PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 19 February 2013

(Extract from book 2)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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TUESDAY, 19 FEBRUARY 2013

Tuesday, 19 February 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

FIREFIGHTERS: DEATHS

The PRESIDENT — Order! It is rather poignant that at a time when we remember the anniversary of the tragic Ash Wednesday bushfires we have courageous Victorian men and women out fighting fires again, particularly the significant fires in the Grampians and in north-eastern Victoria. On behalf of the Legislative Council of Victoria I wish to express our deepest and most sincere condolences to the family, friends and colleagues of Katie Peters and Steven Kadar, the two firefighters who were tragically killed on duty near Harrietville on 13 February 2013.

As a mark of respect I ask members to rise in their places for 1 minute.

Honourable members stood in their places.

The PRESIDENT — Order! Those two courageous young people were just 19 years of age and 34 years of age. What a waste. I offer God's strength to all of those people fighting the bushfires this week.

CONDOLENCES

Hon. Geoffrey Phillip Connard, AM

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

> That this house expresses its sincere sorrow at the death on 27 January 2013 of the Honourable Geoffrey Phillip Connard, AM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and people of Victoria as a member of the Legislative Council for the Higinbotham Province from 1982 to 1996.

In doing so, I indicate that many of us in this house knew Geoffrey Connard very well — and those members who were in this chamber for a period before 1996 knew him particularly well. I came into the chamber in 1996, but I knew Geoffrey Connard extremely well and saw him over the years as a contributor to his political party and the community through this chamber and also much more broadly than that. He was a gentleman in every sense of the word.

Geoffrey Connard was born on 13 October 1925 in Cheltenham, Victoria. His parents were Thomas and Elsie Thorp. He was married on 29 June 1957 to Judith Wills. His occupation, as members may well know, was as a pharmacist. He was a strong, religious person. He was educated at Mordialloc state and high schools, Melbourne Grammar School and the former Victorian College of Pharmacy, and he was a strong member of the Pharmaceutical Society of Australia. He was later awarded a Member of the Order of Australia (AM), and I will come back to say something about that citation.

He had a strong involvement in the Liberal Party. He joined in 1944, so he was very close to being one of its founding members. He was a founding member of the Young Liberals and was its state country vice-president from 1950 to 1952. He was treasurer of the Mordialloc branch for 30 years, chairman of Mentone and Higinbotham electoral committees, the vice-chairman of Isaacs electorate committee and a member of many other Liberal Party committees over many years. That was not the extent of his involvement with his community.

I remember coming into this place in 1996 and having discussions then and also before that time with Geoffrey. He told me the story of his original election, and how he was one of the few who was able to survive a swing in 1982 and be elected, in a sense against the odds, to represent Higinbotham Province. He said to me at that time, 'My community links are what got me through'. The support base across that large region that was the old Higinbotham Province, helped to elect and subsequently re-elect him.

Geoffrey was also a strong person in this chamber and in the parliamentary party. He was secretary of the parliamentary Liberal Party from 1988 to 1996 and led many delegations to the People's Republic of China, the former Union of Soviet Socialist Republics, Lithuania, Uzbekistan, Kazakhstan and a range of other countries through that period. Those who remember him will know — and in a sense no longer politically correct — he was a very heavy smoker. I suspect he was a 60 to 80-a-day man, and he could smoke anyone under the table. He used to regale people with stories of travelling to a number of socialist — 'communist' in the old parlance — countries where the position of party secretary has a very different meaning from its meaning in this country. In those countries the party secretary is a very significant figure, and I am sure Geoffrey was feted partly on the basis of his holding the position of secretary of the Liberal Party.

He had a great fondness for telling stories which sprang from the many delegations he led and the links he developed for Victoria around the world. The citation for his Member of the Order of Australia is a very good description of many of his strongest attributes. The AM was given 'For service to medical administration and to the community, particularly through health-care and

medical research institutions'. His long involvement with many of our major hospitals is recognised in that citation, and it is worth listing their names to show the depth and longevity of his commitment.

When he was awarded the AM in 2001, Geoffrey Connard had been chairman of the International Diabetes Institute since 1997 and a member since 1994. He was president of the board of management of Victoria Parade Geriatric Centre from 1985 to 1987 and a member since 1974. He was chairman of the board of management of Fairfield Hospital from 1987 to 1990 and a member from 1982 to 1996. He was chairman of the subcommittee that established the Macfarlane Burnet Centre for Medical Research from 1987 to 1990 and founding chairman of the centre's board in 1990–91. He was president of the board of management of After Care Hospital from 1985 to 1998 and a member from 1974 to 1996. The theme here is Geoffrey Connard's commitment to many of the medical research institutes we now view as an important part of Victoria's capacity in the health and research area. He was involved in the very early days of those institutions.

Geoffrey was also vice-president of St George's Hospital and Inner and Eastern Geriatric Service from 1993 to 1996 and a member of the board of management from 1991 to 1996. He contributed to the Victorian Hospitals' Association as deputy chairman in the early 1990s and as a board member from 1990 to 1996. He was a state councillor of the Australian Hospitals Association until state council was absorbed by the Victorian Hospitals Association. He was chairman of the Hospital Benefits Association's division 1 council from 1992 to 1995 and a governing member from 1975 to 1981. All these positions are very clear signs of his long-term strong commitment to his community and particularly to his work as a volunteer in medical research and health care throughout much of that period.

Geoffrey was also closely involved with other organisations. He was president of the Travellers Aid Society for many years and strongly supported the role the society played in supporting country people who needed assistance when they came to Melbourne. He was a member of the Australia Day Council from 1974 and an executive member from 1977. He was a trustee of the Victoria Day Council for 4 years and a member for 20 years. I knew Geoffrey through his strong involvement with the Victoria Day Council and agreed with him on the need to promote Victoria and its history. He very much understood those points.

He was also involved in local organisations, including supported accommodation services and the Mordialloc Aged Services Committee. He was a foundation member of the Lions Club of Mordialloc, a charter member in 1964, and president in 1967. He was involved with the Knights of St John of Jerusalem-Knights Hospitaller, and the Brighton Historical Society. Those are just a selection of the many community involvements of Geoffrey Connard.

He also had strong conservative views, not all of which I agreed with, but I respected the way he put them and his commitment to particular causes in which he believed strongly. In political life you can only respect people for the truth and honesty of their views and their commitment not just to those views but also to the broader causes within their community, which they are prepared to support strongly through time, effort and resources.

It is a great sadness that Geoffrey Connard has passed. We owe him a great debt. I respect his memory very much, I enjoyed his counsel and I wish his family well.

Mr JENNINGS (South Eastern Metropolitan) — On behalf of the Labor Party I pay respect to the life of Geoffrey Connard and to the contribution he made to the people of Victoria, his family and his community. To mark the occasion of his passing I convey our sympathies to his family: his wife, Judith, his children Jane, Philip and Timothy, and his grandchildren Thomas and Rachel.

I noted in the obituary his family placed in the press, that they referred to their love of and devotion to their father, which was returned to them. They also said he was a man who lived life to the full and journeyed to every part of the globe — that is a feature I will refer to later — and they wished him bon voyage. It was a moving testament to their loved one, and it was very telling of the key attributes of Geoffrey Connard, both in terms of his interests and his commitment to politics and his community, and also his worldview perspective.

Geoffrey Connard died at the age of 87. Last time I spoke in this chamber on a condolence motion was to mark the passing of Sam Loxton. My contribution then was riddled with cricket analogies. I can only suggest that there is no Australian cricket fan who would like to die at the age of 87; it is not the age they would choose to pass — to be caught out at the age of 87 — but 87 is a remarkable innings by any measure. We could celebrate what a great achievement that is in its own right. Geoffrey Connard died at the age of 87, and our visual memory may equate to that of an older

gentleman, but he was a prime mover in the creation of the Young Liberal Movement of Australia.

It is interesting that when we think of the lifetime journey of many of our citizens quite often we actually concentrate on the visual representation of ageing and perhaps associate it with a perceived lack of capacity. But in fact individuals who arrive at the age of 87 have obviously lived a pretty active and fruitful life in most instances. Geoffrey Connard's contribution to our community when he was aged 19 was as a prime mover in the Young Liberal movement. While he was a prime mover in the movement, he did not necessarily equate that with political activity within the Parliament of Victoria, because he did not arrive in this Parliament until he was 57 years. For those on the government benches who occasionally talk to me about my shelf life and my mortality, I note that he entered Parliament at an age when he was older than I am currently.

Hon. M. P. Pakula — You have got years left then.

Mr JENNINGS — I am not threatening the people of Victoria with that contingency; I am pointing out that this was a man whose contribution to this Parliament did not start until he was 57. In fact, he successfully contributed to the life of this Parliament over 14 years, and we should pay respect to that.

The information that has been compiled for us about some of Geoffrey Connard's interests in the Parliament includes his interest in global travel. He had an itinerary that was put together by a Scrabble player. If you look at the locations he travelled to around the globe, you see they are not necessarily those that first come to mind in terms of easy transit and passage. In the early years he went to Lithuania, Estonia, Latvia, Uzbekistan, Kazakhstan, Kyrgyzstan, Pakistan, Zimbabwe, Botswana and Swaziland. He certainly had the globe and the alphabet covered.

This is a man who represented an electorate that had a lot of syllables in its own right. Since the Parliament was reformed in the last decade it has lost the names of certain provinces. Higinbotham was the name of Mr Connard's province. Higinbotham is the name of the statue outside the Old Treasury building. Justice George Higinbotham was the subject of a significant contribution by Mr Connard in his inaugural speech, in which he complained bitterly about the pigeon waste that was accumulating on the cranium and shoulders of the statue. He returned to this matter three years later to call upon the government to take action. In almost a dismissive tone the then Minister for Public Works, Bunna Walsh, indicated that he thought it was a fairly onerous responsibility to issue a tender for the appropriate cleaning arrangements. Mr Connard was unshaken by this and with great determination chose to clean the statue himself. He was redefining dirty politics as he was going, but this drew quite some attention in the press at the time.

I want to return to some extraordinary things about Geoffrey Connard's political shelf life. There are two elements of my life and Geoffrey Connard's life that came into synchronicity, but not through our parliamentary careers. The Leader of the Government mentioned a whole range of community activities that Geoffrey Connard was part of — boards of hospital associations, the Victorian branch of the Pharmacy Guild of Australia, a number of significant institutional arrangements — but the thing I would like to refer to is that he was also a prime mover in Travellers Aid. It is an unfashionable organisation that does great work every day on behalf of Victorians and those who come to our city. Many years ago, when I was a social worker, I had the good fortune to be able to call upon Travellers Aid time and again to assist with underprivileged, isolated and vulnerable people, and that organisation came to the assistance of those people.

About 20 years later, when I was Minister for Aged Care and Minister for Aboriginal Affairs, I was called upon by Travellers Aid to give some assistance. It was through that reconnection with Travellers Aid that I came to work very closely with Geoffrey Connard in keeping Travellers Aid viable and keeping it going during the redevelopment of the Spencer Street railway station. He was a gentleman and a very considered man. He spoke quite slowly but in a very wily way, and I came to appreciate our interactions very sincerely.

A few years later, when I was Minister for Innovation and responsible for the science agenda in Victoria, in working with medical research institutes I used to go to general meetings of those research institutes. Time and again Geoffrey Connard would be there as a prime mover in those organisations. He was extremely well connected. It was always a pleasure to talk with him about the work he was engaged in and the work those fantastic medical research facilities were undertaking on behalf of our community each and every day.

I thank him for that contribution, but there are thanks more significant than mine. In fact my attention was drawn to his passing by an advertisement placed in the paper by the Baker IDI Heart and Diabetes Institute, which referred to his time of chairmanship of the former International Diabetes Institute and thanked him for his lifetime contribution. I join it, other members of the community and the Labor Party in conveying our very best wishes to his family at this time.

Hon. P. R. HALL (Minister for Higher Education and Skills) — The Honourable Geoffrey Phillip Connard, AM, served as the member for the then Higinbotham Province for the period of 1982 to 1996, and my and Geoffrey's membership of the Legislative Council intersected by a period of eight years — between 1988 and 1996. Unlike some who said they knew Geoffrey Connard well, despite the fact that I served with him for a period of eight years and listened to him a lot, he was a man who, at the end of that time, I still did not understand all that well. He was quite an intriguing character and that would become apparent especially when you put him and Robert Lawson, his former fellow member for Higinbotham, together. Robert had a very nice turn of phrase that would put a smile on people's faces, and when Robert and Geoffrey were engaged in a conversation the members for Higinbotham were quite a sight to see and a treat to listen to. One was not, however, always totally understanding of the level of the conversation.

Geoffrey was always a very busy person, and it was not uncommon to see him moving frequently from the chamber to various places around Parliament House, engaged in conversation with people. You quite often ran into him in a corner of one of the rooms, corridors or buildings of this place, engaged in earnest conversation, usually with cigarette in hand and enjoying life and participating fully in those conversations.

Geoffrey's interests were quite clearly flagged from the day he stepped into this Parliament — in his maiden speech. I know he spoke about the monarchy, his acknowledgement of history and observance of tradition, his community and the area of health. He signalled very clearly what those interests were, and he pursued them throughout his career. He was also very keen on ensuring that the process of Parliament was appropriately and properly observed, and throughout his 14 years he achieved a great deal. As the Honourable David Davis said, he served as the secretary to the parliamentary Liberal Party for a period of time and served on a range of parliamentary committees. He was a strong member of the Commonwealth Parliamentary Association, and he was very keen on the journeys he went on all around the world, particularly as a member of delegations, which Mr Jennings has outlined.

I note that the script from the library suggests there are 38 reports of parliamentary committees and of delegations or overseas travel attributable to Geoffrey Connard in the library. In 14 years to have 38 of those — that is almost three a year — is not bad going. It shows he was a very busy person and one who was passionate about and committed to the causes in which he believed. The Honourable David Davis also mentioned that Geoffrey was awarded the Order of Australia in 2001 for service to medical administration and to the community, particularly through health care and medical research institutions.

Geoffrey Connard has left a legacy, which has been described by the previous speakers and for which we all should be thankful. He was a person I will always have fond memories of, memories such that I am still thinking about him — and trying to work out the way in which he spoke and some of the things he said! I recall that he spoke from the very bench behind me, and I observed and listened to him with great interest from various corners of this chamber, although, as I said, not always with complete understanding. He was a lovely person, and I enjoyed his company, and he leaves me with fond memories. On behalf of my colleagues in The Nationals, I want to extend our condolences to his wife Judith, his children and his grandchildren.

Mr BARBER (Northern Metropolitan) — The Greens would like to join in this motion and send our condolences to the family, loved ones and friends of Mr Connard and to all those he touched through his long and active life. I have never met Mr Connard, but Ms Hartland recalls serving him a cup of tea in her time working in the parliamentary kitchens. From the little I have been able to learn and read about him, it is clear that he had a vision directed towards the future. In fact his first speech to the Parliament was all about the future and how he saw it unfolding.

Geoff Connard joined the Liberal Party just a short time after it was formed. He got in on the ground floor of a new movement which, we would all have to agree, has been a very successful political force in Australia. In his first speech he spent a considerable amount of time talking about the status of women. It is quite likely that as a health professional — a pharmacist — he knew a lot about the day-to-day experiences of women, perhaps more than other men of that generation would ever have known.

In that first speech he called for the triplication of the railway line from Caulfield to Mordialloc. After five years he got halfway there. The line now extends to Moorabbin but no further. Perhaps there is a member in this chamber who represents the same area who is willing to pick up his torch where it fell, carry it on and keep getting train lines extended so that more services can be added.

Mr Connard clearly also had some flair as a politician. After a number of years spent raising the issue of the

Justice George Higinbotham statue and the condition it had fallen into over many decades, he went out with his colleague Mr Lawson and a mop and bucket and he cleaned the statue to make the point that it was important to his electorate. The bigger point he made was about the general care that is afforded these important statues that mean something to us and are situated all around our community. He put forward practical proposals for how they could be taken care of. That, along with all the other achievements and causes he lent himself to — referred to by the previous speakers — make Geoffrey Connard's a life worth celebrating. The Greens join in the condolence motion.

Mr P. DAVIS (Eastern Victoria) — I am pleased to join the condolence motion for Geoffrey Connard, with whom I served in my first parliamentary term. I knew Geoff before I entered the Parliament, and I saw a good deal of him after he left. Interestingly I had not realised until preparing to make a brief contribution today that we had only served together for one term, because Geoffrey Connard was almost an institution.

As other speakers have noted, he joined the Liberal Party at its formation, becoming a Young Liberal. In that context I saw a good deal of him through various extra-parliamentary bodies, including state council. Following his retirement from Parliament Geoff spent many hours in the corridors of Parliament pursuing worthy projects, as the Deputy Leader of the Opposition, Mr Jennings, attested to earlier. Geoff Connard was a community activist in a sense, but essentially he was a lifetime politician, regardless of the parliamentary term he served. He used those parliamentary and political skills well. Looking at his international interests, I think he would have been an outstanding federal foreign minister. He would have put the current federal Minister for Foreign Affairs to shame, given his opportunities and understanding of international diplomacy.

I pick up on the Leader of the Government's observations about Geoffrey regaling us with stories about his international travel because there is one rather apposite story involving the secretary of the parliamentary Liberal Party and the then leader of the parliamentary Liberal Party in the Council — at the time he was the Leader of the Opposition in the Council — and others in a group visiting China. As the story goes — and this was told to me by Mark Birrell, then Leader of the Opposition in the Council — they arrived in Beijing, the formal welcome was extended, and Mr Connard was escorted off into the distance and the Leader of the Liberal Party was left carrying the bags! Geoffrey knew exactly the value of that post as secretary of a parliamentary party.

That highlights an aspect of his character which I think was not understood well because it was so understated. He was very clever about the things that he did. He was not somebody who sought high office; his interest was in ensuring that there were outcomes. He had a very good network within the parliamentary party and subsequently within the government — and successive governments, I might say — and was able to persuade people. One of the things I should note here is that Geoffrey Connard, without perhaps realising it at the time, was a great mentor to me in my first Parliament. There is no doubt that he invested somewhat of himself in the new members. There were 11 new government members elected in 1992, and I think we all benefited from some of his tutelage.

Without going over the formal recognition that should be noted and that others have spoken to, I will say it is clear that he was highly regarded in health circles, not just because he was a pharmacist but because he was proactive in working, both professionally and in a voluntary capacity, with a whole range of stakeholders in the health professions. It is appropriate to note that this contribution to the community was recognised when he was awarded the Distinguished Service Medal by the Pharmacy Guild of Australia. It is important we note that recognition, as well as his Order of Australia Medal.

We have all looked at his inaugural or maiden speech. In that speech he made some rather flippant comments about being a maiden. He raised two particular issues that I think are noteworthy. He talked particularly about the need in a developing and diverse multicultural society for English to be the common currency of communication, and he spoke of it particularly in the context of newly arrived families and especially women who were unable to fully integrate into the community because of their limited English skills. He spoke passionately about English as a universal language to empower women. I thought that was a very useful contribution, and it remains relevant today.

He also spoke in a fairly committed way about volunteerism. We should bear in mind that this was a speech he gave 30 years ago. He suggested that while there were trends that saw people being concerned about the state of volunteerism and the increasing professional delivery of services that volunteer organisations used to provide, he argued strongly in his maiden speech that a large number of people were willing to volunteer in society and to serve. It is interesting that that is a sentiment that exists today. On the one hand we often hear concerns expressed about volunteers, but in reality, if you look around the community — and I am seeing it at the moment with

the hundreds of people who have stepped forward to assist people with bushfire recovery, for example — you will see there is no shortage of volunteers, even today.

Geoffrey Connard made a very useful contribution whilst a member of Parliament in what I would describe as an understated way, with a capacity — from the seat where I sit today — to make an intervention in debate that was thoughtful, constructive and, unlike some contributions I have heard over the years, entirely comprehensible. He was a great contributor in many other forms, and in fact I think it was in the corridors of Parliament both while a member and after he had been a member that he played his biggest role. I did not know Geoffrey Connard outside the Liberal Party context. I knew nothing directly about his family and community life, but as a professional colleague I had great respect and admiration for him and can thank him for helping me transition into Parliament.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to join my colleagues in paying tribute to the life of the Honourable Geoffrey Phillip Connard, AM, who would have loved this occasion. He was a man of ideas. As Mr Barber accurately depicted, he was a man who not only respected the past and traditions — in particular of Parliament and parliamentary democracy — but always had an eye to the future. He was inspired by ideas and respected intellect. He was passionate about policy and a range of policy areas, and some of those have already been mentioned in addition to his love of travel. The concluding remarks in the death notice placed by his family wishing him bon voyage probably summed up how he wanted to die. I remember visiting Geoffrey before he had moved to the most recent retirement residence, and he was planning his next cruise. He would not have been at all upset if he had died on that cruise; he wanted to go out enjoying life and felt very privileged to have served the Parliament and his community.

I first met Geoffrey Connard in the late 1980s, and he probably was instrumental in signing me up to the Liberal Party. He was inspired by and often had enormous time for people from multicultural backgrounds, in particular for those from the Eastern bloc who had grown up or spent their lives under communism. He was passionate about his community. He was passionate about health, as evidenced by the number of boards and institutions that he supported and continued to support throughout his life from the bottom — Travellers Aid Australia — to the very top, including some notable institutions, information about which he carefully filed away in the parliamentary library because he wanted to prepare the information that people used when they made their condolence contributions. He would have been thrilled about this occasion, just as he would have been thrilled about his service, which was held at the Ormond Anglican Church on 8 February. In fact he made sure that it was not held on a sitting day, so that his parliamentary colleagues of the present Parliament were able to attend. I was very pleased to see that the Premier also attended.

His eulogy was delivered by two people. One was Victor Perton, who served in the Assembly and was a frequent travelling partner but also a person of ideas and passion. I know that he had high regard for Victor's enthusiasm and intellect. The other tribute was given by Norman Kennedy, who had also been a well-known party member; on a number of occasions Norman Kennedy was a preselected candidate. He ended up becoming Geoffrey's son-in-law, marrying into the family and taking over stewardship of the Victoria Day Council, because Geoffrey was passionate about many conservative causes. That does not necessarily mean he was a conservative man; in many ways and given his age he did change. He even gave up smoking; however, he never gave up on his politics and even in residential nursing homes he looked forward to his political friends visiting to mull over the lie of the land.

In one of his poems, T. S. Eliot describes a protagonist measuring out his life in coffee spoons. Geoffrey Connard measured out his life in elections, and he would like to have had another state election in him. But that was not to be. As I said, he was a man interested in ideas, and he was a man interested in policy. He was a man interested in people, and even on his retirement — when many retired politicians ride off into the sunset or to Queensland — Geoffrey continued to serve his community in so many ways. He was a mentor to many.

He continued to serve his community until about two or three years ago, when he was no longer able to get around. Even when he was less mobile he had a unit across the road from his residence in Olive Grove, Mentone, that he used as his office because his wife did not tolerate his smoking and his late nights. Geoffrey was not renowned for early starts. In fact if you invited him to anything before 10 or 11 o'clock, you could bet your bottom dollar that Geoffrey would be late. However, it was not unusual to receive a telephone call from Geoffrey at midnight or any time thereafter.

Often people who sought him out knew where to find him, and they would spend hours on end talking to him about ideas, experiences and plans. Many candidates looking for guidance or advice, members of Parliament,

ministers and shadow ministers would find their way to Olive Grove in Mentone where hours were spent smoking — Geoffrey was still smoking at that time — sipping on the odd champagne or white wine, undoubtedly having savoury biscuits, because Geoffrey was diabetic, and of course passing the time.

It was a very constructive and productive life. He had a passion for international affairs. One of his proudest moments was having a photograph taken with Madeleine Albright. He had photographs taken with a number of other international dignitaries — photographs which took pride of place on his shelf — but he was just as interested in people at the very ground level of his community. He was a mentor to many, whether they were young people, people who served on boards or chief executive officers. One such person who attended the funeral said he was indebted to the mentoring he had received from Geoffrey Connard. He attributed much of his achievement to that.

Geoffrey was passionate about local government, and he spoke about that in his inaugural speech in the Parliament. Geoffrey had a flippant or quirky sense of humour that came through from time to time. He was passionate about health and education; he saw those as important vehicles for people to live better lives and achieve their aspirations. He was passionate about reaching out to our multicultural communities. I guess that is one of the reasons he and I ended up developing a friendship that went beyond politics. He did not serve in this Parliament for such a long time — only from 1982 to 1996 — but his influence on the people who served here before and since that time continues.

In addition to that, he was a devoted family man. His wife, Judith Wills, is an accomplished artist in her own right. They had a very modern arrangement, notwithstanding the fact that they were loving and devoted parents and grandparents to their children, Jane, Phillip and Timothy, and their grandchildren, Thomas and Rachel. Geoffrey was passionate about family, friends and politics, and of course he continued to be right up until his death.

I have certainly been the beneficiary of his friendship and guidance. He possessed wisdom in many fields. The only area where he pleaded total ignorance was computers. For that he always had someone who could tend to his needs. One of our local political organisers, Timothy Warner, who was a close friend of Geoffrey Connard, would invariably be called in to remedy any personal computer glitches that meant Geoffrey's ability to communicate with people at various levels and in various roles was slowed down. This is what kept Geoffrey going.

Without further ado, I would like to pay tribute to him, not only as a former colleague but also as a friend. As I said, passing away at the age of 87 he would have felt cheated because he would probably have liked to have seen another election. But he had many achievements in his life, and the number of people who attended his funeral was, I think, an indication of the regard in which he was held. His wife, Judith, and his children will miss him, as will the many people to whom he was a friend and a political ally, as well as those in his community for whom he was considered to be a leader, despite his late entry into Parliament at the age of 57.

He knew when it was time to go. I would like to close by quoting the article in the *Herald Sun* which announced his plans to retire. Members who knew him will not be surprised by this. It says:

> Veteran MP Geoff Connard has become the eighth Liberal to quit state politics in the past month.
>
> Mr Connard, the MLC for Higinbotham, has decided not to nominate for the province which he has held since 1982.
>
> The 70-year-old MP is overseas and could not be contacted yesterday, but his office has confirmed he would not contest the next state election.

