**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE COUNCIL

## FIFTY-SEVENTH PARLIAMENT

## FIRST SESSION

**Tuesday, 28 May 2013**

**(Extract from book 7)**

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

**By authority of the Victorian Government Printer**

## The Governor

The Honourable ALEX CHERNOV, AC, QC

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

## The ministry

(from 22 April 2013)

| | |
|---|---|
| Premier, Minister for Regional Cities and Minister for Racing | The Hon. D. V. Napthine, MP |
| Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development | The Hon. P. J. Ryan, MP |
| Treasurer | The Hon. M. A. O'Brien, MP |
| Minister for Innovation, Services and Small Business, Minister for Tourism and Major Events, and Minister for Employment and Trade | The Hon. Louise Asher, MP |
| Attorney-General, Minister for Finance and Minister for Industrial Relations | The Hon. R. W. Clark, MP |
| Minister for Health and Minister for Ageing | The Hon. D. M. Davis, MLC |
| Minister for Sport and Recreation, and Minister for Veterans' Affairs | The Hon. H. F. Delahunty, MP |
| Minister for Education | The Hon. M. F. Dixon, MP |
| Minister for Planning | The Hon. M. J. Guy, MLC |
| Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession | The Hon. P. R. Hall, MLC |
| Minister for Ports, Minister for Major Projects and Minister for Manufacturing | The Hon. D. J. Hodgett, MP |
| Minister for Multicultural Affairs and Citizenship, and Minister for Energy and Resources | The Hon. N. Kotsiras, MP |
| Minister for Housing, and Minister for Children and Early Childhood Development | The Hon. W. A. Lovell, MLC |
| Minister for Public Transport and Minister for Roads | The Hon. T. W. Mulder, MP |
| Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention | The Hon. E. J. O'Donohue, MLC |
| Minister for Local Government and Minister for Aboriginal Affairs | The Hon. E. J. Powell, MP |
| Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry | The Hon. G. K. Rich-Phillips, MLC |
| Minister for Environment and Climate Change, and Minister for Youth Affairs | The Hon. R. Smith, MP |
| Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs | The Hon. H. Victoria, MP |
| Minister for Agriculture and Food Security, and Minister for Water | The Hon. P. L. Walsh, MP |
| Minister for Police and Emergency Services, and Minister for Bushfire Response | The Hon. K. A. Wells, MP |
| Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform | The Hon. M. L. N. Wooldridge, MP |
| Cabinet Secretary | Mr N. Wakeling, MP |

## Legislative Council committees

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

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

## Legislative Council standing committees

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

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

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

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

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

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

*# Participating member*

## Joint committees

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

**Dispute Resolution Committee** — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Mr Clark, Ms Hennessy, Mr Merlino, Dr Napthine and Mr Walsh.

**Drugs and Crime Prevention Committee** — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

**Economic Development and Infrastructure Committee** — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Carroll, Mr Foley and Mr Shaw.

**Education and Training Committee** — (*Council*): Mr Elasmar and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

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

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

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

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

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

**Law Reform Committee** — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

**Outer Suburban/Interface Services and Development Committee** — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Mr M. VINEY

**Acting Presidents:** Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Mr Ondarchie, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

**Leader of the Government:**
The Hon. D. M. DAVIS

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

**Leader of the Opposition:**
Mr J. LENDERS

**Deputy Leader of the Opposition:**
Mr G. JENNINGS

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

**Deputy Leader of The Nationals:**
Mr D. DRUM

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

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013

# CONTENTS

## TUESDAY, 28 MAY 2013

# Tuesday, 28 May 2013

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

## ROYAL ASSENT

**Message read advising royal assent to:**

**15 May 2013**

**Adoption Amendment Act 2013**
**Corrections Further Amendment Act 2013**
**Gambling Regulation Amendment Act 2013**
**Integrity Legislation Amendment Act 2013**
**Parliamentary Committees Amendment Act 2013.**

**The PRESIDENT** — Order! I take this opportunity to congratulate Mr Hall on his birthday yesterday. I hope he had a wonderful day.

## HAZEL HAWKE, AO

**The PRESIDENT** — Order! It is my sad duty to formally inform the house of the death of an eminent Victorian, Hazel Hawke, AO, who died on 23 May. Hazel was the first wife of former Prime Minister Bob Hawke and a significant advocate for a number of causes in her own right, particularly for Alzheimer's disease at a time when she suffered from it in her latter years. Her death was attributed to complications associated with that disease. I am sure that my conveying the respects of members of this house to her family — particularly her four children — will be endorsed by all members.

## BREASTSCREEN VICTORIA: 20TH ANNIVERSARY

**The PRESIDENT** — The presence of balloons in the chamber is unusual, but they are not meant to be a precedent. They are not because of Mr Hall's birthday — —

**An honourable member** — Or Mr Melhem's inaugural speech.

**The PRESIDENT** — Or Mr Melhem's inaugural speech. They are in the chamber today to convey to members the importance of the work that has been done in terms of cancer research, the introduction of preventive strategies and the work of our hospitals in treating people with a range of cancers. Last week the Minister for Health held a very successful celebration of the 20th anniversary of BreastScreen Victoria. In that 20 years BreastScreen Victoria has performed more than 3.5 million screens of women and has detected some 26 717 breast cancers. I dare say that many women are cancer survivors today because of that procedure and as a result of the work that has been done. Whilst this is to celebrate the anniversary of BreastScreen Victoria, it is important for us to consider all areas of cancer research and work and to ensure that, as members of Parliament and people associated with public policy, we convey to the people we talk to the importance of prevention and of having check-ups, including prostate cancer checks, breast cancer checks and so forth. That is just a pointed reminder of the importance of those checks.

## QUESTIONS WITHOUT NOTICE

### Ford Australia: ministerial task force

**Mr LENDERS** (Southern Metropolitan) — My question without notice is to the Minister for Higher Education and Skills, Mr Hall. It relates to the activities and scope of the Premier's Ford task force. How many times has it sat down and met?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank the Leader of the Opposition for his question. The Premier's Ford task force has been recently formed, as announced by the Premier last week. We will be meeting during the course of this parliamentary sitting week to further develop the programs which this government is committed to in assisting those from the Broadmeadows and Geelong areas who have job losses pending following the announcements from Ford last week.

I might add that the Premier has been very active in talking to communities. I know he has been to Geelong and he has been to Broadmeadows. He has been speaking with those organisations. He has been speaking with those who can assist, contribute and convey knowledge and information to the government so that the task force can best perform its duties. The initial knowledge gathering process is taking place at this very moment and has been ever since the Premier first learnt of this announcement. The task force will be meeting during the course of this week to further work on the information that is being collected.

*Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — I am somewhat shocked given the urgency of all this that the task force has not found time to meet yet. The Premier has had time to go to a Liberal Party state council

meeting but not to meet on this. My supplementary question to the minister is: will the brief of the task force include a review of the cuts to Gordon Institute of TAFE and Kangan Batman Institute of TAFE that have curtailed the opportunities for displaced Ford workers to have new training opportunities?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — It is an interesting supplementary question the Leader of the Opposition has put. As I said very clearly, the Premier not only has been to the Liberal Party state council meeting but also put as a priority visits to the Broadmeadows and Geelong areas prior to that particular engagement. I reject the assertions made by the supplementary question of the Leader of the Opposition.

The Leader of the Opposition also talked about TAFE funding and training. I might put this on the record, because he suggested that there has been a reduction in government support for both Kangan and the Gordon. In fact if you look at the amount of government-funded support for the Gordon over the last three years, you see that between 2010, when Mr Lenders was last in government, and 2012 the figures in terms of government support for training in the Geelong region have increased — and this is directly from the Gordon — from $53 million to in excess of $80 million in training subsidies provided through the Gordon.

If you look at those regions, you see the Geelong region now has 133 training providers delivering training in that particular area. If you look at the Broadmeadows area, again we can see in terms of training activity that there are 170 providers of training in the Broadmeadows area. I reject outright the imputation that this government is spending any less money on training than the previous government.

**Questions interrupted.**

## DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I take this opportunity to note the presence in the gallery of Ms Luckins, a former member for Waverley Province in this house. We welcome her to question time today.

## QUESTIONS WITHOUT NOTICE

**Questions resumed.**

### Medical practitioners: enterprise bargaining

**Mrs PEULICH** (South Eastern Metropolitan) — My question without notice is to the Honourable David Davis, the Minister for Health, and I ask: can the minister update the house on progress with the doctors enterprise bargaining agreement?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for her question, for her strong advocacy for her local hospitals and for her interest in the progress of enterprise bargaining agreements in the health sector. What I can tell the house, and I am very pleased to tell the house, is that an agreement has been reached with the Australian Medical Association (AMA) and the Victorian Hospitals Industrial Association (VHIA). That process has been a long process, a complex process and a process that has seen very significant and tough negotiations by the AMA and VHIA.

I want to pay tribute to the work of all parties here, particularly the responsible approach adopted by the Australian Medical Association and Dr Harry Hemley and Dr Steve Parnis as its presidents through that process, with the formal process occurring more recently under the presidency of Dr Steve Parnis. The AMA has put on the table a number of key things that it wishes to achieve for its members. I can indicate that some significant outcomes have been achieved. I can indicate to the house that the agreement is firmly and squarely within government wages policy and will see three salary increases of 3.33 per cent over four years. There will also be a $1000 annual increase in the continuing medical education allowance for doctors in training and an improvement in shift penalty arrangements for specialists. I believe the agreement represents a fair outcome for medical staff, and that is in a very difficult and constrained economic environment. I recognise the importance of what has been achieved here.

