident.

Currently, if a client is not participating in a vocational rehabilitation program, the TAC can, after providing appropriate warning, discontinue or suspend a person's loss-of-earnings benefits. However, the power to discontinue or suspend benefits only applies during the first 18 months after a transport accident. The bill addresses this anomaly.

There has been a longstanding reduction in compensation as a result of convictions for certain offences under the Road Safety Act 1986. The bill addresses an anomaly in relation to providing that the TAC is not liable to pay compensation other than medical and like services to the driver of a motor vehicle who is convicted of an offence in another state or territory that is declared by Order in Council to be equivalent to culpable driving causing death or dangerous driving causing death under the Crimes Act 1958.

The bill provides that a person who makes a claim for compensation must, as soon as practicable, sign an authority in a form approved by the commission, to release relevant medical or other information to the commission for the purpose of processing, assessing or otherwise managing the person's claim.

Currently, occupational therapy is funded under the act as a rehabilitation service, as this service was not previously a regulated health profession. Regulated health professions are funded as medical services under the act. Since 2010, occupational therapy has been a regulated health profession within the meaning of the Health Practitioner National Regulation Law. The bill will provide that occupational therapy can now be funded as a medical service.

In 2007 the act was amended to allow an Order in Council to be made fixing the contribution to be paid by a TAC claimant towards their daily living cost of supported accommodation. The bill provides for a provision which allows an amount fixed to be indexed each financial year.

The bill will increase the time limit for certain criminal prosecutions under the act, from two to three years, after the alleged offence occurred. It also amends the definition of employer to include a person who is or was the claimant's employer at any time prior to three years before the transport accident.

The bill clarifies that the diminution of hearing must be assessed as a binaural loss of hearing and that the TAC is only required to determine the degree of transport accident-related impairment of a person.

Finally, the bill amends the act such that the Governor in Council is not required to note a resignation of a member of the board. Members of the board seeking to resign from the board will be required to advise the responsible minister in writing. This is consistent with the practice of several other government boards and will streamline the resignation process for board members.

Victorians can be rightly proud of the TAC and the work it does in ensuring people affected by road trauma get the most appropriate care, treatment and compensation. These reforms are about protecting the future of the scheme for the benefit of all Victorians by restoring the legislation to its original intent, improving the operational efficiency of the act and enhancing targeted and affordable benefit improvements.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 7 November.

TRANSPORT ACCIDENT FURTHER AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Mr LENDERS (Southern Metropolitan) *(By leave)* — I would like to ask a question of the minister on this bill. I am not trying to be obstructionist; it is an unusual bill. I will be succinct; I am not seeking to delay this. This is a bill that requires a certificate under section 85(5) of the Constitution Act 1975. It did not receive the appropriate majority in the Assembly. When the bill comes back to the house, rather than today, I will ask for advice from the minister or perhaps from the President before the formal second-reading debate as to the status in this house of a bill that has not received an absolute majority under section 85(5). I will certainly give leave for the bill to be read a second time at the appropriate time, but I would ask the minister for a commitment that that advice will come before we are asked to formally debate it.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I can give Mr Lenders an undertaking; indeed the President will ultimately be the person to determine that matter. Obviously some provisions of the bill require a section 85 statement. To the extent that there are provisions of the bill which do not require a section 85 statement, they are valid, and to the extent that there are sections that do require a section 85 statement, they are arguably void. That will be determined by the President, presumably, before the second-reading debate commences.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! I will take that matter up with the President on Mr Lenders's behalf.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Transport Accident Further Amendment Bill 2013 (the 'bill').

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purposes of the bill are to amend the Transport Accident Act 1986 to enable the introduction of a fixed-cost model for any claim, application or proceeding under section 93 by order of the Governor in Council.

Human rights issues

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

Right to fair trial and right to property

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

Clause 5 of the bill inserts a new provision into the act which permits the Governor in Council to make a legal costs order specifying the legal costs that may be paid by the commission in respect of any legal proceedings brought otherwise than

under the act. Litigated legal costs must only be recovered in accordance with such an order, which has the effect of limiting a court's general jurisdiction with respect to costs. A legal costs order may apply generally or be limited to reference to classes of proceedings, costs, circumstances or factors.

It may be argued that the introduction of a fixed-costs model for costs may indirectly limit the access a person has to legal advice and representation for a claim outside of the act. Further, in certain circumstances, a person's legal entitlement to costs of litigation may constitute property for the purposes of section 20 of the charter act.

The purpose of the clause is to allow persons to recover their reasonable costs, while also providing for the ongoing financial viability of the accident compensation scheme by ensuring that costs associated with litigating matters under the scheme remain reasonable. Any order made under these provisions must be made in accordance with the charter act, and must ensure that the right to a fair hearing is not unreasonably restricted. Consultation will be undertaken with the aim of fixing recoverable costs at realistic price points, and in a manner which is sufficiently flexible to take into account more complex matters. Additionally, orders made under these provisions will be subject to regular review.

For these reasons, I am satisfied that, in practice, clause 5 will not inhibit access to legal representation or access to the courts. I am also satisfied that any deprivation of property occasioned by the operation of clause 5 will be in accordance with law and, accordingly, the right to property in section 20 of the charter act is not limited.

The Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill is the result of the government's commitment to maintain the integrity and improve the operational efficiency of the Transport Accident Commission scheme to ensure it remains financially viable to support injured Victorians well into the future.

The objective of the bill is to amend the Transport Accident Act 1986 (the act) to enable the introduction of a fixed-cost model by order of the Governor in Council for any claim, application or proceeding under section 93 of the act.

The legislative provision will enable the introduction of a similar fixed-cost model as was implemented by the former Labor government in 2010 for the Victorian WorkCover Authority scheme. At that time the former Labor government described in its second-reading speech for the Transport Accident and Accident Compensation Legislation Amendment Bill 2010 that the use of a fixed-cost order was 'a prudent and financially responsible measure, which balances the sustainability of the common-law scheme while ensuring access to common-law damages continues to be provided for the most seriously injured'. This bill will achieve the same objective for the TAC scheme.

The TAC scheme is experiencing similar significant legal cost pressures as a result of the increase in the cost of serious injury and damages actions brought in the County Court. The amount paid by the TAC for legal costs to plaintiff lawyers has exceeded $50 million in the last financial year, with trends indicating further increases in the future, particularly in circumstances where a number of law firms and lawyers do not participate in the innovative Transport Accident Act Common Law Protocols agreed between the TAC, the Law Institute of Victoria and the Australian Lawyers Alliance in 2004.

The bill will introduce a provision to enable a fixed cost order to be made similar to that of the Victorian WorkCover Authority to ensure that effective financial control is maintained in relation to the legal costs of the common-law scheme for the TAC.

Section 85(5) of the Constitution Act 1975

Hon. G. K. RICH-PHILLIPS — I make the following statement under section 85 of the Constitution Act 1975 outlining the reasons why it is the intention of clause 5 in the bill to alter or vary section 85 of the Constitution Act 1975.

Clause 5 inserts a new section 93B in the act, which will allow for the making of a legal costs order in respect of any claim, application or proceeding under section 93 of the act. The effect of issuing a legal costs order under this clause will be to limit the courts' (including the Supreme Court) usual jurisdiction with regard to costs. As a result it is the intention of this clause to alter or vary section 85 of the Constitution Act 1975.