He was a man who made a wonderful contribution. He will be sorely missed, and there ought to be more politicians like him. In particular I would like to pay tribute to the wonderful regard in which he held women. He was an advocate of women in society and women in politics in particular, and in that regard he was a man with an eye to the future.

With those few words I extend the condolences of the people of South Eastern Metropolitan Region, which has subsumed Higinbotham Province, which Geoff Connard represented. We pay tribute to him and extend our sympathy to his family and friends.

The PRESIDENT — I would like to add a few brief remarks. The members who have contributed to this debate have covered many of the attributes and achievements of Mr Connard. Those are manifest. When he served in this place Mr Connard was very clearly first and foremost a strong and effective advocate and representative for his electorate. That was something that members like Philip Davis and I observed as part of our introduction to this place when we were finding our feet here. Mr Connard was very effective at mentoring people — encouraging candidates to stand, encouraging people to develop their skills within the roles they took up and generally mentoring. I will come back to that in a moment.

As was indicated, his contribution in health particularly, both in this place and in the broader community, was extraordinary. There would be few people with a résumé that would boast such an extensive involvement in health. His contribution to policy and to the development of improved health services and health outcomes for Victorians needs to be recognised as one of his most significant achievements.

A couple of members have also touched on Geoff Connard's respect for the Parliament. He was a man who had a great interest in governance issues, in proper process and in the integrity of parliaments. He was a great enthusiast for our democratic principles, and he championed them in many parts of the world. He advocated in this place for adherence to process and for resources to be made available to members of Parliament and to the Parliament itself to ensure that we were able to discharge the responsibilities that Victorians have charged us with as members of Parliament.

I want to touch on what some members have described as Mr Connard's globetrotting. Very often members of Parliament are disparaged for the travel they undertake. I think we owe Geoff Connard a very great debt for the work he did, particularly in his role on the regional executive of the Commonwealth Parliamentary Association (CPA). That was a role in which a great deal of his travel was undertaken. I come back to the point of mentoring, because he took his role on the CPA very seriously. He told us about some rather difficult places to get to, places that have been steeped in political troubles over many years and, places where the benefits of our democratic principles and foundations had perhaps not been understood. Geoff Connard's work as a member of the CPA regional executive visiting many of those so-called exotic locations was in fact to try to mentor members of Parliament and parliamentary staff in many of those developing Third World countries or emerging new states to encourage them to recognise some of the benefits of our democratic foundations and principles.

Geoff Connard understood the sensitivities of working with people in those circumstances, the circumstances of emerging democracies, of nations that had experienced considerable trouble — civil wars and so forth — and he was able to bring very sage-like, considered, responsible but respectful advice to them. I know that Geoff Connard's work on the CPA regional executive was valued highly by the members and the executive of the CPA because I had some contact and responsibilities with the CPA during a period that overlapped part of the time Geoff was involved in that area. Our Parliament and parliaments around Australia were also enriched by his work in discharging his CPA responsibilities from 1992 to 1996. I share the sadness of members that has been expressed in their contributions today and extend condolences, on my behalf as well as on behalf of those I represent, to his wife, Judith, and his family and friends.

I ask members to signify their assent to this motion by rising in their places for 1 minute.

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

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

> That, as a further mark of respect to the memory of the late Honourable Geoffrey Phillip Connard, AM, the sitting be suspended for 1 hour.

Motion agreed to.

Sitting suspended 2:58 p.m. to 4.02 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

12 February

Liquor Control Reform Amendment Act 2013
Retirement Villages Amendment (Information Disclosure) Act 2013

19 February

Planning and Environment Amendment (General) Act 2013
Traditional Owner Settlement Amendment Act 2013.

QUESTIONS WITHOUT NOTICE

Department of Education and Early Childhood Development: superannuation contributions

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. In seven increments until 1 July 2020 the government is required to increase the superannuation contribution for its employees from the current 9 per cent to 12 per cent. What is the policy of the Department of Education and Early Childhood Development on whether those costs will be met by government or whether those costs will come out of the 2.5 per cent government wages policy, as articulated in the economic statement of December?

Hon. P. R. HALL (Minister for Higher Education and Skills) — The Victorian government recognises its obligations under federal law to increase the superannuation contributions of those employed in the public sector and will meet all those obligations. With respect to how that might relate to the enterprise bargaining agreement (EBA), as I have said to the house before, federal law does not permit me to publicly discuss matters which could form part of those EBA discussions, so my answer with respect to the government obligations cannot extend to matters which may be part of those EBA discussions.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I asked my question to Mr Hall specifically in his capacity as Minister for Higher Education and Skills rather than as Minister responsible for the Teaching Profession because the TAFE EBA is not currently under negotiation. My question on government policy for a non-live EBA is: will the Victorian government pay the superannuation surcharge, like every other employer in Australia pays, or will it deduct it out of wages, as forecast in the economic statement?

Hon. P. R. HALL (Minister for Higher Education and Skills) — If Mr Lenders is now talking about matters to do with the employment of TAFE teachers, their employment is undertaken by the individual TAFE institutes and not the government.

Hospitals: federal funding

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Health, David Davis. I ask: can the minister update the house on the Victorian government's understanding of the flawed basis on which the federal Treasurer cut funding to Victorian hospitals?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. I can indicate to the chamber that the government is developing a greater understanding of the mechanisms by which the federal Treasurer made his now known to be flawed adjustment to federal funding going into the pools of state hospital funds. It is clear that what he has done is to — —

Hon. M. P. Pakula — Have other states cut like you have?

Hon. D. M. DAVIS — No, we have not cut, Mr Pakula; it is the federal government that has cut, and other states have had money cut from their pool — —

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — In Queensland, Mr Pakula, I can indicate that from this month the reductions in the pool will be directly reflected in funding to Queensland hospitals, and that applies in Victoria because Mr Pakula's mates cut funding to hospitals by $475 million.

Hon. M. P. Pakula interjected.

Hon. D. M. DAVIS — Your mates cut it, and you're an apologist.

Honourable members interjecting.

Hon. D. M. DAVIS — It is interesting to recall the comments of the now Leader of the Opposition in the Assembly when he was Parliamentary Secretary for Health and to go back to the period under the Howard government, and this is an important historical contrast. There was a claim by state governments at the time, largely Labor state governments, that a billion dollars had been taken out of the forward estimates and that Victoria's share of that reduction in forward funding was $375 million. Mr Andrews was critical of the then federal government. But now, when his mates in Canberra cut $475 million straight out of health funding, straight out of the pool, he is as quiet as a church mouse. Like the shameful people on the other side of the chamber who voted in favour of the commonwealth cuts to health care, I have to say the community will judge them very harshly.

The government has had KPMG undertake some analysis of the Treasurer's work. That indicates very clearly that the federal Treasurer, Mr Swan, used obsolete figures in the calculations on which he based the cuts to Victorian health care and the cuts to Australian health care. He used an obsolete time series to conclude that the population of Victoria had fallen by 11 000 and the Australian population had only grown by 0.03 per cent. In fact what we know is that Mr Swan was aware at the time — —

An honourable member interjected.

Hon. D. M. DAVIS — Let me be quite clear. When he signed the determination in October he was aware that he was using the wrong figures. He was aware, because in signing the local government agreement on 29 June he used the correct figures — just shy of 1.4 per cent growth in Victoria. The simple question to Mr Swan and the federal government is: did the Australian population grow by 1.4 per cent in that year or did it grow by 0.03 per cent? It cannot have grown by different figures in the same time period. But

Mr Swan has used two separate figures, despite having a letter from the statistician telling him that he should use the figure just short of 1.4 per cent. Instead of that he used 0.03 per cent growth in population, and that cut comes to a massive amount across the country, a massive amount into the pools of every state. It is a $475 million cut to the Victorian pool, $107 million in this year, in this seven-month period. I have got to say the community would be — —

The PRESIDENT — Time!

Children: early intervention services

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. It is reported in today's *Age* that as of 1 February, 1021 children have been waiting for more than three months for an early intervention support service place. Will the minister commit to providing additional early intervention places in this year's budget to address this waiting list?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the shadow minister for children and young adults for the opportunity to speak about early childhood intervention services (ECIS) and this government's commitment to early childhood intervention services. In fact, since coming to government we have shown a strong commitment to reducing that waiting list. When I was first briefed as minister, I was advised that under the former government the waiting list was 2700 children. As the shadow minister outlined, in the paper this morning it said 1021. That is because this government has invested heavily in early childhood intervention services. In our first budget, 2011–12, we provided $8.2 million, which provided 150 ECIS places and 150 flexible support places over four years, and $10 million to provide 246 additional kindergarten inclusion support services places each year.

We also announced at the end of last year $3.7 million per annum for an additional 500 ECIS places. These will be allocated in the upcoming weeks, so that the waiting list will reduce even further. What we know from the budget measurements is that sometimes an ECIS place can support more than one child, so more than 500 children on the waiting list will benefit from those 500 places. We have invested heavily, and we have reduced lists for families. Under the former government families were left in a holding pattern on a list.

What we know also is that if we did not have the legacy to this state of the former Minister for Water, Mr Holding, the desalination plant, we would have an additional $2 million per day that we could spend on early childhood intervention services. That $2 million per day in just 3.6 — —

Honourable members interjecting.

Hon. W. A. LOVELL — In just 3.6 days that money could wipe out the early childhood intervention services holding pattern that the government of those opposite left these families in.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — There are currently 275 families who have been on the waiting list for more than three months in the north-western Victoria region, which includes 163 in Loddon Mallee and 112 in northern metropolitan, and which includes municipalities such as Nillumbik, Banyule, Hume, Whittlesea and Yarra. Will the department's allocation of the new places that the minister referred to take into account projected demand in population growth corridors?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I note the shadow minister was silent on these issues when those opposite were in government. She never raised those issues, she did not care about families that were in the former government's holding pattern, and she did not care about those 2700 families. But now suddenly Labor cares. I laugh because Labor does not care. All Labor members are interested in is a headline in the paper.

These places will be allocated across the state to assist families who have been left on a waiting list by the government of those opposite. We are assisting to get their children help.

Information and communications technology: government initiatives

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Technology. Can the minister inform the house of how the government's ICT strategy will benefit Victoria?

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Donohue for his question and for his interest in the government's ICT strategy, which I was pleased to release last Tuesday. When this government came to office at the end of 2010 it inherited a litany of ICT projects which had failed or were failing. In 2011 the Ombudsman and the Auditor-General released a joint report which considered a sample of 10 ICT projects that the previous government

had commissioned and which at that stage were running 110 per cent or around $1.4 billion over budget — projects such as HealthSMART, myki, the LEAP database et cetera. It was a situation which was unsustainable. We could not continue with projects running 110 per cent over budget or $1.4 billion in excess of planned budgets.

Last year I was very pleased to establish the Victorian Information and Communications Technology Advisory Committee (VICTAC), which brought together for the first time chief information officers (CIOs) from within government with CIOs from the private sector. This is the first time that we have had that sort of the collaboration between government and private sector CIOs. Those CIOs on VICTAC were tasked with developing the whole-of-government ICT strategy. That was developed over the course of last year and endorsed by government at the end of last year, and I was very pleased to release it last week.

The strategy focuses on three key areas. The first is engagement, recognising that the way in which citizens want to engage with government has changed. We have citizens using smart devices, wanting to access government services through smart phones; and we have increasing communications through digital media channels. I am informed that Victorian government agencies are now in fact the largest government users of Twitter accounts throughout Australia, through the various agencies distributing messages and communications via Twitter. We see opportunities for better engagement with citizens through digital technology, and we see an increased role for citizens with co-production of policy frameworks. The ICT strategy itself was subject to co-production through a public and industry consultation online process at the end of last year.

The second area the strategy focuses on is investment. This very much goes to the heart of ICT projects. The strategy calls for projects to be done on a staged basis, with much earlier engagement with the industry and potential vendors who can actually advise government on what is possible to be delivered within the realms of industry capability and who can deliver those projects in smaller stages that can be scaled up as they prove to be successful, rather than attempting whole-of-government projects which have not been adequately scoped, have not been adequately planned and subsequently run over budget.

The third area the strategy focuses on is capability development, recognising that we need skills within the Victorian public service around governance and project management, ensuring that we have better accountability frameworks and better reporting frameworks for these projects.

This strategy is about providing confidence to government about the delivery of projects and the use of ICT. It is about providing certainty to industry and certainty to the Victorian community. ICT has the potential to drive enormous productivity benefits within government. It is an important area for government to operate in. This strategy will ensure that in delivering ICT projects we can drive innovation, we can drive competition and we can drive better outcomes for Victorian taxpayers.

Children: early intervention services

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. The Victorian chapter of Early Childhood Intervention Australia has called for support to be given to families on the waiting list for early childhood intervention services to ensure that they get a minimum level of service until they are able to access a fully funded place. A contact worker could be provided to provide some support, advice and referrals for families. Will the minister commit to providing in the budget this type of support for the more than 1000 families waiting for an early childhood intervention place?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I would have thought the member would have learnt from last year that I do not pre-empt the Treasurer's budget announcements; budget announcements are for the Treasurer. I can tell the shadow minister what I told her before — that is, that 2700 children were on the waiting list, in this holding pattern created by the former government.

The shadow minister never raised this when her party was in government. She was silent on this matter and did not care about those families. Our government has invested heavily in early childhood intervention services — in an additional 650 places, an additional 150 flexible support packages and 246 additional kindergarten inclusion support packages — and the holding pattern has been reduced.

We know there is more to be done, and we are looking at all avenues for assisting families. We have trialled in several areas some foundation support for families on the waiting list. This has been necessary because the former government left us with a huge waiting list. We are now assessing the findings of those trials, and we

will look at how we can cherry pick the best results from the different trials to provide support to families.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — So no responsibility for the 1000 children on the waiting list. The Whittlesea families in partnership pilot project was funded by the previous Labor government, which provided support for families on the waiting list, and I understand it had positive outcomes for the families involved, including reduced parental stress. Given the project has now wound up, will the minister commit to continuing to provide support to those families in that area who are waiting for a place, particularly those families with a child who is in their year before starting school?

The PRESIDENT — Order! I am a little perturbed about this supplementary question, because the original question was quite broad in respect of a budget allocation to services to support families. Is the Werribee program funded under that state program, or was it a Werribee initiative?

Ms MIKAKOS — If I can assist, President, it is in the Whittlesea area. It was partly funded by the Department of Education and Early Childhood Development, which is under the minister's portfolio responsibility. The first question did relate to programs supporting families who were on the waiting list, and my supplementary question also relates to a specific program that supports families who are on the waiting list.

The PRESIDENT — Order! On the basis that there is apparently some government funding of the Whittlesea program, I will allow the minister to answer.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I am happy to answer this question; in fact I believe I really answered it in my substantive answer. I am pleased the shadow minister has read Early Childhood Intervention Australia's budget application, because at least I know she is taking an interest now that she is in opposition. She never took any interest when she was in government.

Mr Lenders — On a point of order, President, I put to you that Ms Lovell is debating the question. She has been asked a question on government administration, and her response in the substantive and now the supplementary answer reflects her views on what Ms Mikakos may or may not have done in a previous Parliament. I ask that you ask the minister to stop debating the question. Her answer has not gone to government administration; it is debating.

Hon. D. M. Davis — On the point of order, President, it is clear that Ms Lovell was beginning a short preamble to make the point that she welcomed the question and noted that the member was finally taking note of these matters.

The PRESIDENT — Order! I am prepared to uphold the point of order on this occasion. Ms Lovell has twice now had the opportunity to make the point she was making in her answer to the supplementary question in respect of a previous question and in response to the substantive question. The issue has been well covered in terms of what point might be made from that. Given that those comments have been made previously, I think it does now amount to a debating situation rather than answering the question. I ask the minister to answer the supplementary question.

Hon. W. A. LOVELL — We might have saved ourselves 5 minutes had the member opposite allowed me to say, as I said in my substantive answer, that we are looking at a few different trials that have been done around the state on providing foundation support to those people who are in the holding pattern left by the former government, while we reduce the backlog of families that are left in the holding pattern. We will assess all those trials, and we will cherry pick the best of the results from those trials.

Early childhood services: government initiatives

Mr DRUM (Northern Victoria) — My question without notice is to the Minister for Children and Early Childhood Development, Wendy Lovell, and I ask: can the minister inform the house of any recent announcements of early childhood infrastructure in country Victoria?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for his genuine interest in early childhood development, particularly in country Victoria. Last week I had the great pleasure of travelling not only to the east of the state but also to the west of the state to make two really significant announcements for probably two of our poorest shires — the Towong shire and the Buloke shire. On Tuesday last week I travelled to Tallangatta with my colleague Bill Tilley, the member for Benambra in the other place, who had lobbied me heavily for a grant for an integrated children's services centre in Tallangatta.

I was delighted to join the mayor, Mary Fraser, and several of the local councillors, as well as the member for Benambra, local schoolchildren and kindergarten children who came together in what was a very festive environment. They had face painting and a jumping castle. There was free ice-cream and balloon animals. They put on a festive event for the announcement of their integrated children's centre, which will bring together kindergarten, long day care, outside school hours care and maternal and child health in an eco-friendly building that they are going to build in Tallangatta, called the children's hub. The government was very pleased to announce that it will contribute $1.3 million towards the $1.7 million facility. Towong Shire Council is contributing $400 000, which is a significant amount for a small shire like Towong.

On Friday I was delighted to travel to Donald together with Mr Drum; the member for Swan Hill in the Assembly, Mr Walsh, who is the Minister for Agriculture and Food Security; the mayor of Buloke shire, Reid Mather; and several of the shire's councillors to announce funding for a $2.6 million integrated children's early learning centre to be built in Donald. More than $1.5 million has come from the Victorian government and $800 000 from the Shire of Buloke, which is a significant contribution from that council. The president of the kindergarten committee, Rose Harris, was there as well, and she took me on a tour of the old facility. She showed me where the possums had been in the roof, where the roof was leaking and a crack in the wall that had been monitored for around 10 years. That is how long this children's service has been ignored.

I was lobbied quite widely for support for Donald; it was amazing. Wherever I went in the state there seemed to be someone who came from Donald or who knew someone from Donald. They would say to me, 'Have you seen the Donald children's centre kindergarten? Do you know about its need for a grant?'. We were very aware of its need for a grant, and we were working with it.

I was delighted to make that announcement last Friday, which brings the Victorian government's allocations for early childhood services to over $86 million during this term of government. That over $86 million has leveraged around $140 million in additional investment from local government. That represents a significant number of early childhood facilities built around the state. It is a great investment in Victoria's future generations.

Housing: waiting list

Ms MIKAKOS (Northern Metropolitan) — I refer my question to the Minister for Housing. Last week the minister released the December quarter public housing waiting list, and we saw that the figures have blown out by 1.9 per cent, with another 685 families languishing on the waiting list. As this data records the waiting list for the last three months of 2012, how can the minister assert that the waiting list blow-out is due to changes in federal government policy that was only implemented in January of this year?

Hon. W. A. LOVELL (Minister for Housing) — I am delighted the member has also asked me about housing waiting lists, because I can tell her that when we came to government the final waiting list figure published by the former government was 41 212 — that is, there were over 4000 more applications on that waiting list than there are today. We have worked really hard to reduce that waiting list, to house people on the waiting list and give them advice to get them into public housing, community housing or even to assist them to get into private rental so that they are not just languishing, as they were on Labor's waiting list. As the member knows, waiting lists fluctuate. Yes, we will have increases and decreases in waiting list figures, but we know the numbers are significantly lower now than they were under Labor.

The member asked how we know single mothers have applied to be on that waiting list. I refer her to a few media articles, including one about Steve Gibbons, the federal member for Bendigo, meeting with single mothers in Bendigo. They told him they had to apply for public housing because the commonwealth cut to their income meant that private rental would be unsustainable. We know people knew for quite some time that this cut to their pension was coming, and they were planning and making decisions around whether they would be able to afford to stay in private rental or would have to move into public housing and so put their names down on the waiting list.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister continues the game of blaming Canberra and blaming the previous state government. When will the minister take responsibility for the management of her portfolios, stop apportioning blame to everyone else and actually take some action to address the waiting list?

Hon. W. A. LOVELL (Minister for Housing) — It is almost as if the member did not listen to my

substantive answer. I have told the house that I have taken responsibility for that waiting list and that I have worked with the Department of Human Services to decrease that waiting list. More than 4000 fewer names are on that waiting list than were there under Labor. That is a significant reduction in the public housing waiting list in this state. I note that the member never raises the record blow-out in the waiting list that occurred under Labor.

Ordered that answers be considered next day on motion of Mr LEANE (Eastern Metropolitan Region).

Vocational education and training: industry engagement

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Higher Education and Skills, the Honourable Peter Hall. I refer the minister to the coalition government's Refocusing Vocational Training in Victoria policy and in particular to initiatives under the heading 'Industry engagement'. Will the minister provide the house with an update on those initiatives?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Elsbury for his question. He is right: in May last year the government announced the new Refocusing Vocational Training policy. An important component of that is industry engagement — that is, how government intends to liaise with industry to seek its input into the training system in Victoria and to ensure that the training system is meeting the needs of industry. There are several branches to that industry engagement model. One of those is through the market facilitation unit of the Department of Education and Early Childhood Development, where industry portfolio teams have been established and officers of the department are regularly meeting with representatives of each of those industry portfolio areas.

I have also committed to direct industry engagement through ministerial round tables. I reported to the house recently that every month an industry round table is convened at which I sit down for a number of hours with either an industry group or a geographic group of employers to have a good discussion about the needs of their industry, their training needs and whether the system is meeting those needs, wherever they may be. These round tables occur in both regional Victoria and metropolitan areas.

A key component of the industry engagement strategy was the formation of an industry skills consultative committee, a group of people I meet with regularly to look globally at the training market in Victoria, seek feedback from as to whether the training market is meeting industry needs and also listen to their views on ways in which that can be improved.

Today I am in a position to announce the composition of that industry skills consultative committee. I might add before announcing that membership that it was never intended that these would be people representing their industries but that people with experience in different industries would be coming to the table and jointly discussing whether the training system in Victoria is meeting the needs of industry and individuals.

The person I have asked to co-chair this industry skills consultative committee with me is Mick McMahon, who is the chief executive officer of the Skilled Group. Other members include Adam Furphy, the managing director of J. Furphy & Sons; Annette Kimmitt, who is the Melbourne office managing partner of Ernst & Young; Brian Welch, who is the executive director of the Master Builders Association of Victoria; Ian Halliday, who is the managing director of Dairy Australia; Julie Rynski, who is Victorian state general manager, retail banking, at Westpac; Leanne Boyd, who is the director of education and health at Cabrini Health; Merrill Gray, who is the managing director of Syngas Ltd; Paddy O'Sullivan, who is the deputy chief executive officer of the Australian Hotels Association Victoria; Peter Wilkinson, who is the principal consultant with Impact Retailing; Sandie deWolfe, AM, who is the chief executive officer of Berry Street; and Tim Piper, who is the director of the Victorian branch of the Australian Industry Group.

Those 12 persons provide experience across a very broad range of areas — manufacturing, agriculture, construction, engineering, retail, hospitality, energy, finance, professional services and health — and I look forward to working with them and receiving their feedback and input into the further development of Victoria's training industry to ensure that the people of Victoria are accessing the training that maximises their employment opportunities in the future.

Homelessness: national partnership

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Housing. I refer the minister to recent comments by the federal government seeking the Victorian government's support for a transitional funding offer to continue a partnership on tackling homelessness. Why does the minister continue to turn her back on what has until now been a bipartisan

position in support of the most vulnerable in our community?

Hon. W. A. LOVELL (Minister for Housing) — The member's question perplexes me. Our department is in discussions about the continuation of the national partnership on homelessness, and we will continue to negotiate with the commonwealth until we reach an agreement. We want this national partnership extended. We would like to see it extended for a further three or five years. It is the federal government that is only offering a one-year extension. Far from me being the one who is not looking to assist homeless people in Victoria, it is the federal government that is offering only a 12-month extension.

Kraft Foods: Ringwood

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva, and I ask: can the minister update the house on any new developments in the food manufacturing industry?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for his question. I was pleased to join the Premier on 8 February to officially open stage 1 of the Kraft Foods Asia-Pacific confectionery centre of excellence, with the Australia-New Zealand president of Kraft Foods, Rebecca Dee-Bradbury. This was at one of the Kraft Foods manufacturing facilities, the Cadbury facility out at Ringwood. Kraft is the largest food manufacturer based in Melbourne. It has other facilities at Scoresby and Port Melbourne.

This Asia-Pacific confectionery centre for excellence will be a world-class, globally competitive research facility located at Kraft's manufacturing site at Ringwood. The centre will provide a significant boost to Victorian food manufacturing innovation and will be staffed by the largest food research and development (R and D) team in Australia. It will generate more than 100 new jobs and will secure 1000 jobs at Kraft's Ringwood manufacturing operation.

Mr Leane interjected.

Hon. R. A. DALLA-RIVA — Mr Leane interjects that I do not know where it is, but I can tell him I know where it is better than Mr Pakula knows where Lyndhurst is.

I can tell the house that we are focused on implementing a clear strategy to assist Victoria's manufacturing industry to grow our markets and trade in the Asia-Pacific region. The coalition government's investment into the Kraft Asia-Pacific confectionery centre for excellence will expand Kraft's market from the 20 million people who consume Kraft's wonderful chocolates here in Australia to a market in excess of 1.6 billion consumers across the Asia-Pacific region. This will accelerate the development of high-quality, innovative food products for the region. It will ensure that we position Victoria as the leading food manufacturing centre in the Asia-Pacific region with the capacity and capability to supply a global market. We found during our visit that consumer tastes are substantially different in different parts of the world, and the idea is to ensure that we match the growing markets in those places.

The centre will contribute to attracting, developing and retaining talent in food innovation and manufacturing, to securing Victoria's position as Australia's manufacturing and R and D centre for the food industry and building on its international reputation.