I particularly pay tribute to the work of Commissioner Gregory. I note his statement dated 20 May, and I think this is instructive of how voluntary conciliation processes at the Fair Work Commission can work constructively to achieve a useful and fair outcome. After many, many meetings — and I cannot actually tell you how many, but there were many — significant negotiations and significant arrangements were reached. I am going to quote from Commissioner's Gregory's statement dated 20 May. He said:

> The commission is of the view that the basis of settlement is a reasonable and realistic outcome in all the circumstances. Further negotiation and conciliation would be most unlikely to bring an agreement any closer to one or other of the parties' preferred positions. Rather, I would be concerned that the bargaining parties would retreat to harder lines that would not serve the best interests of any of them.

He went on to say:

> Accordingly, I have recommended the parties adopt the basis of settlement as it has been explained to me, noting that they still have the challenge of fully drafting the proposed agreements.
>
> To ensure this process proceeds smoothly the commission has agreed to assist the parties by presiding over the preparation of the enterprise agreements …

What I can say is that this is a fair outcome; it is an outcome within government wages principles, and what it shows is that fair conciliation, voluntary conciliation, can actually work.

There is now only one major union that has been unprepared to come to an arrangement with the government within wages policy, and that is the ambulance union. I think that union leadership is increasingly isolated from its membership. It is very clear that the union leadership is unprepared to accept voluntary conciliation. Voluntary conciliation has been offered by Ambulance Victoria. I believe the commission would be prepared to undertake that voluntary conciliation, and yet the ambulance union is unprepared to accept voluntary conciliation, without any strings attached, where the parties can lay their positions out.

## Minister for Planning: conduct

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning, and it relates to allegations that he intervened in the planning process for property developers who paid $10 000 — —

**The PRESIDENT** — Order! Allegations were made in the media, and as I understand it Mr Tee referred them to the Ombudsman, who subsequently referred them to IBAC, which rejected those allegations. Can Mr Tee assure me that there are no other ongoing investigations or examinations of those allegations elsewhere — in other words, that there is nobody else he has referred those allegations to and that pursuing the matter here today would not be in conflict with any other processes afoot?

**Mr TEE** — I can give you an assurance that I am not aware of any other bodies other than the Ombudsman and IBAC, as you have outlined, President. Is that the assurance you seek?

**The PRESIDENT** — Order! You may proceed with the question.

**Mr TEE** — Thank you. In view of the Ombudsman's finding that the minister's conduct appears to involve corrupt conduct and concerns that the minister raised in today's newspaper about perceptions of conflict, I ask: will the minister continue to attend fundraisers with developers who have planning applications requiring his approval?

**The PRESIDENT** — Order! I am sure the minister can dispatch this matter with an answer, and I imagine in a fairly lively fashion, but I am most concerned about the preamble of that question, which asserted that the Ombudsman had said there was corrupt behaviour. As I understand it, the reference the Ombudsman made to IBAC did not make any such assertion. As I understand it, his reference to IBAC was a matter of process and jurisdiction, not a matter of judgement on the issue. I ask Mr Tee to reflect on that and perhaps reword the question.

**Mr TEE** — The Ombudsman's letter of 27 March is quite clear. He said:

> Pursuant to section 16E … of the Ombudsman Act 1973, the Ombudsman must notify the … (IBAC) of a matter that appears to involve corrupt conduct of which the Ombudsman becomes aware … I have therefore written to IBAC informing it of this matter.

What the Ombudsman said is, 'I am aware of this conduct that appears to involve corrupt conduct, and I have therefore written to IBAC informing it of this matter'. The Ombudsman, as part of his jurisdiction, made that decision.

**The PRESIDENT** — Order! In this circumstance I will let the question stand. However, I emphasise that from my perspective in chairing this chamber it is my view, from what I have read of this matter, that the Ombudsman did not form any judgement; rather than forming a judgement he took a position in terms of process and jurisdiction. That is my understanding of the matter. I have concerns about questions which come to this house which refer to external parties, particularly officers of the Parliament or of major agencies, and suggest that they have perhaps adopted a position whereas they have pursued proper process. I accept Mr Tee's explanation of the basis of his question, and on that basis I will allow the minister to answer the question as put.

**Hon. M. J. GUY** (Minister for Planning) — President, I thank you for your comments. As you and anyone with any knowledge of the operation of Parliament and the Ombudsman would know, the Ombudsman does not make a conclusion in a letter. He has an investigation and then makes a conclusion; none has occurred. Mr Tee should be aware of that. I notice Mr Tee's letter talks about where I had intervened in the planning process. That is very important, because in

one of those matters, which relates to the approval of a building within the central business district, I am the responsible authority, so there was no intervention in the planning system. I am the responsible authority. On another matter concerning a planning scheme amendment, as for any planning scheme amendment I am the person who takes them to the Parliament. For me it always beggars belief how little knowledge the shadow minister has of the planning system.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — It again seems that we have a clear finding in the letter by the Ombudsman — —

*Honourable members interjecting.*

**Mr TEE** — Yes, it is. It is a referral, under the Ombudsman Act, because a matter that has been brought to his attention may involve corrupt conduct. That is the matter that he has referred to IBAC for investigation. My question is: will the minister have any regard to the finding of the Ombudsman with regard to this matter?

**Hon. M. J. GUY** (Minister for Planning) — Again it is hard to believe that someone who presents themselves as an alternative minister has so little regard for the process of the Ombudsman — and the process of this Parliament, I might add. I will go further and say what is astounding is that I am yet to see this man, in nearly three years as the shadow minister, put forward any serious, credible planning policy. The only thing this man can do is throw mud at me, at Geoff Underwood — —

**Mr Lenders** — On a point of order, President, Mr Tee asked a question on government administration, and the minister is debating the question by reflecting on what he thinks an opposition should do, not on sticking to government administration. I ask you to bring him to order for debating the question.

**The PRESIDENT** — Order! I thank the Leader of the Opposition for the point of order. There is some substance to it in that Mr Guy is debating insomuch as he is referring to his counterpart on the opposition benches. This is pretty provocative territory that has been introduced to the Parliament and to the minister in terms of the line of questioning, and I think that gives him a little more leeway than I might perhaps grant in terms of direct government administration, because the question was more about the minister's conduct than about government administration. The minister has a little time left, and I ask that rather than debating the matter he perhaps come back to the supplementary question as put.

**Hon. M. J. GUY** — I want to read that list. It includes me, Geoff Underwood, Mrs Peulich, her son, head of Places Victoria Ken Fehily, Michael Kefford and my own staff. There has not been a single bit of policy, but all this mud has been thrown at these people by Brian Tee with no evidence.

## Higher education: Auslan courses

**Mr O'BRIEN** (Western Victoria) — My question is to the Honourable Peter Hall, the Minister for Higher Education and Skills. I ask the minister if he is in a position to advise the house on the outcomes of the government's activities to have Auslan — —

**Mr Leane** interjected.

**The PRESIDENT** — Order! Mr Leane, I am trying to listen to the question. In some cases matters are referred to me, and I need to understand what the questions are. Mr Leane is in the unfortunate position of having command of at least one of my ears.

**Mr Finn** — Throw him out!

**The PRESIDENT** — Order! I thank Mr Finn. I do not need his assistance. Could Mr O'Brien ask his question from the start.

**Mr O'BRIEN** — Thank you. I ask the minister if he is in a position to advise the house on the outcomes of the government's activities to have Auslan training resumed in Victoria.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I thank Mr O'Brien for his interest in this topic. Indeed, he raised it with me in the last parliamentary sitting week, but I acknowledge that other members of this chamber have also raised it with me on a number of occasions. Ms Hartland has raised it on a number of occasions, even Mr Leane has signalled his interest in this topic, and I know other members share an interest in the delivery of Auslan training for people who are deaf and hard of hearing.

In May last year RMIT signalled that it would no longer deliver Auslan training beyond the end of 2012, but I made a commitment that I would find a way in which Auslan training would continue to be delivered here in Victoria. After some lengthy negotiations with the deaf and hard of hearing community, a determination was reached about the sort of training that was required and the department put to tender the delivery of training in the Auslan language. As a result

of that, just a couple of weeks ago I received advice from the department that we had a successful tenderer to deliver Auslan training over the next three years under a contract worth $5.2 million. The successful tenderer was the Victorian Auslan Training Consortium, led by Northern Melbourne Institute of TAFE in partnership with the Victorian Deaf Society and La Trobe University.

This is a really good outcome, because this contract means that a minimum of 700 training places will be delivered over the next three years. Over the last three years there were about 500 training places. This will guarantee a minimum of 700 training places being delivered across Victoria. I am also very pleased that of those 700 places at least 30 per cent of them will be delivered in regional areas of Victoria, as part of the contract conditions, again enabling more people with need to access training programs.

There is one other feature of this contract that warrants mention, which is that in this particular instance the eligibility requirements for government-supported training have been dropped. This will mean that parents of children who are deaf and hard of hearing or those who need to understand Auslan in a professional capacity will be eligible for government-subsidised training without the upskilling eligibility requirements of other training programs here in Victoria. That is a very good outcome. It is one that will ensure that Auslan training will continue to be delivered here in Victoria.

The first two programs will start in July, and enrolments are now being taken in certificate II and diploma level training. From January next year certificates III and IV will also be delivered. It is a very good outcome. It is an example of where the government has responded to the failure of the training market to deliver that important training for people from deaf or hard of hearing communities. I am delighted that we were able to sign that contract and that Auslan training will be resumed in Victoria starting in July this year.