Incorporated speech continues:

It is intended that the TAC will consult with legal stakeholders immediately with regard to the content of the proposed legal costs order with a view to introducing the revised costs from the day after royal assent.

Victorians can be rightly proud of the TAC and the work it does in ensuring people affected by road trauma get the most appropriate care, treatment and compensation. This reform is about protecting the future of the scheme for the benefit of all Victorians by improving the operational efficiency of the act.

I commend this bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 7 November.

STATE TAXATION AND FINANCIAL LEGISLATION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the State Taxation and Financial Legislation Amendment Bill 2013.

In my opinion, the State Taxation and Financial Legislation Amendment Bill 2013, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of this bill is to amend the:

Commonwealth Places (Mirror Taxes Administration) Act 1999 to simplify the legislative scheme for the imposition of mirror taxes;

Duties Act 2000 and the Taxation Administration Act 1997 (Taxation Administration Act) to support the introduction of a national electronic conveyancing system;

Financial Management Act 1994 to enable the Governor in Council to direct specific government entities to comply with procurement policy made by the Victorian Government Purchasing Board;

Land Tax Act 2005 (Land Tax Act) to extend the circumstances for claiming the principal place of residence exemption in certain cases;

Unclaimed Money Act (Unclaimed Money Act) to reform the delegation powers, provide for the disclosure of information to certain recipients, and make minor technical amendments.

Human rights issues

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

This bill engages the following human rights protected under the charter act:

Right to privacy and reputation

Section 13 of the charter act provides that a person has the right not to have his or her family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 26 amends section 77 of the Unclaimed Money Act to allow State Revenue Office (SRO) staff, to disclose information to the legal services board and legal services commissioner who are responsible for regulating the legal profession in Victoria and investigating the conduct of legal practitioners. Clause 26 also amends section 77 to allow SRO staff to provide unclaimed money information to the Australian Securities and Investment Commission (ASIC) as the commonwealth agency responsible for regulating Australian companies.

The Unclaimed Money Act requires businesses, including legal practices and trusts, to retain unclaimed money for one year and then, if it remains unclaimed, lodge these amounts with the SRO. Once unclaimed money is lodged with the SRO it is available to be searched, allowing people to trace and claim any unclaimed money to which they are legally entitled. If businesses fail to lodge unclaimed money with the SRO, they are appropriating funds to which they are not legally entitled. The SRO oversees compliance with lodgement requirements and will audit or investigate law practices and businesses that fail to lodge as required. The right to privacy is relevant to this amendment because it will allow the disclosure of personal information identified in records of the law practice or company, including a person's name and address, to the legal services board, legal services commissioner and ASIC.

The purpose of this amendment is to allow the SRO to provide information to the appropriate regulator so they can prevent, investigate, and remedy improper conduct in relation to unclaimed money on behalf of Victorians. The opportunity for secondary disclosure of this information is limited, as it is an offence to disclose information obtained from the SRO unless the registrar of unclaimed money consents to the disclosure and the disclosure is made for the purposes of enforcing a law or protecting the public revenue.

For these reasons, the disclosure of information to the legal services board, legal services commissioner and ASIC is not unlawful or arbitrary and does not limit the right to privacy in the charter act.

Clause 17 amends section 92 of the Taxation Administration Act to allow SRO staff to disclose information in connection with the provision, operation, or use of an electronic lodgement network (ELN). The ELN will underpin a national electronic conveyancing system, which is being developed to facilitate the transfer of land electronically.

In Victoria, duty is charged on transfers of land. To protect the public revenue, a land transfer cannot be lodged with the registrar of titles unless duty has been paid. These amendments will allow the SRO to submit details of a duty transaction into the electronic system, so that the SRO can confirm duty payment electronically. This may include personal information such as the name, address and date of birth of the vendor and purchaser.

This amendment safeguards the revenue by ensuring that a land transfer cannot be lodged using the new system without payment of duty. Information disclosed under this provision will only be available to a limited group of people, including the registrar of titles and operators of the national electronic

conveyancing system. A conveyancer or legal practitioner acting on behalf of the vendor or purchaser may also have access to this information, however their access will be limited to details relevant to their transaction and they will be required to enter into a participant agreement before access is granted. Any person who obtains information under this provision is also governed by secondary disclosure provisions in the Taxation Administration Act which prohibit on-disclosure unless the commissioner of state revenue consents to the disclosure, and the disclosure is for the purposes of enforcing a law or protecting the public revenue.

For these reasons, the disclosure of information is not unlawful or arbitrary and does not limit the right to privacy in the charter act.

Recognition and equality before the law

Section 8(3) of the charter act provides that every person is equal before the law and is entitled to equal protection of the law without discrimination within the meaning of the Equal Opportunity Act 2010 on the basis of an attribute set out in section 6 of that act.

Clause 14 amends section 52 of the Land Tax Act to provide the trustee of a special disability trust with a land tax exemption in respect of any property which is used and occupied as the principal place of residence of the principal beneficiary of a special disability trust.

A special disability trust can be established by parents and immediate family members to plan for the future care and accommodation needs of a person with a severe disability. Accordingly, clause 14 impacts on the right to equality and discrimination under the charter because it provides a land tax exemption based on disability, which is a protected attribute under the Equal Opportunity Act 2010.

Section 8(4) of the charter act provides that measures taken for the purpose of assisting or advancing persons disadvantaged because of discrimination, do not constitute discrimination. This amendment is being provided to ensure that a disabled beneficiary receives the same principal place of land tax exemption as other individuals.

Therefore, it is considered that this amendment falls within the exception in section 8(4) and does not limit the right to equality and discrimination under the charter.

Clause 15 amends section 56 of the Land Tax Act to remove the six-year time limit for claiming the principal place of residence exemption where a person can no longer live independently and moves into care. While eligibility for this exemption is not limited to a particular class of individuals, the individuals that generally qualify for this exemption are the aged and the disabled. To the extent that clause 8 provides a land tax exemption based on age or disability, it may represent a limitation on an individual's right to recognition and equality before the law. However, for the same reasons as clause 14 above, this amendment falls within the exception in section 8(4) and does not limit the right to equality and discrimination under the charter.

Conclusion

I consider that the bill is compatible with the charter act.

The Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The State Taxation and Financial Legislation Amendment Bill 2013 makes amendments to the Commonwealth Places (Mirror Taxes Administration) Act 1999 (mirror taxes administration act), Duties Act 2000 (Duties Act), Financial Management Act 1994 (Financial Management Act), Land Tax Act 2005 (Land Tax Act), Taxation Administration Act 1997 (Taxation Administration Act), and Unclaimed Money Act 2008 (Unclaimed Money Act).

Mirror tax arrangements were introduced in 1998 to overcome constitutional obstacles to the application of state taxes to commonwealth places. Under these arrangements the commonwealth passed laws to turn certain state tax laws into commonwealth law, allowing the Victorian government to subject commonwealth places to the same tax treatment as the rest of the state. At the same time the Victorian government passed the mirror taxes administration act, to provide for the administration and collection of mirror tax revenue.