There may be some who wish to talk down the food industry, but we are about ensuring that we create an environment to attract further investment around this regional hub, and more importantly we will make sure that we assist supply chain partners of small to medium enterprises to help develop manufacturing capabilities.

It is interesting to note that a key stakeholder, Gary Dawson, the chief executive of the Australian Food and Grocery Council, congratulated the development. He said:

> Innovation is of critical importance to Australia's $110 billion food and grocery manufacturing industry. This important investment by one of the most significant global food manufacturing companies underlines Australia's potential to become a major manufacturing hub for the Asian century …

The Kraft investment will ensure that Victoria is the home of the largest and most significant Kraft R and D centre in the Asia-Pacific region with a focus on chocolate and confectionery innovation. This adds to our international engagement strategy and our manufacturing strategy in delivering assistance to small and medium enterprises to deliver high-quality, safe and innovative food to our growing global markets.

PETITIONS

Following petitions presented to house:

Swinburne University of Technology: Lilydale campus

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

1. since these cuts were announced, Swinburne has announced the closure of its TAFE and university campus at Lilydale;

2. 240 local jobs will be cut and the future of 2500 students is uncertain as a result of this campus closure; and

3. with tens of thousands of jobs lost in the last year, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Council urges the Baillieu state government to abandon the planned funding cuts, guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

By Mr SCHEFFER (Eastern Victoria) (8 signatures).

Laid on table.

Swinburne University of Technology: Lilydale campus

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1. since these cuts were announced, Swinburne has announced the closure of its TAFE and university campus at Lilydale;

2. 240 local jobs will be cut, and the future of 2500 students is uncertain as a result of this campus closure;

3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Council urges the Baillieu state government to abandon the planned funding cuts, guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

By Mr LEANE (Eastern Metropolitan) (60 signatures).

Laid on table.

Nadrasca community farm: future

To the Legislative Council of Victoria:

The petition of concerned residents of Victoria draws to the attention of the house the decision by VicRoads that the reservation between Springvale Road, Vermont South, and Boronia Road, Vermont, will not be required for future road purposes and the consequent development of a structure plan for the future use of the land within the reservation, with the possibility of the land being sold by VicRoads for housing and other purposes.

This could result in Nadrasca community farm having to leave its current location at Morack Road, Vermont, and ceasing its operations in providing day services for adults with intellectual and physical disabilities, adversely affecting organisations like Yooralla, Scope, Melba Support Services, Heatherwood School and Alkira.

The petitioners therefore request that the Legislative Council of Victoria urge the government to: facilitate an affordable arrangement that will guarantee Nadrasca community farm will remain in its current location so it can continue to provide great service to the community and grow.

By Mr LEANE (Eastern Metropolitan) (289 signatures).

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Appointment of Auditor-General

Mr P. DAVIS (Eastern Victoria) presented report, including appendix.

Laid on table.

Ordered to be printed.

Mr P. DAVIS (Eastern Victoria) — I move:

That the Council take note of the report.

The previous Auditor-General, Mr Des Pearson, announced on 8 August 2012 his intended retirement, effective from 14 December 2012. The Public Accounts and Estimates Committee (PAEC) commenced independently an executive search process to discharge its statutory responsibilities under the Constitution Act 1975 and the Audit Act 1994 to search for the best candidate possible for the position of the Auditor-General of Victoria. This responsibility of PAEC and the position are of significance because the Auditor-General is enshrined in the constitution as an independent officer of Parliament and has complete discretion to conduct any audits on the activities and operations of the Victorian public sector and government agencies and to provide opinions and assurances to Parliament that public resources have been used effectively, efficiently and economically.

From a wide field of potential candidates and a three-stage interview process of short-listed candidates, PAEC reached a unanimous decision to recommend Mr John Doyle, then the current Auditor-General of British Columbia in Canada, for appointment. Mr Doyle's credentials and experience are detailed in this report and relevant independent stringent security

checks have also been conducted in relation to the candidate.

For the sake of transparency, I should note that the committee met with Mr Doyle in September in Victoria in British Columbia purely coincidentally while we were undertaking separate investigations into the delivery of infrastructure. It was, in a sense, fortuitous, because it enabled the committee to retrospectively have a view about Mr Doyle in his own location.

The committee wishes to acknowledge the invaluable expertise and assistance provided by its recruitment consultant, Mr John Allen. I personally note the advice which he gave to me, as chairman, over the course of that process which, on some occasions, became quite important. The time of the independent experts on the interview and selection panel was critical as well. Members included Mr Grant Hehir, Secretary of the Department of Treasury and Finance; Mr Ian McPhee, Auditor-General for Australia; and Mr John Phillips, chief financial officer of the Oakton group, who is a former Parliament-appointed performance auditor of the Victorian Auditor-General's Office (VAGO).

I also need to acknowledge and thank Ms Helen Silver, Secretary of the Department of Premier and Cabinet, for her invaluable assistance as the conduit between the Parliament and the Governor in Council. I particularly acknowledge and thank all members of PAEC. It was truly a bipartisan effort to bring a constructive, professional relationship to bear on what is probably, in my view, one of the most significant functions this committee has in this Parliament — that is, to appoint someone who will be able to give assurance to the Parliament about the discharge of the functions of government in relation to public accounts.

It is useful to note in my remarks that PAEC has an oversight function relating to the Auditor-General and VAGO. It exercises functions in relation to recommending the appointment of the Auditor-General and independent and financial auditors of VAGO, which is the performance audit. We give consideration and report to Parliament in relation to the budget estimates and the annual plan of the Auditor-General's office. The committee also consults with VAGO on the specifications of performance audits and deals with the yearly audit priorities of the Auditor-General's annual plan. PAEC can also, if necessary, exempt the Auditor-General from any legislative requirements applicable to government agencies on staff employment conditions and financial reporting practices.

In summary, PAEC and the Auditor-General, with arm's length collaboration, work to enhance accountability of departments and agencies and aim to provide Parliament with meaningful information about the financial performance results of all government departments and agencies. With those few words, I again thank all members and the staff of the secretariat for their assistance in this process.

Hon. M. P. PAKULA (Western Metropolitan) — At the outset I associate myself with all of Mr Davis's comments. It is a little dangerous to be too effusive in praise of somebody before they have commenced their job, but it is instructive that the decision of the committee was unanimous, and based on the interactions that I have had with Mr John Doyle, both in British Columbia and on the occasions when he came for interview, the committee can be well satisfied that it has recommended somebody who will be an excellent Auditor-General for the state of Victoria, someone who understands the importance of his role in being a representative of the Parliament and the people of Victoria in rigorously and independently holding the government to account for the expenditure of public funds.

The process for the appointment of the Auditor-General was an example of the Public Accounts and Estimates Committee operating at its very best. It is a committee that can, through necessity, be extremely robust at times, but in this process, particularly with regard to Mr Davis, the member for Forest Hill and me, political partisanship was put aside in the search for the person who would be the best Auditor-General for the state of Victoria.

I also want to thank the commonwealth Auditor-General, Mr McPhee; Mr John Phillips; Mr Grant Hehir, the Secretary of the Department of Treasury and Finance; and Mr John Allen, who provided exceptional professional support to the committee in what was a very difficult search. Time will tell what kind of Auditor-General Mr Doyle will be, but certainly the visit we had to British Columbia showed that he was held in very high regard over there, and if our interviews are anything to go by, I am hopeful and confident that the Public Accounts and Estimates Committee has recommended someone who will be an outstanding Auditor-General for the state of Victoria.

Motion agreed to.

Mid-term report

Mr P. DAVIS (Eastern Victoria) presented report, including appendix.

Laid on table.

Ordered to be printed.

Mr P. DAVIS (Eastern Victoria) — I move:

That the Council take note of the report.

I will make some very brief comments. Those comments are in relation to the purpose of this report. Initially I would say that apparently there has been a tradition with the Public Accounts and Estimates Committee (PAEC) of tabling an annual report. Because of the pressure, funding and resource constraints for the committee, the committee resolved that it would discontinue the process of tabling the annual report and move to a mid-term reporting process to ensure that its activities are transparent to the Parliament, but also, importantly, to assist members of Parliament to understand what the PAEC actually does.

I am therefore pleased to present this report outlining those activities midway through the 57th Parliament, and I make the point that the committee remains committed to promoting continuous improvement of public sector accountability and administration in Victoria.

Just to recap what I said earlier, the functions of the committee, under the public accounts function, include reviewing financial and performance outcomes, reviewing annual reports and inquiring into public finances, investments and public sector administration. The estimates function includes reviewing the budget papers, and obviously the hearings that many members are familiar with. The auditing oversight function includes recommending appointment of the Auditor-General and independent auditors of the Victorian Auditor-General's Office (VAGO); reviewing the budget funding, annual plan, prospective audit specifications and reports of VAGO; and determining achievement of VAGO objectives in compliance with the Audit Act 1994.

Over the past two years the committee has tabled 14 reports and made 386 recommendations; had 38 full committee meetings and 12 audit subcommittee meetings; met and interviewed 25 interstate organisations and 23 international organisations; had 142 public hearings and interviewed 564 witnesses before the committee. So when I think about it, I am not sure how some members of the committee find time to do anything else. It is quite a demanding committee, but enormously satisfying in terms of the product, because the committee successfully ensures that the government agencies and departments are transparently accountable to the Parliament and members of Parliament, including ministers, and the people who advise them can have access to, in some confidence, what is accurate information.

I wish to acknowledge and thank, particularly, members of the committee — Mr Neil Angus, the member for Forest Hill in the other place; Mr David Morris, the member for Mornington in the other place; Mr Robin Scott, the member for Preston in the other place; Ms Jill Hennessy, the member for Altona in the other place; Mr David O'Brien, one of the members for Western Victoria in this place; and particularly my deputy chair, Martin Pakula. It is not often in this place that we eulogise our colleagues on the other side, but on this occasion I can say that without a very robust interaction between the chair and deputy chair I suspect that the committee would not function as well as it does. It is done with a good deal of mutual respect, so I thank Mr Pakula for that.

I particularly want to acknowledge the work of the executive officer, Valerie Cheong, who is an outstanding executive officer, as well as the senior research officers Leah Brohm, Vicky Delgos and Chris Gribbin.

In addition I thank research officers Ian Claessen and Bill Stent; specialist advisers Joe Manders and Peter Rorke; and VAGO secondees Michael Herbert, Priyanaka Narayan and Michelle Tolliday. I also thank the business support officer Melanie Hondros and the desktop publisher Justin Ong.

In the limited time I have available I want to say that this has been an interesting journey for me over the past two years. It was a wonderful opportunity to come in as chair of the committee at a change of government and have a good understanding of what had preceded in terms of the financial management of the state and the transition to a new model, and I am confident that Victoria is well served by the present economic model without reflecting on those things that we found, particularly in the delivery of major infrastructure projects in the report that we tabled last year — that is, projects that we put under the microscope and found wanting.

In conclusion, this is the last report I will table on behalf of PAEC as chairman because later this day I will be tendering my resignation as chairman and as a member of the committee.

Hon. M. P. PAKULA (Western Metropolitan) — I was not planning to make a contribution, and I must say that the still current chair of the Public Accounts and Estimates Committee (PAEC) has caught me unawares. I will miss his chairing of the committee, particularly during the estimates process. I would say that, but I do not know yet who will replace him, and these things are always relative. So without wanting to pre-empt any of

that, I simply say that it has been a pleasure working with Mr Davis as the chair of the committee. We have had, particularly during the budget estimates hearings, some exceptionally difficult moments. Mr Davis has, on occasion, had to chair the committee in circumstances where not all of us have been behaving in the most mature fashion. I always like to try, but we do not always measure up to the standards we set for ourselves.

Mrs Coote — This could be your last one as well. This might be the last one you deliver before you go to the lower house!

Hon. M. P. PAKULA — Mrs Coote, generally when someone is saying something nice about another member you listen in silence. Let me simply say I wish Mr Davis well in the time that he will be absent from PAEC, and I look forward to hearing from him who his successor will be.

Mr O'BRIEN (Western Victoria) — I was in the chair when I heard the news for the first time that Philip Davis was announcing his forthcoming resignation, and I was moved to take my place to make a contribution today on the mid-term report.

Firstly, I join Mr Davis's comments in thanking the secretariat and the members of the committee for their endeavours in conducting the important work of the Public Accounts and Estimates Committee. It is a difficult committee for members to sit on because, firstly, it takes a great deal of their time, but more importantly it requires them to exercise an important duty on behalf of the people of Victoria in ensuring that as far as possible, with the highest possible levels of oversight, our public accounts are kept in the best order and are transparent and fully detailed.

I acknowledge and thank Mr Davis for the significant guidance he provided to all members of the committee and to me personally during what seemed to me to be a lengthy time, particularly in the middle of the estimates hearings. However, it was a short time in terms of my parliamentary career compared with the length of his career. He was a great mentor to me, particularly providing support in relation to the difficult role members must undertake on this important committee. At times he robustly quietened all members of the committee, including Mr Pakula and me when we had perhaps overstepped the bounds. I would like him to know that he can always rely on The Nationals members to do the predictable thing. I know that is a phrase he likes to hear. I commend the report to the house.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 2 of 2013, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Australian Crime Commission — Report, 2011–12.

Parliamentary Committees Act 2003 — Government Response to the Family and Community Development Committee's Report on the Opportunities for Participation of Victorian Seniors.

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

Ballarat Planning Scheme — Amendment C159.

Banyule Planning Scheme — Amendment C82.

Bass Coast Planning Scheme — Amendment C78 Part 2.

Brimbank Planning Scheme — Amendment C121.

Casey Planning Scheme — Amendments C136, C154, C160 and C171.

Frankston Planning Scheme — Amendment C76.

Greater Bendigo Planning Scheme — Amendment C180.

Greater Dandenong Planning Scheme — Amendments C115 and C171.

Hume Planning Scheme — Amendment C138.

Indigo Planning Scheme — Amendment C58.

Moonee Valley Planning Scheme — Amendment C122.

Moorabool Planning Scheme — Amendment C64.

Moreland Planning Scheme — Amendment C113.

Nillumbik Planning Scheme — Amendment C78 Part 1.

Southern Grampians Planning Scheme — Amendment C23.

Stonnington Planning Scheme — Amendment C158.

Wyndham Planning Scheme — Amendment C137.

Yarra Ranges Planning Scheme — Amendment C130.

State Services Authority — The State of the Public Sector in Victoria, 2011–12.

Statutory Rules under the following Acts of Parliament:

Australian Consumer Law and Fair Trading Act 2012 — No. 14.

Court Security Act 1980 — No. 13.

Corrections Act 1986 — No. 15.

Crimes (Assumed Identities) Act 2004 — No. 10.

Crimes (Controlled Operations) Act 2004 — No. 11.

Independent Broad-based Anti-corruption Commission Act 2011 — No. 5.

Major Crime (Investigative Powers) Act 2004 — No. 12.

Public Interest Monitor Act 2011 — No. 8.

Protected Disclosure Act 2012 — No. 7.

Surveillance Devices Act 1999 — No. 9.

Victorian Inspectorate Act 2011 — No. 6.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 4 to 15.

Legislative Instrument and related documents under section 16B in respect of an Order of 5 February 2013 approving the Association making the Municipal Association of Victoria Rules 2013 made under the Municipal Association Act 1907.

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Climate Change and Environment Protection Amendment Act 2012 — 13 February 2013 (*Gazette No. S44, 12 February 2013*).

BUSINESS OF THE HOUSE

General business

Mr JENNINGS (South Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 20 February 2013:

(1) notice of motion given this day by Mr Somyurek relating to employment and a Victorian jobs plan;

(2) notice of motion given this day by Mr Leane relating to funding for the Melbourne Jazz Co-operative;

(3) notice of motion 518 standing in the name of Mr Tee relating to the provision of the Urban Growth Boundary Anomalies Advisory Committee report;

(4) notice of motion 516 standing in the name of Mr Tee relating to the provision of the Potentially Contaminated Land Advisory Committee report;

(5) notice of motion 520 standing in the name of Ms Hartland referring a matter to the Economy and Infrastructure References Committee relating to the impact of freight trucks in Melbourne; and

(6) notice of motion 521 standing in the name of Ms Pennicuik relating to attendance figures at the 2013 Australian Formula One Grand Prix.

Motion agreed to.

MEMBERS STATEMENTS

Ken Burslem

Mr ELASMAR (Northern Metropolitan) — I wish to pay tribute to Ken Burslem, who was president of the Slaters, Tilers and Roofing Industry Union of Victoria over several decades and who sadly passed away in January this year aged 80. Ken was a man who loved his family, his church, the union movement and the Labor Party in that order. He served as a workers compensation commissioner during the 1980s. He was a well-known character and was much loved by all who were privileged to know him. I offer my sincere condolences to Ken's family.

Rural Women's Award

Mr ELASMAR — On another matter, I attended the Rural Women's Award ceremony along with many of my parliamentary colleagues. This year's winner was Michelle Freeman, a forester from Alexandra, who runs educational workshops and engagement programs for youth. I congratulate her on receiving this well-deserved award. I also congratulate all the award nominees on their contributions to primary industries and resource development. This award plays an important role in recognising and encouraging the contribution of rural women.

Northcote: Greek festival

Mr ELASMAR — On another matter, on Sunday, 10 February, I was pleased to attend the 34th annual Greek festival held in Northcote. The festival was a family event and, as usual, was very well attended. It was enjoyed by everyone, especially the children. I thank the president, Mr Andy Mylonas, and his executive committee for organising a great community event.

Bushfires: Ash Wednesday anniversary

Mr RAMSAY (Western Victoria) — Everyone will have a different memory of Ash Wednesday. On 16 February 1983, 30 years ago, fires burned through Macedon, Beaconsfield, Cudgee, Cockatoo, Branxholme, Warburton and the Otways, to name a few places. My memory is in the Otways, where 3 lives were lost, 729 houses, 2800 sheep, 159 cattle and 1000 kilometres of fencing, and where 41 000 hectares were burnt.

My story started 30 years ago at Birregurra with a new property, a new wife and a small fire that started on the neighbouring property on the Wednesday morning. I took my 5-tonne truck with 500 gallons of water and, with the Birregurra Country Fire Authority, attended the fire in Ondit Road, just off the Princes Highway near Winchelsea. As we were mopping up, we were called to another fire in the vicinity of the sawmill at Deans Marsh. This fire swept through to Lorne in 20 minutes, and the roar of the flames and the thick smoke were totally disorientating. I parked my truck near a house in the Otways that had no fire unit. I stayed there all day and night, hosing down the roof from flying embers.

Little did I know that the south-west change in the evening would have the fire double back towards home as well as run along the coast to Anglesea. It completely enveloped my house and property. With no communication, my city-born wife was absolutely terrified, stuck in a house full of smoke, sitting in a bath with dogs and towels.

I could never convey properly the events of Ash Wednesday in this statement — the ferocity and speed of the fire, the courage of the firefighters, the sheer frustration, futility and fragility that many felt, powerless to deal with the enormity of the force of the fire. But for those who lost lives and property, we will remember, we will learn, we will be better prepared and we will never take for granted not only the beauty of our land but also the dangers it presents.

Another reminder of this was the sad and tragic death at Harrietville of two firefighters from the Department of Sustainability and Environment who were fighting fires on behalf of the Victorian community.

Peter and Christine Forster

Ms TIERNEY (Western Victoria) — I take this opportunity to congratulate Peter and Christine Forster from Ararat on the recent recognition of their work in environmental planting projects. Just over three weeks ago, Peter and Christine were joined by the then federal parliamentary Secretary for Climate Change and Energy Efficiency, Mark Dreyfus, who inspected their excellent work. They have been direct seeding marginal land on their 800 hectare property with red gum and black wattle, which are native species. This has resulted in around 4.5 tonnes per hectare of carbon sequestration. The project is the first environmental project in Victoria approved under the federal government's Carbon Farming Initiative. It is a fantastic achievement from one of the first carbon farmers in Victoria, and I congratulate both Peter and Christine on their achievement and their tireless work in protecting the local environment.

Rail: North Shore station

Ms TIERNEY — In a recent *Geelong Advertiser* article regarding the North Shore railway station a spokesperson for the Minister for Public Transport, Terry Mulder, stated that the state Labor government had failed to invest in Geelong's northern suburbs train stations. I take this opportunity to correct the record. As many northern suburbs residents are aware, the previous state government had allocated $250 000 for the North Shore station renewal project, and it was in fact Terry Mulder who rescinded that funding after coming into office in 2010, stating that there were more important projects in the state. Clearly the minister and his advisors have no regard for Geelong's northern suburbs.

MUJU Peace Club

Ms HARTLAND (Western Metropolitan) — At the Hobsons Bay Lions Club Australia Day breakfast I met two inspirational young men who have come together from very different cultural backgrounds and bridged religious and cultural barriers to create harmony and understanding among young people. Oussama Abou-Zeid, from Altona, and Joel Kuperholz, from the eastern suburbs, met at the launch of the It's More than a Game program at the Western Bulldogs football club. This is an initiative to address issues of harmony, cultural identity and social cohesion through sport — and we all know how important community sport is. Feeling inspired, the pair created the MUJU Peace Club, their very own Muslim and Jewish peace team.

In the end their hard work and dedication paid off. In March last year, 12 culturally diverse teams from Muslim, Jewish, Indigenous, South-East Asian, African and interstate communities competed in a series of round robin AFL 9s footy matches as part of the Unity Cup. At only 17 and 18 years of age, the pair put aside cultural differences and made sure they understood

each other's backgrounds. They have brought together young Jewish and Muslim people, and the great thing about that is that many of these people would not have had friendships across these barriers if it had not been for that work. I also met Oussama's mother and Joel's father at the breakfast, and I think they can be very proud of these two fine young men, who have worked to make sure that their communities get to know each other, because it is impossible to demonise someone once you become friends.

Ambulance services: South Eastern Metropolitan Region

Mr TARLAMIS (South Eastern Metropolitan) — Last sitting week I received a number of responses to questions on notice from the Minister for Health regarding unfilled shifts at ambulance stations across the south-east. Unfortunately these answers provide no comfort for the residents of Carrum, Cranbourne and Frankston. They indicated that over 2011 a total of 53 shifts went unfilled at the Seaford, Chelsea, Frankston, Skye, Patterson Lakes and Karingal ambulance stations. A further 20 mobile intensive care ambulance shifts went unfilled over the same period at Frankston and Chelsea stations.

Rather than take responsibility and act to resolve this, the Baillieu government will blame the performance of these stations on the previous government, the union, the federal government — and the list goes on. What you will not hear about from the government are the everyday challenges facing paramedics such as excessive overtime and shift extensions. Any employer knows these are basically the consequences of underresourcing issues that, when managed poorly, lead to absenteeism and high levels of fatigue. You will not hear from the government that its 5 per cent wage offer — a meagre $1 per week offered in exchange for the abolition of entitlements and overtime — is demoralising its workforce or how the $616 million of cuts the government has made to the health budget saw ambulances waiting for a total average of 35 hours a day last financial year to hand over patients at Frankston Hospital. As recently as 6 February, 10 ambulance crews waited over 2 hours to transfer patients and return to the road at Frankston Hospital. This is a hospital that is still waiting for its long-promised emergency department expansion that aims to address delays such as this. It is time the Baillieu government stopped blaming others and started fixing the problems. The voters of Carrum, Frankston and Cranbourne — and indeed Victoria — demand no less.

Australia Day: South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — I rise to congratulate members of the south-eastern community on recent Australia Day awards, which recognise the outstanding achievements of community members and celebrate excellence in our community. In the city of Casey, Anne Atkin was awarded the Casey Citizen of the Year award for her work in improving awareness and services and the lives of people suffering from Parkinson's disease. Casey's Young Citizen of the Year is Sarah Dunstan, who is a fine example of volunteerism. Casey Senior Citizen of the Year is Jim Carson. Karen Dawson was awarded the Casey Sportsperson of the Year award, and the Casey Community Event/Activity of the Year 2012 Award was awarded to the Berwick Mechanics Institute & Free Library Inc., which recently celebrated 150 years of community service to the people of Berwick.

In the city of Kingston James Evans was given the 2013 Australia Day Citizen of the Year award for his contributions to lifesaving, the Kingston Young Citizen of the Year award went to Laura John and the Mordialloc Jazz Orchestra won the Community Group of the Year award, with 2013 marking 100 years of the orchestra serving the community and contributing to events such as Anzac ceremonies, regattas, senior citizen events and more.

In the city of Greater Dandenong the Citizen of the Year award was awarded to Craig Hancock, a life member of the Parkmore Junior Football Club, who has been an active volunteer with the 3rd Noble Park scout group for more than a decade. The Young Achiever of the Year went to Sahema Saberi, who co-founded the Australian Hazara Students Group, which runs a volunteer homework club for Afghan youth and has a range of other voluntary commitments. The Good Neighbour of the Year went to Dawn Vernon, a tireless community member working as president of the Greater Dandenong Neighbourhood Watch group for many years. Finally Graham Don was awarded the Non-Resident of the Year award. For the past 30 years Graham has led the Springvale Learning and Activities Centre as president.

Glenormiston College: funding

Ms PULFORD (Western Victoria) — I was disturbed to read a report in the Warrnambool *Standard* today about tough decisions being on the way at Glenormiston College as a consequence of the government's cuts to TAFE funding in Victoria. I was

not surprised, because this government consistently demonstrates no commitment to providing quality education services for people in Victoria. I note with concern that South West Institute of TAFE executive manager of teaching and learning, Paul Oprean, was quoted as saying:

> I've got no doubt we might have to make tough decisions at Glenormiston.

He does note that that is not, of course, 'particular to Glenormiston' and says, 'Every TAFE in Victoria is facing the same challenges'.

We have leaked TAFE transition plans, but other than that we have a complete lack of information from this government about further cuts to courses and staffing and further detrimental impacts on TAFEs. As a member representing a regional area, I note that cuts to TAFEs have a disproportionate effect on people in regional and rural communities. TAFEs are often the only educational institutions to which people in these areas can go, so this is concerning. It follows the sale of assets at Glenormiston, floated in the leaked TAFE transition plan document.