## Parole: reform

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Corrections. Has the government appointed a retired judge to inquire into the Victorian parole system and, if so, what are the terms of reference?

**Hon. E. J. O'DONOHUE** (Minister for Corrections) — I thank the member for the question. I welcome the opportunity to respond to a question from the opposition, because during the last sitting week that opportunity was not afforded to me.

I can confirm to the house that the government is considering matters in relation to the Adult Parole Board of Victoria and is examining ways to strengthen the operation of the parole board to ensure that this government continues its very clear agenda to keep Victorians safe. In addition to the initiatives of the Minister for Police and Emergency Services and other parts of government, the corrections portfolio has an important responsibility in assisting to protect the community. Obviously a critical component of that is the parole system.

I was recently pleased to announce that the government has delivered its commitment to electronic monitoring, which will empower the parole board and the courts to better supervise various offenders, particularly serious sex offenders and others. The government is always examining options and ways to strengthen that process. I am happy to confirm to the member that the government is examining options to strengthen the parole system.

We look forward to continuing the important work that is contained within the corrections portfolio, including delivering a new prison at Ravenhall, providing additional resources to the parole board and undertaking other measures to help keep Victorians safe.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I thank the minister for confirming that he is indeed conducting a review, and I ask: will members of the public be able to make submissions to the review, and what is the time frame in terms of when the results will be made publicly available?

**Hon. E. J. O'DONOHUE** (Minister for Corrections) — As I said in my substantive answer, the government is undertaking a number of initiatives to help keep Victorians safe, including examining options to strengthen the parole system. Any further announcements in relation to that matter and any decisions about external consultation that may or may not occur will be made in due course.

## WorkSafe Victoria: awareness campaign

**Hon. R. A. DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Assistant Treasurer. Can the minister inform the house about the latest Victorian WorkCover Authority awareness campaign?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Dalla-Riva for his question and for his interest in the work of the Victorian WorkCover Authority (VWA). Yesterday I was pleased to join Denise Cosgrove, the chief executive of the Victorian WorkCover Authority, for the launch of the VWA's latest public awareness campaign, which is targeted at young workers aged 15 to 24 who are often commencing their first job. The purpose of this campaign is to highlight to young workers, particularly those in commercial environments such as the kitchen of a fast food restaurant or something like that, the need for them to speak up if they do not know what to do.

The issue that WorkCover has identified is that young people in a new environment, often in their first job — and it very well may be on their first day — working with people they have not met before are a little nervous about the work environment and not sure what to do. The message from the campaign is very much to speak up, ask questions and get some advice from the people who are supervising them in order to understand what they should be doing rather than trying to — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The conversation that is going on is very distracting to me, and it is mostly unnecessary. If members wish to have a conversation, they will please take their friends outside to chat.

**Hon. G. K. RICH-PHILLIPS** — The message to young people — not to Mr Leane — is to speak up and ask questions so that they understand what they should be doing and understand the safe ways of working in those dangerous environments.

The television campaign runs through two scenarios of two young workers who suffered horrific workplace injuries because they were too reluctant to speak up and ask questions about the work they should be doing. Statistics from the VWA show that in the last five years about 15 000 young Victorians have made WorkCover claims as a consequence of workplace injuries at a cost to the scheme of about $187 million. That is a substantial cohort of young people injured in the workplace. Around two-thirds of them are male and one-third of them female, and typically the types of injuries are manual handling, slips, trips and falls.

The campaign will roll out through television, radio and social media as well as on university campuses. It is targeted specifically at young people who are doing part-time work to really reinforce the message that if they are not sure, they should speak up and ask questions to ensure that they have safe work practices. The VWA is committed to reducing the number of young people who are injured in the workplace, and the Victorian government supports that endeavour.

## Hospitals: ambulance bypass

**Mr JENNINGS** (South Eastern Metropolitan) — My question is to the Minister for Health. During the Public Accounts and Estimates Committee hearing when Labor Party members asked the minister a series of questions about the deteriorating performance of Ambulance Victoria, which includes that emergency response times and patient transfer times into hospitals are getting slower, the minister took credit for a number of performance measures, including a reduction in hospital bypass in Victoria. Can the minister confirm that last night in metropolitan Melbourne there were five metropolitan hospitals on emergency bypass and two other emergency departments under great stress as a consequence?

**Hon. D. M. DAVIS** (Minister for Health) — What I can confirm is that the government has done very well on bypass performance measures. That is not to say that there is not ambulance bypass from time to time, and that is not to say that there are not also hospital early warning system (HEWS) occasions from time to time. The government has been transparent, the government has been open, and if Mr Jennings looks on the performance website, he will see that the ambulance bypass is declared actual time. He can now see whether a hospital in metropolitan Melbourne is on bypass or indeed on HEWS, which is unlike the situation under the former government, which kept the hospital early warning system totally secret. It would never declare that system, and it became a substitute for bypass so that the figures could be massaged by the then government.

The fact is that this government will work with our hospitals. We have got a significant increase in funding. There is a 5.4 per cent increase in acute funding this year, and there has been a more than $2 billion increase in funding for our health services since we came to office.

There are challenges from time to time, there are bypasses from time to time, and this government was prepared to declare those bypasses. I invite members in the chamber to note, as I have done on other occasions, the performance website, which shows bypasses hour by hour, minute by minute across the city so that people can actually see which hospitals are on bypass at any particular time. Unlike Mr Jennings's government, we are honest about it; we are direct about it. We do not say there is never a bypass in the system — of course

there is. Overall we are meeting our bypass targets, overall we are meeting the HEWS targets — and they are both declared on the performance website in real time. Ms Crozier can see now whether the Alfred hospital is on bypass, whether Frankston Hospital is on bypass or whether Maroondah Hospital is on bypass.

The government works with hospitals to ensure that they have sufficient resources. We do not vote to cut funding to hospitals like the opposition sought to do in supporting the federal government's cuts to our hospital system. It will be interesting to see what Mr Jennings does when we get to 1 July and whether he supports the $99.5 million cut that is being administered by his federal government to the amount of money it had promised to provide to hospitals across Victoria. It will be interesting to see where he goes and what he does in terms of that federal government funding reduction.

What I can say is that there is bypass from time to time. It is an important part of our system, and we work with hospitals and the ambulance service to get the very best results. Some people will face bypass from time to time, but we are making the information publicly available by putting it on the performance website in real time. We are declaring the hospital early warning system information, which was a secret bypass and a cheating bypass put in by Mr Jennings's government in the middle 2000s as a way to deal with the high incidence of bypass. It is interesting to note that under Mr Jennings's government the rates of bypass fell when the new HEWS came in, and we could see that it was being used as a clear substitute.

We have done the opposite. We have declared the facts, we have put the bypass information out publicly and we have put the hospital early warning system information out publicly. The community can see that our hospitals are doing the very best they can. They are working with the ambulance service, and there is no doubt that from time to time there are challenges.

*Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — I took it that the minister did not refute the fact that there were five metropolitan hospitals on emergency bypass last night. Can the minister take this opportunity to give a guarantee to the patients of Victoria that this year, in 2013–14, in accordance with the budget the government has just delivered, emergency response times will improve, patient transfers will improve and it will reduce the number of bypasses during the course of the year as it is obliged to do and as it promised the community it would do when it was elected?

**Hon. D. M. DAVIS** (Minister for Health) — That was about nine questions, but I am going to stick with a response that is apposite to first question, which was about hospital bypass. What I said is that the government was doing well with bypass in general. That does not mean there are no occasions of bypass. In fact we have declared all those occasions. Mr Jennings can go online now and see which hospitals in metropolitan Melbourne are on bypass as we speak. He can see which hospitals are on the hospital early warning system, warning ambulances that they are under pressure and that they face challenges. Clearly, from time to time hospitals will face challenges; they will face an influx of people; they will face complex cases that require them to go on bypass. We try to minimise the bypass amount. But what I can say, which is unlike what the previous government did, is that we have been honest with bypass figures and honest with HEWS figures, rather than cheating and seeking to cover them up.

## Responsible Gambling Awareness Week

**Mrs KRONBERG** (Eastern Metropolitan) — I address my question without notice to the Honourable Edward O'Donohue, Minister for Liquor and Gaming Regulation. Will the minister update the house on Responsible Gambling Awareness Week and any recent developments?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I thank Mrs Kronberg for her question and for her interest in responsible gambling matters, in particular Responsible Gambling Awareness Week. I was pleased to attend the launch of Responsible Gambling Awareness Week last week. It is a very important event on the calendar in this state as part of our efforts to make sure that we are addressing problem gambling in our various communities. In its eighth year, Responsible Gambling Awareness Week is a vital means of bringing attention to the issue of problem gambling and highlighting that there is help for those who need it.

As part of the week I attended the launch of a number of important new partnerships — one between the Victorian Responsible Gambling Foundation and the Geelong Football Club, and a further partnership between the foundation and the Collingwood Football Club. I also had the honour of attending a distinctive partnership launch between Gambler's Help Northern, Banyule Community Health, the Carlton Football Club and the Northern Football League. This year Responsible Gambling Awareness Week was targeted at young men. Partnerships such as these provide a way of reaching those men, their families and their friends.

The week highlighted the influence of parents, peers and role models such as teachers on the attitudes and behaviours of young people.