Currently, customised amendments are required to state taxing laws to ensure that taxpayers operating in both commonwealth places and elsewhere in the state are required to comply with only one set of taxation obligations and pay one amount of tax. This has administrative costs for the Victorian government, as ongoing legislative amendments are required, and increases red tape for business by adding unnecessary volume and complexity to the tax law. This bill seeks to simplify the operation of the mirror taxes regime by amending the mirror taxes administration act to allow modifications to be read into the relevant state tax laws. This will provide a more sustainable foundation for the administration of mirror taxes and will reduce costs for business by making the tax system less complex.

This bill makes consequential amendments to the Duties Act and the Taxation Administration Act which support the introduction of a national electronic conveyancing system. These amendments make provision for dutiable transactions to be effected electronically and authorise the State Revenue Office to disclose information in connection with the operation of the system. This national electronic conveyancing system is expected to provide substantial time and cost efficiencies for the conveyancing industry and reduce costs for Victorians on the sale and purchase of land by reducing disbursements and increasing the efficiency of the settlement process. Victoria is the first state to amend its taxation laws in readiness for the national electronic conveyancing system. This underscores this government's commitment to reducing red tape and relieving cost of living pressures felt by Victorians.

This bill amends the Financial Management Act to enable greater consistency in and better governance of goods and services procurement by the Victorian Government

Purchasing Board (VGPB). These amendments will ensure that specific entities that are not departments or administrative offices which undertake a considerable volume of goods and services procurement but are not currently subject to the procurement provisions of the VGPB can be required to comply with those provisions. Although currently these entities can choose to comply voluntarily with VGPB policies, they cannot be compelled to do so.

At the same time, the amendment provides for relief from compliance with some VGPB provisions in certain cases. For example, some smaller entities, either currently subject to the VGPB's oversight or which will be brought under it by an order made under these amendments, but which undertake a small volume of transactional, low-risk procurement activity, may be relieved of some requirements that are onerous in relation to the minor volumes of procurement that they undertake.

The amendment will extend the VGPB's ability to ensure entities which are engaged in procurement activity that is complex and of high strategic value to the state, comply with the VGPB's procurement policies.

This government is committed to supporting Victorian families, especially those with special needs. This bill supports that commitment by introducing a land tax exemption for land owned by the trustee of a special disability trust that is used and occupied as the principal beneficiary's principal place of residence. This measure will relieve the trustee from land tax, providing much-needed support to families who wish to make their own arrangements for family members with a severe disability.

Last year this government introduced an important new land tax exemption for Victorians transitioning into care. Under this exemption a person can continue to claim the principal place of residence exemption for up to six years after they leave the family home to go into permanent care provided the home is not rented out. This government now seeks to extend this exemption by removing the six-year time limit. This will alleviate the need to transfer the property to a family member to maintain the exemption where the homeowner remains in care for more than six years. This measure removes this potential burden, and in doing so recognises one of the unique challenges faced by Victorian families with a family member in care.

This bill also makes a number of amendments to the Unclaimed Money Act. First, it amends the Unclaimed Money Act to ensure the functions and delegations of the Registrar of Unclaimed Money are clearly conferred and aligned with equivalent functions and powers in other legislation administered by the State Revenue Office.

This bill also amends the Unclaimed Money Act to allow the State Revenue Office to disclose particular information to the legal services board, the legal services commissioner and Australian Securities and Investment Commission. This is an important amendment which will ensure the SRO can disclose any irregularities identified in the accounts of a company or law practice during an unclaimed money investigation to the appropriate regulator. In doing so, this amendment supports the regulatory and integrity functions of these agencies which have been established to protect consumers against dishonest and fraudulent conduct.

Finally, this bill extends the requirement to pay into the Consolidated Fund any money paid into court that remains unclaimed for 15 years, to the senior master of the Supreme Court of Victoria. This will ensure that the senior master is able to deal efficiently and appropriately with unclaimed funds.

I commend the bill to the house.

Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).

Debate adjourned until Thursday, 7 November.

ROAD LEGISLATION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Road Legislation Amendment Bill 2013.

In my opinion, the Road Legislation Amendment Bill 2013, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purposes of the bill are to:

a. amend the Road Safety Act 1986 to:

   i. repeal and replace the provisions relating to the demerit point scheme with provisions that will accommodate in a clear and linear manner multiple sanctions arising from the rapid accumulation of demerit points;

   ii. strengthen laws regarding interstate, overseas and unlicensed drivers;

   iii. make other improvements to the driver licensing and registration regimes; and

   iv. transfer the newly increased fee for a driver licence from the Road Safety (Drivers) Regulations 2009 into the Road Safety Act 1986; and

b. make some minor technical amendments to the Heavy Vehicle National Law Application Act 2013 and the Road Safety Act 1986.

Human rights issues

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

Re-enactment of the requirement to keep a demerits register and power to create a driver record — right to privacy

The charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with.

The bill will re-enact a provision in the Road Safety Act 1986 that requires VicRoads to keep a demerits register and to record against a person any demerit points that are incurred by that person. The bill will also allow VicRoads to create a driver record for all drivers on Victoria's roads, including overseas licence holders.

Keeping the demerits register and creating the driver record will involve VicRoads collecting information concerning a driver's demerit points or other road safety sanctions and retaining this information on its database. The collection and storage of this information must be in accordance with the relevant provisions of the Information Privacy Act 2000 as this act applies to personal information held by VicRoads. Any use or disclosure of this information must be in accordance with the provisions of the Road Safety Act 1986, as this act regulates the use and disclosure of identifying licensing and registration information.

The collection, use, disclosure and storage of this information will not be unlawful or arbitrary because these activities will be regulated by legislation. Furthermore, the demerit point system is a valuable means of maintaining road safety and therefore any restriction on the right to privacy involved in the maintenance of the register is justified.

Amendment of the provisions of the Road Safety Act 1986 that relate to registration number rights — property rights

The provisions in the bill which relate to registration number rights are compatible with section 20 of the charter act, which relevantly provides that a person must not be deprived of his or her property other than in accordance with law. Registration number rights are usually referred to as 'custom plates'.

Under the Road Safety Act 1986 the owners of registration number rights have the right to have the registration number assigned to a vehicle of which they are the registered operator and a vehicle of which they are not the registered operator. Owners may also display the number on any vehicle to which the number has been assigned by VicRoads.

The bill will provide that the owners of registration number rights may only have the registration number assigned to, and displayed on, a vehicle of which they are the registered operator. This amendment will create consistency between the provisions of the Road Safety Act 1986 and the contract of sale for registration number rights. Under the contract, owners are not able to have a registration number assigned to, or displayed on, a vehicle of which they are not the registered operator.

The bill will not affect the owner's right to store a custom plate or to have the registration number assigned to, and displayed on, a vehicle of which they are the registered operator.

As the owner's rights will be removed through a provision of the bill, the removal will be in accordance with law.

Other provisions in the bill

The other provisions in the bill do not engage any of the rights protected by the charter act.

Matthew Guy, MLC
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

Victoria's demerit point scheme is designed to remove drivers from the road who repeatedly breach traffic offences and to provide an incentive for improving driving behaviour. The scheme has proved to be an effective means for making our roads safer. However, the automated speed and red light camera system means that drivers can now accumulate demerit points very rapidly. As a result, some drivers will face multiple sanctions arising from a series of offences that have been detected over a short period. The various processes in the demerit point scheme will therefore occur multiple times in a short period, causing confusion and uncertainty on the part of drivers.