I note that a parliamentary committee inquiry into agricultural education in Victoria found that the number of students graduating from agricultural education and training courses was already not meeting the sector's demand. Only around 700 people were graduating from agriculture-related degrees each year throughout Australia, while an estimated 400 jobs were being advertised. This sector needs government support for proper training and education, and I urge my government colleagues in Western Victoria to stand up for TAFE services at Glenormiston.

Bushfires: Ash Wednesday anniversary

Mr KOCH (Western Victoria) — Last Saturday marked the 30th anniversary of the devastating Ash Wednesday bushfires. On 16 February 1983 more than 180 fires, fanned by winds of up to 110 kilometres per hour, caused widespread destruction across Victoria and South Australia. Severe drought and extreme weather conditions on that day combined to create one of Australia's worst fire days in a century. Temperatures exceeding 40 degrees, low humidity, hot northerly winds and tinder-dry vegetation contributed to what were the deadliest bushfires in Australian history, until the Black Saturday bushfires in 2009.

The Ash Wednesday fires killed 47 Victorians, including 14 Country Fire Authority volunteers. In addition 2676 people were injured and there was the loss of 210 000 hectares of public and private land across Victoria. Destroyed were 3700 buildings, including more than 2000 homes. Farms, livestock, machinery, local businesses, shops and other private and public assets were lost to the fires, with the cost of property damage exceeding $200 million. As captain of Wando Heights Rural Fire Brigade at the time, I was personally involved in responding to the fires in Western Victoria. I commend all those who bravely fought the fires on that day, especially the volunteers. Many generously gave their time and resources in supporting those affected by the fires. I especially remember those who lost family and friends and acknowledge the remarkable strength, courage and resilience of Victorians who have rebuilt their communities and continue to reach out to others after the recent bushfires this summer.

Firefighters: recognition

Mr SCHEFFER (Eastern Victoria) — I pay my respects to the families and communities of the three Victorian firefighters who have lost their lives since the outbreak of fires in January. Gippsland Department of Sustainability and Environment (DSE) firefighter Mr Peter Cramer died in Taranna, Tasmania, in January, and last week the Harrietville-Alpine North fires took the lives of Katie Peters and Steven Kadar. The deaths of these fine public servants in the course of such dangerous work are reminders of the profound tragedy of forest fires in this country that destroy life and property on a vast scale that is difficult to imagine.

I also respectfully commend the brave and skilled work of the thousands of individuals who fight fires at the front and those who provide the support services that keep this phenomenal exercise operating. In particular I want to recognise the remarkable efforts of the professional DSE and volunteer Country Fire Authority firefighters, the members of the State Emergency Service, Victoria Police, the medical personnel, the many local and state government public servants and the thousands of volunteers who put so much into fighting the fires and providing the backup and support to those directly affected.

We have some time to go before this fire season comes to an end, and in the long term Victoria's drying climate will mean more, not fewer, devastating fires. The results of a University of New South Wales study released yesterday that show the severe trauma often experienced by firefighters are alarming, and clearly more needs to be done to ensure firefighters are supported to manage the severe impact of the horrific experiences they endure. Governments need to step up resources, not reduce them.

Hawthorn Community Precinct: opening

Mrs COOTE (Southern Metropolitan) — On Saturday I joined with the Premier, the Minister for Children and Early Childhood Development and many Hawthorn residents to open the Hawthorn Community Precinct. The Victorian government contributed $500 000 towards this new centre, which brings local seniors groups, children's and family services, and a social enterprise cafe for disadvantaged youth together under one roof. It is, in every sense, a community hub.

It was pleasing to see many community members there, including a number of the Boroondara councillors and the CEO of Boroondara, Phillip Storer. It was truly a celebration, and it goes back to some serious work several people did at the closure of the Manresa Kindergarten. Denise Whitelaw and Sarah Curtis were parents of children at the Manresa Kindergarten and they agitated, lobbied and worked together with the community to bring this about. It really is a case of the community talking. It is an excellent facility — absolutely super — and more than 150 children aged six months to five years will benefit from a range of services, including kindergarten, long day care and occasional care. Maternal and child health services will be there, as will the Boroondara breastfeeding clinic. Since 2001 the Victorian government has allocated $85 million in national partnership and state funding to ensure Victoria's children have the facilities they need to give them the very best start in life. I commend everyone involved.

Tim Holding

Hon. M. P. PAKULA (Western Metropolitan) — I rise to honour the contribution to the Victorian Parliament and Victorian people of my friend and colleague Tim Holding. I first met Tim more than 20 years ago, when he was but a callow youth. Even then his intelligence and capacity were unmistakable, and his suitability for the cut and thrust of politics was obvious.

An honourable member interjected.

Hon. M. P. PAKULA — I ask the member to show some class. Tim was fortunate that two of his political mentors were Greg Sword and Robert Ray. From those men he absorbed what became his best political qualities — honesty and directness. Tim was always someone who would look you in the eye and tell you no. It did not endear him to everyone, but it was a quality I always rated highly.

As a minister Tim was always willing to take on difficult portfolios, whether they were police, finance or water. Many will recall Tim as manufacturing minister running the community meetings for the Hattah-Nowingi facility, which cannot have been fun. As water minister he showed courage and steadiness in his advocacy for both the north–south pipeline and the desalination plant at Wonthaggi-Kilcunda. Those projects are still politically contentious, but I have no doubt that the Brumby government's vision and resolution will be vindicated in time and that Tim will be able to take pride in the role he played, not just in water, but in the Bracks and Brumby governments more generally.

I believe that through his service to his party, the Parliament and the people of Victoria, Tim Holding has earnt the right to go and do something else with his life. I will miss his friendship and his presence, but I wish him all the best.

Local government: recycling initiatives

Mr EIDEH (Western Metropolitan) — Do we as a state or as a community do enough regarding recycling? I wish to commend two municipal councils for their great leadership in this area, although by doing so I fully realise that they are not alone. I was impressed long ago when I first visited the council office at the City of Hume and saw the commingling bins it had installed to better recycle and to reduce waste. If only we would follow that example within the Parliament, but in so saying I admit to not being perfect myself.

I have now learnt that the City of Moonee Valley will begin a trial of recycling bins in its parks — yet another positive step forward. With respect, I realise that there are many members who do not place as much importance on this matter as do many others, and it is not as critical as child health or road safety, but these are still issues that should concern us as they affect our environment and the world in which we live. If done properly, they can reduce financial waste, since recycling can actually make money for local government. I congratulate all those who do as the municipalities of Hume and Moonee Valley do and wonder if we should not be following their lead.

Katie Peters and Steven Kadar

Ms MIKAKOS (Northern Metropolitan) — I wish to extend my sympathies to the families and friends of the two young firefighters who were killed recently whilst battling a bushfire near Harrietville. They were the very young Katie Peters, aged 19, from Tallandoon

and Steven Kadar, aged 34, from Corryong. It is very sad that two very young people have lost their lives.

Firefighters: recognition

Ms MIKAKOS — I also place on the record my deep gratitude to all the Country Fire Authority and Metropolitan Fire Brigade firefighters who worked tirelessly yesterday for 6 hours to bring the large and fast-moving bushfire burning in Melbourne's northern suburbs under control. They risk their lives and are very courageous and dedicated in what they do.

Fire services: funding

Ms MIKAKOS — I also put on record my strong opposition to the Baillieu government's $66 million cuts to Victoria's firefighting budget. We all vividly recall Black Saturday, and any cost-saving measures being made by the government are really worthless in the face of the devastating loss to human life and property and the risks that it is creating through these cuts. The cuts are already affecting the Country Fire Authority's and Metropolitan Fire Brigade's capacity to recruit and train firefighters, and this can only limit their ability to respond to future emergencies in a timely manner. It is clear that the government's cuts will jeopardise community safety.

We are seeing record temperatures across our state and in our country and expect more bushfires in the future. Currently many bushfires are still burning in our state, and I wish those people — —

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Membership

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

> That Mr Ondarchie be a member of the Public Accounts and Estimates Committee.

Motion agreed to.

ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012

Second reading

Debate resumed from 7 February; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr JENNINGS (South Eastern Metropolitan) — On behalf of the Labor Party I am pleased to have an opportunity to make a contribution to the debate on the Electronic Conveyancing (Adoption of National Law) Bill 2012. I indicate that the opposition will not be opposing this bill. I am pleased to be in the Parliament currently — even though I am on the other side from the government benches — to celebrate some progress in this matter. I had some experience of these matters when I was the minister responsible for the environment and had the good fortune to be responsible for the Transfer of Land Act 1958 and elements of administration of not only public land but the system in Victoria for managing land titles, dealing with transfer-of-property matters and with improvements in the Victorian system of lands administration.

In terms of the importance of establishing an electronic conveyancing system, many elements outlined in this piece of legislation are pretty familiar to me. Victorians and Australian citizens will certainly benefit from it. People who are involved in various roles with the responsibility of property transfers in Victoria and Australia — legal practitioners, conveyancers and financial institutions — will benefit from the introduction of a national, nationally consistent and effective scheme. Land-holders at both ends of the transaction chain — from purchasers to vendors — and those who administer their financial and land transfer arrangements will also benefit from the scheme.

I congratulate the government on bringing forward this piece of legislation. I am pleased to see the arrival of legislation that facilitates the further development and implementation of a national scheme. Victorians clearly understand, as the second-reading speech has reminded us, that property settlement, particularly on the purchase of a house — a family home — is the biggest financial transaction in most people's lives. I can guarantee it will be the biggest personal financial transaction I will ever undertake. It is very important to Victorians, and they need to have confidence with the way their titles are managed. Making sure that there is certainty and consistency in the way they are managed now and into the future is an extremely important part of a person's sense of personal security and confidence in their daily life. Knowing that their property is secure in terms of its

legislative and regulatory base and it being a financial instrument can provide people with certainty each and every day of their life.

If the reverse happened and we did not have the world-class certainty in how land titles are managed that we are fortunate to have in Victoria, then our citizens might have a sense of insecurity. In fact as a community we might have a lack of confidence about making planning decisions, subdivision decisions and major decisions about the appropriate use of the interface between public and private land, and there might be various contests within the court system about the way land matters could be handled. But as the second-reading speech says, and I am happy to support the government on this, we in Victoria have a world-class system.

I thank those in the lands office and in the appropriate division of the Department of Sustainability and Environment for not only establishing systems and maintaining those systems but also for doing the hard yards in relation to continual improvement and for taking the difficult journey that has been followed to establish a national scheme. Nobody should underestimate that, and I will comment on that in my contribution on the way through when I deal with certain provisions of the bill and how they intersect with New South Wales legislation.

Some people who have an intimate knowledge of these matters may think that in itself is a nice little ironic barb in the legislation, but nonetheless the state of origin contest that really matters in this country in relation to land matters is between Victoria and New South Wales. If in fact we do have harmony between Victoria and New South Wales, then all strength to the people who have worked assiduously, creatively, innovatively and with great perseverance to arrive at this position. I congratulate them, and I have a sneaking inkling there may be one or two people in the chamber today who understand what I am talking about. Funnily enough, this is an issue that is probably lost on most MPs, but nonetheless it may be understood by people who are with us today.

What is the nature of the reform that is embedded within this legislation? In simple terms and in terms of the way in which they have been administered in the past — if people can envisage it — normally in property settlements there is a physical transfer in an agreed location between the vendor and either the purchaser or agents on their behalf that enables them to exchange and to witness titles and cheques, and then subsequently to have them lodged within a centralised office location dealing with both state revenue and the land title. Up until this point in time that is how people have enacted those transactions. That has been the case, and it has provided certainty, but it has also come with some administrative restrictions in terms of the ability of the relevant parties to be in the one location at the one time to require the physical transfer of those physical instruments to take effect, rather than this administration being rolled out more smoothly as a procedure in a number of different locations in slightly different time frames but yet providing for the same degree of certainty.

This piece of legislation enables for most of those activities in the systems that have been developed — and by and large they have been developed in Victoria and then subsequently have been harmonised with other places across the country — to be achieved electronically and with a greater sense of flexibility, both in terms of time and place. Certainly it will lead to the reduction of a number of embedded costs in the administration of those practices so that citizens — in this context, consumers — will have their fees reduced and there will be a significant saving to their household budget at a time when all governments and administrations should be attuned to the costs of regulation and be able to find ways to appropriately reduce those costs. The second-reading speech identifies a range of savings to households, and I will refer to those shortly.

As I have indicated in my contribution, the pathway to this position has been a very long and considered one. Victoria has been working on these reforms for many years. Amendments were made to the Land Act 1958 as far back as 2004 — nearly a decade ago — to facilitate electronic conveyancing in the system, which had effect from 2007. So back in the days of the previous Labor administration significant reform was undertaken in this area. Significant investment was made in terms of underpinning software and technology that supported this system and its implementation. A very significant undertaking was made by the department and by the government to try to make sure that this electronic conveyancing capability was not only built for Victoria but was available for other jurisdictions as well.

We are reminded that 16 100 conveyancing transactions have already been made electronically since 2007 using the Victorian-based system, with the majority of those being adjustments to caveats that apply over parcels of land. Whilst I have referred to the physical act of land transfer, any variation to property matters has to be able to be incorporated within this electronic conveyancing system to incorporate a unified system that deals not only with the financial and physical transfer but also what might be impediments to property sales or what might be appropriate provisions

of easements, caveats or other elements that may be relevant to the property that can be flexibly and smoothly administered as part of a unified scheme.

For the best part of nearly a decade Victoria has been trying to embed these practices and this capability not only in Victoria but across the country by legislation and investment in technology and education across the financial sector. As far back as 2008 — that is, halfway through that journey — five years ago, there was an agreement at the Council of Australian Governments (COAG) to establish a momentum for this scheme to be picked up by — —

Mr Barber — There was an agreement in COAG?

Mr JENNINGS — I am not quite sure why Mr Barber woke up at that moment.

Mr Barber interjected.

Mr JENNINGS — To respond to Mr Barber's alarm, this is a matter on which there had been significant disagreement prior to 2008. In fact that disagreement continued in various forms for some time after 2008, but nonetheless in 2008 there was a clarion cry across the country to try to bring jurisdictions together. In my view, in this context the ability to have New South Wales see the value of what Victoria had brought to the table was a big breakthrough. Again, the COAG agreement did not necessarily embed that. The financial institutions and the banks needed to be brought on board and the various institutional players aligned to achieve this result. But that was a very important moment in the progression that has led to what will now be embedded in Victorian law.

What we have in this piece of legislation are appropriate amendments to the Land Act 1958 and other variations to enable national consistency based upon what has been established as template legislation. My private joke, shared with relatively few, is that the template legislation was first enacted in New South Wales. The provisions of the bill that are important to us just pluck out the template and the provisions embedded in the Electronic Conveyancing (Adoption of National Law) Bill 2012 of New South Wales, with one variation. It looks as if we have a variation to section 39 of that law, but apart from that — and other internal variations that will be monitored and developed within the Victorian jurisdiction as may be required — that legislation will become the template that will apply in Victoria and in other jurisdictions to give effect to the agreement and provide for harmony.

It is important that Victorian citizens have confidence in the system. This relates to my starting point about the nature of the system we have in Victoria. Once we have reached national harmony on the nature of titles — their validity, their structure, the way in which they have been dealt with by various jurisdictions — it is important that when they are lodged under Victorian law or under the Torrens land title legislation in each state and territory there is no diminution of or uncertainty created in the Victorian system by that transfer. I believe this piece of legislative reform does not adversely impact upon that system; it maintains the integrity of the title system in Victoria whilst allowing for the harmonisation of these matters.

To assist in that work, to make sure that this process continues to have traction and gains further traction within not only the different jurisdictions but also the financial institutions, the relevant professional bodies and consumer advocates, a number of interlocking bodies have been created. These include the Australian Registrars' National Electronic Conveyancing Council, which comprises each jurisdiction's registrars. Under the intergovernmental agreement that body is responsible for future amendments to the current law. In the implementation of this legislative framework, and in the running of the various systems and software that will back up this implementation, it will monitor whether ongoing regulatory reforms are required to ensure a smooth transition to this scheme. Victoria will continue to be vigilant in that regard, and Victoria's representatives on that body will make sure that if any particular amendments are required in this jurisdiction, we will make those amendments to ensure the protection of Victorian citizens and the quality and integrity of the land system here. That has been a very important development.

Another element that it is extremely important to ensure is additional buy-in beyond the jurisdictions. National E-Conveyancing Development Limited has been established to accelerate the development and implementation of this scheme. That body brings in not only the non-government sector — in this case financial institutions and financial considerations; the seed funding and investments of the banking sector, for instance — it is also the body through which the information technology provider will acquire the intellectual property that is necessary to make sure that this system works. This body will facilitate the interlocking integration from the public to the private sector and across the financial institutions and regulatory bodies that sit in between them. Hopefully that will assist in the smooth rollout of the national scheme, make sure that there is a higher degree of compliance and participation than we may have seen up until now and provide greater confidence for Victorian and national consumers.

In my involvement early on in this process the Australian Bankers Association, as a group, was not always a willing participant or necessarily effusive in its participation. In fact it might have reserved its right to own the system itself at one stage. But in the last 12 months it has been very effusive about the progress that has been made and about the current interlocking governance arrangements that will provide for greater implementation and rollout.

Indeed Steve Munchenburg, chief executive of the Australian Bankers Association, said during 2012 that a single and national electronic conveyancing system across the states and territories will mean major efficiency gains for everyone involved in the conveyancing industry. He had left any reservations behind at the station and was prepared to wholeheartedly embrace where the jurisdictions had gotten to. In fact such was the confidence of the financial sector that it provided seed funding to support the ongoing rollout. Bankers became investors in rather than owners of the scheme, and I think that is a good public benefit of the process we are discussing here today.

Earlier in my contribution I indicated that apart from the benefit to citizens, and to households in particular, of the smooth certainty and flexibility of these transactions, I am pleased to say that there are also financial benefits. This is one of the occasions when a lot of effort has been invested — into information technology, systems development, education in relation to public lands administration, financial institutions and conveyancers across the country — and beyond the benefit of that effort, which has a value in its own right in terms of flexibility and certainty, there are also financial benefits that will accrue to households.

As the second-reading speech reminds us, it is estimated that the national electronic conveyancing scheme will offer an average saving of $380 for a typical four-party property transfer settlement, with these savings comprised of $60 for each party's bank — and if the banks are making savings, then they are going to be with you — plus a $130 saving for each vendor and purchaser representative per settlement. That is estimated to break down to the equivalent of a saving of $42 for the settlement agent, who previously would have needed to attend a settlement; $18 for extra bank cheques, which will not be needed; $14 for a courier to collect and deliver documentation; and $56 in time spent having to organise settlement. This is not a comment on my pay and remuneration, but to be perfectly honest I reckon that for these types of transactions, which you might allocate an hour to but which end up taking 3 or 4 hours, an estimated saving of $56 is a minimum amount. In terms of the personal cost of the running around which has traditionally been required, the money and time saved will be appreciated by people who undertake these transactions in the future.

I do not want to give the impression, given that I have been a total advocate of this system, that it is a one-size-fits-all process, because there will be some degree of flexibility in the system in Victoria. Whilst there are benefits to the system and I believe people will increasingly flock to it, in terms of the journey, which has been a long one already — the best part of a decade — it is going to take a little bit longer to embed these practices and for people to actually get with the program. Between now and 2016 we are going to continue to have a dual-track capability. Hopefully all the benefits of the scheme — its attractiveness, the confidence in it and the agreed level of participation in it — will ensure that by 2016 the vast majority of transactions in Victoria will be processed electronically. That is a laudable expectation, it is a good target and it is something that I hope is achieved. From my vantage point I look forward to the day when most Victorians, if not most Australians, see the benefit accruing to them from using this system, which has been created and largely driven by members of the public sector in Victoria.

The government benches will be very pleased to hear that on this occasion I am not going to take the opportunity to bag them on anything. On this occasion I am going to have the good grace to congratulate them on bringing this forward and to conclude my contribution by wishing this piece of legislation — and, most importantly, the scheme — well, in the future.

Mr BARBER (Northern Metropolitan) — The very simple aim behind this piece of legislation is to assist in the creation of a national electronic conveyancing system to replace Victoria's electronic conveyancing system. It aligns with a Council of Australian Governments agreement going back to 2008, or even further perhaps, depending on what sort of provenance you want to ascribe to it. The aim of that agreement, as Mr Jennings stated, was to promote efficiency throughout Australia in property conveyancing by providing a common legal framework for the preparation and lodgement of documents electronically. The aim is to save time and dollars in the process, and I am for that. I have only bought a couple of properties, but why would we run back and forth across town with different documents, getting things signed, if we could do it all electronically?

There is probably just one remaining point to make about this bill, and it is a point that the Greens have made before. When we create Victorian law, as in this case, to actually assign our legislative powers to another Parliament — that is, when we move legislation from the Victorian jurisdiction up to the federal jurisdiction — we move the legislation, or the ability to change it, out of the reach of the human rights charter.

We have a human rights charter here in Victoria but we do not have one at the federal level, so any time we use the legislative mechanism we are using here we in fact take this area of law making out of the protection of the human rights charter and put it into a jurisdiction, the Australian commonwealth, that does not have one. Why is it that the commonwealth does not have one? Because the federal Labor government chickened out on having one a little while ago. That was the Rudd government in 2010 under former federal Attorney-General Robert McClelland.

You, Acting President, might think a bill like this really does not have a lot of human rights implications, and frankly it does not in the scheme of things, but it relates to some human rights, or what we think of as rights, that are important. The obvious right in the case of this bill is the right to privacy. It is as if the government is saying in the statement of compatibility, which is connected to the second-reading speech of this bill — and anyone can read it in *Hansard* — that it is the same personal information that is already in the Victorian scheme, and as this is going into the federal scheme, it is not worried about the right to privacy. The government goes so far as to say that given the type of information that is stated in documents lodged on the electronic lodgement network is already publicly available, there is unlikely to be any expectation of privacy regarding the information included on the electronic system. I repeat: there is unlikely to be an expectation of privacy.

There is actually quite a bit of fairly personal information in the land title system. It is easy to say that people have no expectation of that information remaining private, but how many of us have been burnt as a result of that information not being private? When you go to the current land titles site, as it relates to the transfer of land, there is a section that says:

> Your personal information
>
> The registrar of titles is committed to protecting your personal information in accordance with the Victorian Information Privacy Act 2000.

But it then says:

> The registrar of titles may disclose your personal information to its service providers, subscribers, persons acting for subscribers, Land Victoria, the State Revenue Office and other government departments and authorities.

There is another section headed ‘Your rights are protected’, but that section deals with unauthorised land transactions — not privacy rights — and also unauthorised or unlawful changes to relevant information. It is very relevant to say there is no expectation of this information being private, but I wonder what would happen if a newspaper journalist decided to go through every member of this Parliament’s details, do a property search and publish every detail about ownership, joint ownership, changes to ownership, caveats, mortgages and all the rest of it based on the idea of, ‘Gee, let’s have a look at what these guys are sitting on’? I think at that point parliamentarians’ expectations would change pretty fast. They might even start to think that members of the public have higher expectations of their own rights to privacy. The right to privacy seems to be more abused in this country than any other rights I could go through, except those rights that are abused that involve locking up kids behind razor wire — but that is for another discussion.

There are also a number of references to other rights, including property rights and the right not to testify against oneself, which is a worry. Time and again we see legislation in this chamber which gives authorities the power to request information. The party, being the other person who could later be prosecuted, must cooperate fully with the person who is conducting the compliance examination, including complying with any reasonable requirement to furnish specified information or documents or take specified action for the purpose of the compliance investigation.

Over the years I have seen some of the bureaucratic definitions of ‘reasonable’. Acting President, you would be surprised that the people who have some fairly low-level public service functions equate the word ‘reasonable’ in the term ‘reasonable cooperation’ with giving them more power than the Australian Securities and Investments Commission, the Independent Broad-based Anti-corruption Commission and the former Office of the Australian Building and Construction Commissioner put together — and you must challenge it if you do not like the way they are wielding their authority.

There are and can be serious human rights implications for even a simple piece of legislation like this. We are now taking it out of the Victorian jurisdiction and into the federal jurisdiction away from the shield of the human rights framework. The Liberal Party and The

Nationals at the national level do not support any kind of charter. Federal Labor flirted with the idea and then got spooked. The president of the Victorian Council of Civil Liberties reportedly said:

> It —

meaning the federal Labor government —

> has lost its nerve on this important policy issue …

Amnesty International Australia spokeswoman Sophie Peer agreed and said it shows a:

> … complete lack of courage.

Law Council of Australia president Glenn Ferguson said:

> Particularly for those who regularly experience fear, hunger, homelessness, powerlessness and discrimination …

— that such a charter would be important at the federal level. Naturally the coalition and Australian Christian Lobby were very happy when Labor backed down on its commitment. George Brandis, a federal senator for Queensland, had a good day that day by the looks of it. A review was promised to be conducted in 2014. I think that is all a shame.

Apparently we all support the United Nations Universal Declaration of Human Rights at the international level, and apparently we are prepared to run Victorian legislation under that ruler as well. But today if we pass this piece of legislation to the federal jurisdiction — and it is something we do frequently — we are actually handing over the scrutiny in the human rights charter to another body that does not believe in all of that kind of stuff. By the way, article 30 of the universal declaration states:

> Nothing in this declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

It actually says that your human rights cannot be used to take away my human rights, and I would have thought that was a very liberal thing to say. That is the most small-l liberal statement in the whole thing, and it is a pity there is not more cross-party support for that kind of notion.

But article 28 says that everyone is entitled to a social and an international order in which the rights and freedoms set forth in the declaration can be fully realised. On my reading that means we need to get serious about this stuff, and we need the Universal Declaration of Human Rights to be brought into a serious, weighty instrument with teeth at the national level, otherwise we will be supporting this fairly small, minimalist and almost transactional piece of legislation.