As a government we must balance the importance of preventing and treating problem gambling while recognising that for many in the community gambling is a legitimate form of entertainment. The Victorian coalition government is committed to preventing and treating problem gambling and promoting responsible gambling. The funding provided to the Victorian Responsible Gambling Foundation of $150 million over four years represents that commitment. It is a 41 per cent increase in funding compared to that provided by the Labor government. It is the largest sum provided in Australia for this type of activity, and I am advised that it is the largest amount for any comparable jurisdiction around the world.

**Mr Lenders** interjected.

**Hon. E. J. O'DONOHUE** — I say to Mr Lenders that Victorians should be proud of this investment in responsible gambling initiatives. We are leading the world in treatment, in funding and in resources. Partnerships with sporting organisations provide an excellent opportunity to foster a culture of responsible gambling. I thank and commend the partners — the Geelong, Collingwood and Carlton football clubs as well as the Northern Football League — for their commitment and support for Responsible Gambling Awareness Week. I also take this opportunity to congratulate and thank the foundation on its leadership and all those community groups and individuals that right across Victoria participated in this most important week.

## Smoking: community consultation

**Ms HARTLAND** (Western Metropolitan) — My question is for the Minister for Health. In relation to the consultation on smoke-free children's playgrounds and related recreational areas, which closed on 17 May, will the submissions, particularly those from organisations, and the report on the findings of the consultation be made public, and when can we expect the government response to the consultation findings?

**Hon. D. M. DAVIS** (Minister for Health) — I thank the member for her question. What I can indicate quite strongly is that the government is moving very swiftly with that consultation process. I think that all bar a very small number of councils have submitted to the process. We will be bringing in legislation within a short period, and the shape of that legislation will be informed directly by the consultation about the details, the distances and related matters around children's playgrounds, children's sporting events and a series of other matters. That will not be too far away, I can assure the member.

I am not sure that every person made a submission in the knowledge that it would be made public — I genuinely do not know the answer to this — but I would imagine that most major organisations would have no particular objection to their material being public.

*Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — I ask the minister when those submissions will be put up on the website so they can be seen, because obviously other people will want to read them. Can the minister tell us when that will occur?

**Hon. D. M. DAVIS** (Minister for Health) — I can say that the department is, as I understand it, working through the material as we speak. The consultation was completed very recently, as I think the member is aware, so I do not believe it will be too far away.

## Wodonga: urban renewal

**Mr P. DAVIS** (Eastern Victoria) — It is with pleasure that I direct a question without notice to the dynamic Minister for Planning, Mr Guy. Can the minister inform the house what action he has taken to advance new urban renewal projects in regional Victoria?

**Hon. M. J. GUY** (Minister for Planning) — I want to thank one of this Parliament's longest standing and most vocal advocates for regional Victoria, Philip Davis, on what is a very important question for those who live in or, as in Mr Davis's case, are from and still reside in regional and rural Victoria — or country Victoria in his case. I want to inform the chamber, if I can, about some recent announcements I made in the city of Wodonga in relation to urban renewal, which will have a major impact on what is nowadays one of Victoria's largest regional centres.

I was recently in Wodonga to launch three new public open spaces as part of the government's Junction Place urban renewal initiative for central Wodonga. I was there with the mayor, Mark Byatt; the local member, Bill Tilley, the member for Benambra in the Assembly; and the Minister for Environment and Climate Change, Ryan Smith. This shows the whole-of-government commitment to ensure that regional and rural Victoria also benefits from urban renewal, not just the metropolitan area of Melbourne. We are ensuring that

our regional cities are playing a part in population accommodation and that the government is putting its money where its mouth is to support regional cities and their role into the future.

This side of the house — the Liberal and National parties — believe very strongly in building a state of cities, not a city-state. This is not just rhetoric; the government is putting in place planning and monetary initiatives to ensure that it will be the case.

The historic announcement I made in Wodonga is one that has broad community support and one that regional and rural Victorian members from this chamber understand the importance of. We have to make sure that government is doing all that is possible, both in the planning sphere and when working with councils on urban renewal, to provide every opportunity for Victorians who want to have a lifestyle change and move to regional Victoria — and why wouldn't you?

Wodonga is booming. Wodonga is doing exceedingly well, with the Logic development outside the city. I went there with the mayor to launch the new Leneva development south of the city, which will offer residents in Wodonga — a city nowadays of 36 000 people — the ability to live within the inner urban area in an urban renewal and medium density context. Then there is the Leneva Valley, which will see around 34 000 people living to the south of Wodonga over a 35-year period.

The opportunities for regional and country Victoria are infinite. This side of the house is exceedingly keen and indeed exceedingly confident — —

**Hon. P. R. Hall** — A great TAFE college.

**Hon. M. J. GUY** — Indeed; 'A great TAFE college', says the minister. We are confident in the ability, the success, the dynamism and the prospects of regional Victoria. On this side of the house it is not rhetoric. We are putting our money where our mouth is, we are putting policy where our mouth is and we are getting on with the job of building a state of cities, not just a city-state. I want to thank the local member, Mr Tilley, and I want to thank the local council, particularly the mayor, Mark Byatt. This urban renewal initiative will see Wodonga strategically placed to become one of the growth cities of the future — for its best years are certainly ahead of it, not behind it.

# PETITIONS

**Following petitions presented to house:**

## Eastern Freeway: tolls

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the potential for the centre rail reservation on the Eastern Freeway to be sacrificed in order to install extra lanes and tollgates. The petitioners therefore request that the Legislative Council call on the Napthine government to guarantee that no tolls be applied to the Eastern Freeway.

**By Mr LEANE (Eastern Metropolitan) (51 signatures).**

**Laid on table.**

## Employment: Warragul

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the imminent closure of Drypac's Warragul operations. In particular we note:

1. the closure will result in 120 people being made redundant;

2. employees will lose their jobs within two months;

3. retrenched workers are experiencing significant difficulties in finding and securing new jobs.

The petitioners therefore request that the Legislative Council urge the state government to use its resources and do what it can to assist retrenched Warragul employees and their families at this time.

**For Mr VINEY (Eastern Victoria) by Mr Leane (64 signatures).**

**Laid on table.**

## Abattoirs: practices

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the recent events of unacceptable and unmitigated cruelty at two slaughterhouses in Australia, namely one in Gippsland (late last year) and most recently one in Hawkesbury, NSW.

As caring Australians we were horrified to see the brutality afforded Australian cattle in Indonesian slaughterhouses last year. It is now unconscionable that similar brutality can be occurring in the 21st century right here in Australia. To now learn that Australian laws and regulations are failing our animals is totally unacceptable and we cannot with certainty be assured these two events were isolated incidents.

The petitioners therefore request that the Legislative Council of Victoria introduce legislation calling for CCTV cameras to be installed in all slaughterhouses and that they and the facilities be independently and regularly audited.

**By Ms DARVENIZA (Northern Victoria) (1435 signatures).**

**Laid on table.**

## Chickens: battery cages

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the unacceptable conditions laying hens are forced to endure in battery cages in Australia. On 1 January 2012 the ban on battery cages in the European Union took effect.

As caring Australians it is unconscionable to know that this inhumane method of farming is still legal and hens have less room than an A4 sheet of paper to live. They cannot stretch their wings, dust bathe or lay their eggs in private, some of the most important things in the life of a chicken. In the absence of the 'code of practice for poultry', a code that is overdue for review, producers would face animal cruelty charges.

The petitioners therefore request that the Legislative Council of Victoria introduce legislation that will ban the battery cage system of egg production.

**By Ms DARVENIZA (Northern Victoria) (883 signatures).**

**Laid on table.**

## Pigs: sow stalls

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the recent decision by the Tasmanian government to ban sow stalls from 2017 and reduce their use to six weeks per pregnancy from 2014.

Such a move is an acknowledgement that the current national pig code is inadequate in protecting the welfare needs of pregnant pigs and condemns them to unacceptable suffering. Sow stalls have been banned in the United Kingdom for over 10 years and several states of America have now vowed to prohibit their use also. The largest producer of pigs in Australia, Rivalea, has also announced a voluntary phase-out of sow stalls by 2017. The petitioners therefore request that the Legislative Council of Victoria introduce a similar ban as a matter of urgency.

**By Ms DARVENIZA (Northern Victoria) (821 signatures).**

**Laid on table.**

# SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

## *Alert Digest* No. 7

**Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 7 of 2013, including appendices.**

**Laid on table.**

**Ordered to be printed.**

# PAPERS

**Laid on table by Clerk:**

Parliamentary Committees Act 2003 — Government Response to the Economic Development and Infrastructure Committee's Report on Greenfields Mineral Exploration and Project Development in Victoria.

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

Ballarat Planning Scheme — Amendments C141 and C156.

Bayside Planning Scheme — Amendments C100 and C102.

Campaspe Planning Scheme — Amendment C87.

Glen Eira Planning Scheme — Amendments C78 and C100 Part 1.

Greater Geelong Planning Scheme — Amendments C223, C253, C254, C275 and C287.

Greater Shepparton Planning Scheme — Amendment C160.

Hobsons Bay Planning Scheme — Amendment C77.

Horsham Planning Scheme — Amendment C55.

Knox Planning Scheme — Amendment C117.

Macedon Ranges Planning Scheme — Amendment C64.

Melbourne Planning Scheme — Amendment C211.

Mildura Planning Scheme — Amendment C67.

Mitchell Planning Scheme — Amendment C79.

Moira Planning Scheme — Amendment C56.

Nillumbik Planning Scheme — Amendment C63.