The demerit point scheme was also designed to deal with persons who hold a Victorian driver licence or learner permit. It does not apply to persons who drive in Victoria on the basis of an overseas licence or permit, or to persons who are driving unlicensed, even though these persons may pose a significant road safety risk.

To address these issues, the bill will repeal the current demerit point provisions in the Road Safety Act 1986 and replace them with provisions that will more clearly accommodate multiple sanctions arising from the rapid accumulation of demerit points.

For example, under the scheme drivers who incur sufficient numbers of demerit points may elect to go on an extended demerit point period. During this period the driver must not incur any further demerit points or his or her licence or permit will be suspended for double the time that would have applied if he or she had not elected to take the extended demerit point period option. The ability of a driver to accumulate high numbers of demerit points in a short period of time through the automated traffic camera system means that a driver may be on a number of overlapping extended demerit point periods. The bill will ensure that these extended demerit point periods can only be served one after the other, not at the same time or overlapping with each other.

The bill will also reduce the road safety risk posed by interstate and overseas drivers by allowing VicRoads to deal with them in a similar way to Victorian drivers. The bill will extend the demerit point scheme to overseas and unlicensed drivers. Currently, these drivers may incur demerit points but no matter how many points they may have, they will not face any sanction resulting from the accumulation of demerit points until they obtain a Victorian driver licence or learner permit. At that point they may face licence suspension due to the number of points they have incurred over the years. The bill will ensure that once overseas or unlicensed drivers incur specified numbers of demerit points VicRoads can issue them with a notice that disqualifies them from driving on Victoria's roads and from obtaining a Victorian licence or permit. Unlicensed drivers will also face this sanction along with any penalty imposed for driving without a licence.

At the present time, VicRoads may require Victorian licence-holders or applicants for a Victorian licence to undergo a fitness to drive test. However, the Road Safety Act 1986 has not made any provision for VicRoads to similarly require interstate or overseas drivers to take a fitness to drive test, even though these drivers may appear to have significant fitness to drive issues. The bill will enable VicRoads to require interstate or overseas drivers to take a fitness test. The regulations will remove the drivers' authority to drive in Victoria in the event that they refuse to take or fail a fitness test.

The bill will also state that once a person is issued with a Victorian driver licence or learner permit, his or her authority to drive will stem from that licence or permit while it is current. Therefore, upon the issue of a Victorian licence or permit, any overseas or interstate licence or permit that the driver may have will have no effect for the purpose of allowing him or her to drive in Victoria. The bill will also make it an offence for a driver to produce an interstate or overseas licence, rather than his or her Victorian licence, when asked by a police officer or other authorised officer to produce the document that authorises the person to drive in Victoria.

The bill will make other improvements to the licensing and registration provisions of the Road Safety Act 1986. For example, the bill will enable VicRoads to disqualify a person from obtaining a driver licence or learner permit if it has cancelled the person's licence or permit. This power will allow VicRoads to prevent the person from obtaining a further licence or permit while the problems that led to the cancellation in the first place remain unresolved.

Currently under the Road Safety Act 1986 a person's ownership of a registration number will end if the vehicle to which the number was assigned remains unregistered for more than 12 months. Ownership of registration number rights should not be lost simply because the vehicle's registration has expired. The bill will amend the act to ensure that registration number rights are not lost due to the expiry of the vehicle's registration.

In conclusion, the bill will make a significant contribution to improving road safety through allowing VicRoads to manage interstate and overseas drivers in a similar way to Victorian licence or permit-holders. It will also greatly improve the operation of the demerit point scheme through rationalising and clarifying the operation of key aspects of that scheme.

I commend the bill to the house.

Debate adjourned for Mr MELHEM (Western Metropolitan) on motion of Mr Lenders.

Debate adjourned until Thursday, 7 November.

STATUTE LAW REVISION BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Statute Law Revision Bill 2013 (bill).

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill corrects a number of ambiguities, minor omissions and errors in acts to ensure their meaning is clear and reflects the intention of Parliament.

In addition, the bill repeals wholly redundant acts identified by Office of the Chief Parliamentary Counsel and departments.

Human rights issues

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

No human rights protected by the charter act are relevant to the bill.

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

As no rights protected under the charter act are relevant to the bill, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. David Davis, MLC
Minister for Health
Minister for Ageing

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill before the house, the Statute Law Revision Bill 2013, is a regular mechanism for updating and maintaining the accuracy of statute law in Victoria. The bill ensures that the state's laws remain clear, relevant and accurate.

The bill corrects a number of ambiguities, minor omissions and errors found in statutes to ensure the meaning of acts is clear and reflects the intention of Parliament.

The bill also repeals principal acts which have no ongoing operation and amending acts which are spent in effect and have no further purpose.

This year, the bill also amends references to government departments to reflect the recent restructure of the Victorian public service. The restructure, which is now fully operational, has sharpened the focus of the public service on securing investment and jobs, delivering responsible financial management and providing better front-line services to all Victorians.

By correcting references, fixing errors and repealing redundant acts, the bill will ensure that Victorian statutes are updated and maintained in a regular and orderly manner so that they remain relevant and accessible to the Victorian community.

In accordance with practice, this bill has been considered by the Scrutiny of Acts and Regulations Committee.

I commend the bill to the house.

Debate adjourned for Mr ELASMAR (Northern Metropolitan) on motion of Mr Lenders.

Debate adjourned until Thursday, 7 November.

COURTS AND OTHER JUSTICE LEGISLATION AMENDMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Courts and Other Justice Legislation Amendment Bill.

In my opinion, the Courts and Other Justice Legislation Amendment Bill 2013, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

The bill makes a number of miscellaneous amendments to court and justice system legislation. The provisions of the bill that are relevant to the human rights set out in the charter act are as follows.

Court Security Act 1980 amendment

The bill amends the Court Security Act 1980 to expand the definition of court premises to include any place where a court is constituted and exercising the powers of the court for the time being. This would have the result that court-authorised officers will be able to exercise their powers, such as their powers of search and questioning, in those areas.

The amendment is relevant to section 13 of the charter act, which provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. Any interference with privacy under the Court Security Act 1980 will be pursuant to the powers conferred by that act, and serve the legitimate and necessary purpose of ensuring that court premises remain safe areas for the public and that courts can perform their functions free from harm. As such, the amendments to the Court Security Act 1980 do not amount to an unlawful or arbitrary interference with privacy.

The amendment may also be relevant to the freedom of movement set out in section 12 of the charter act, where a court convenes outside of a court building. Court-authorised officers will have power to remove a person from court premises where the person does not submit to a demand under section 3(1) or a requirement under section 3(3) of that act.

The rights set out in the charter act may be subject to reasonable limits under section 7(2) of the charter act. Further, the scope of the right to freedom of movement is arguably subject to a range of internal limits implicit in a free and democratic society based on the rule of law. The amendment is necessary to ensure the safety of the public and court staff where a court conducts its operations outside of a court building. The definition ensures that the area deemed to be court premises for the purposes of the Court Security Act 1980 will be limited to the area where the court is performing the functions of the court and the immediate vicinity, and limited to the duration of the court hearing. Accordingly, any limitation imposed on the right to freedom of movement is demonstrably justified under section 7(2) of the charter act.