Mrs PETROVICH (Northern Victoria) — I am pleased to rise to speak on debate on the Electronic Conveyancing (Adoption of National Law) Bill 2012. I commend the previous speakers for their contributions. It is heartening to see that we have bipartisan support for this bill — —

Mr Barber — Multipartisan.

Mrs PETROVICH — Multiparty — you are right, Mr Barber. We have multiparty support for this piece of legislation which assists in streamlining conveyancing in the state of Victoria. We will also see the flow-on benefits from a national approach. Each of the other states and territories, except at present the Australian Capital Territory, will enact legislation to apply or adopt the national law in their own jurisdiction and to provide for amendments to other acts required as a consequence of the application of the national law in their jurisdiction.

The main objective of the bill has already been raised, but I will articulate that briefly. It is to apply the national law in Victoria. The national law is set out in the appendix to the Electronic Conveyancing (Adoption of National Law) Bill 2012 in New South Wales. To facilitate the application of the national law in Victoria, the bill makes amendments to Victoria's Torrens legislation, being the Transfer of Land Act (TLA) 1958, as well as amendments to other Victorian acts.

At present under the TLA, Victoria has its own electronic conveyancing system — Electronic Conveyancing Victoria (ECV) — and it is intended that the ECV system will continue to operate in parallel with the national electronic conveyancing (NEC) system. Once the NEC system is fully operational the ECV system will cease its operation. The bill also provides for the eventual repeal of the relevant provisions of the TLA and consequential amendments to other Victorian acts required to facilitate the cessation in operation of the ECV system.

Part 1 of the bill provides for preliminary matters, being the purpose, commencement of the bill and definitions. Part 2 of the bill provides for the application of the national law in Victoria. Part 3, divisions 1 to 3 of the bill, provides for the consequential amendments to the TLA, the Interpretation of Legislation Act 1984 and the Property Law Act 1958 required as a result of the application of the national law in Victoria. Part 3, divisions 4 and 5 of the bill, provides for the consequential amendments to the TLA and the Property

Law Act 1958 on cessation in operation of the ECV system.

As articulated by the two previous speakers, electronic conveyancing offers considerable benefits to all parties involved in land transactions as it removes the need for the physical exchange and lodgement of documents and cheques, and that is a saving on expenses such as travel time and bank cheques. An independent study estimated that if electronic conveyancing was implemented across Australia, the total savings would be approximately $220 million annually. As Victorian property transactions represent about 27 per cent of transactions anticipated to be conveyed electronically, the annual benefits to banks, solicitors, conveyancers, purchasers, vendors and the state of Victoria are expected to be of the order of $60 million to $70 million — a substantial boost to the Victorian economy.

It is estimated that the national electronic conveyancing system will offer a range of savings — for example, an average saving of $380 for a typical four-party property transfer settlement, with those savings comprising $60 for each party's bank, plus $130 saving for each vendor and purchaser representative per settlement. It can be broken down as follows: $42 for paying a settlement agent to attend settlement; $18 for removal of the need for extra bank cheques; $14 for a courier to collect and deliver documentation; and $56 in time spent having to organise that settlement.

For many years Land Victoria has been working on making it possible to electronically perform online most of the conveyancing process. Amendments to the Transfer of Land Act 1958 were made in 2004, as Mr Jennings detailed. The Victorian electronic conveyancing system became available for use in 2007. Since 2007 approximately 16 100 conveyancing transactions have been made electronically using the Victorian electronic conveyancing system, the majority being caveats.

In 2008 the Council of Australian Governments endorsed creating a uniform, Australia-wide regulatory approach to electronic conveyancing. Subsequently all Australian states and territories, except the Australian Capital Territory, signed off on an intergovernmental agreement for uniform legislation regulating electronic conveyancing. Under this agreement each jurisdiction will enact legislation applying a model law, either via an application bill or via corresponding legislation, to regulate electronic conveyancing. The Australian Registrars National Electronic Conveyancing Council, consisting of the registrar of titles, or equivalent office-holder from each jurisdiction, has been established to oversee this.

It is important to note that the bill does not derogate from the fundamental principles of the Torrens system, such as the indefeasibility of registered interest and the entitlement to indemnity where, for example, a person has suffered a loss because of an amendment to the register.

Victoria has a world-class system for the registering and recording of interests in freehold land. The processes for recording interests in land impact upon most Victorians at some time in their lives. The purchasing of land or houses or property is one of the most significant things that many of us will do and the biggest investment for many individuals. Each year Land Victoria registers approximately 700 000 land transactions. A component of these transactions includes around $75 billion of private property transacted annually. The most common example of conveyancing is when one party sells a parcel of land to another, but the term also encompasses actions such as taking out a mortgage and placing caveats on land. Traditionally, conveyancing in the case of land transfers is accomplished via the physical transaction, as I mentioned earlier, and this bill will certainly streamline those processes.

As a country member of Parliament I am very pleased to say that this will streamline and greatly simplify the process for rural and country Victorians around the conveyancing of properties. We have all-party support for this piece of legislation, and I commend the bill to the house.

Mr ELSBURY (Western Metropolitan) — The Electronic Conveyancing (Adoption of National Law) Bill 2012 is another piece of legislation that seeks to improve efficiency, this time of conveyancing across Australia. This is done by allowing conveyancing for the lodgement and processing of transactions to be undertaken electronically. That is something that the Victorian system has already established.

Each state is implementing complementary laws which will allow the registrar of titles in each state or territory to: receive electronic registry instruments and other electronic documents by electronic lodgement; register electronic registry instruments as they would the paper derivative; operate or authorise people to operate an electronic lodgement network; set conditions for access to the electronic lodgement network; examine compliance of access or use of the electronic lodgement network to ensure compliance with conditions of access; provide that by entering into an approved form

of client authorisation a transacting party may authorise a subscriber — and I will explain later what constitutes a subscriber — to do four things.

The first of those is to digitally sign electronic registry instruments and other electronic documents on behalf of the transacting parties, the second is to lodge electronic registry instruments and other electronic documents with the relevant land registry, the third is to authorise any financial settlement involved in the transaction and the fourth is to do anything else necessary to complete the transaction electronically.

With the electronic conveyancing system, the vendor or purchaser does not sign registry instruments themselves, but a subscriber will represent them and digitally sign documents on their behalf. The Electronic Conveyancing National Law provides that when entering into a client authorisation, a party that is a vendor or purchaser may authorise a subscriber to: digitally sign electronic registry instruments and other electronic documents; lodge electronic registry instruments and other electronic documents; and authorise or complete any associated financial transaction. That is not a power of attorney as the actions must be relevant to the client's instruction.

The progress of the new agreed-upon national framework has been that New South Wales passed its legislation in November last year, while Queensland introduced its legislation to its Parliament in the same month. The other states and the Northern Territory are expected to adopt legislation during the remainder of this year.

The bill seeks to make amendments to the Interpretation of Legislation Act 1984, the Property Law Act 1958 and the Transfer of Land Act 1958. The provisions in the Transfer of Land Act 1958 will no longer be required when the new national lodgement network is put in place, as the existing Victorian electronic conveyancing system will cease. That is not to say it will not live on in some form, I have been reliably informed. Apparently the network being established is based upon the Victorian system. Once again Victoria leads the way.

It is expected that the new system will also enable a saving in the cost of conveyancing. It is expected that the saving will be about $380 for a typical four-party property transfer settlement. This legislation brings conveyancing across Australia into the modern age, as couriers will not be needed to transfer documents from one end of the country to the other and wait for signatures to be exchanged before a transaction can be completed. It will be easier for conveyancing transactions to take place across the country, and considering that Victoria already has an electronic conveyancing system in place, adopting the new national system in this state will see minimal interruption to the way business is carried out. 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.

Sitting suspended 6.25 p.m. until 8.02 p.m.

CRIMES AMENDMENT (GROSS VIOLENCE OFFENCES) BILL 2012

Second reading

Debate resumed from 7 February; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise to speak on the Crimes Amendment (Gross Violence Offences) Bill 2012 and to indicate that the opposition will not oppose the bill. With regard to this bill I also indicate that never has there been so much hot air expelled by so many people about so little. When it comes to sentencing practice for crimes of gross violence, I predict that the change that will be brought about by this bill will be exactly nothing. That is because this is a minimum sentencing bill in name only. When you go through the detail of the bill, you see it is absolutely apparent that every bit of judicial discretion that was provided to the judiciary before the passage of this bill will, in effect at least if not in word, be retained after its passage. The opposition is not disappointed about that, and it is the main reason the opposition is able to support the bill. It is a minimum sentencing bill in name only rather than in reality.

The bill introduces two new gross violence offences: intentionally causing serious injury in circumstances of gross violence and recklessly causing serious injury in circumstances of gross violence. One of them has 20 years imprisonment on the top, and one of them has 15 years imprisonment on the top, but both offences carry a supposed minimum sentence of 4 years jail. The bill also changes the definition of serious injury in the Crimes Act 1958. That does not just affect this bill; it

also affects all circumstances where there is a reference to serious injury.

It is important for there to be a bit of background about the policy approach to sentencing of the then opposition, now government, that was enunciated in the lead-up to the last election. The coalition, particularly the then shadow Attorney-General, now Attorney-General, Robert Clark — —

Mr Finn interjected.

Hon. M. P. PAKULA — I am not surprised that Mr Finn is a strong supporter of the Attorney-General. If only he could provide his leader with endorsements as strong as those he provides for the Attorney-General.

Hon. P. R. Hall interjected.

Hon. M. P. PAKULA — I am always happy, Mr Hall. I am a good-natured sort of person.

Before the 2010 election the coalition made two commitments with regard to sentencing. The first was a commitment to introduce baseline sentencing — that is, for various offences there would be a baseline that judges could depart from, either up or down, based on aggravating or mitigating factors. That policy was released many months before the election and was the subject of a deal of conversation. The government has not yet brought forward legislation to that effect. I am not surprised by that, because I suspect the government is finding the reality of introducing baseline sentences — picking a baseline for one offence after another — to be a very complicated if not impossible task. The government has brought in the services of the Sentencing Advisory Council to assist it in that. We have still not seen baseline sentencing legislation, and it will be interesting to know when we might finally see it.

The second commitment — the one given voice by the legislation before the Parliament tonight — was minimum mandatory sentencing, as it was described, which was released as an election policy only on the Wednesday before the election. It was a promise to introduce minimum sentences for intentionally or recklessly causing serious injury with gross violence. This bill supposedly implements that commitment. Importantly, however, the election policy was for a minimum of four years jail for adults and a minimum of two years jail for those aged between 16 and 18, and judges could depart from those sentences only in exceptional circumstances. Those circumstances were defined by the coalition in the lead-up to the last election as so unusual that the Parliament would never have intended them to be covered. As my colleague the member for Altona in the Assembly demonstrated to the Assembly, the bill before the Parliament is almost unrecognisable from that which was promised by the coalition in the lead-up to the 2010 election. I will come back to that in due course.

I will go through some of the technical effects of the bill. First of all, the bill changes the definition of serious injury to contemplate injury that endangers life, is substantial and protracted or destroys a foetus other than via a medical procedure. The reason the government has had to change the definition of serious injury is that, given the commitment the government took to the last election, had the government not altered the definition of serious injury it would have been faced with the reality of a minimum sentence of four years jail being required, for want of a better term, for assaults that left somebody with a black eye and a fat lip. That is the current definition of serious injury — it incorporates any two injuries. The government has been required to change the definition of serious injury, as it has recognised that its initial commitment was thoroughly deficient in that regard.

The new offences are of causing serious injury intentionally in circumstances of gross violence, which as I said has a maximum sentence of 20 years, and causing serious injury recklessly in circumstances of gross violence, which has a maximum sentence of 15 years. As I have indicated, both supposedly attract a minimum of 4 years jail. For both offences gross violence is defined to include such factors as prior planning, where an offender intended the serious injury or was reckless about whether or not the serious injury would result or should have foreseen that the serious injury would result, where an offender caused the serious injury in concert with at least two others, where an offender planned in advance to use a firearm or imitation firearm to cause the serious injury, or where the offender caused or continued to cause the serious injury after the victim was already incapacitated. As far as the definition of gross violence goes, I think that is a pretty good one. Those elements — such as preplanning, continuing to bash someone after they are on the ground, using a firearm or imitation firearm — are particularly unacceptable and unpleasant ways to carry out violence on other human beings. So as far as the definition of gross violence goes, I can say the opposition has absolutely no difficulty with those elements.

For both offences where there is serious injury, the definition of which I have already described, and gross violence, the bill brings in a minimum non-parole period of four years, unless the court finds that a special reason exists. This is really the rub of this piece of

legislation. When the community hears about a minimum sentencing scheme, what it believes that means is that no matter what the judge might think of the mitigating circumstances of a crime, four years is the minimum. That is the way it has been described. It is the way it has been described in media releases; it is the way it has been described in the *Herald Sun*; it is the way it has been described by government ministers in the Parliament. They have said this was a provision which would bring in a minimum of four years jail. Most people would believe that in those circumstances the judge would be obliged to provide a four-year jail sentence regardless of what the judge's view might be.

What this bill actually says, however, is as follows. It says that the sentence is four years unless the court finds that a special reason exists. It says the minimum non-parole period does not apply to those under 18. It says that the special reasons include where the offender is between 18 and 21 and is particularly psychosocially immature — I do not know if Mr Finn would be particularly supportive of that exemption or not — or where at the time of the offence the offender had impaired mental functioning linked to the commissioning of the offence which substantially reduced their culpability. Now, what might that include? The person is over 18 and has committed the offence but at the time had impaired mental functioning which substantially reduced their culpability. Might that mean, for example, that the person was intoxicated or under the influence of drugs? It does not sound much like a minimum sentencing regime to me. Other exemptions are where the offender assists law enforcement authorities in the investigation or prosecution of an offence — in other words if they give up one of their accomplices, again the four years does not have to be applied — and where the court proposes to make a hospital treatment order for the offender.

There are therefore a whole range of circumstances in which the four-year supposed minimum does not have to apply. In addition to that, just in case the court might have thought it did not have enough ways out of the four-year minimum, the court has a cover-all exception to the four-year minimum rule, which is described as where there are 'substantial and compelling circumstances'. In deciding whether substantial and compelling circumstances exist the court must have regard to the Parliament's intention — that is, that a four-year minimum is the norm — and to whether or not all the circumstances of the case would justify a departure from the four-year minimum. In a nutshell, the government is presenting us tonight with a bill that says that if someone causes a serious injury in circumstances of gross violence, the court must provide a four-year minimum sentence unless in all of the circumstances the court does not believe that to be appropriate.

How, Acting President, is that any different to the regime that is in place right now? Basically what happens right now is that the judge will decide whether or not a person is deserving of four, five, six or seven years jail, or perhaps three or two or none. That is the regime right now. This legislation says, 'You've got to give them at least four unless in all the circumstances you don't think that's appropriate'. How could anybody maintain with a straight face the argument that this is a minimum sentencing regime in any normal definition of that term — when in this regime the judge is required to provide a four-year minimum sentence unless in all the circumstances the judge does not think it is appropriate? That is what this legislation says.

In terms of how that differs from the coalition's election promise, the election promise said the only exception to the minimum sentence would be if there were a circumstance which the Parliament clearly had not contemplated at the time of the drafting of the bill. That was clear in the then shadow Attorney-General's media release in November 2010. In terms of the bill presented to the Parliament tonight, to the extent that the relevant change will mean a judge can avoid imposing a manifestly unjust sentence, which is the advice we received from the government at the briefing on the bill — that is, that if the judge thinks four years will be manifestly unjust, then the judge will not have to impose it — we welcome that. We are not surprised, however, that the government had to deviate from its election commitment.

First of all, the election commitment was that it would apply to those aged under 18 for up to two years. Frankly we are still none the wiser as to whether or not the government will bring to the Parliament legislation giving 16 to 18-year-olds supposed minimum sentences. The Attorney-General, Mr Clark, says the government will, and the Minister for Community Services, Ms Wooldridge, says it will not. No doubt at some point in the future there will be a cabinet battle between Minister Clark and Minister Wooldridge and we will see whether we get minimum sentencing legislation for minors.

More importantly — and I have no doubt that the judiciary made this point clear to the government — you are simply asking for trouble when you ask a judge to try to read the mind of the Parliament, which is what judges would have been required to do under the original construction of the coalition's pre-election commitment. The Parliament cannot realistically ask any judge to try to imagine what circumstances the

Parliament might or might not have contemplated when it drafted a piece of legislation. I have no doubt that in the period after the election judges made it clear to the Attorney-General and to the Department of Justice that a piece of legislation that was constructed to say, 'You must apply a four-year minimum unless you don't think this is a circumstance that we would have intended that to apply to', was never going to work.

It is worth making this point in terms of the timing of the commitment. In the two-and-a-bit years since government changed we on this side of the house have been respectful in as many circumstances as I think an opposition could be of the government's mandate, particularly where there have been long and complex public debates about various matters prior to the election. This is best exemplified by the protective services officers issue on which it is clear that prior to the election the Labor Party took a very different position. We have respected the government's mandate on that matter primarily because we accept that it was the subject of long and fierce debate in the public arena. The now Minister for Public Transport and I had many debates about it, as did others. That was a matter that we passed through this Parliament without opposition.

This bill is the product of a policy which was released less than 72 hours before polling day. It received almost no publicity and did not feature in the leaders debate. If Mr O'Brien or other speakers from the government claim a strong mandate for this approach, let me put on record that that is not the reason we are not opposing it. In any case the bill that is presented is very different to the scheme that was outlined by the coalition in the lead-up to the election.

It is also worth putting on record the fact that we in opposition are relieved and, like most of the judiciary, pleased that what we are debating is not an absolute mandatory sentencing bill. Mandatory sentencing has very little to recommend it by way of actual results. There are no jurisdictions that can be pointed to where it can be shown to have reduced crime and criminal offences. Last year, as I have indicated in this place before, I visited the USA. I spent four days in Chicago where I met with a number of senior judicial and political figures, including the Attorney-General of Illinois. In Illinois they have what you would describe as fair dinkum minimum sentencing. One of their provisions is that if you shoot someone with a gun and kill them, the minimum sentence you will receive is 40 years in prison. I think it is a minimum of 15 years for murder and an extra 25 if the murder was committed using a firearm. That is a rock-bottom minimum.

I asked the Attorney-General whether that was considered particularly controversial, and the answer was no. Then I asked, 'Does it work?'. There were a number of quizzical looks around the room, and they said, 'What do you mean, "Does it work"?'. I said, 'Does it reduce crime?'. I had this conversation with the Cook County state's attorney as well. I asked, 'Does it reduce crime?', and the answer was, 'God, no, it doesn't reduce crime. We have a provision which says you get 40 years minimum for shooting someone dead, and we had 50 shootings in Chicago last week'. That was the response. Going by American experiences and experiences in the Northern Territory, mandatory sentencing has not had any impact and has not reduced crime.

Another important point to note about mandatory sentencing is that as a policy it only has work to do in one situation. Where there is a crime that the judge believes warrants a sentence higher than the mandatory minimum, the mandatory minimum scheme is irrelevant because the judge is going to apply that minimum sentence anyway. By logical extension the only time that a mandatory minimum sentence has any work to do or has any effect is when it is forcing a judge to impose a sentence that the judge does not believe is justified in all the circumstances of the offence.

Thankfully we are not debating a mandatory minimum sentencing regime today, as I have already indicated. This is an approach where in reality judges will not be required to do anything different to what they have been doing for years other than making some extra statements and comments and maybe undertaking a little bit of extra paperwork in their sentencing regime. But let us be very clear: if the judge does not believe four years is appropriate in all the circumstances of the offence, the judge does not have to apply four years.

The other point that would be interesting for government speakers to touch on is why this particular offence is being treated to a so-called minimum sentencing regime. During the briefing we asked the government: 'In a circumstance where there is apparently a baseline sentencing regime coming, which will cover all sorts of offences under the Crimes Act 1958, why has this particular offence been singled out for a minimum sentencing regime?'. The response was: 'We consider this a particularly heinous offence'. No doubt causing serious injury with gross violence is a heinous offence, but is it more heinous than, for example, murder? Is it more heinous than rape? Is it more heinous than child sexual offences?

It is not clear to the opposition why causing serious injury through gross violence is more heinous or more worthy of a so-called minimum sentencing regime than any number of other offences that currently exist within the Crimes Act 1958, to which no minimum sentencing regime will be applied and to which the baseline sentencing regime will probably be applied. It makes one wonder why the baseline sentencing regime, which is good enough for murder, for manslaughter, for armed robbery, for rape and for a whole lot of other offences, is not good enough for causing serious injury with gross violence. The only justification that was provided was, 'It was an election commitment'.

I also indicate that as a matter of principle the notion of 45 coalition MPs in the other place and 21 coalition MPs in this place being the arbiters of community expectation, applying baseline or minimum sentences by legislation for crimes that have not yet been committed, the trials for which will be in courtrooms in which they will never sit, and then passing that off as being an answer to community expectation with regard to sentencing is a difficult argument for them to maintain. The opposition actually supports the notion of judges paying better heed to community expectations in sentencing. There have been some well-publicised cases where it has been quite clear that the sentencing verdict has been wildly out of touch with what almost anyone in the community would consider to be reasonable, and it is those sorts of cases which have done enormous damage to public confidence in the court system.

As someone who trained in law and who is the shadow Attorney-General, it is my view that one of the most precious things that we can preserve as a Parliament is public confidence in the court system, because when that breaks down we are really on a very slippery slope. The view of the opposition is that this notion of minimum sentences being decided by coalition MPs is really a half-hearted way to engineer a situation where community sentiment is better reflected in sentencing. We think the policy we announced a couple of weeks ago, which places more responsibility in the hands of the jury to express a view about appropriate sentences, in a non-binding way on a judge, is a far better and more appropriate way for genuine community expectations, tempered by the knowledge gained from sitting in the courtroom and hearing all the evidence, to be properly reflected in sentencing judgement.

We have indicated that we will legislate to allow the Chief Justice of the Supreme Court and the Chief Judge of the County Court to conduct a 12-month implementation period of jury sentencing recommendations. We recognise that this is a major reform to our sentencing system. We recognise that there will be some practical implementation issues. I heard the Attorney-General's pretty half-hearted attempt to suggest that those practical considerations would be so profound as to scuttle the very idea. I can tell him that is not the view of the courts. But obviously we would take heed of the view of the chief justice and the chief judge, and after a one-year implementation period we would legislate again to entrench the practice.

We intend the practice to apply not to every crime in the Crimes Act but only to those that are listed as serious indictable offences. We would apply it to both the Supreme and County courts. We would ensure that jurors had access to pre-sentencing information, as judges do. We would absolutely expect that the judge would consult with the jury, would gain an appreciation of the jury's view of an appropriate sentence and would not be bound to agree with the jury but would be required to reveal the jury's view in the sentencing judgement and explain any reasons for departure from it.

That will be difficult for traditionalists to accept, but there are many judges who accept that there are circumstances in which this type of reform will do a great deal to enhance community confidence in our court system, because in many cases, where in the past there would have been screaming headlines about the inappropriateness of the sentence, the judge will now have the benefit of the jury's view also being reflected. We know from the Virtual You be the Judge trials that have been conducted in a number of jurisdictions that in most circumstances these virtual juries come down with sentences either the same or lower than those that are ultimately imposed by the judge.

Jury sentencing recommendations will not only do a great deal to enhance confidence in our court system but will also be a very useful piece of information for judges to be armed with and to take into account when they are handing down sentencing verdicts. We expect that in those sentencing judgements, community expectations and sentiment will be better reflected than they are today, and that judgements will be far more reflective of the views of ordinary Victorians when they are tempered by the views of 12 ordinary Victorians who have heard all the evidence and sat through the trial. It will certainly be a far better reflection of community sentiment than a bogus minimum sentencing bill such as that we see today.

I will finish by saying that we are pleased the bill is so radically different to that which was promised by the now government in the lead-up to the election. There is

no doubt that if it had brought forward the bill it had planned to introduce — where 16-year-olds would be sent off to crime school without any judicial discretion, where judges would be asked to send people off to jail for four years and be in a situation where they could only depart from that by reading the Parliament's mind — what it proposed would have been a totally unworkable situation.

What the government has come back with is a bill which attempts to express community sentiment with regard to gross violence offences but which in reality leaves the situation virtually unchanged from what it is today. Because in almost any circumstance you can imagine, if a serious injury is caused in circumstances of gross violence, there will be a sentence of four years or more, unless in all the circumstances the judge believes it to be inappropriate. That is exactly what happens now. We are pleased that this bill has provided the opposition with an opportunity to instead bring forward a much more workable, more well thought out, much fairer and much more reformist approach. That is our plan for jury sentencing recommendations, where judges will genuinely receive the benefit of the sentiment of members of the community. Not only are they members of the community but those who have sat through the trial in the courtroom, heard all the evidence and heard the summing up — that is, members of the jury. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The main purpose of the bill is to introduce new definitions of injury and serious injury into the Crimes Act 1958, which will apply to the new gross violence offences introduced by the bill and to all other non-fatal offences against the person in the Crimes Act. It will amend the Crimes Act and the Sentencing Act 1991 to introduce statutory minimum sentences of imprisonment for the two new indictable offences of intentionally or recklessly causing serious injury in circumstances of gross violence — that being imprisonment for a non-parole period of at least four years.

Although currently the maximum sentences under the Crimes Act — and under this bill — are different for those offences, with a maximum of 20 years for intentionally causing injury, and a maximum of 15 years for recklessly causing injury, it is interesting that the minimum sentence under the bill is the same and does not reflect the difference in culpability and intent of the offender in the two offences. That is one of the problems with the bill. The new gross violence offences are intended to capture a subset of serious injury offences that involve a particularly high level of harm and culpability. The problem is that it conflates the two, when in fact there is and should be a difference between intentionally causing injury and recklessly causing injury, as is reflected in the current and continuing maximum sentences.