Port Phillip Planning Scheme — Amendment C89.

Strathbogie Planning Scheme — Amendment C28 Part 2.

West Wimmera Planning Scheme — Amendment C29.

Whitehorse Planning Scheme — Amendment C143.

Whittlesea Planning Scheme — Amendments C146 and C168.

Yarra Planning Scheme — Amendments C167 and C171.

Yarra Ranges Planning Scheme — Amendments C97, C103 Part 2 and C127.

Professional Standards Act 2003 — Instrument Amending the Law Institute of Victoria Limited Scheme, 1 May 2013.

Statutory Rules under the following Acts of Parliament:

Assisted Reproductive Treatment Act 2008 — No. 52.

Transfer of Land Act 1958 — No. 54.

Victorian Civil and Administrative Tribunal Act 1998 — No. 53.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 45, 46, 50 and 52.

Legislative Instruments and related documents under section 16B in respect of —

Electronic Conveyancing Operating Requirements made under section 22 of the Electronic Conveyancing (Adoption of National Law) Act 2013.

Electronic Conveyancing Participation Rules made under section 23 of the Electronic Conveyancing (Adoption of National Law) Act 2013.

Declaration of discount factor made under section 19 of the Victorian Energy Efficiency Act 2007.

By-law No. 1/2013 Recreational Areas-Goulburn-Murray Rural Water Corporation made under the Water Act 1989.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Assisted Reproductive Treatment Amendment Act 2013 — Remaining provisions — 28 May 2013 (*Gazette No. S180, 21 May 2013*).

Crimes Amendment (Gross Violence Offences) Act 2013 — 1 July 2013 *(Gazette No. S180, 21 May 2013*).

Major Sporting Events Amendment Act 2013 — 15 May 2013 (*Gazette No. S175, 15 May 2013*).

Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011 — Sections 112(3), 113, 114 and 121 — 26 May 2013 (*Gazette No. S180, 21 May 2013*).

## ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

### Establishment and effectiveness of registered Aboriginal parties

**The Clerk, pursuant to section 36(2)(c) of the Parliamentary Committees Act 2003, presented government response.**

**Laid on table.**

## NOTICES OF MOTION

**Notices of motion given.**

**Mr LEANE having given notice of motion:**

**The PRESIDENT** — Order! I am concerned about the fact that the final paragraph of the last notice of motion is argumentative or provocative. It is borderline in terms of the notices of motion that I allow to have listed on the notice paper. No doubt there will be a vigorous debate.

## BUSINESS OF THE HOUSE

### General business

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

That precedence be given to the following general business on Wednesday, 29 May 2013:

(1) the notice of motion given this day by Ms Tierney relating to the Victorian economy; and

(2) the notice of motion given this day by Mr Barber relating to the proposed east–west tollway.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Ford Australia: job losses

**Ms TIERNEY** (Western Victoria) — The Ford announcement last Thursday has magnified the perilous state of the vehicle industry tenfold, yet the other side of politics continues with a policy that would lead to a worsening of the jobs environment and potentially close yet another manufacturer.

My understanding is that serious work is currently under way to identify those parts suppliers impacted by the Ford announcement. The flow-on effect has the potential to lead to even more significant job losses than the initial announcement, but despite this widely held

knowledge this state government seems incapable of grasping the consequences. To date the government has offered no hope to redundant car workers other than to offer an inadequate amount of money for some retraining. The question has to be asked: retrained into what?

The vast majority of Ford workers are non-trade, are aged in their 50s, have mortgages and families and cannot afford to retire. On behalf of non-trade blue-collar workers in Geelong and Broadmeadows, I ask the Premier to clearly identify where all the blue-collar jobs are for the 1200 Ford workers who will become redundant.

Ford workers will not be hoodwinked into believing that the Epping market will be their salvation. All the jobs will be gone, and if we do get the national disability insurance scheme headquarters in Geelong, it will be mainly white-collar jobs, not jobs for the large number of blue-collar workers in Geelong. The Napthine — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! There is way too much interjection from the government benches, thank you. Ms Tierney, without assistance.

**Ms TIERNEY** — The Napthine government has no jobs plan and presides over a dwindling economy and accelerating jobless figures. Working people in this state have got the right to work, and they expect a lot better of any government.

## Peter Costello

**Mrs COOTE** (Southern Metropolitan) — Last Friday night I had the great honour of joining many fellow Liberals to honour a living Liberal legend. Peter Costello was made a life member of the Liberal Party. He, together with his wonderful wife, Tanya Costello, has made an enormous contribution not only to the Liberal Party but to this state and country. It was a salutary time to stop and reflect on what a decent and good Treasurer can do.

Peter Costello was the longest serving Treasurer in the history of Australia. He was commonwealth Treasurer from March 1996 to December 2007. Peter Costello brought down 12 consecutive federal budgets, including 10 surpluses — something the current Treasurer, Mr Swan, would die for. During this period Peter Costello eliminated the commonwealth government net debt of $96 billion. He introduced the largest tax reform in Australia's history, called 'a new tax system', which introduced GST, abolished seven taxes and reduced income tax, capital gains tax and company taxes. Amongst other things, during his time as Treasurer Peter Costello redesigned financial supervision and established new prudential and consumer regulators, reformed and modernised Corporations Law under the Corporate Law Economic Reform program, and established the Takeovers Panel to hear disputes over mergers and acquisitions. Tony Abbott, the Leader of the Opposition — although not for much longer — gave a very gracious speech, which he dedicated to the very best Prime Minister this country never had.

**Statements interrupted.**

## DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I acknowledge in the gallery a former member and former President of the Legislative Council, the Honourable Bob Smith.

## MEMBERS STATEMENTS

**Statements resumed.**

## Max Anstis

**Mr TARLAMIS** (South Eastern Metropolitan) — I congratulate Max Anstis, who was selected by an independent panel as the recipient of the 2013 Wes Eggleston Community Service Award. I had the honour last month to present Max with the award at a Springvale Benevolent Society dinner. Max is a well-deserving recipient who has assisted countless people and organisations through his work with the Springvale Benevolent Society, which he has been a member of for almost 30 years. Max also volunteers with the Uniting Church and the Springvale and District Historical Society, of which he is currently treasurer, and is a proud Rotary member.

Max is a truly humble man who acts with compassion and kindness, is well respected by his friends and acquaintances, and donates both his time and property to those who are most in need. Wes Eggleston died in 2009, and the Wes Eggleston Community Service Award was established in his honour as an annual award to recognise an individual in the community who has enriched the lives of others through their own selfless actions and through their care, compassion, courage and leadership. These are all traits that were found in abundance in Wes Eggleston, and they are also traits of Max Anstis.

## Springvale Benevolent Society: John Beus commemorative plaque

**Mr TARLAMIS** — On another matter, John Beus, OAM, who was the recipient of the inaugural Wes Eggleston Community Service Award and who sadly passed away last year, was honoured last month by the Springvale Benevolent Society with the unveiling of a plaque commemorating his contribution to the community and his role as a founding member of the Springvale Benevolent Society. The plaque is located outside the Springvale and District Historical Society in Springvale. It is fitting that this plaque commemorating John and his contribution to the community is in the same location as the commemorative plaque for Wes Eggleston. Both Wes and John were truly inspirational people who gave so much of themselves and volunteered their time and energy to assist those who were most in need. They were both my friends, I worked closely with them for over 15 years, and I can honestly say I am a better person for having done so.

## Victorian Education Excellence Awards

**Mrs PEULICH** (South Eastern Metropolitan) — To coincide with Education Week we saw the 2013 Victorian Education Excellence Awards, which celebrate teachers and support staff in government schools who make a huge difference to the lives of young Victorians. I congratulate all the winners and nominees on the wonderful contribution they have made over a long period.

In particular I acknowledge the winners and finalists in South Eastern Metropolitan Region, including: Mary Hannett of Chandler Park Primary School, Keysborough, who won the bankmecu Business Manager of the Year award, and Chris Barry of Brentwood Secondary College, Glen Waverley, who won the Lindsay Thompson Fellowship. Chris developed an aviation applied learning program that since its inception in 2011 has demonstrated amazing outcomes for many of the school's 1450 students, parents and the greater Brentwood community.

Dandenong North Primary School, an amazing school that does a fantastic job with our culturally and linguistically diverse communities and refugees, won the School Leadership Team of the Year award for demonstrating a record of excellence in high student achievement, innovative programs and distributive leadership.

I also wish to congratulate finalists, including: McClelland Secondary College, finalist for the School Leadership Team of the Year award; Lisa Coxon of Woodleigh School's early childhood centre, Frankston, finalist for the Victoria Teachers Mutual Bank Early Childhood Teacher of the Year award; Mentone Primary School, Mentone, and Kilberry Valley Primary School, Hampton Park, finalists for the Education Support Team of the Year award; Tracie Schwarz of Spring Parks Primary School, Springvale, finalist for the Victoria Teachers Mutual Bank Primary Teacher of the Year award; Carwatha College P–12, finalist for the Outstanding Youth Pathways and Transitions award; and Victoria Golding of Lyndale Greens Primary School, Dandenong North, finalist for the Primary Principal of the Year award.