Magistrates' Court Act 1989 — assessment and referral court list amendment

The Magistrates' Court Act 1989 currently provides that persons charged with a serious violence offence, a violent offence or a sexual offence (as defined in the Sentencing Act 1991), are currently not eligible to participate in the assessment and referral court list (ARC list). The bill amends the Magistrates' Court Act 1989 to remove this restriction. As a result, a larger pool of people will be eligible to participate in the ARC list.

Section 4U of the Magistrates' Court Act 1989 confers powers on the Magistrates Court, including power to require participants in the ARC list to reveal personal and medical information to treatment providers and the court. The provision of such information is necessary to achieve the goals of the ARC list, namely to ensure that people charged with an offence who have a mental illness or cognitive impairment receive appropriate treatment. Furthermore, participation in the list is voluntary and requires the consent of the accused. As such, the powers of the court do not amount to an unlawful or arbitrary interference with privacy.

Births, Deaths and Marriages Registration Act 1996 amendment

The bill amends the Births, Deaths and Marriages Registration Act 1996 to reduce the circumstances in which an adult may apply to the registrar for registration of a change of the person's name and reduce the circumstances in which the parents of a child may apply to the registrar for registration of a change of the child's name. These amendments are relevant to a person's right not to have his or her privacy or family unlawfully or arbitrarily interfered with as set out in section 13 of the charter act.

The additional requirements will be prescribed by statute and the powers of births, deaths and marriages registrars will remain prescribed by, and subject to, law. The amendments are designed to prevent fraud and the abuse of change of name processes. As such, the amendments do not amount to an unlawful or arbitrary interference with privacy or family.

Terrorism (Community Protection) Act 2003 amendment

A number of human rights set out in the charter act are relevant to the Terrorism (Community Protection) Act 2003 (TCP act). Section 38 of the TCP act provides that the minister must cause a review of the operation of the act to be completed and a copy of the report laid before each house of Parliament by 31 December 2013. This bill extends the reporting date to 31 December 2014 so that the review of the TCP act can have proper regard to the Council of Australian Governments review of counter-terrorism legislation. The bill will not otherwise affect the operation of the TCP act.

Hon. E. J. O'Donohue, MLC
Minister for Liquor and Gaming Regulation
Minister for Corrections
Minister for Crime Prevention

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The bill contains a range of measures to support the efficient and effective operation of Victoria's courts and tribunals. The bill:

enhances safety within court premises by providing a more functional definition of court premises in the Court Security Act 1980;

improves the efficiency and effectiveness of court processes in the assessment and referral court (ARC) list in the Magistrates Court;

helps prevent certain unmeritorious proceedings by requiring leave to appeal in all statutory demand matters in the Supreme Court;

enables a broadening of representation on the Legal Costs Committee; and

maintains the legislative basis for the Neighbourhood Justice Centre (NJC).

In addition, the bill will make a number of amendments to benefit the broader justice system by:

validating certain acts and decisions of bail justices who continued to act after the time of expiration of their appointments;

bringing Victorian change of name processes into line with national best practice recommendations;

ensuring the proper functioning of the Police Registration and Services Board by updating references in its governing act to the previous board;

postponing the statutory review reporting date of the Terrorism (Community Protection) Act 2003 to enable consideration of any recommendations arising from a pending review of national counter-terrorism laws; and

updating references in legislation to reflect the change of title of the Federal Magistrates Court to the Federal Circuit Court of Australia.

Court security

The Court Security Act 1980 provides for the secure and orderly operation of Victoria's courts and tribunals. The scope of the Court Security Act 1980 is limited by the definition of court premises within the act. The current definition has caused uncertainty for court officers in some contexts as to whether the act applies outside of court buildings. The bill proposes to clarify the definition of court premises by specifying that the definition applies to specified areas outside of court buildings and that it also applies when court proceedings occur at offsite locations, such as when a trial court jury visits a crime scene.

Assessment and referral court list

The bill proposes changes to the ARC list as established by the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010. The ARC list is a specialist court list pilot that began operations in the Melbourne Magistrates Court in 2010 to provide for cases where an accused person has a mental illness and/or a cognitive impairment. It deals with cases at the lower end of the range of offence seriousness, both through the criteria applied by magistrates in deciding on admission to the list, and because more serious cases are not eligible for consideration for admission to the list because they proceed by way of indictment, committal and trial in the higher courts.

The Magistrates Court regularly reviews the operations of the ARC list to seek opportunities to improve the model so the court can handle cases relevant to the list as effectively as possible.

As proposed by the court, the bill will remove certain eligibility restrictions for the list, in order to give the ARC list magistrates greater flexibility to determine suitable candidates for the list taking into account all of the relevant circumstances.

This bill will also remove the current requirement for accused persons to have their ARC list involvement terminated if they indicate that they will be pleading not guilty, by specifying that only actual formal pleas of not guilty will result in the termination of an accused person's ARC list involvement. It is expected that this will encourage earlier plea indications, thereby improving the effectiveness of the handling of matters.

The bill will also introduce a requirement that an accused person must enter a formal plea before an individual support plan can be approved by an ARC list magistrate.

Supreme Court Act — statutory demand matters

The bill will amend the Supreme Court Act 1986 to ensure that all appeals in relation to statutory demand matters are subject to leave of the court. In certain limited circumstances, litigants may appeal determinations in statutory demand matters without leave. The amendment will allow Supreme Court judges and associate judges to consider whether applications for all appeals in relation to statutory demand matters ought to proceed in court. The expected result is a reduction in vexatious and unmeritorious appeals.

Legal Profession Act 2004 — Legal Costs Committee

Currently under the Legal Profession Act 2004, the chief justice and chief judge only have the power to nominate a judge of their respective court to the Legal Costs Committee. However, other judicial officers, for example associate judges in the Supreme Court, are performing a more significant role in the court system and so it is timely to empower the chief justice to nominate other judicial officers of the Supreme Court to the Legal Costs Committee.

The bill amends the Legal Profession Act 2004 by extending the chief justice's nomination power to associate and reserve judges. The same function is also extended to the Chief Judge of the County Court to allow the chief judge to nominate a reserve or associate judge.

Neighbourhood Justice Centre

The sunset clause in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 is due to repeal the Neighbourhood Justice Centre's legislative basis on 31 December 2013. The government has provided ongoing funding to the Magistrates Court in the 2013–14 state budget to continue the work of the NJC, which under the current government is playing a valuable role as an innovation hub to pioneer and pilot reforms that can be applied more broadly across the court system. The bill will preserve the legislative basis of the NJC by removing its legislative sunset.

Validation of bail justice acts and decisions

The bill will also validate the acts and decisions of bail justices who, pursuant to transitional provisions in the Magistrates' Court Act 1989, purported to act after their appointment as a bail justice expired.

Prior to amendments passed in 2010, bail justices were appointed for an ongoing period. The Bail Amendment Act 2010 introduced fixed terms of office for bail justices and provided for existing bail justices to be transitioned to terms of office that would expire on particular dates depending on when they were appointed. Due to an administrative oversight in notifying expiring appointees during the transition to the new system, it has been identified that at least one bail justice continued to perform duties in good faith after the time of expiry of their appointment.

The decisions of such bail justices are likely to be valid by virtue of the de facto officer doctrine, but from an abundance of caution and in order to provide certainty, the bill provides that those acts and decisions are valid.

It is important to note that the bill will only validate those past decisions that could be found to be invalid solely on the grounds that the person's appointment had expired, and not for any other reason.