Everyone is appalled, shocked and horrified when we hear about or in fact come into contact with people who have been subject to violent attacks and have suffered injuries, including psychosocial injuries and serious physical injuries, that can have long-lasting effects on the victim and their families, friends and loved ones. In the course of my work and personally I have come into contact with people who have had that happen to them, and, of course, we want to see that people who perpetrate those offences are dealt with appropriately by the courts. The Greens agree that perpetrators of extreme violence who seriously hurt people, especially with intent, should be sentenced appropriately, but we believe and the statistics show that this is already happening, so this bill is unnecessary, and it is a problematic incursion into the independence of the courts.

The government has not made the case that the bill is necessary, and it has provided no evidence to support it. There is plenty of evidence from around the world to the contrary — that is, that mandatory sentencing does not work; it does not deter criminals, and it does not prevent crime. In fact some evidence points to the fact that mandatory sentencing would increase criminality because of incarceration leading to people being more likely to commit crimes than less likely to do so.

The courts are already able to impose appropriate custodial sentences for intentionally or recklessly causing injury and to take into account aggravating circumstances such as, but not limited to, those that are defined in this bill as gross violence. As Mr Pakula said, the bill mirrors what is already happening, but it does remove significant discretion from the courts. I do not necessarily agree with Mr Pakula that the special reasons for a judge to depart from a minimum sentence actually cover all possible reasons. In fact there still could be cases where people are given a minimum sentence of four years non-parole, where the facts of the case would not support that under the current system.

I have read the Sentencing Advisory Council report, and to a fair degree the bill sticks with its recommendations, although it departs from certain aspects of the report. It is a good report, but it is worth noting that the terms of reference the government gave to the Sentencing Advisory Council expressly precluded the council from looking into the merits of mandatory sentencing. The government only asked the council to advise it as to how the policy it expounded before the election — that is, that there would be

mandatory sentencing for gross violence offences — could be implemented. At the time that included mandatory sentencing for under 18-year-olds. Minors were also to be subject to minimum sentencing, although at a lower minimum sentence of two years, rather than four years. The Sentencing Advisory Council was well placed to give advice on the merits of mandatory sentencing, but it was precluded from doing so by the terms of reference it was handed.

Nevertheless, the council canvassed a lot of opinions, received a lot of submissions and made recommendations to the government, one of which is that mandatory sentencing should not apply to minors. The government has taken up that recommendation, which as Mr Pakula says is a welcome development, because the principles for sentencing in the Children's Court refer to different criteria than those for adults. That is underpinned by international treaties, by the charter of human rights, and by the general sentencing guidelines that are followed in the Children's Court, which looks at how to rehabilitate and prevent reoffending in young offenders.

Unfortunately the new regime of mandatory sentencing, or minimum sentencing, under this bill will apply to young offenders aged from 18 to 20, except in very limited circumstances that fall under the four special reasons outlined in the bill that a court could cite for not imposing a minimum mandatory sentence. An offender aged between 18 and 20 would have to show on the balance of probabilities that they were not mature enough to completely understand the offence they had committed. That is a difficult thing to prove.

The Greens believe that young offenders aged 18 to 20 years should in fact be sentenced according to section 32 of the Sentencing Act, which takes into account different factors for young offenders. It takes into account, obviously, their youth, their prospects for rehabilitation and the public interest. But because they are subject under this bill to the mandatory sentencing regime, that is prevented. I have prepared amendments to clause 9, which inserts new section 10A into the Sentencing Act regarding the special reasons a court could look at in not imposing a sentence of imprisonment, to include the provision that young offenders aged 20 to 21 would be sentenced according to section 32, as they currently are under the Sentencing Act. I am happy to have those amendments circulated.

Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — I will turn to the question of whether the bill is necessary at all in terms of current sentencing practices for the existing offences of causing serious injury intentionally and causing serious injury recklessly, which the Sentencing Advisory Council mentioned in its report. I will be quoting from the tables and graphs presented in the research brief prepared by the parliamentary library, *Research Brief 1*, dated February 2013. It is, as usual, an excellent research brief, and I am sure that anybody who has been familiarising themselves with this bill would have read it. It lays out very clearly what the types of sentences for those offences currently are, or what they have been for the last five years.

For the offence of causing serious injury intentionally, between 2006 and 2011, on average, 57 per cent to 74.8 per cent of people charged received a prison sentence; 389 offenders were given a sentence of imprisonment over that 5-year period which ranged from 5 days to 15 years. Obviously the court already takes into account aggravating circumstances which are defined as gross violence.

If a person has caused serious injury intentionally and comes before the court now, the court already takes into account the types of issues that are outlined in this bill in terms of gross violence, and some offenders have received sentences as high as 15 years. Interestingly, one was 5 days. There must have been extenuating or mitigating circumstances in that particular case. The average length of imprisonment was between 3 years and 8 months and 4 years and 9 months. You would say that the median sentence for that offence is 4 years. In fact the current average sentence imposed is 4 years. The most common total effective imprisonment period was from 4 years to less than 5 years. The non-parole period was less, ranging from 3 months to 18 years, but the most common was 2 years to less than 3 years. For the offence which exists now of causing serious injury intentionally the sentences handed out by the courts in the last 5 years are very similar to what the government wants to mandate with this bill.

In terms of causing serious injury recklessly, between 2006 and 2011 33 per cent to 53.7 per cent of people charged were sentenced to a term of imprisonment. The most people were imprisoned in the latest year recorded here, 2010–11. Terms ranged from 2 months and 15 days to 10 years. The brief states that in one case the offender received 11 years after appeal, while the majority of people receiving imprisonment were sentenced to 2 years to less than 3 years. The average length, however, was between 1 year and 11 months and 2 years and 10 months — remembering that we are talking here about recklessly causing serious injury, not

intentionally causing serious injury. The maximum penalties, as I mentioned before, are different for intentionally and recklessly causing serious injury. The lower period of imprisonment for recklessly causing serious injury reflects the lower level of culpability compared to intentionally causing serious injury.

The total effective sentences ranged from 2 months and 15 days to 10 years, with the majority of people receiving a total effective sentence of 2 years to less than 3 years and a non-parole period ranging from 3 months to 8 years, the most common being 1 year to less than 2 years. The problem with the bill is that it does not actually reflect the difference between intentionally causing injury and recklessly causing injury. Obviously intentionally causing injury should attract a higher sentence.

As I have said, the bill changes the definitions of 'injury' and 'serious injury', as was recommended by the Sentencing Advisory Council. It also recommended including a new category of 'severe injury', but the government has not done that. The Greens are supportive of the new definitions of injury and serious injury. The current definition of injury includes the term 'hysteria', which is replaced with 'psychological harm', which is more modern language one would have thought; and serious injury is redefined to be more towards the extreme level of injury. Currently the act provides that serious injury is the cumulative effect of more than one injury. That could refer to not very serious injuries that are cumulatively called serious injury, whereas the new definition is that serious injury means that it 'endangers life' or 'is substantial and protracted'. The following is added to the definition of serious injury:

> … the destruction, other than in the course of a medical procedure, of the foetus of a pregnant woman, whether or not the woman suffers any other harm.

That is an interesting addition. I noticed in my research that those are the exact words used in the New South Wales Crimes Act 1900. They were introduced when a case was held up because the judge was unable to rule on the definition of the offence. The Court of Appeal recommended Parliament codify that definition. It was recommended also by the Sentencing Advisory Council and by the Victorian Law Reform Commission in its March 2008 final report on abortion law reform. I was interested to note the provenance of that particular addition to the definition of serious injury.

It is worth noting also that Legal Aid New South Wales raised some concerns about the inclusion of that in the definition, saying that the amendment meant that an offender is liable to punishment for destruction of the foetus of a pregnant woman, regardless of whether or not the woman suffers any harm, regardless of whether or not the offender knew the victim was pregnant, regardless of the age of the foetus and, it follows, regardless of whether the woman knew at the time that she was pregnant. In a case of recklessly causing serious injury it could be that a woman may not be injured at all. She may be pushed over and as a result lose a baby even though she is not herself injured. It is problematic when under this bill a person could be subject to a sentence with a minimum non-parole period of four years, which is not the case in New South Wales or any other jurisdictions that have similar wording in the definitions of serious injury.

As I said, the Greens are supportive of those particular changes to the definitions of injury and serious injury in the Crimes Act. We have some issues with the new gross violence offences. As I have also said, there is no differentiation between intentionally and recklessly causing injury. They both attract a four-year minimum sentence, even though the maximum penalties differ by quite a lot.

I refer to the elements of the new gross violence offences which, as I mentioned before, the courts take into account as aggravating offences in any case that comes before them. The six elements are detailed in new sections 15A(2) and 15B(2). The first is that the conduct must have been planned in advance. The Sentencing Advisory Council recommended that this not apply to recklessly causing serious injury. The obvious reason is that intent by way of definition means that you planned it or intended to do it, whereas recklessly causing serious injury does not necessarily involve any intent or advance planning, as the bill expresses it. Liberty Victoria, for example, says that this element of the new gross violence offence is ambiguous and leaves room for disagreement.

The second element of gross violence is where an offender causes injury in company with two or more persons. The third element is where the offender has caused serious injury pursuant to a joint criminal enterprise with two or more other persons. There have been a lot of comments on the definition of the term 'in company with'. I raise the question of why this is limited to three people. There have to be three people, but I ask, why not two — that is, in company with one other person? It has not been explained why this element is needed.

On the third element of an offender causing serious injury pursuant to a joint criminal enterprise, while the intrinsic material would suggest that both those circumstances of gross violence extend only to

circumstances of joint criminal enterprise, why is that not expressly stated in the bill? Also, the definition of the term 'in company with' is potentially incredibly broad. The definition lacks clarity and is open to varying interpretation by the courts. There is also a difference in the culpability of the various parties in terms of who committed which offence resulting in which injury or whether a person was just participating and was not involved in inflicting any injury at all.

Another element of the definition of gross violence is whether an offender planned in advance to have and use a weapon and then in fact used that weapon to cause serious injury to a victim. Again, this is something that courts would normally take into account as an aggravating circumstance when an offender charged with intentionally or recklessly causing serious injury comes before them. Liberty Victoria raised the issue of the lack of clarity where a person carrying a weapon for self-defence suddenly has to use it if attacked. It asked whether that person would be caught up in the mandatory sentencing.

The last element is that the offender continues to cause injury after the victim is incapacitated, which is not defined in the bill but is given its ordinary and natural meaning. To continue to inflict injury on someone who is incapacitated is obviously heinous. It is horrible to think that people would continue to hit or kick somebody who is incapacitated, but again my point is that a court would already take this into account and does not need to have this codified in this bill.

If members look at the sentences that I read out before from the Sentencing Advisory Council's sentencing snapshots of what people have been sentenced to under the existing offences, they will see that they range from a couple of years to 15 years. I have not researched every case, but one would expect that the ones where people have been sentenced to lengthy custodial sentences — that is, of more than 10 years — would probably have included these aggravating offences. It has been stated that the combined effect of the gross violence offences is to leave a significant margin for error and disagreement.

It is interesting to note that if a minimum non-parole period of four years is to apply then under section 11 of the Sentencing Act 1991 the sentence has to be a minimum of four and a half years, because a non-parole period has to be at least six months less than the sentence.

Clause 9 inserts new section 10A headed 'Special reasons relevant to sentencing for gross violence offences' into the Sentencing Act. The special reasons are limited, not all-encompassing, and courts already take account of these things as mitigating circumstances. The special reasons given in the bill are firstly, that the offender has assisted or has given an undertaking to assist law enforcement authorities; and secondly, that the offender is over the age of 18 years but under 21 years and proves on the balance of probabilities that he or she has a particular psychosocial immaturity that has resulted in a substantially diminished ability to regulate his or her behaviour in comparison with the norm for persons of that age. That is a very limited special reason for young offenders aged 18 to 20 years and differs significantly from section 32 of the current legislation, which focuses on the vulnerability of young persons and their prospects for rehabilitation.

Section 32 of the Sentencing Act states that if a sentence involving confinement is justified in respect of a young offender aged 18 to 20 years, a court may make a youth justice centre order or a youth residential centre order if it has received a pre-sentence report and believes there are reasonable prospects for the rehabilitation of the young offender or that the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison. In determining whether to make a youth justice centre order or a youth residential order the court must have regard to the nature of the offence and the age, character and past history of the young offender. That is much wider than the narrow exemption provision in the bill, and it is why the Greens amendment goes to restoring sentencing discretion under section 32 of the Sentencing Act.

Another of the special reasons for an offender not to receive a custodial sentence is when an offender proves on the balance of probabilities that at the time of the commission of the offence he or she had impaired mental functioning that was linked to the commission of the offence or that he or she has impaired mental functioning that results in the offender being subject to significantly more than the ordinary burden or risks of imprisonment. Another special reason is that the court proposes to make a hospital security order or a residential treatment order in respect of the offender. The final special reason is that there are substantial and compelling circumstances that justify not imposing a minimum sentence. The legislation includes criteria for the court to consider in determining whether there are substantial and compelling reasons for it to not impose a custodial sentence.

Given all of this, there are two ways to read the bill. One is the way Mr Pakula has read it, which suggests that nothing will change and that courts may rely, in

particular, on new section 10A(2)(e) which will be inserted into the principal act to not impose minimum sentences. It states:

> There are substantial and compelling circumstances that justify doing so.

That is, for not imposing a minimum custodial sentence. It may be that the courts will rely on that as the major reason for not imposing minimum sentences, but it may be that they are not able to do that.

You could read the bill, as Mr Pakula has, as meaning that nothing is changing, in which case you would say, 'Why bother with the legislation?'. Or you could read it in the way I have, which suggests that the definitions of gross violence will be difficult and will probably result in the courts making inconsistent decisions, and that the special reasons, as outlined in new section 10A are quite limited. By that reading you would say that the bill will result in persons being convicted and four-year minimum sentences being imposed that are not required, particularly if people are convicted of recklessly causing serious injury rather than intentionally causing serious injury and in that case I cannot support the bill.

In any case the Greens do not support mandatory sentencing at a philosophical or policy level. As I have outlined, the courts are well able to look at the cases in front of them and take into account mitigating or aggravating circumstances and indeed community sentiment. While the community may not think that is what the judiciary does, I believe that it does and is doing so more and more. The bill is not needed and should not be enacted. If there is a danger the legislation will result in injustice in terms of minimum sentences imposed, we should not have it before us.

The issue of particular concern to me is the very small window provided for young offenders aged 18 to 20 years, for whom there are good prospects of rehabilitation. The evidence is that these young offenders have the best prospects of rehabilitation of any age group if they are not sent to an adult prison and are not subject to a minimum sentence of incarceration.

You can see that the bill is not necessary whichever way you look at it. We are not able to support it. However, given that the bill is likely to pass, we would like to see our proposed amendments agreed to — for example, those I have outlined that go to maintaining the integrity of section 32(1) of the Sentencing Act 1991 for all young offenders, providing a clearer sentencing path for all young offenders and minimum sentences not existing under this bill. We would like to see those amendments made to the bill to make that clear.

It is worth pointing out that it is not just the Greens who are not pleased with this bill. Liberty Victoria holds serious concerns about the Crimes Amendment (Gross Violence Offences) Bill 2012. People can read the lengthy comments Liberty Victoria has made about the bill. They go to issues about the problems with definitions of what constitutes gross violence, the limitations of what constitutes special reasons for a court to take into account and the need to not impose a minimum sentence. A part of Liberty Victoria's commentary is:

> There can be little doubt that the offences of intentionally and recklessly causing serious injury, when accompanied by 'gross violence', demand condign punishment in almost all cases. Indeed, the Court of Appeal has already made that clear in the leading judgement of *DPP v. Terrick and Ors (2009)* … It would be exceptional, as it stands, for an offender in such circumstances to receive a non-immediate custodial sentence. That immediately begs the question as to whether the proposed reforms are necessary. The government has not made its case as to why such a significant reform is required.

It is also interesting to note:

> The government has not cited any empirical evidence that supports the proposition that mandatory sentencing achieves a greater level of community protection. As French CJ noted in the recent judgement of *Hogan v. Hinch:*
>
> > … rehabilitation, if it can be achieved, is likely to be the most durable guarantor of community protection and is clearly in the public interest.

I listened with interest to what Mr Pakula said about the Chicago courts, 40-year minimum sentences and the 50 shootings that happen a week. The whole issue of gun control in the USA is on the agenda.

The Law Institute of Victoria objects in the strongest terms to the government's proposal to introduce statutory minimum terms of imprisonment. The law institute stated:

> We believe that independent, highly qualified, professional and experienced judicial officers are best placed to impose the most appropriate sentence, taking into account all the circumstances of the case.

It also stated:

> Mandatory sentencing does not fulfil its stated aims; mandatory penalties do not provide a significant marginal deterrent effect, reduce crime rates, nor provide consistency in sentencing … By their very nature, mandatory sentencing regimes and the-one-size-fits-all approach to sentencing leads to unjust outcomes, as unequal offenders are sentenced to the same minimum sentence of imprisonment, or more.

The Federation of Community Legal Centres also opposes the government's policy to introduce statutory minimum sentences, saying:

> Rather than reducing crime, it may actually increase crime which ultimately harms rather than protects our community … Mandatory sentencing undermines a fundamental principle of the rule of law which requires that judges be independent of our government — it significantly impairs a judge's ability to tailor the most appropriate sentence for the unique circumstances in each case.

Youthlaw is also opposed to the bill, particularly the issue of the mandatory sentencing regime applying to young offenders aged 18 to 20 years. I am trying to address that issue in my proposed amendments to the bill.

I wanted to comment briefly on the opposition's announcement that it wishes to involve juries in sentencing. I must say I was quite surprised when I first heard that announced. My first thought was that juries have enough to do, including listening to the evidence that is before them, the instructions from judicial officers regarding points of law and coming to a verdict, particularly those in relation to serious indictable offences, to find a defendant guilty or not guilty beyond reasonable doubt of an offence. It would be a distraction for them to be thinking that at some stage down the track they needed to take into account the sentence they wanted to see imposed.

The law institute has said similar things. It said that giving juries a say in sentencing could lead to a disparity in sentencing and cause costly delays in the criminal justice system. Judges are best placed to hand down sentences. They have all the facts; they know the circumstances of an individual; they have knowledge of sentencing principles and options, which I do not believe juries have unless a great amount of time is invested in bringing them up to speed on that.

That brings me to another point about this bill — that is, the impact on the courts. The Sentencing Advisory Council had something to say about that. It is estimated there will be 200 to 1000 more prisoners as a result of this bill. Many bodies who made submissions to the Sentencing Advisory Council, including the law institute, Federation of Community Legal Centres, Liberty Victoria and Whitelion — to name a few — also pointed out the problems this may cause in courts, because if people are faced with a mandatory sentence, they are less likely to plead guilty.

It was also pointed out that they are less likely to plead guilty to recklessly causing injury than they would have been in the past. That means that more court time will be involved because more people will plead not guilty if they are faced with a mandatory sentence. People are more likely to plead guilty if they are not faced with a mandatory sentence. They are obviously going to take the opportunity to go to court to receive an outcome rather than just pleading guilty and having a mandatory sentence imposed on them.

That issue also needs to be considered as, at the moment, there is a lack of legal aid in the superior courts. At least two cases are not proceeding because of the lack of support for defendants, which will merely exacerbate the problem. So there are a lot of issues with this bill — the definitions of gross violence, the limitations of the special reasons for not imposing the minimum sentences, and also the overall philosophy and idea of mandatory sentencing in itself.

I will finish by quoting from the second-reading speech of the Attorney-General. At the beginning of his speech he said:

> This bill sends a clear message that violent attacks such as these —

and immediately prior to this he had given a few examples of gross violence —

> will not be tolerated.

I would say that they are not tolerated now. It is not as if they had been tolerated hitherto and that following the introduction of the bill they will no longer be tolerated; they are not tolerated now — nobody tolerates them. The courts do not tolerate them, and appropriate sentences are given. When people are presented with the same facts as a jury has heard, they tend to agree with the sentence handed down by the judge and favour a lower sentence than the judge has imposed. That fact is well documented in a growing body of evidence used by virtual juries and so on. It is not true to say that the judiciary is out of touch with the community, when the community has the same facts as the judiciary.

In terms of the special reasons provision, it is problematic because only a small number of special reasons — six of them — can apply for the non-imposition of a mandatory sentence, and the Sentencing Advisory Council recommended that that be a non-exhaustive list and only a guide to the courts.

At the end of his speech the Attorney-General said:

> This will better protect the community by putting violent offenders behind bars for longer and sending a clear and strong deterrent message to would-be offenders. The reforms in this bill will help achieve a safer and more law-abiding Victoria.

There is no evidence for those claims. If there is, the government should produce it. Rather, there is evidence to the contrary — that mandatory sentencing does not work.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution in support of the Crimes Amendment (Gross Violence Offences) Bill 2012. The bill deals with a critical issue in our community, an issue of life and death, and it is summarised in the two words contained in the name of the bill — gross violence. These are repulsive acts that have been carried out against not only the individuals but also members of our society who have had to live amongst these criminals and support the victims of these crimes. In some tragic cases individuals are the subject of the crimes, but in other cases individuals are living with the fear and apprehension of these crimes, and for those reasons it is a very welcome piece of legislation.

The Attorney-General and the government are very proud to have introduced the bill, and despite the hot air, to use Mr Pakula's words, that he now seeks to bring to the issue in relation to protection of the community, and despite the substantial contribution from Ms Pennicuik that the bill is not necessary, the community believes that it is. The community believes in the importance of sending a message to violent criminals and would-be violent criminals that protection of the community, the right to walk the streets in peace, and public safety are a paramount requirement of this civilised nation.

The government committed to introducing the legislation prior to the 2010 election. Mr Pakula has referred to the announcements that were made late in the election campaign but which were nevertheless detailed by the Attorney-General. They were a result of a considered suite of policies in relation to law and order that the government took to the last election. Let us briefly remind ourselves that at the forefront of those law and order policies was, firstly, the provision of extra resources on our streets in the form of 1700 police and 940 protective services offices (PSOs). Do not forget that the Labor Party opposed the PSOs, and yet today the member for Eltham in the other place was calling for the PSOs to be provided to his electorate.

This is an indication of an opposition which, in government, did nothing on the paramount issue of public safety and now is saying that the bill will not have the desired effect. I will turn to that shortly and demonstrate, using Mr Pakula's own words, why the bill will give effect to the community expectations that there be a minimum statutory sentence of four years for gross violence offences, except in limited special circumstances that are articulated in the bill. These special circumstances are consistent with the recommendations of the Sentencing Advisory Council, which have been considered by the government since it came to office. In addition, let us not forget the government's commitment made in a press release dated 24 November 2010, by the now Attorney-General:

> Thugs who inflict gross violence on their victims will face at least four years in jail under a Victorian Liberal-Nationals coalition government, coalition Leader Ted Baillieu said today.
>
> This new law, targeted at street violence, is in addition to the introduction of baseline sentences for all serious crimes, which the Coalition has previously announced.
>
> …
>
> Victorians are sick and tired of reading time and time again of horrific, unprovoked attacks that are leaving victims with terrible life-long injuries.
>
> A young man leaving a football game is king-hit from behind without warning, and then kicked in the head repeatedly, suffering permanent brain damage.
>
> A student innocently walking home through a railway underpass is bashed by a gang until unconscious, and then left for dead.
>
> A promising footballer is choked unconscious in a fast food restaurant before being flung to the ground.
>
> Vicious kicking or stomping on the heads of victims is becoming commonplace, and the deliberate carrying and use of knives to inflict terrible wounds continues unabated.

And so it goes on. Most importantly, it says:

> As part of its sentencing reform agenda, a coalition government will apply a four-year statutory minimum sentence to the offences of intentionally or recklessly causing serious injury where gross violence is involved, such as where the offender:
>
> > plans in advance to engage in an attack intending to cause serious injury;
> >
> > engages in a violent attack as part of a gang of three or more persons;
> >
> > plans in advance to carry and use a weapon in an attack and then deliberately or recklessly uses the weapon to inflict serious injury; or
> >
> > continues to violently attack the victim after the victim is incapacitated.

There is no doubt that there are some differences in relation to the use of the term exceptional circumstances — it was mentioned in the above release — and also in the case of juvenile offenders, which I will turn to shortly. But those differences are, in

the main, relatively minor in the context of the previous law that applied, and in the context of the new offences that are created. They are differences that are a result of the coalition listening to the recommendations of the Sentencing Advisory Council, which is in stark contrast to the position the Labor Party has taken to this bill.

One of the very first pieces of legislation introduced by the Liberal-Nationals government in relation to our suite of reforms was the abolition of suspended sentences for the most significant offences in the Sentencing (Further Amendment) Act 2011. The same act provided for the appointment of two new members on the Sentencing Advising Council, to give effect to community expectations. One of those two new places was, importantly, for a serving member of Victoria Police. We now have an ex-serving member of Victoria Police sitting in the chamber as the minister responsible for the carriage of the bill in this place. The other place was for a member of a victims of crime group, thus giving effect to the voice of the community on the Sentencing Advisory Council. This policy is a much more considered way of giving effect to community expectations in the Sentencing Advisory Council's reports than the half-hearted attempt we have seen from the shadow Attorney-General, who in recent weeks in effect put out a public thought bubble that juries should somehow be involved in the sentencing of offenders.

I will turn to that briefly at the end, if there is time, but such a notion would require a much more radical and problematic change to the important role of juries as the principal finders of fact in a jury trial. It can be a matter for disqualification of a jury if, in finding facts, the defence counsel, as is often the case, or the prosecution counsel, inadvertently or intentionally supplies information about the sentences that could be imposed upon the outcome of a finding-of-fact exercise, because those two roles are very different and distinct. The finding of fact is to occur beyond the standard of reasonable doubt for the purposes of ascertaining whether or not a crime has been committed, and sentencing is a separate process to deal with aggravating or mitigating circumstances. What the Parliament, in response to the Attorney-General's promise, is saying through the enactment of this bill is that for these new offences of intentional and reckless gross violence there will be a statutory minimum sentence of four years, except in certain exceptional circumstances.