## Journey to Recognition

**Ms HARTLAND** (Western Metropolitan) — I had the privilege on Sunday of greeting participants in the Journey to Recognition relay in Footscray. The Journey to Recognition walk began in Federation Square — and I know that my colleague Ms Pennicuik and a number of federal and council elected Greens were also there on the 15th anniversary of National Sorry Day — and will finish in Arnhem Land. Inspired by Michael Long's the Long Walk, the Journey to Recognition will be an epic relay across the country to build support for recognition of Aboriginal and Torres Strait Islander peoples in the Australian constitution. I was immensely proud that residents of Footscray came out to greet people on the walk. I am a big supporter of this journey because it is an important step towards true reconciliation and will bring communities together, locally and nationwide. I strongly support recognising the First Australians in Australia's constitution. I hope all my Victorian colleagues will also show their support for this important reform.

## International Workers Memorial Day

**Ms PULFORD** (Western Victoria) — Workers Memorial Day was started by Canadian unions in 1984 with the slogan 'Mourn the dead and fight for the living'. By 1996 it was an international day. Australian unions have marked the day since 1997. Workers Memorial Day is held on 28 April every year. Throughout the world workers conduct events, demonstrations and vigils to remember the dead and to fight for the living. This year in Canberra, on the shores of Lake Burley Griffin, the $3 million National Workers Memorial was officially opened. The federal government is to be commended for its commitment to creating a lasting memorial.

Much closer to home we still see many workers on the job killed, injured or stricken with occupational disease each year. Recent revelations about the Country Fire

Authority training centre at Fiskville illustrate the risks of unhealthy work environments, and we will be dealing with the consequences of this toxic work environment for years to come.

Last month's devastating factory collapse in Bangladesh caused the deaths of 1126 people and serves as an international reminder of how important workers rights and safety standards are. The Napthine government is developing an unhealthy preoccupation with union bashing, and I hope this is never at the expense of workers' safety and safety rights, which must always be non-negotiable — whether in factories, on building sites, on farms or in workplaces where repeated exposure to hazards can cause injury, illness or even death.

## Local government: federal referendum

**Mr P. DAVIS** (Eastern Victoria) — I rise to express my bewilderment about what I perceive to be the naivety of local councillors in Victoria in their lemming-like rush to reprioritise council residents and ratepayers funds to support a political campaign for local government reform — that is, a referendum to be held on 14 September. Apparently the $10 million the Local Government Association is raising across Australia to support this campaign has a higher priority than fixing the roads and providing services to ratepayers across the state and the nation.

The campaign can only be born from a naivety about rivers of gold coming from Canberra with no strings attached via a new funding mechanism, which local councils are assuming will be afforded to them. The reality of course is that there will be many conditions attached to those new funds, if there are any new funds, and I cannot imagine how there will be given that the federal government has brought in successive deficit budgets since it was elected to office. The only way there could be any new funds for local government is if funds were to be redirected from other programs. The rivers of gold might turn out to be fool's gold. Local governments in Victoria should stop supporting this ridiculous proposal coming from Canberra.

## Mother's Day Classic

**Ms MIKAKOS** (Northern Metropolitan) — On 12 May I was very pleased to be part of the Victorian Labor team that participated, together with the Leader of the Opposition, in the Mother's Day Classic. Thousands of people were in attendance supporting breast cancer research, and this has been an ongoing event for more than 15 years.

## BreastScreen Victoria: 20th anniversary

**Ms MIKAKOS** — Last Thursday I was also pleased to attend, together with Danielle Green, the member for Yan Yean in the Assembly, the President and the Minister for Health, an event held in Queen's Hall where Cancer Council Victoria, Breast Cancer Network Australia and BreastScreen Victoria celebrated 20 years of breast screening services in Victoria, which is a remarkable achievement. Since its beginning 20 years ago more than 3.5 million breast screens have been performed throughout Victoria and more than 26 717 breast cancers have been detected — and I commend you, President, for bringing in a prop today to draw this issue to the attention of all members of the house. Up to one in nine women will develop breast cancer in their lifetime, and over 50 per cent of women diagnosed are women who are over 50 with no family history of breast cancer.

At this event it was a pleasure to see former Brumby government minister Maxine Morand, who is the current CEO of Breast Cancer Network Australia. She herself is a breast cancer survivor, and I applaud her courage and preparedness to speak about her own health publicly at this event and in the past. I also take this opportunity to commend Angelina Jolie for similarly speaking publicly about her own health. Tragically, only 55 per cent of women have regular breast screens in Victoria. We encourage all women to take part in this program and get screened every two years.

## Member for Bendigo East: radio advertisement

**Mr DRUM** (Northern Victoria) — I bring to the attention of the house a taxpayer-funded advertisement that is currently being aired on commercial radio in Bendigo. It is from the office of the member for Bendigo East in the Assembly, Jacinta Allan. The ads are very slyly dressed up as somehow providing a community benefit, but the ads say:

> We forced the Napthine government to buckle at the knees and pick the best hospital design for Bendigo. Now we must force them to build it on time.

Ms Allan is either delusional, deceitful or both, because in effect she had nothing to do with the decision to build a $630 million hospital. When she had the opportunity to do something with the hospital she tried to force a $528 million hospital on the people of Bendigo. When Ms Allan was in government she had absolutely no decision-making power with regard to the hospital in Bendigo, and now she is in opposition she has even less power. While she could not force her own Labor Party to build a world-class hospital, it must be

stated that she has no power and no influence with regard to the hospital being chosen by this government. I will be raising this issue formally with the President so he can listen to the ads, because, as I said earlier, they are completely wrong. They are authorised by Ms Darveniza, so I suppose they come out of her fund, which is for a communications website.

## Heidelberg West: neighbourhood renewal program

**Mr ELASMAR** (Northern Metropolitan) — On Friday, 10 May, the neighbourhood renewal project in Heidelberg West, hosted by the Banyule community health centre, celebrated eight wonderful years of cooperation with and work for the Banyule community. There was light entertainment, films, food and children's activities on the night. This neighbourhood renewal project was an initiative established by the Bracks Labor government, and I commend all the volunteers who participated in this wonderful project.

## City of Banyule: volunteer awards

**Mr ELASMAR** — On Thursday, 16 May, Banyule City Council organised a dinner to thank all Banyule volunteers for their sterling and selfless efforts on behalf of the less fortunate in their community. It was the biggest turnout since the inception of these award nights and a truly marvellous occasion. Individual voluntary groups were awarded prizes and certificates of recognition. I congratulate all volunteers and award recipients, and I thank Banyule City Council for organising such a wonderful evening.

## Coptic Orthodox Church: Easter celebration

**Mr ELASMAR** — On Sunday, 19 May, along with colleagues from both houses, I attended the Melbourne Coptic Orthodox Church resurrection dinner. This peaceful and joyous annual event was organised by the Melbourne diocese to celebrate the resurrection of Jesus according to the Coptic Orthodox Easter calendar. This was a very pleasurable occasion, and I thank Bishop Suriel for the invitation.

## University of the Third Age: Cardinia

**Mr SCHEFFER** (Eastern Victoria) — The philosophy of the Cardinia U3A is, 'We are here to assist and to make a difference', and under the leadership of Ron Topp and with the collective expertise and support of a great many citizen volunteers, the Cardinia U3A has achieved something remarkable and, I think, unique among U3As. The members of the Cardinia U3A see their value and purpose in reaching out to provide practical assistance to fellow community members by, for example, supporting mature age students, maintaining the safety register, checking on vulnerable community members, running a homework club for Australian Sudanese children in conjunction with Windermere Child and Family Services and helping them with their schoolbooks and other equipment, supporting members of the many different cultural and language communities living in Cardinia and running classes for people with disabilities — and this does not even scratch the surface. The Cardinia U3A does all this work on a shoestring because it relies on its many volunteers, but some money is necessary, and Cardinia Shire Council has provided allocations and in-kind support, for which the U3A is grateful. I commend the work of the Cardinia U3A and the support offered by the Cardinia shire.

## Journey to Recognition

**Mr SCHEFFER** — It was an honour to participate in the launch of the Journey to Recognition last Sunday morning at Federation Square. The Act of Recognition was passed in the Parliament of Australia last February. It was a significant step that will lead to the recognition of Aboriginal and Torres Strait Islanders in the national constitution. Sunday's event was the beginning of a nationwide journey that will build momentum and support for the yes vote in a forthcoming referendum.

## Essendon Football Club: reconciliation action plan

**Mr EIDEH** (Western Metropolitan) — After such a magnificent night at the Dreamtime Indigenous Round AFL game at the MCG last Saturday, I am delighted to speak today on a new initiative that my beloved Essendon Football Club has introduced to help increase opportunities for employment for Indigenous Australians in the north-western region. In addition, this program hopes to contribute to closing the gap in life expectancy and education between Aboriginal and non-Aboriginal Australians.

This reconciliation action plan highlights Essendon Football Club's commitment to the professional development, cultural competency and social inclusion of the Indigenous community. This initiative will be achieved by encouraging employers to establish and nurture sustainable employment opportunities and foster training programs for this community to engage in. In addition, the program will also provide Aboriginal and Torres Strait Islanders with training to stay in jobs and improve their future employment prospects. Most importantly, I believe this program will

have a flow-on effect as families are educated to encourage their descendants to enter the workforce and support economic growth in their communities with dignity. I congratulate all those involved in the program and look forward to seeing its results for this worthy community.

## Dental health: action plan

**Hon. D. M. DAVIS** (Minister for Health) — I want to tell the chamber today about *Victoria's Healthy Together Victoria — Action Plan for Oral Health Promotion 2013–17*, which was launched yesterday. I am very pleased with the enormous amount of work undertaken by my department and Dental Health Services Victoria. This follows the *Victorian Public Health and Wellbeing Plan 2011–15* and lays out an action plan for 2013–17. There are five main action areas: building partnerships and environments that support good oral health; the improvement of oral health literacy; strengthening prevention and early intervention programs; the improvement of oral health promotion skills within the workforce; and improved population data on oral health status and enhancing oral health promotion research.