Victorian change of name processes

This bill amends the Births, Deaths and Marriages Registration Act 1996 to implement two recommendations of a discussion paper, *Ten Recommendations for a Better Approach to Change of Name Processes in Australia*, that was endorsed by the Standing Council on Law and Justice in November 2011. The recommendations are intended to be adopted in each Australian jurisdiction as a measure to prevent criminal abuse of the change of name process and potential fraud.

The amendments align Victoria with the national recommendations by ensuring that:

> a person born in Victoria must apply for a change of name in Victoria;
>
> a person born in Australia but outside of Victoria cannot apply to change their name in Victoria (they must change their name in the jurisdiction in which their birth is registered); and
>
> a person born overseas may only change their name in a jurisdiction if they have resided in that jurisdiction for at least 12 consecutive months immediately preceding the date of application.

The bill also specifies limited circumstances in which that 12-month residency requirement can be waived.

Police Regulation Amendment Act 1958

On 1 July 2013, the Police Regulation Amendment Act 2012 amended the Police Regulation Act 1958 to, among other things, abolish the Police Appeals Board and establish the Police Registration and Services Board. The bill inserts a provision allowing the president or the deputy president to exercise the functions of the Police Registration and Services Board, and also corrects three references to the Police Appeals Board in the Police Regulation Act 1958.

Reviews under the Terrorism (Community Protection) Act 2003

The bill amends sections 38(1) and 38(2) of the Terrorism (Community Protection) Act 2003, which currently requires the relevant minister to arrange for a review of the operation of the act to be conducted and a report tabled in Parliament by 31 December 2013. The bill extends the date for review and tabling to 31 December 2014.

A review of Australian counter-terrorism laws was conducted under the auspices of COAG and was tabled in the commonwealth Parliament on 14 May 2013. The review looked at significant aspects of Victoria's Terrorism Act, including the provisions related to preventative detention orders (part 2A) and provisions related to special police powers (part 3A).

These provisions are based on models developed by the commonwealth in conjunction with the states and territories and there are consistent legislative schemes addressing these specific powers across the nation.

The commonwealth has commenced work to consider the COAG report and its recommendations and is expected to table a government response in due course.

The government believes that the Victorian statutory review should occur following consideration of the COAG report and the commonwealth government's pending response to that report. Given the delays that have occurred in the commonwealth processes, it is necessary to provide additional time for the Victorian review to be undertaken following completion and publication of the commonwealth government's response to the COAG report.

References to the Federal Magistrates Court

Under the Federal Circuit Court of Australia Legislation Amendment Act 2012 (cth), the commonwealth Federal Magistrates Court changed its title to 'the Federal Circuit Court of Australia'. The title of federal magistrate was also changed to 'judge' and that of the chief federal magistrate to the 'chief judge'.

Accordingly, this bill will amend references in sections 3(1) and 35(1) of the Australian Crime Commission (State Provisions) Act 2003, section 3 of the Corporations (Administrative Actions) Act 2001, section 3 of the Co-operative Schemes (Administrative Actions) Act 2001 and section 14(5)(ac)(i) of the County Court Act 1958.

I commend the bill to the house.

Debate adjourned for Ms MIKAKOS (Northern Metropolitan) on motion of Mr Lenders.

Debate adjourned until Thursday, 7 November.

EMERGENCY MANAGEMENT BILL 2013

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. M. J. GUY (Minister for Planning), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Emergency Management Bill 2013.

In my opinion, the Emergency Management Bill 2013, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purposes of this bill are to establish new governance arrangements for emergency management in Victoria, repeal the Fire Services Commissioner Act 2010, and consequentially amend emergency management legislation.

Human rights issues

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

Certain provisions of the bill are relevant to the right to privacy under section 13 of the charter act.

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by a law that is accessible and precise. An interference with privacy will not be arbitrary if the restrictions it imposes are reasonable, just and proportionate to the end sought.

Clause 35 provides that the emergency management commissioner (the commissioner) may require a relevant agency to provide any information that the commissioner reasonably believes is necessary for the purposes of:

a. developing and maintaining operational standards for the performance of emergency management functions by emergency service agencies;

b. developing and maintaining incident management operating procedures for responder agencies;

c. coordinating data collection and impact assessment processes; and

d. performing other functions as conferred on the commissioner under legislation.

Two of the inspector-general for emergency management's (IGEM) functions are to initiate and prepare a system-wide review and to prepare advice or a report, on the request of the minister, on any matter relating to the IGEM's functions. Clause 69 provides that the IGEM may require information from a relevant agency for the purposes of carrying out these functions.

To the extent this information may relate to information about individuals, any interference with the right to privacy is neither unlawful nor arbitrary. The commissioner and the IGEM require this information in the interests of public safety and are bound by existing privacy legislation and the common law. Any information collected will be stored appropriately, accessible only to those who require access to perform the functions of the commissioner and IGEM as set out in legislation.

Clause 70 ensures that any reports or reviews made public must not include any information that discloses the identity of any individual.

Clauses 72, 73 and 74 prohibit the IGEM from disclosing any confidential information except in the following circumstances:

a. to allow the IGEM to perform legislated functions;

b. to assist the coroner;

c. for disclosure to the commissioner for law enforcement data security or the Independent Broad-based Anti-corruption Commission; or

d. where the information relates to the commission of a criminal offence and the IGEM believes it would be in the public interest to disclose the information.

Where the information relates to the commission of a criminal offence, the IGEM may disclose that information to the Director of Public Prosecutions or a member of the police force.

The bill defines 'confidential information' as any information acquired by the IGEM in the course of conducting a review or preparing a report under the bill that is not already available in the public domain.

The limited intrusion on individual privacy occasioned by the disclosure of information in accordance with the provisions is reasonable and is neither unlawful nor arbitrary.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

The Hon. Matthew Guy, MP
Minister for Planning

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

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

That the bill be now read a second time.

Incorporated speech as follows:

The coalition government is committed to reforming the state's emergency management arrangements to improve Victoria's ability to respond to, and recover from, emergencies. This complex and significant task will make Victoria an even safer place to live.

The *Victorian Emergency Management Reform — White Paper*, released in December 2012, provides a road map for the government's reform program over the next 10 years. It set an all-hazards, all-agencies agenda for emergency management with a focus on community, collaboration and capability. The Emergency Management Bill 2013 is a momentous step on the road to implementing this reform program. Volunteers play a critically important role in the emergency management sector, and the bill recognises this by including specific measures to ensure volunteer capacity and capability is encouraged, strengthened, and maintained.

The Emergency Management Bill will establish a new principal act for emergency management. The last time such significant legislative changes were made was in 1986 when this Parliament passed the Emergency Management Act as a result of reforms flowing from the Ash Wednesday bushfires in 1983. Victoria's experiences during and after the 2009 bushfires and the 2010–11 and 2012 floods have demonstrated that despite the hard work and good intentions of all those involved in responding to these emergencies, Victoria's emergency management framework no longer adequately provides for the needs of Victorians during major emergency events.

In response to this need, the bill will introduce new governance arrangements for emergency management, which include the establishment of the State Crisis and Resilience Council, the emergency management commissioner, Emergency Management Victoria and the inspector-general for emergency management. It will have a staged commencement to avoid disturbing operational arrangements, particularly during the upcoming fire season.