That takes me to the fatal flaw in Mr Pakula's argument, and it is something that the courts should note if they are considering these debates. Mr Pakula concluded his speech by acknowledging the essence of his earlier contribution when he conceded that this bill will assist judges to better pay heed to community expectations in relation to sentencing, and we agree that it will. It will do so, firstly, by creating new offences; secondly, by refining and improving the existing definition of serious injury, which was problematic in the existing common law, the famous example being the combination of two black eyes capable of constituting a serious injury.

The bill will improve the existing common-law tests that apply for serious injury, but most importantly it will pay heed to community expectations in relation to sentencing and will do so for the reason Mr Pakula then went on to give — namely, that it has been quite clear in some cases that sentencing decisions were vastly out of touch with community expectations. He went so far as to say that undermined public confidence in the court system. I would say it actually undermined public confidence in the previous government, because it was responsible for the administration of the laws, including the laws that relate to, firstly, crimes and secondly, the Sentencing Act 1991.

This bill does not change the law as it relates to existing offences, apart from the definitional changes to serious injury, but it creates two new offences. By doing so, Parliament's intention with the passage of this bill is to make it clear that these offences will be treated in a manner different to previous sentencing regimes which have been talked about in many cases but, for example, give weight to the protection of the community, the age of the offender and other mitigating circumstances. In the very clear and defined circumstances that will constitute an offence under this bill, by the use of the word 'must' and by the clear parliamentary intention it will require that there will be a term of non-parole incarceration of a minimum of four years, except in those limited defined circumstances which, in essence, is what this government took to the last election, what the Sentencing Advisory Council reported on and what this government has then brought to this Parliament in this bill.

Secondly, Mr Pakula then — I would ask him to have a look at the contribution he made — in effect said it should never be the task of a court to interpret parliamentary intention. That is a basic proposition that is at odds with every act that comes before a court for interpretation and application. A court is always giving effect to parliamentary intention, either by having regard, firstly, to very clear and unambiguous language, if that is the case, but in circumstances where the court is to embark upon a more difficult task of statutory interpretation or to engage in a task of exercising judicial discretion, the court is required to give effect to

parliamentary intention and imposes this requirement on itself under the rule of law.

What this bill and the second-reading speech — which I urge all members to read because it is a significant and profound contribution by the Attorney-General in this area and makes the Parliament's and the government's intention very clear — make clear is that the court is not permitted to seek to engage in a sentencing exercise that it would normally undertake, as Mr Pakula suggested, in the circumstances of these two offences. Rather, it is required to impose a mandatory sentence except in the special circumstances, which are limited to the categories defined. Yes, it contains the interests of justice test; it is a catch-all. Under an ejusdem generis approach, which is a standard form of statutory interpretation consistent with the interests of justice taken by many judges as they have exercised discretions, it will be an approach that will give effect to the community expectations of a tougher approach to law and order and gross violence.

Turning to Ms Pennicuik's point as to whether this is necessary, we say it is absolutely necessary. It is a no. 1 priority. To look at her averages point, with great respect to Ms Pennicuik, the introduction of statutory minimum sentences will increase the averages because one would expect not as many categories will fall below the four years average as did previously. You will in fact have the statutory minimum sentence in all but limited cases with special circumstances. It will be the statutory four years plus the six-month extra period. That is the clear intention of the government. I look forward to the committee stage, during which the minister may answer particular questions. It is important that we give effect to judicial discretion but also that judges, in exercising that discretion, have regard to parliamentary intention.

I would like to close by reading a short passage from a case before a significant judge with whom I have been spending a bit of time lately — that is, the Honourable Justice Vincent. In *Director of Public Prosecutions v. DJK* (2003) VSCA His Honour refers to the notion of community expectations and social rehabilitation. He says at paragraph 18 of:

> This notion of social rehabilitation is one that I do not believe has been accorded anything approaching significant recognition as an identifiable underlying concern of the criminal justice system. It seems to me that the process of social and personal recovery which we attempt to achieve in order to ameliorate the consequences of a crime can be impeded or facilitated by the response of the courts. The imposition of a sentence often constitutes both a practical and ritual completion of a protracted painful period. It signifies the recognition by society of the nature and significance of the wrong that has been done to affected members, the assertion of its values and the public attribution of responsibility for that wrongdoing to the perpetrator. If the balancing of values and considerations represented by the sentence which, of course, must include those factors which militate in favour of mitigation of penalty, is capable of being perceived by a reasonably objective member of the community as just, the process of recovery is more likely to be assisted. If not —

and this is the key —

> there will almost certainly be created a sense of injustice in the community generally that damages the respect in which our criminal justice system is held and which may never be removed. Indeed, from the victim's perspective, an apparent failure of the system to recognise the real significance of what has occurred in the life of that person as a consequence of the commission of the crime may well aggravate the situation. As the sentencing judge in the present case has pointed out, the damage has been profound. That, in the experience of this court, is by no means surprising.

With those words, I commend the bill to the house. I thank the opposition for not opposing the bill, and I urge the Greens to reconsider their position during the committee stage.

Mr SCHEFFER (Eastern Victoria) — Law and order — the tough on crime agenda — is one of the three or four flagship portfolio areas of the Baillieu coalition. To remind the house, the coalition's tough on crime agenda brought us the botched anticorruption commission legislation, which is now a shadow of what was promised; the proposal to dismantle the Charter of Human Rights and Responsibilities, which was prevented through an intervention of the Premier; the reinstatement of the so-called right of religious organisations to discriminate against single mothers, same-sex attracted people and those with different religious beliefs; the proposal to dismantle the specialist courts, from which the Attorney-General fortunately stepped back; and the commitment to introduce minimum jail terms for young offenders and eliminate judicial discretion, otherwise known generally as mandatory sentencing.

The law and order policy the coalition took to the last election is almost impossible to find. The 'Liberal Victoria' website has no law and order policy. It has only four media releases on precinct lighting and CCTV cameras, which as we all know is the coalition's panacea for crime prevention. Fortunately the Attorney-General's media release of 23 November 2010 is on the public record. That document reminds us that the coalition promised to reform sentencing rules so as to set minimum sentences for serious crimes. The media release says:

> The courts will be required to make the baseline sentence the starting point for every minimum non-parole period they set.

The coalition's concern at the time was that, because the current law specified only maximum sentences, courts were handing down soft sentences and that judges needed to be directed to be tougher and made to take a harder line. The man who is now the Premier states in that media release of November 2010 that sentences were being 'skewed in favour of criminals'. In classic law and order rhetoric, the coalition complained that Victorians are sick and tired of seeing offenders get away with soft sentences when victims' lives were destroyed.

It is entirely inappropriate for the coalition to say, as it did in that media release of November 2010, that Labor takes a soft-on-crime approach and that during Labor's time in government it allowed the problem of violence to get to the point where Victorians were losing confidence in the sentencing regime. This is nonsense, and the nonsense was repeated by Mr O'Brien in the contribution we have just heard. Of course Labor shares the widespread concern that levels of violence in the community are unacceptable. I join with other speakers from all parties in both houses who have spoken out against violence. There is an urgent need to ensure that our laws appropriately and effectively deal with violence, including family violence. Governments have the responsibility to ensure that the police and the many government programs and funded services are set up to deal with issues of violence in the community and to ensure that they are very well resourced. Labor takes issue with coalition policy where it believes it is unjust, where it diminishes judicial discretion or where it is ineffective, not because Labor believes that offenders should not be appropriately dealt with.

Before the election and in the early months after the election, Victorians had every reason to believe that the coalition would do what it promised, so the November 2010 commitments that were given in relation to sentencing naturally generated widespread alarm. Seven months later, in June 2011, the Law Institute of Victoria wrote to the Attorney-General setting out its clear opposition to any attempt to introduce mandatory sentencing. The institute was concerned over the Attorney-General's proposal to introduce statutory minimum sentences for serious injury offences and urged him to abandon the proposal and retain judicial discretion.

The law institute reviewed the key weaknesses of a minimum sentence regime, and they are worth repeating here and putting on the record. The law institute indicated that they are not a deterrent, they do not reduce crime rates, they do not bring about consistency in sentencing and they lead to unjust outcomes for offenders, because each case has its own unique circumstances and no two offenders are the same. The law institute stated in that letter that it was most concerned over the Attorney-General's proposal to introduce minimum sentencing on young people who commit acts of gross violence. The institute pointed out that this measure would undermine the purposes of the Children, Youth and Families Act 2005 and that it could place Victoria in breach of the United Nations Convention on the Rights of the Child.

It was not only the Law Institute of Victoria; other voices were raised that pointed out that mandatory sentencing shifts discretion away from judges to the police and prosecutors and that members of marginalised communities are disproportionately affected by such a measure. Evidence from Western Australia and the Northern Territory shows, for example, that people from Aboriginal backgrounds are disproportionately affected, and this evidence is confirmed by the experience in many parts of the United States of America.

Another three months on, by September 2011, the Attorney-General was still not for turning. He publicly stated at that point that there are a small number of very violent young offenders involved in crimes of gross violence who need to be incarcerated in juvenile detention to protect the community. The second-reading speech for the bill we are discussing this evening states that the government sought advice from the Sentencing Advisory Council, and the Attorney-General indicates that a number of the recommendations from that study and report have been adopted, and that is good to see.

We come now to the bill before us today, the Crimes Amendment (Gross Violence Offences) Bill 2012, with some sense of what the coalition intended to do when it came to office and the almost universal concern this engendered in the legal community and among the general public. What is clear — and the opposition has made this point — is that the provisions in this bill fortunately do not match the election promises the coalition made in the 2010 campaign. We do not know exactly why the coalition stepped away from the brink, but I choose to believe that common sense prevailed and that the government was not confident that it could rely on the support of the legal community. The government is making a habit of stepping back from quite a few of the commitments it has made, which is of course why there is now a widespread perception in the community that in the end the government really does not know what it stands for and does not have a clear idea where it wants to take the state.

As we have heard from Mr Pakula and during the debate in the Legislative Assembly, the opposition does not support mandatory sentencing or measures that undermine judicial discretion, and as this legislation does not transgress that principle, Labor is not opposing the bill. Mr Pakula detailed the opposition's position on the particular measures set out in the bill — how they go to redefining the meaning of injury and serious injury to include physical injury or a harm to mental health. He also discussed the creation of the two new offences and penalties for them — the offence of causing serious injury intentionally in circumstances of gross violence, with a maximum penalty of 20 years imprisonment, and the offence of causing serious injury recklessly in circumstances of gross violence, with a maximum penalty of 15 years imprisonment.

The bill also contains provisions that have to do with the circumstances in which the offences took place and that need to be taken into account in sentencing, such as where the violence was planned or intended to cause serious injury, how many individuals were involved, whether or not they used weapons and whether or not the victim was incapacitated. The bill states that where serious injury is inflicted intentionally or recklessly in circumstances of gross violence a minimum non-parole sentence of four years will be imposed except where the court finds that a special reason exists. This exception gives the court the opportunity to avoid having to impose the statutory minimum sentence and to use its discretion, as it should. Very importantly, the statutory minimum sentence provisions of the bill do not apply to offenders under the age of 18 years and in relation to offenders between the ages of 18 and 21 who have a degree of psychosocial immaturity. As well, the court has effective discretion where an offender has a mental health impairment, or, amazingly, if there are substantial and compelling circumstances that justify it exercising discretion. The court must take account of the cumulative impact of the circumstances of each case.

In the end, when we go through all those forms of discretion that the bill gives to the court, we see that the bill does not deliver on what the coalition took to the 2010 election and what the Attorney-General on a number of occasions throughout 2011 vigorously defended. This is a good thing for the people of Victoria and for the courts — that the courts effectively retain their discretion in cases brought before them. The opposition will therefore not be opposing this legislation.

Mr FINN (Western Metropolitan) — It gives me a great deal of pleasure to rise this evening to support the Crimes Amendment (Gross Violence Offences) Bill 2012. I heard with a great deal of interest the contribution of Ms Pennicuik — what was, as you pointed out, Acting President, the substantial contribution of Ms Pennicuik. I thought some of the points she made interesting, and it is not very often I will say that. I thought it interesting she made some points, given the record the Greens have on protecting people from criminals and from crime. The Greens do not have the greatest track record in the world, you would have to say, and unfortunately, going by what we have heard tonight, I note it is happening again. I find that very sad indeed.

We have to accept that one of the great issues in our community is the threat of violence on our streets and even in our homes. It is a tragedy when people cannot feel safe in their own homes. To have elderly people bashed in their own homes by contemptible people who take that liberty upon themselves — to break into homes, to bash the occupants, who cannot defend themselves in any way, shape or form, and then to rob those occupants — is something that is surely abhorrent to us all. I am very hopeful that this legislation here tonight will go some way toward being a deterrent against those sorts of activities.

Comment has been made here tonight by Mr Pakula about the work the Attorney-General has done in this regard. It has to be said that the Attorney-General, Mr Clark, is doing an outstanding job of protecting the rights of victims and stepping up the campaign against violence in our society. I think I have said before that one of the great highlights of election night 2010 was the knowledge that Robert Clark would replace Rob Hulls as Attorney-General. As we know, Rob Hulls was soft on crime; indeed Labor was — and you would have to say, still is — soft on crime. That is deeply regrettable. You would hope that in this day and age, with so many serious acts of violence occurring in our society, this sort of legislation and the sort of view we are putting forward here tonight would be bipartisan and that Labor would be promoting the same sorts of values and views the government has. It seems, however, that that might not be the case.

Having heard Mr Pakula I am still wondering exactly where those in opposition stand. They tell us one thing and then they say something else that is completely different, so I am not exactly sure where they stand. For a future leader of the opposition to take a stand as he did tonight was a little confusing. I say to Mr Pakula — and to Mr Leane, who might like to hand over some advice to his future leader — if Mr Pakula wants to travel down to the Assembly and take over from Daniel Andrews, the current Leader of the Opposition, he is going to have to work out what he believes in and take

strong stands on issues. He is going to have to have some belief in what he says. I have to say that tonight it did not strike me that he did. In fact, it struck me that he was having two bob each way, which is not unusual for the Labor Party. That is something we have come to expect.

There is one part of this bill that I want to make brief mention of and that is the recognition in this legislation of the value of an unborn child. I think it is long overdue. I welcome it, and I congratulate the government on putting that recognition into this bill. I hope that that recognition will be extended into other pieces of legislation before too long. In the very brief time that I have this evening I want to congratulate the government on this piece of legislation. Protecting the community has to be our first priority as a government, and it is pieces of legislation like this that will send — —

Mrs Coote — It is an electoral promise!

Mr FINN — As Mrs Coote said, it is another electoral promise that we are keeping. It is important that the people of Victoria know they have a government that puts the welfare and the protection of the vulnerable in our community first. It is pieces of legislation such as this that make sure that that message is received loud and clear by people from one end of Victoria to the other. I commend the bill, and I urge the house to give it a speedy passage.

Mr ELASMAR (Northern Metropolitan) — It always gives me great pleasure to speak after Mr Finn. I will be brief in my contribution to the debate on the Crimes Amendment (Gross Violence Offences) Bill 2012. We have been talking about election promises. During the last state election campaign the then opposition, now government, made great noise about introducing a mandatory sentencing system for violent crimes affecting helpless members of our community. The people spoke and voted accordingly because the tough law and order agenda espoused was in accord with what the people were thinking and wanted. However, from what I can see, this bill is a watered-down version of what the people were promised. The bill introduces two new gross violence offences. Those offences are intentionally causing serious injury in circumstances of gross violence and recklessly causing serious injury in circumstances of gross violence, both of which carry with them a four-year minimum sentence.

The bill also makes it clear that the minimum non-parole period does not apply to offenders under 18 years of age. The commitments made as an election promise have not been delivered by the government. It would appear that the government believes it has carried out its election promise through this particular piece of legislation. But the Victorian electorate was given to understand that the government's election promise was that the minimum sentence would be four years for adults and two years for 16 to 18-year-olds. Clearly that has not come to be the case.

Baseline sentencing arrangements for various offences have not been introduced, nor will they, because they are in the too-hard basket. I may seem overly harsh, but that is because the people have been misled. I reiterate that the opposition will not be opposing the bill, and I wish those opposite luck.

Mrs COOTE (Southern Metropolitan) — It is with a great deal of pleasure — and pride, I might add — that I rise to speak on the Crimes Amendment (Gross Violence Offences) Bill 2012. I will not go into great detail because we have heard an enormous amount of detail about the mechanics of this bill from Mr Pakula and Ms Pennicuik. We also heard an excellent contribution by my colleague David O'Brien. Members can see what an effective barrister he must have been in a former life because he is so eloquent when he is speaking on a bill such as this. However, I must say that I was fairly horrified when in her contribution Ms Pennicuik said she did not feel there was a necessity for this bill. She, like me, represents Southern Metropolitan Region, which has huge areas that experience crime and unprovoked crime. I will come back to that in a moment.

First of all I would like to reiterate what Mr Finn said, which is that this legislation is building upon an election promise from the coalition government. On 24 November 2010 the Premier said:

> Victorians are sick and tired of reading time and time again of horrific, unprovoked attacks that are leaving victims with terrible lifelong injuries.
>
> …
>
> Vicious kicking or stomping on the heads of victims is becoming commonplace, and the deliberate carrying and use of knives to inflict terrible wounds continues unabated.
>
> These attacks go way beyond spontaneous street brawls. They are part of a culture of extreme violence that threatens to change forever the generally law-abiding and peaceful way of life we have been so fortunate to enjoy in Australia.
>
> …
>
> We need to make it clear that those who deliberately set out to take part in violent attacks, or who continue to inflict horrific injuries on incapacitated victims, will spend a long time behind bars.

He also said:

> Three out of every four offenders convicted of intentionally causing serious injury receive a minimum jail term of two years or less.

That brings us back to the bill, which is a reflection of those sentiments that the Premier identified in the lead-up to the election in 2010. He was reflecting not just his own private thoughts but also the thoughts of the community. The community was particularly concerned about safety on our streets, safety in our homes and safety for our most vulnerable Victorians — our elderly, our children and so many others.

I refer to the detail of the bill. The bill is a major reform to combat a very serious problem. It requires some fairly major changes to the existing legislation. The first part of the bill amends the definitions in the Crimes Act 1958 of 'injury' and 'serious injury' and creates the new offences of causing serious injury intentionally in circumstances of gross violence and causing serious injury recklessly in circumstances of gross violence. The bill also amends the Sentencing Act 1991 to set out sentences with a minimum non-parole period for those offences.

We can stand here in this chamber and talk about the details and the mechanics, about the Sentencing Act 1991 and about parole, and we can talk about changes and amendments and all those things, but at the end of the day we are making laws to make people's lives better. We have to go back to the sentiments that the Premier enunciated. We have to see that we put into place and implement laws that make it safer for Victorians to operate, to give them confidence that they can go about their business in safety and that if there is some sort of unprovoked violence, the perpetrators will be sent a clear message that it is not acceptable and that we as Victorians and as law-makers in this place do not accept it.

I would like to give some examples. This goes back to what Ms Pennicuik did not say about Southern Metropolitan Region. I have spoken before in this place about an elderly gentleman in Burwood who had lived in a house for more than 40 years. He was old, and he was going for a final walk around the block to say goodbye to all the milestones and all the things that were familiar to him before he went into a nursing home. As I said, he had been in the house for 40 to 50 years.

Business interrupted pursuant to sessional orders.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I move:

> That the sitting be extended.

House divided on motion:

Ayes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr	Petrovich, Mrs (*Teller*)
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr (*Teller*)
Guy, Mr	Rich-Phillips, Mr

Noes, 18

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr (*Teller*)	Scheffer, Mr
Hartland, Ms (*Teller*)	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Motion agreed to.

Debate resumed.

Mrs COOTE (Southern Metropolitan) — I am glad everybody came into the chamber to hear my contribution. I am sure they will all be here to hear what I have to say. I was talking about an elderly gentleman in Burwood who had lived in the same house for 40 to 50 years and who was going around the block for the very final time to say farewell to all the landmarks that he knew before he went into a retirement home. It is chilling to think that as he walked around he was in fact murdered — on the streets of Burwood on a Friday afternoon and, as it turned out, by a woman. It was an audacious, unprovoked attack.

The bill we are debating today is as a consequence of those types of violent acts. It is absolutely and utterly important.

Another example is that of James Macready-Bryan. I would like to remind everybody about James Macready-Bryan. He was a young man aged in his 20s out with some friends for a night of really innocent fun. He was king hit, and to such an extent that he has acquired brain damage which has left him in an incapacitated state ever since. His friends, I might add, have been absolutely phenomenal, as has his supporter group and his parents. He has been at the forefront of the young people in nursing homes scenario. He has been a key agitator and lobbyist, as have his parents and friends, to make certain that young people are not inadvertently kept in nursing homes.

I have to say that I am proud of the track record of the Baillieu coalition government in making certain that it can keep as many young people as possible out of nursing homes. We have gone a long way in building purpose-built houses for them. But that is not the purpose of tonight. Ms Pennicuik has said there was no need for this. Can I remind Ms Pennicuik about the issues in Chapel Street, which is in the heart of our electorate. Prior to the last election Reclaim Chapel Street, a group of very concerned residents, set up a program to make Chapel Street safe again. They were sick of people coming from other areas with the specific purpose of bashing someone. They were not there to go to nightclubs, and they were not there to have fun; they were coming specifically to give someone a king hit and to cause as much damage as they possibly could.

This provoked Stonnington City Council, police, nightclub owners and residents to set up an extremely good program called the Stonnington accord. It has become a benchmark. The whole program is extremely worthwhile and works well. Basically the council, police, nightclubs and residents work together in a unified way to keep the streets safe. There have been more CCTV cameras installed in Chapel Street, which has helped considerably to reduce crime. The measures that have been put in place will be supported by this bill, and that is very pleasing to see.

Others have spoken in detail about the bill before us, which raises a number of issues. Ms Pennicuik is taking the bill into the committee stage, and I am sure she will tease out the issues. I am led to believe Ms Pennicuik did not go to any bill briefings, which I suspect is a great pity, because had she gone to a bill briefing, I am assured that she would have been given a lot of additional support and material and perhaps would not have had to go into committee tonight. It is a great pity that she did not avail herself of the minister's offer to inform herself, as he offered to give her a clear-cut dissertation on this whole area.

Ms Pennicuik — No-one was offered it.

Mrs COOTE — It is a pity, because now she is going to take the bill into the committee stage, and we will grind on and on, as is usually the case in committee on an amendment from Ms Pennicuik. However, I will not go any further, because it looks as if we are going to be in for a particularly long night in committee. I would like to wish the minister involved, Minister Dalla-Riva, the very best of luck. He handles these things very well, but I know he is also frustrated by the fact that Ms Pennicuik has not availed herself of the offer of in-depth consultation on this bill. I think that would have answered many of her questions.

Finally, I would like to conclude with a comment from the second-reading speech by the Attorney-General, Robert Clark. He totally expresses my sentiments, and I know they are also the sentiments of the Premier. The Attorney-General said:

> This bill sends a clear message that violent attacks such as these will not be tolerated. It will ensure that adult offenders who inflict gross violence will go to jail and will stay in jail for at least four years, unless the court decides that a genuinely special reason applies.

I support the bill.

Mr EIDEH (Western Metropolitan) — It goes without saying that each and every one of us is against crime and violence, and thus we are against gross violence. Yet at times the community will argue that, collectively and without political bias of any sort, we do not do anywhere near enough to deal with it. Certainly victims of crime groups have stated that case very strongly for years, and while not everyone may agree with everything they say, it is impossible to dismiss everything amongst their arguments.

This bill introduces two new gross violence offences: intentionally causing serious injury and recklessly causing serious injury in circumstances of gross violence. Both offences carry minimum four-year terms, and I fully realise that this very concept is a controversial one, especially for some judges who have stated in the past that they should not have their hands tied but should be free to set sentences as they see fit. However, to be fair, the courts will be permitted to set aside such stringent rules in exceptional circumstances that may arise. It is not for any of us to speculate on such matters — certainly not for those of us who are not criminal lawyers. But I must state that if it were not for this aspect, then the opposition would be absolutely opposed to this bill, because most of us are not lawyers and certainly as far as I am aware none of us is a former judge, justice or magistrate. We are not expert in the area of judicial decision making in our courts. Setting statutory mandatory minimums without allowing any exceptional circumstances would thus be short-sighted and far too prescriptive, but the government has not gone down that path on this occasion.

The bill also redefines the concept of serious injury, and that is a very important aspect. This was included in the many election promises made by the government about two and a half years ago. Most of its election promises are yet to be brought before the house, but I am certain that we will see them all before the next election. Yet,

as with this bill, we see matters brought before us that are significantly different from what was proposed three years and more ago prior to the election.

I personally wish the government had the professional decency to privately discuss such matters with us prior to legislation coming to the house, as it would afford us an opportunity to convince the government of the merits of our case prior to the legislation coming to the house with the decisions having already been quietly made in almost every case. Inflexible mandatory minimum sentences can lead to grossly unjust sentencing outcomes, as they take no account of the specific circumstances of a case. I am not excusing either gross violence or the causing of serious injury, but to ensure that justice is done every case must be decided upon its merits and be presented before the courts so they can achieve the right outcome. Let none of us ignore the facts that gross violence and the inflicting of serious injury are on the rise. This is a terrible situation, one which has seen many of us become strong advocates for the White Ribbon campaign, whose followers vow to never commit, excuse or allow violence against women. Indeed violence against anyone cannot be justified.

My colleagues and I have many concerns about this bill due to its many shortcomings. I would much prefer to see the government come up with a far more powerful approach. It is something that doctors well know from a great ancient Greek known as Hippocrates, the father of medicine, who said, 'An ounce of prevention is worth a pound of cure'. While offenders must be punished, if we can reduce the number of offences altogether, do we not also reduce the number of victims, and do we not then also reduce their pain and suffering, as well as that of their families? The government needs to focus its priorities on preventing and stopping gross violence and serious injury before they occur. Until it does, these are ineffective measures that will result in few positive outcomes.