This is a document that has been produced by the department but with huge support from the Australian Dental Association Victorian Branch (ADA Victoria). I want to thank particularly Garry Pearson and Dr Gordon Burt, members from ADA Victoria; also Dr Deborah Cole, the chairperson of Dental Health Services Victoria, and many of her team; the board of Dental Health Services Victoria; and those from a range of relevant services that formed the oral health promotion steering group. Those people have contributed massively.

Statewide oral health promotion initiatives include community water fluoridation, maternal and child health nurses that promote oral health through the Key Ages and Stages program; the Smiles 4 Miles program, which has been very successful in reaching more than 25 000 children across Victoria, and work in supported residential services. These are all important steps that will add to the oral health of our community.

## BUDGET PAPERS 2013–14

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I move:

That the Council take note of the budget papers 2013–14.

**Mr MELHEM** (Western Metropolitan) — I am pleased to be the first member of the opposition to take note of this year's budget papers. I also want to thank you, President, for allowing me the honour of making my inaugural speech today. To stand here before you as a member of the Victorian Legislative Council, representing Western Metropolitan Region, is an honour I could never have anticipated during my childhood in a small Lebanese village in the mountains north of Beirut. I am the seventh in a family of 10 children. My parents were in a small farming business. They provided well for our family and instilled in us all the value of hard work, persistence and enterprise. When I arrived in Australia some 25 years ago I certainly did not imagine that I would be here today.

My path to this wonderful country of ours was similar to that of so many people here today and of many more of the people we collectively represent. I arrived in Australia with a limited understanding of English and no experience in speaking the language. I came to siblings who had settled here and told stories of a beautiful, warm and welcoming land where honest endeavour was rewarded. Within days of arriving I was living in the western suburbs of Melbourne, as many other migrants had done before me. I looked for work, and I found it on the shop floor.

Before I left the Lebanon, my late father told me that it is the responsibility of every migrant to embrace their new land, honour its culture, obey its laws and contribute to its wellbeing. He said to be proud of my heritage but to be loyal to my adopted country. This advice was very easy to follow. From those early days I knew I had found my home amongst so many people in this great country. In many respects I discovered similarities between the Lebanon and Australia. They are both proud, multicultural societies, and I found many other values and customs in common between the two, but there were differences as well.

The Lebanon fought a civil war for its democracy and freedom of religion. I was part of that battle — some of my memories are coming back. Victorians and indeed Australians have never experienced that level of conflict on our soil. I hope and pray that we will never experience it. The freedom we have here and the right to live in peace and share in the prosperity of the society are things that should never be taken for granted. That is a privilege for which I am grateful every day of my life, and I am mindful of the sacrifices of those who have gone before us.

There is much that could be very different in this country if it were not for the Anzacs. I look ahead to 2015 and the 100th anniversary of the landing at Gallipoli. I am aware of how much that action has shaped who we are as a society. The nature of

mateship, so much a part of our psyche, was born in the colonial bush and confirmed on the battlefields of the First World War, where so many Australians lost their lives. Mateship is an ideal that has excited me from the very beginning of my time in this country. The philosophy of loyalty to one's fellow human beings, of looking after the welfare of the next person, remains inspirational to me — it is the essence of all things Australian. I have never stopped valuing this mateship and aspiring to live up to the standard of decency it sets. I believe no-one should be left behind in a society as prosperous as ours.

Within three years of my arrival in Australia I was a full-time union official, which was something I never thought of as a career path when I came here. I just found myself in that position, representing the people I had been working alongside. I have spent the last 23 years listening to those people and their opinions and understanding their hopes and aspirations. For the past seven years I have been proud to be the secretary of the Australian Workers Union. We all learn from experience. I have certainly learnt many things from the people I have represented over the years and from those who employed them. I can tell you with certainty that Victorians want to work. They want to work in successful businesses. They want jobs to support themselves and their families now, and they want jobs for their children and for future generations as well. They want to live comfortably and look ahead with optimism.

The impact of last week's announcement by Ford that it will stop making cars in this country is awful. It is awful for the people who have worked for that company for many, many years. It is awful for the people employed in the supply chain — there are many thousands of them. It is awful for the families who are wondering how they are going to pay their bills come 2016. It is awful for Geelong, a regional centre that has been a Ford town for so long. It is awful for workers in Broadmeadows and the surrounding suburbs. It is awful for successive Australian governments, including the Victorian government, which have handed the motor industry support over the years to help it re-gear and innovate. Now we hear that Ford has lost too much money in the last few years.

Let me tell you: not many Victorian workers should feel sorry for the mighty Ford corporation. Ford did not keep its promises to its workforce, to government or to the market. It is time that Ford paid back that money. It was not a donation; it was supposed to be an investment, but it turned out to be a very poor one indeed. Ford did not get its act together. Ford did not make cars Australians would like to buy. Ford should pay for its own mistakes. It was meant to make a diesel Territory and a left-hand-drive Territory and start focusing on exports. What happened to that? It took Ford six or seven years before it introduced a diesel model. We have invested heavily in Ford, but it has let us down.

The US government has put its hands up to recover the $5.9 billion that it gave to the car industry to create a cleaner car. I am sure the Americans will try to get that money back. It is not a bad idea. Instead of just giving companies handouts we should be giving them loans and making sure they pay them back, particularly when those companies decide to shut up shop, leave this country and move back to their homeland. That is something we should learn from as governments, as oppositions and as politicians.

I have been speaking to many businessmen and businesswomen facing odds they fear will overwhelm them. I have worked with businesses to support a future where enterprise at all levels can succeed. Alcoa is a classic example. When the going was tough and Alcoa was conducting its review, which was a code for shutting down the Point Henry smelter, other delegates and I packed our bags and went to the US where we lobbied the executive of Alcoa at its headquarters to make sure that Point Henry stayed open. With the support of both sides of politics, both federal and state, and the workforce in Geelong, we managed to achieve a reprieve for Alcoa in Geelong. The challenge for us here now is how we can convince Alcoa to stay on come 2014–15, when another decision will be made.

The global financial crisis was not our making, but we have been feeling the impact of that crisis for the last few years. The Victorian Parliament has no control over the high Australian dollar and the chaos it is causing us in the export market. We may be unable to legislate in Victoria to stop the dumping of below-cost goods from Asia on our market, destroying local demands for local product; however, whatever our limitations may be, we cannot stand idly by while producers and manufacturers are turned into warehousing businesses distributing imported products and while hopes and dreams and security are dashed for business owners and workers alike.

The Victorian government can help to create an environment where business is encouraged to operate, to innovate and to capture new methods of products for new markets. We have the power to adhere to a sound procurement policy and ensure that Victorian government departments use Victorian goods and services wherever possible. Our trains and trams should be built here. We have the expertise and we have the

capacity. We must enforce a strong procurement policy, and that policy should demand that products used on Victorian infrastructure projects are made in this state. That is something we should not be ashamed of. America and Canada do it, as does most of Europe, so why cannot we? We have all the products and we have the capacity. Across the board we should buy Victorian first. If that is not possible, we should buy Australian products. To do anything else is unimaginable. The best thing you can do for businesses is to place orders with them; handouts might help in the short term, but what will really keep them going in the long term is placing orders with them.

We need decisive action in all things. We have to put good government ahead of politics every time. We have the ability to develop the infrastructure in this state, we need to move forward and we need to be the evolving and modern economy we must be. We can act to protect our service industry, which is being offshored day in, day out — we need to stop that bleeding. We need to support our farmers and our other primary producers. We are a clean state of impeccable standards, with a history to support our reliability and a track record of adapting to changing tastes. Our fruit, our vegetables, our meat, our wine and our wool have markets at home and abroad. We need to do more for our primary producers and our farming communities. The suffering they are now going through is worse than it was during the drought we had years ago. They need our support, and they need it now.

This Parliament has a responsibility to see that Victorians have access to the best education system possible, and that includes the vocational training so ably delivered by TAFE. There is no doubt that TAFE is a critical ingredient in this state's prosperity. Without skills, we cannot move forward. Without proper training and a diversity of courses, we cannot be the smart state we have been and should remain.

We must address the welfare of the members of our population at every stage of their lives, from cradle to grave. Our health system and our care for the vulnerable, the very young and the very old, are huge responsibilities, and ours to fulfil.

My own Western Metropolitan Region is diverse. From Werribee, Hoppers Crossing, Altona, Caroline Springs to Sydenham, Deer Park, Moonee Ponds, Williamstown and Yarraville, it crosses many borders. It is a region of marked differences and yet so much common ground. The new families in Werribee and Craigieburn in the western and northern growth corridors, the renovation generation making its mark in the inner west and all those in between may be different from each other in many ways, but their fundamental goals are the same. They want to live in peace and prosperity, they want good health and they want good care should that fail. They want their children to go to good schools, and they want to live in well-serviced suburbs. They want good public transport. They want safe railway stations, and they want them where they are needed. They want new suburbs to be properly serviced and old ones to be maintained.

There would not be a person in this state who does not want an end to the deadly level crossings around this state. I will talk about one example, the St Albans level crossing — a disgrace that has claimed nearly 20 lives so far. I intend to make the improvement of that crossing a priority. If that crossing remains unimproved and another life is lost, we will all have blood on our hands. These are not matters we can ignore. They should not be subject to a political argument — Labor or Liberal. We are talking about people's lives. We know these level crossings need fixing; let us get on with it and get them fixed.