The State Crisis and Resilience Council, however, is already operating as Victoria's peak body responsible for developing and coordinating policy and strategy across the emergency management spectrum and overseeing its implementation. It is not a tactical or operational decision-making body. The State Crisis and Resilience Council replaces the Victorian Emergency Management Council. The bill will give the State Crisis and Resilience Council legislative footing to support the strategic action plan that the council will develop for endorsement by government to improve the management of emergencies by Victoria's agencies and departments. Four subcommittees that focus on risk and resilience, capability and response, recovery and executive leadership will support the State Crisis and Resilience Council. These arrangements

will streamline and simplify emergency management committee structures, as recommended by the review of the 2010–11 flood warnings and response. The arrangements will rationalise the number of committees and reduce duplication to take full advantage of the enormous work undertaken by emergency management committees.

The bill will also establish the emergency management commissioner who will be the successor to the fire services commissioner and will expand the focus of this role beyond fire to transition to an all-hazards approach. This goes further than recommendation 63 of the Victorian bushfires royal commission, which recommended the introduction of the fire services commissioner, so that the successes achieved by establishing this role are expanded to other types of emergencies.

By providing leadership for the sector, the new commissioner will drive improvements, particularly in operational capability and interoperability. In relation to the commissioner's operational role, the commissioner will assume responsibility for most of the emergency management functions currently performed by the Chief Commissioner of Police to ensure effective control is in place for major emergencies. It will also include overseeing a more cohesive approach to relief and recovery and for the first time, an explicit responsibility for managing the broader consequences of an emergency to minimise their negative effect on the community. This new consequence management role will fill a gap in the current arrangements and is one of the most important aspects of the reforms in the bill.

Another important reform is the establishment of a new statutory body, Emergency Management Victoria. This new body will provide a necessary central structure for emergency management so policy, strategy, planning and investment are more coordinated and integrated across the sector. As part of the new 'all-agencies' approach to emergency management, Emergency Management Victoria will strengthen relationships across agencies and departments so that the ability to work together and share resources is maximised. Emergency Management Victoria will be staffed from existing resources within the public sector.

Volunteers have been and will continue to be fundamental to emergency management service delivery in Victoria. They do a magnificent job for this state. Equally, they will be fundamental to the successful implementation of these reforms. For those reasons, the bill requires both the emergency management commissioner and Emergency Management Victoria to have regard to this important feature of Victoria's emergency management arrangements in the carrying out of their functions. This is reinforced by requiring the strategic action plan to include, where relevant, measures encouraging, strengthening and maintaining the capacity and capability of volunteers and the community.

Finally, the bill will establish the inspector-general for emergency management, who will be the successor to the current emergency services commissioner. The inspector-general will be responsible for fostering continuous improvement in the sector and providing assurance to the government and the community. By working closely and collaboratively with agencies and departments, the inspector-general will conduct system-wide reviews that are outcome focused to identify problems so they can be rectified. The inspector-general will begin by focusing on the core emergency services agencies such as the Country Fire Authority, Metropolitan Fire Brigade and Victoria State Emergency Service.

The Victorian government is committed to improving the state's emergency management arrangements because unfortunately, bushfires, floods and other emergencies will not only continue to occur but are likely to increase in their frequency and severity. The reforms to the governance arrangements that I have outlined above will lay a strong foundation from which to build further improvements.

I commend the bill to the house.

Debate adjourned for Ms PULFORD (Western Victoria) on motion of Mr Lenders.

Debate adjourned until Thursday, 7 November.

ADJOURNMENT

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

That the house do now adjourn.

Automotive industry future

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Manufacturing, David Hodgett, concerning the future of the Australian automobile manufacturing industry. Victoria is at the heart of the Australian auto industry, with over 60 per cent of the nation's auto industry production being located in Victoria. The industry is of strategic importance to the Victorian manufacturing sector as it drives technology, employment, investment, technology transfers, innovation and skills acquisition. Furthermore, the auto industry has a wide-ranging and profound effect on economic activity and employment. The complete lack of urgency shown by the Abbott federal government in dealing with the serious challenges facing the Australian auto industry is of concern to tens of thousands of Australians, but in particular thousands of Victorians who are employed in the auto industry, not only by the car makers but also in the component manufacturing sector.

Given the importance of the auto industry to the Victorian economy and to the manufacturing sector, I would like the minister to pick up the phone to his counterpart in Canberra and explain to him the importance of this industry to the jobs of Victorians and request that his counterpart sit down with the car makers and secure the future of the Australian auto industry.

Suicide prevention

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is directed to the Honourable Mary Wooldridge in her capacity as the Minister for Mental Health. Today I farewelled a good friend, a beautiful friend, a lifelong friend and a cherished friend. My family, friends and I gathered with her family and friends in Melbourne's northern suburbs to pay tribute to and celebrate the life of a wonderful Victorian woman. She had the most beautiful eyes, the most caring heart and the most infectious smile. She was a wonderful mother and a supportive and generous friend. She was very special, and I will miss her. It was a shock to lose her. As it turns out, clearly she was troubled; clearly she was in pain. I am very sad today. My family and I have lost a precious and dear friend. I ask the minister to update me on what the Napthine coalition government is doing in the area of mental health and specifically in the area of suicide prevention.

South West TAFE Glenormiston campus

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for Mr Hall in his capacity as the Minister for Higher Education and Skills, and it is in relation to the Glenormiston campus of South West TAFE. The minister would be more than aware from the question I asked him yesterday that there continues to be speculation and concern within the community about the ongoing operation of Glenormiston. As I understand it, the minister met with the Corangamite Shire Council fairly recently.

Glenormiston has a special place in the hearts of many people in the south-west. A lot of people attended school there, a lot of people have been married there and a lot of people have picnicked there. It is part and parcel of the district. It is a mansion, and the landscape is iconic, as is the staircase and a number of other things inside the mansion.

As the minister knows, agricultural education has been held there for a long time. I recall there being a public tender process in relation to the campus in 2008 and Skills Victoria announced that South West TAFE would be awarded the Glenormiston College lease and continue to operate the facility as a specialist agricultural and equine college. On 11 September 2009 I represented the then Minister for Regional and Rural Development and was there for the signing of the lease. I clearly remember that day because unfortunately Josie Black — a member of the board — had sadly passed away that morning. I understood from what people said about the lease on that day that it was to continue as an agricultural and equine facility.

The action I am seeking from the minister is that as soon as possible he outline what the future of that facility will be: whether the lease means that it must continue as an agricultural and equine facility; whether it will operate in some other capacity; whether the lease will continue; whether the government will call it in and ask if there will be other government departments and authorities that may be interested in it; or whether it will be put up for sale. That is the action I seek.

Guardianship legislation

Mr SCHEFFER (Eastern Victoria) — I raise a matter for the attention of and action by the Attorney-General. It concerns the Victorian Law Reform Commission's *Guardianship — Final Report* and the lack of government response to its recommendations. I ask the Attorney-General to release the government response to the 440 recommendations in the report and to introduce legislation that will, in particular, enact laws concerning co-decision making, guardianship and succession planning. By way of background, on Tuesday, 15 October, I tabled a petition on behalf of Community Lifestyle Accommodation Ltd seeking Parliament's consideration of the Victorian Law Reform Commission's report on the Guardianship and Administration Act 1986.