Mr ONDARCHIE (Northern Metropolitan) — The Crimes Amendment (Gross Violence Offences) Bill 2012 will deliver on the government's pre-election commitment to introduce minimum statutory sentences for offenders who intentionally or recklessly cause injury in circumstances of gross violence. This legislation will ensure the community is better protected, putting offenders behind bars for longer periods, sending a strong deterrent message to potential offenders and achieving what is most important here, which is a safer Victoria. I want to thank the opposition for its support for this very important legislation.

Frankly I have had enough. I am sick of the gross violence on our streets. My adult children, who head out on Friday and Saturday nights to have a good time with their friends, should be safe from the knuckleheads, the thugs and the idiots who go out just to beat someone up. I have had enough, and I am sure every parent in Victoria, and indeed members here, have had enough. We want a safer Victoria; we want to deal with this reckless behaviour.

As members know, I spent some time as executive director of the Royal Women's Hospital, and I am sick and tired of violence against women in particular; it is not acceptable. Anywhere from a quarter to one-third or even a half of Australian women will experience physical or sexual violence at some point in their lives. Close to half of all women — 40 per cent — experience violence by the time they are 15 years of age; just under one-third of women experience physical assault; nearly one in five women have experienced sexual assault; and nearly one in six women experience violence from a current or previous partner in their lifetime — and it is men who are doing this.

I am sick and tired of gross violence on our streets, and I am sick and tired of gross violence in our homes. This is important legislation. I say to the Victorian Greens, 'Get behind this important legislation and put it through this Parliament. Let's stop the violence and let's make Victoria safer'.

Ms MIKAKOS (Northern Metropolitan) — I will be very brief in my contribution, as Mr Pakula has outlined very clearly the Labor opposition's position in relation to the bill. It is important when we are dealing with complex and emotive issues, like crime and our legislative responses to it, that we have rational and sensible debates that are backed up by the facts. I took great exception to Mr Finn's contribution, because in government the Labor Party put in place a range of reforms that I believe made our community safer. Apart from boosting police numbers and resources, we introduced a number of significant reforms to tackle the causes of crime. If you speak to people who have held a high judicial office and who have had to make those difficult decisions on behalf of all of us as to what the appropriate responses are, you will find that they take the view that looking at the underlying causes of crime is a very important part of addressing antisocial behaviour and offending.

There are no simple solutions to these issues; there are no simple approaches. However, what we are seeing here from the government is an attempt to grab a headline — to sell a message to the community that it is tough on crime and that it is responding in a way that

will deter crime. We heard from Mr Pakula that the government claimed it was going to do one thing before the election in terms of introducing statutory minimum sentences for adults and also for juveniles in relation to crimes of intentionally or recklessly causing serious injury with gross violence, but in fact the bill before us is very different.

I remind members that the government made this promise just a few days before the election, and when it came into office it gave the Sentencing Advisory Council the task of looking at the issue and advising it. The proposal was met with a huge amount of criticism and concern from a number of stakeholders, including the judiciary, the Law Institute of Victoria, civil liberties groups and a number of stakeholders who work with youth offenders. The criticisms raised included the infringement of judicial independence; that mandatory sentencing has no history of working as a deterrent; and, particularly in relation to the jailing of minors, that this would have a negative impact on long-term crime rates. The Sentencing Advisory Council took on board all of the many submissions. I point to paragraph 1.5 of the introduction to its report of October 2011 entitled *Statutory Minimum Sentences for Gross Violence Offences*. It says:

> Many stakeholders were of the view that discretion is a fundamental principle of sentencing that allows a court to tailor a sentence to the unique requirements of a particular case, and consequently, any form of fixed penalty, however carefully structured, could not entirely avoid unjust outcomes.

The Sentencing Advisory Council found that there were a number of impediments to the statutory minimums being imposed in the juvenile jurisdiction. There were issues around the capacity of our juvenile justice system, and there were also legislative difficulties associated with a legislative regime that for youth offenders is focused on rehabilitation. The Sentencing Advisory Council identified a lot of problems in relation to introducing minimum sentences for youth offenders. I guess it is no surprise then that the government has not gone ahead and included youth offenders in this bill. The second-reading speech, as I understand it, makes it very clear that 16 to 18-year-old youth offenders are not included in this statutory minimum sentencing proposal, which the Liberal Party took to the previous election.

I know that there is a division; there are divergent views within the government about whether to proceed with this. I know that Ms Wooldridge, the Minister for Mental Health, who is also the Minister for Community Services, has been reported in the media to have different views to the Attorney-General on this issue, because clearly she understands the difficulties she would have if she were to proceed with such a proposal in relation to youth offenders.

I will focus on youth offenders briefly, if I may, because Mr Pakula has adequately covered the issues in relation to adults. In the past there has always been a bipartisan approach to these issues. The focus has been on rehabilitation, and the view has been that due to their immaturity young people should be encouraged to lead a positive life upon their release from a juvenile justice facility, that they should not be put in the same kind of setting as a prison environment and that they should be afforded opportunities whilst they are in a juvenile justice facility to be rehabilitated and to seek education and training.

I am, however, concerned that while Minister Wooldridge has put out a discussion paper around diversion options for youth offenders, at the same time we have got Mr Dalla-Riva, the Minister for Employment and Industrial Relations, who has carriage of this bill in this house, cutting funding to programs like the YMCA Bridge Project, which I have spoken about in this house before, which provides support, training, mentoring and employment opportunities for young people leaving custody to help them transition smoothly back into the community. It is a program that has secured 160 full-time jobs since it began in 2005; 80 per cent of its participants obtain a pathway to a sustainable job. It has reduced reoffending behaviour from 66 per cent to just 3 per cent — —

Mr Finn — On a point of order, Acting President, I have been listening to Ms Mikakos and for some time she has made little reference to the bill. She has been talking about some government cuts or something or other to various programs, which is clearly totally irrelevant to the matter before the house, and I ask you to bring her back to the bill before the chamber at the moment.

Ms MIKAKOS — On the point of order, Acting President, I recall Mr Finn made a very wide-ranging contribution to the debate. There are references to youth offenders in the bill, and I am addressing the issue of youth offenders and what works and what does not work. You might not like to hear about the cuts, though — —

The ACTING PRESIDENT (**Mr O'Brien**) — Order! Whilst not at this stage directly upholding the point of order, I note that in its early stages the contribution to the debate was wide ranging. Most members have spoken more directly on the bill than on other related matters, and I call on Ms Mikakos to

direct the rest of her contribution more closely to the bill.

Ms MIKAKOS — Acting President, my point is that if the government wants to match its rhetoric on being tough on crime with reality, then it needs to support programs that work to reduce reoffending. It needs to bring legislation into the house that will work and will match its rhetoric. What we are seeing from the government in relation to youth offending is cuts to programs that work, which as the shadow minister I am particularly interested in. Money is being spent on putting more beds in place at Malmsbury Youth Justice Centre and cuts are being made to TAFE and education programs that help to provide young people with a future. Inevitably we are going to have more crime in the future and more young people locked up. The government is setting itself up and setting the community up for this outcome because it is making a whole range of cuts to programs that support young people. If the government is serious about reducing offending, particularly youth offending, then it needs to support those programs and approaches that deliver to the community.

In conclusion, I commend Mr Pakula on his recent announcement that he proposes that a future Labor government will give juries more say in the sentencing process. That is a very positive announcement that I am sure the community would support, because it gives the community a real say.

This bill has been dressed up as if it introduces mandatory sentencing. However, it preserves judicial discretion. A letter from Smart Justice for Young People, which is a coalition of a number of organisations that advocate on sentencing issues expresses its opposition to minimum mandatory sentencing for youth offenders. The letter acknowledges that the government in effect preserves judicial discretion in this bill. On that basis I and the Labor opposition do not oppose this bill. I urge the government to think very carefully about what it is planning to do in the future if Robert Clark, the Attorney-General, wins the day over Mary Wooldridge, the Minister for Mental Health, and we see further legislation in relation to youth offenders introduced to this house.

When we are in the committee stage I will be asking the minister at the table, the Minister for Employment and Industrial Relations, for some assurances in relation to the dual-track system. I am flagging that now for the benefit of the advisers in the box, because I can see the minister at the table already scratching his head. I do not oppose the bill.

House divided on motion:

Ayes, 35

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

Noes, 3

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

Motion agreed to.

Read second time.

Ordered to be committed next day.

ADJOURNMENT

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the house do now adjourn.

Country Fire Authority: Lakes Entrance station

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Deputy Premier in his capacity as the Minister for Police and Emergency Services. It relates to the Country Fire Authority (CFA) station at Lakes Entrance. Last week I met with a couple of Lakes Entrance residents who had concerns about the capacity of the local fire brigade. As most members of the house would know, Lakes Entrance is a town of around 6000 people, but swells fourfold over the holiday period, which also happens to be the height of the summer fire season.

One of the people I met with is a long-serving volunteer with the Lakes Entrance fire brigade. He is concerned that the brigade's 17-year-old pumper is struggling to cope with the needs of the brigade. He tells me the pumper in question has gone through a brakes upgrade, a strengthening of the chassis and a reduction in its water carrying capacity in an attempt to prolong its life.

I am told it rarely gets above second gear when it is being driven around much of the town, even with a smaller tank and all the upgrades.

The Lakes Entrance fire brigade has been very patient, but it has questioned whether it is due for a replacement. It never gets an answer from the CFA and is of the opinion that it is being leapfrogged by other areas for political reasons. The brigade is frustrated because it is trying to get a hearing, and it tells me that the local member for Gippsland East in the Assembly, Tim Bull, has not set foot in the Lakes Entrance CFA station since being elected as the member for Gippsland East.

The action I seek from the minister is that he visit the Lakes Entrance CFA and make a judgement as to whether it is appropriate for the station to get the upgraded pumper or not. I would also ask — —

Honourable members interjecting.

Mr LENDERS — I note the cacophony opposite. This is a local community that is asking that the Deputy Premier travel from his home in Sale and visit Lakes Entrance to look at the CFA, because the local member of The Nationals has not set foot in the building since he was elected. That is what they are telling me.

Mr Koch interjected.

Mr LENDERS — Mr Koch laughs, but I was being respectful in this matter until I heard the interjections. The community is asking that the Deputy Premier visit the Lakes Entrance CFA so that it can put its case for its pumper in the town. Given the sensitivity of those opposite, I would also seek that the Deputy Premier take Mr Bull with him.

Environment: equine landcare management

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Environment and Climate Change, Ryan Smith, and relates to the success of equine landcare management programs in Northern Victoria Region. Horse owners have an inherent understanding of landcare and sustainability because these things are a part of their everyday life. Successful sustainable practices, such as pasture and weed management, tree planting, soil management, manure management and seeding, are essential to sustainably managing an equine property.

The equine landcare initiative has only been made possible through the support of the Victorian coalition government's local Landcare Facilitators Initiative, the community Natural Resource Management Coordinator program, and the Port Phillip and Westernport Central Management Authority. This support has led to the creation of two successful equine landcare groups in the northern region alone, and this is only the beginning.

The Yarra Valley Equestrian Landcare Group and the Mitchell and Surrounds Equine Landcare Group have been a great success within the community. They have utilised strategies such as rotational, strip and mixed grazing to ensure the health of their properties and their horses. Rotational grazing, for example, is promoted by equine landcare groups because it allows paddocks to regenerate and reduces the number of parasites being introduced into the paddock. Planting trees on the property is another initiative that provides shade for horses residing on the property but also reduces the effects of salinity and erosion.

Workshops discussing sustainable equine property management will now be moving around the state, with forums being held in Main Ridge, Yering, Korumburra, Macedon, Whittlesea and Eden Park. I ask that the minister continue to support practical sustainable initiatives such as the Yarra Valley Equestrian Landcare Group and the Mitchell and Surrounds Equine Landcare group to manage and innovate new landcare solutions in the future.

Portland Bay School: support services

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister responsible for the Teaching Profession, Mr Hall, and it is in relation to the Portland Bay School. During the six-plus years that I have had the privilege of representing Western Victoria Region it has always struck me how the Portland community has cared for people in the local community who have additional needs. It does not matter to whom you speak in the local community, the special school is often raised, with people giving examples of how critical it is for special needs community members to be able to interact in their local community.

It is because of this ongoing interest in the school that many community members have contacted my office concerned about recent events at the school. In fact I met with some parents in Portland last week. The minister is aware of a number of recent issues at the school. Some students are currently not attending the school, there have been complaints from parents, complaints about bullying from current employees, disquiet from former employees and reports in the local media. In addition I understand the police have been called to the school on more than one occasion. I also

understand that a review has been conducted and a new examination is under way.

I raise this adjournment matter tonight not to delve into the specific issues but as a member of Parliament who is extremely concerned about the current situation and the impact it is having on the general welfare of students and parents. We all know that examinations, reviews and legal proceedings take some time, and I accept that proper process takes time. But I am worried that some of the children are not coping. Some cannot or will not go to school, and there are many children who seem to have regressed. We all know regression and increased disengagement experienced by students with additional needs is multilayered and difficult to address, and it takes longer for those students to get back onto an even keel.

Parents are missing work to look after their children, and it is abundantly clear that many parents are stressed, at the end of their tether and understandably very emotional. I am seeking that the minister as a matter of urgency take action to ensure that support services, including counselling, are put in place for students and parents now, rather than sitting back and waiting for all other processes to be concluded. The situation is dire, and intervention is required now to ensure that these families receive the urgent help that is needed in that community.

The PRESIDENT — Order! Can I clarify which minister this matter is raised with?

Ms TIERNEY — It is for Minister Hall, who has been dealing with it. I have written to him and he has responded to me. He is the Minister responsible for the Teaching Profession.

Trams: route 96

Mrs COOTE (Southern Metropolitan) — I have an adjournment matter for the Minister for Public Transport, Mr Mulder. I was extremely pleased to read about Melbourne's and the minister's success with trams. I remind everybody that in Melbourne we have the world's largest tram network, with more than 600 000 passenger trips on the network every weekday. It is a vital part of Melbourne. People come to Melbourne to experience tram rides, but the tram service is also a vital artery for people moving in and out of the city and around the suburbs. It really is terrific.

The Bumblebee trams have been impressive. They were on loan from the City of Mulhouse in France, but Minister Mulder has done a deal on them, and now these highly popular, high-capacity trams will stay here. We have five bumblebee trams, and they have been important to Melbourne. They are very distinctive, so it is good to know they are going to stay. They cost about $16.8 million each, so it is an important investment that the minister is making. Next year there will be an additional 50 trams, which will enhance the tram network here in Victoria.

It is very pleasing to see all the new super-stops that are being established around the city as well as in the suburbs. The action I seek from the minister this evening is for him to advise me what impact these additional trams will have on the route 96 service to the St Kilda precinct within my electorate.

Community organisations: personal emergency planning

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Health and it relates to the responsibility creep and underfunding of community organisations. The Vulnerable People in Emergencies policy, released in November 2012, implements recommendations of the *2009 Victorian Bushfires Royal Commission — Final Report* including:

> … compile and maintain a list of vulnerable residents who need tailored advice of a recommendation to evacuate …

This would be done by establishing vulnerable persons registers in local regions across Victoria. Information in vulnerable persons registers will be available for consideration by emergency service organisations in planning for and responding to a range of emergencies. This is a welcome initiative and a key part of protecting the most vulnerable in our community in the case of emergencies including heatwaves, storms, floods or bushfires. However, I am concerned that the time and resource burden for identifying vulnerable people, obtaining consent, entering people on the register, updating the register over time and supporting vulnerable people to undertake personal emergency training has been placed heavily on the shoulders of community organisations as well as local government without any financial support to carry out these activities.

Further, the organisations were formally notified of this new responsibility only in mid-December 2012, and the process of adding all the vulnerable clients to the register was to be completed by 25 January. This is just one of a series of new responsibilities being given to community organisations without any financial support to carry them out.

Supporting all vulnerable people who use their services to undertake personal emergency planning is no small task. Identifying, contacting, gaining consent and registering vulnerable clients amongst a list of the hundreds of clients they service who might fit the profile would take considerable staff time and resources. Imposing this cost burden on community organisations in this time frame is completely unreasonable, particularly in the context of year-on-year budget funding cuts to health services. Community services achieve a huge amount on shoestring budgets, and they certainly do not have staff sitting around waiting to respond to the shifts in Victorian government policy at the drop of a hat.

I ask the Minister for Health: will the government provide funding to community organisations to support them in carrying out the new responsibilities imposed on them by the policies of Victorian government departments?

Alpha Autism: funding

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Community Services, the Honourable Mary Wooldridge, and it concerns the plight — —

Mrs Coote — A very good minister!

Mr FINN — A very good minister indeed. She is doing a very good job. I wish to raise with the minister the plight of Alpha Autism, an organisation based across Melbourne in eight centres at Albert Park, Heatherton, Narre Warren, Altona North, Keilor, Northcote, Box Hill and Malvern East. It is the largest and most experienced service provider for adolescents and adults with autism spectrum disorder in Australia, and it has been supporting thousands of clients, their families and carers for over 25 years. Its employment service involves a collaborative approach which addresses the needs of employers and clients, ensuring successful matches are made for sustained employment outcomes and community lifestyles.

Alpha Autism's consultancy services also assist workplaces in developing tailored training solutions. As we can see, it is providing a much-needed service, and it is one which will be needed even more in the years to come, given the increase in diagnoses of autism in recent years. Indeed as we speak there is an army of children with autism preparing to come through the system and grow into adulthood. We must remember that these children in their own way are very bright. They have much to offer our society, and they are capable of making a very positive contribution not just to those around them but to their own particular situation. It is important that we find appropriate jobs for them to fit into and make that contribution of which I speak, instead of throwing them on the scrapheap, as it would seem will happen if Alpha Autism is to close.

I say it may close because the federal government has notified Alpha Autism that it no longer meets the criteria for funding. That is a government which tells us it cares about the downtrodden; it is a government that tells us it cares about those battlers in our community, and yet it does this to an organisation — —

Mr O'Brien — Labor values!

Mr FINN — Labor values, indeed, Mr O'Brien. That is what it tells us, and yet it does this to an organisation which is doing wonderful work in providing employment for people with autism.

I ask the minister to investigate the full circumstances of Alpha Autism with regard to commonwealth funding and, if necessary, to take the appropriate steps to raise with the federal government the need to continue funding for this fine organisation.

Peter James Centre: stroke rehabilitation ward

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Health. It concerns the Peter James Centre on Burwood Highway, and in particular the stroke rehabilitation ward at that facility. I recently had a long conversation with Mrs Julianne Ferres, who resides in Ringwood. She has elderly parents, and she is very proud them. They are very well educated, and she is proud of that fact as well. Unfortunately her mother had a severe stroke a few months ago and spent a week in Box Hill Hospital. Mrs Ferres speaks glowingly about the staff and the treatment her mother received there.

From Box Hill Hospital her mother was transferred to the specialist stroke rehabilitation ward at the Peter James Centre. Two weeks later the stroke rehab ward at the centre was closed, which resulted in the specialist nurses losing their jobs. Mrs Ferres was quite pleased that her mother was given a bed in another ward at the Peter James Centre because she believed some of the stroke rehab people were sent home too early when the ward was closed. She was very concerned about one gentleman who lived alone, and she is still very concerned. She speaks in glowing terms about the staff in all areas, but she is concerned because the specialist nurses knew how to deal with stroke victims. The closure of the purpose-built specialist ward is a great concern to her for her mother's rehabilitation and, to

her credit, for the other people who have been unfortunately struck down by stroke.

The action I seek is that the minister get involved in this rehab centre and do whatever is within his power to get this ward back up and running. It is a very important ward in the area of stroke recovery. I ask that the minister take responsibility. Under his portfolio it is his responsibility to act in relation to this important facility in the eastern suburbs.

Kangaroos: harvesting

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Agriculture and Food Security who is also the Minister for Water, the Honourable Peter Walsh. I seek information from the minister as to the actions proposed by the government to assess the regulation of the kangaroo meat processing industry in Victoria. The issue was raised publicly last year by the Shire of Southern Grampians and has been expressed privately to me by local residents, most recently by the chef of the Avoca Hotel, who makes a delicious grilled roo fillet rubbed with bush spices and served with assorted vegetables.

Currently the commercial harvesting of wild kangaroos is not permitted in Victoria, although it is permitted in South Australia, Western Australia, New South Wales and Queensland. Nationally the industry is worth around $270 million annually, so within Australia it cannot be classified as a fringe industry. I note that it is the view of many in western Victoria that there is sufficient processing capacity for a potential new industry in Victoria.

The issue is also tied in with the Department of Sustainability and Environment's efforts to monitor and maintain an appropriate kangaroo population for Victoria, which from time to time involves a cull of the population. In some years a good number of kangaroos are culled on our properties, and this is carried out only by accredited shooters. At the moment the carcasses provide a food source for feral animals and encourage the growth of fox populations. The coalition government has made significant gains with its fox bounty, which I believe had reduced the fox population by 133 000 as at the end of 2012.

The Shire of Southern Grampians is saying to me that it would be logical for the roo cull that already occurs to provide meat for food processing rather than undertaking new harvesting methods. Kangaroo meat is noted for its low fat content and high nutritional value. I note that until the 1970s a kangaroo meat industry existed in Victoria. Indeed, kangaroo meat was an important food source for Indigenous populations prior to and after white settlement and for early colonialists on the wallaby trail.

I acknowledge that for some this is a sensitive environmental issue and also a social issue due to the kangaroo's status as one of Australia's faunal emblems. I also acknowledge that the control of kangaroos is supported by a wide range of ecological groups, such as the Ecological Society of Australia and the Australasian Wildlife Management Society. It is sometimes said by people on both sides of the debate — in my view, it is a worthy comment — that Australia has the only coat of arms, being the kangaroo and the emu, that is entirely edible and good for you.

I ask the minister to turn his attention to this issue, and I ask for a response to this important potential industry and fantastic environmental solution that allows people to eat healthy, lean kangaroo meat whilst protecting, to some extent, the environment from the scourge of too many kangaroos. As an industry, some view it as better for the environment than hoofed animals.

Mildura Base Hospital: future

Ms BROAD (Northern Victoria) — My adjournment matter is for the Minister for Health. Earlier this month the Reclaim Mildura Base Hospital group asked the minister whether health funding by the Baillieu government to Mildura Base Hospital, which is operated by Ramsay Health Care, was used to fund donations to the Liberal Party. This question followed the publication by the Australian Electoral Commission of information which disclosed that Paul Ramsay Holdings and Ramsay Health Care donated more than $600 000 to the Liberal Party last financial year. Under the circumstances, members of the Mildura community expressed a lack of confidence in the willingness of the Baillieu government to respond to community concerns about the privatisation of Mildura Base Hospital and negotiations for the future of the hospital with the private operator, Ramsay Health Care.

The Mildura community and the Reclaim Mildura Base Hospital group are entitled to ask this question, and they are entitled to receive an answer. The Mildura community does not deserve to be addressed as it was by its elected representative in the lower house, The Nationals member for Mildura, Mr Crisp, who said:

> These are disgraceful comments that have no place in our local health debate.

Fortunately we have not yet reached a state of affairs where elected representatives may dictate to communities what questions they may or may not ask

of their representatives and government ministers. Mr Crisp has also stated that neither he nor The Nationals have received any donations from Ramsay Health Care, a statement that is puzzling given that the questions clearly relate to donations to the Liberal Party which are on the public record.

I call on Mr Davis, the Minister for Health, to provide, on behalf of the Baillieu government, the Mildura community with an answer to its question by making a clear statement in the Parliament and to assure the community that the Baillieu government will respond to community concerns about the privatisation of Mildura Base Hospital and negotiations with Ramsay Health Care about future management of the hospital.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have written responses to adjournment debate matters raised in 2012 by Mr Barber on 9 February, Mr Ramsay on 7 June, Mrs Petrovich on 14 August, Mr Ondarchie on 28 August, Mr Tee on 30 August, Ms Hartland on 12 September, Mr Finn on 11 October, Ms Tierney on 24 October, Ms Hartland on 13 November, Mr Eideh on 29 November, Mr Pakula on 11 December, Mr Barber on 13 December and Mr Elasmar on 13 December.

There were nine adjournment matters raised tonight.

Mr Lenders raised a matter for the Minister for Police and Emergency Services regarding the Country Fire Authority brigade in Lakes Entrance and its pumper.

Mrs Petrovich raised a matter for the Minister for Environment and Climate Change regarding equine landcare management in northern Victoria.

Ms Tierney raised a matter for the Minister responsible for the Teaching Profession regarding issues at the Portland Bay School.

Mrs Coote raised a matter for the Minister for Public Transport regarding the Bumblebee trams, which she said were on loan. I can tell Mrs Coote that they are not on loan. I remember very clearly a press interview with then Premier Brumby at which he was asked how much those trams had cost the state; he said to the reporter, 'That is for me to know, not you'. Mrs Coote has asked that the minister advise on the impact the additional route 96 trams will have on her electorate.

Ms Hartland raised a matter for the Minister for Health with regard to recommendations of the 2009 Victorian Bushfires Royal Commission about vulnerable Victorians and particularly the establishment of a register of vulnerable people.

Mr Finn raised a matter for the Minister for Community Services regarding the Alpha Autism group and the withdrawal of federal funding. This is becoming quite a pattern. In my local area we have seen the Zaidee's Rainbow Foundation, which was founded by Allan and Kim Turner after their young daughter, Zaidee, who I think was seven years old, died and her family donated her organs. The foundation was founded in her honour to raise awareness of organ donation, but the federal government has withdrawn its funding. The federal government has withdrawn funding from the B-Safe victims of domestic violence program in northern Victoria, and we saw it withdraw funding from the Take a Break occasional child-care program. Just recently we have also seen a huge cut to health funding in this state by the federal government.

Mr Leane raised a matter for the Minister for Health regarding the Peter James Centre, particularly its stroke rehabilitation ward.

Mr O'Brien raised a matter for the Minister for Agriculture and Food Security regarding the regulation of the kangaroo meat industry in Victoria.

Ms Broad raised a matter for the Minister for Health regarding donations to the Liberal Party by the Ramsay Health Care group.

I will pass on each of those matters to the ministers responsible.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 11.05 p.m.