Parents and carers supporting families with children with disabilities across Eastern Victoria Region signed the petition, and I commend them for their dedicated ongoing day-to-day support of people with disabilities. Families and carers have long campaigned for reforms to Victoria's guardianship laws to cater to the contemporary needs of Victorians who need assistance with decision making now and into the future. Those fine people who serve the community with little thanks and with much compassion are growing older, and quite frankly they are sick and tired of waiting for changes, including those set out in the recommendations in the Victorian Law Reform Commission's report. We can understand their outrage when on the one hand people with disabilities are made to wait for guardianship reforms but on the other hand the government rams through legislation to raise fees on some 2100 of the state's most vulnerable citizens living in state-run residential disability accommodation.

The Attorney-General, Robert Clark, tabled the Victorian Law Reform Commission's report in 18 April 2012. Victorians welcomed that report, and media outlets at the time reported that it rightly recognises that decision-making capacity is not an all-or-nothing

concept and that the state government would consider the report's 440 recommendations with a view to making changes. Our current laws are nearly 30 years old. They are complex and need to be changed to provide up-to-date appropriate assistance to people with disabilities by safeguarding their rights and fostering a greater understanding in the community.

I ask the Attorney-General to provide me with advice on when the government will respond to the recommendations and when it plans to introduce the legislation concerning co-decision making, guardianship and succession planning.

Social housing advocacy and support program

Ms HARTLAND (Western Metropolitan) — My adjournment matter today is for the attention of the Minister for Housing. The social housing advocacy and support program (SHASP) provides support to public housing tenants to prevent homelessness. It helps households to maintain their tenancy in situations where there is a risk of it breaking down. Since its operation began in 2006 it has been a remarkable success, reducing eviction rates by half and thus preventing homelessness for thousands of individuals and families. Despite this fantastic record, funding to SHASP has been cut from $7.4 million in 2011–12 to $5.8 million in 2012–13 and $4.7 million in 2013–14.

In recent years SHASP has prevented homelessness by working with approximately 5600 households each year. By 2013 the program is expected to work with just 2400 households; that is 3200 households annually that will go without housing and financial help when they run into financial trouble. It also means there will be longer waiting times for clients who do receive services, often leading to them getting further into arrears and accumulating more debt before help is provided. The impact of this situation is starting to be felt. The recently released Department of Human Services annual report 2012–13 reveals that there are tenants in arrears totalling $15.1 million; that is a 22 per cent or $2.7 million increase in rental arrears in public housing over the financial year. For the past decade the arrears have hovered between $10 million and $13 million. Late payments over $15 million are unprecedented.

Defunding SHASP has led to the highest number of tenants in arrears on record. The increase has occurred despite the crackdown on late payments. This $15.1 million represents thousands of tenants, many of whom are sole parents and their children, who are struggling to pay their bills and are at risk of becoming homeless. We do not know the public housing eviction rates for 2012–13, but I am deeply concerned that the fantastic success SHASP has had in reducing eviction rates will be reversed due to funding cuts. It is clear that the government's experiment has failed. It thought it could make savings by cutting funding to SHASP by $2.7 million over two years and contain the loss in income from rental payments by getting tough on rental arrears. However, the rental arrears have increased by $2.7 million already and may get worse as the second cut kicks in in this financial year.

In light of these revelations, it is clear that this policy has failed. I call on the Minister for Housing, the Honourable Wendy Lovell, to return funding to the social housing advocacy and support program.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have written responses to adjournment debate matters raised by Mr Lenders on 19 September and Ms Crozier on 19 September.

Tonight five new adjournment matters were raised. The first of those was raised by Mr Somyurek for the attention of the Minister for Manufacturing, encouraging a conversation between state and federal ministers with interests in the automotive industry, and I will pass that request on.

Mr Ondarchie sought an update on information about what the government is doing in relation to suicide prevention, and I will pass that on to the Minister for Mental Health.

I will come back to the matter raised by Ms Tierney.

Mr Scheffer raised a matter for the attention of the Attorney-General seeking the government's response to the final report relating to guardianship, and I will pass that request on to the Attorney-General.

Ms Hartland raised a matter for the attention of the Minister for Housing regarding the social housing advocacy and support program, seeking restoration of funding for that organisation, and I will pass that request on.

Ms Tierney raised a matter about the future of Glenormiston College. Mr Ramsay also raised this matter last night. I was not in the house last night when it was raised, but I am here tonight, and I am pleased Mr Ramsay and Mr Koch are here as well. Responding in the way I am will therefore deal with the adjournment items that were raised last night by Mr Ramsay and this evening by Ms Tierney.

The questions from both members have really been about the future of the site. I have had some discussions with local members representing that area but also, as Ms Tierney said, with the Corangamite Shire Council about the future of the site. First of all let me say that the one commonality in the discussions I have had with all parties regarding the future of Glenormiston is a shared desire to see that valuable asset utilised for worthwhile purposes that will bring benefits to the people of Corangamite shire. Of course there is debate about what might be uses for that site. I am well aware of the history of the site. I recall visiting Glenormiston many years ago when it was controlled by the Victorian College of Agriculture and Horticulture. I visited it when it was part of Melbourne University, and I have also visited it on a number of occasions since it has been part of South West Institute of TAFE. I am very familiar with the asset, its importance and its significance to the local community.

One important matter is the zoning of the land in terms of what it might be used for in the future. At my meeting with the Corangamite Shire Council I learnt that the zoning currently applied to the land by the council allows for some flexibility in the use of that land; it is not confined to agricultural education purposes.

It is a parcel of land in the order of 280 hectares on a number of titles. I have learnt that there are four houses associated with the land, which have been on the market since 2011, if my memory is correct. Those houses have not been sold; there has been no interest in them. The land is leased by South West Institute of TAFE. Ms Tierney was right when she mentioned that an expression of interest was sought several years ago — I think in 2009. At that stage there was not a great deal of interest in the land, but the TAFE chose to lease it from the Minister for Higher Education and Skills.

I have indicated to the shire my preparedness to work with the local community to find constructive uses for the land. It is appropriate in the first instance that we seek expressions of interest for its use from providers of agricultural education, and it is my intention to see if there is interest in that regard. The shire also realises that it might need to cast the net more broadly and seek expressions of interest in the land for a wider purpose of use. However, my proposal in the first instance is to test the market in terms of agricultural providers of education. Secondly, if it is apparent that there is no real interest in that regard, we will then work with the shire to look for alternative uses. I am flexible about the options. I have indicated very clearly that I will work with local members and local communities to find a resolution to this issue. The important thing is that it is a valuable asset to the community, and we do not want to see it sitting idle and not being used. We will look for those who might use it for a worthwhile purpose and give a return to the local community.

One final aspect of my answer is that I have agreed with the Corangamite Shire Council that the department should take responsibility for the security and asset preservation of the site once the lease arrangement expires. As a matter of fact the lease conditions undertaken by South West Institute of TAFE require it to give six months notice of exiting the lease. It has given that notice, so the clock is ticking on this issue. For the balance of the six-month period responsibility for maintenance rests with the TAFE, but beyond that, if we have not found an alternative occupier by that time, I have committed the department to having a security and asset preservation plan to make sure that we look after the asset.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 5.08 p.m. until Tuesday, 12 November.