The people of Western Metropolitan Region want to drive on well-made roads without heavy trucks driving through their residential streets. They appreciate good social policy and they enjoy beauty. They want to be secure from crime and safe in times of fire and flood. They want strong leaders who act with decency and intelligence.

There is a statement I have read many times over the years, in one form or another, attributed to a number of different people. It says that the true meaning of life — the true measure of a life's work — is that you have planted trees under whose shade you never expected to sit. I stand here humbly, prepared to give my best in the hope that one day my contribution to this state, and this country that I love so much, will be an enduring one.

I take this opportunity to thank some of the people who have enriched and continue to enrich my life. Firstly, I thank my wife, Jane. Without her support and guidance over the years I would not have achieved half as much as I have. I thank my children, Christopher and Caitlin — who are here in the gallery as well — my four godchildren and my extended family, who have supported me without question. That support is my great good fortune; I am grateful for it, and I look forward to their ongoing support, hopefully for many years to come.

I thank the many tens of thousands of members of the Australian Workers Union (AWU) I have served over the years, who have taught and inspired me. In particular I thank all the delegates and health and safety

representatives who give so freely of themselves, all in the name of a fair go. These are people who go out and help working people and help their workmates. Contrary to popular belief, the reason they are delegates or health and safety representatives is not that they are appointed by a union. My union never appointed delegates. They are elected by their peers because their peers look up to them and see their leadership qualities. They do these things for nothing because they want to help their workmates. I am so proud that I have had the honour to work with people like that for the past 23 years.

I also want to acknowledge the good employers out there — and let me tell you, there are many of them — who have proved that decency and business success are not mutually exclusive.

I want to thank some of the other people who have helped me, educated me and supported me over the past 25 years: a former Speaker of the Legislative Council, the Honourable Bob Smith, who got me involved in the union movement some 23 years ago; my predecessor as AWU Victorian branch secretary, federal Minister for Employment and Workplace Relations Bill Shorten; and my successor, Ben Davis, whom I wish well in running the Victorian branch. The former Premier, the Honourable Steve Bracks, on whose advice I put up my hand for this seat, was one of the determining factors in my making that decision, and I am grateful for his advice. Maybe in a few years I will look at whether I made the right decision, but I have always valued his advice.

I acknowledge my dear friend Mick Eagles, who is sitting upstairs. I have known him for a long time. He and I joined the union together and were made full-time officials on the same day. I also acknowledge my good friend Frank Leo, who was my deputy for the past seven years, and my good friend — and I am looking at him now — Earl Setches from the plumbers union, who has supported and advised me over the years. I am grateful and I will never forget that support.

I also acknowledge the national secretary of the Australian Workers Union, Paul Howes, and the national president and AWU legend, Bill Ludwig, and the whole Australian Workers Union Victorian and national roll call.

I thank my dear friend Claire Raimondo, who is in the gallery. Claire volunteered her time to help me set up the office while I am working through the process of finding staff. I am grateful for her assistance and her voluntary work.

These people and many others are the reason I am here today. I entered this Parliament with a profound sense of the enormous responsibility we have, all of us, to the people of this state. I am looking forward to serving the great Labor Party and upholding its core values under the leadership of the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews.

We are all the sum total of our life experience, and my life has taught me many things, but perhaps the most important of all is understanding how much we have got in common, no matter our background, no matter our political persuasion. I thank members for their indulgence today, and I look forward to our working together for a better Victoria.

**Honourable members** — Hear, hear!

**The PRESIDENT** — Order! I give Mr Melhem one piece of advice going forward. Today it is obviously appropriate for him to refer to people in the gallery and people who have supported him in getting his seat, but I advise him that we do not normally acknowledge people in the gallery.

**Mr Melhem** — Blame the former President; he should have told me that!

**The PRESIDENT** — Order! He probably should have. I congratulate Mr Melhem on his maiden speech.

**Debate adjourned on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Debate adjourned until later this day.**

## HEAVY VEHICLE NATIONAL LAW APPLICATION BILL 2013

*Second reading*

**Debate resumed from 9 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr EIDEH** (Western Metropolitan) — I am honoured to be the lead speaker on this important bill. I rise with a great sense of responsibility and a great sense of my own personal history to speak on the Heavy Vehicle National Law Application Bill 2013. It is a bill that relates to the profession that was mine from my late teenage years until I entered Parliament and the one in which my family, my brothers, are still deeply involved. It is a life that I know from personal experience, so my words are, on many levels, deeply personal because I lived the life of a truck driver.

The Labor opposition will not oppose this bill. We are part of a positive political force that is actively intent on improving our state, just as we did with our hard work when recently in government. This area is one that will be positively improved by the application of a new national net, designed to cover maritime, rail and of course heavy vehicles. In particular, through this bill, we seek to join with other states and territories to codify and administer the laws under a National Heavy Vehicle Regulator. However, while we support the bill, we have certain concerns at both a state and federal level, as I will explain later.

It is important that we all recognise the great place that heavy vehicles have played and continue to play in the economic development of our state. Heavy vehicles haul cargo from one corner of Victoria to another. They transport freight to areas where there is no rail or where, for a variety of reasons, heavy truck haulage is far superior. They have opened up new routes which have helped regional and rural communities to grow and to prosper, often being the sole means by which communities can receive those items which they need to survive and to grow — from food to farm supplies, to a great assortment of construction materials, to furniture, to white goods, to fuel supplies, to medicines and health-care products, to appliances. It is a long list by anybody's measure.

The end result of this bill will be, I believe, that we will witness a decline in cumbersome red tape and our transport operators will be assisted to improve their efficiency. It will do so by establishing a common structure of laws and regulations under a framework that will apply across the nation, compared to the often slipshod situation where up until now every state and territory had its own rules, not always to the advancement of the heavy vehicle transport industry.

Our state alone has over 140 000 registered heavy vehicles, and as the Assistant Treasurer said in his speech, this is by far the largest fleet of such vehicles in the nation. I must admit I was impressed when I heard that the bill will hopefully realise a saving of at least $12 billion over the next two decades. Yet there is even more promise in this bill and there are even more advantages that we should all be aware of. I also wish to congratulate the federal Minister for Infrastructure and Transport, the Honourable Anthony Albanese, who has been behind this national push, this positive reformation.

However, I must express my concern and my bewilderment at the West Australian government. When I was growing up we all used to believe very strongly that the most unsound and uncooperative political leader in Australia was the then Premier of Queensland, Joh Bjelke-Petersen. Now we have the Premier of Western Australia, who seems to believe that his state can do as it wishes and the rest of the nation be damned, although I believe that as this bill progresses across the rest of the nation there will be pressure on his government to follow what we are doing here. To that end I respectfully ask members of the government to consider asking their contacts within the West Australian government to re-evaluate their state's irrational opposition to this positive step forward.

That stated, I see a great negative with this bill or should I say a negative associated with it. While this bill is largely positive, the Napthine government has not acted in a very positive manner when we consider the infrastructure that is critical to ensuring that the heavy vehicle transport industry can operate safely and efficiently. It is infrastructure that has been severely and dangerously affected by this government playing games with budgets and funding at a level never before witnessed in the history of Victoria.

Recently we had an announcement from the Minister for Roads regarding B-triples that simply did not make any sense, more so if you recall the statements he made when in opposition. These statements were very much evidence of a person with no idea about the trucking industry, about heavy vehicle transport or about the need that such vehicles have for strong, safe and wide roads — infrastructure this government is simply not providing.

As the shadow Minister for Roads recently reminded me, well over $100 million has been gutted from road asset management by this government in the past year. That information can also be found in budget paper 3. This is crucial because it affects the life of every road user, every person who relies on public thoroughfares in any way, not just heavy vehicle drivers. Yet the Napthine government keeps on delivering less and less for roads while making grandiose promises, such as its promise to invest $1 million through the Transport Accident Commission. These are promises made in order to get re-elected, and it has no intention of ever delivering on them unless the federal Gillard Labor government pays for all of its wild and unsubstantiated promises and its failure to act responsibly.

Despite the interjections, I must stress that these issues are important to the positive — —

**Mr Elsbury** interjected.

**Mr EIDEH** — I must stress that these issues are important to the positive outcome of this bill since the bill also seeks to improve safety, which is absolutely critical. I am certain that we are all aware of stories of drivers doing very long hauls, taking pills to keep awake, drinking more coffee than a healthy person ever should and placing their lives and those of others on the road in danger. This is principally due to the unreasonable demands of those who hire the heavy vehicles to transport their goods and expect them to go from point A to point B in times that are unquestionably unreasonable or which require two or more drivers, making the journey totally unprofitable.

Of course not all who hire the services of such vehicles act in this way, but there have been more than enough over the years and sadly there have been more than a few transport company owners who have placed profit above all else. While fatigue is a concern which is already being addressed, this bill adds to what has already been required. To that end I hope that the media assists the government by reminding drivers that they must take adequate rest breaks and maintain proper logbooks, for their own safety as much as everybody else's.

Earlier I referred to the number of heavy transport vehicles registered in Victoria, with some 26 per cent of the nation's vehicles being registered here. By the end of this decade the number of kilometres travelled by these vehicles is expected to go from 5.5 billion kilometres per year to almost 10 billion kilometres per year. The number of freight trucks, which currently represent 15 per cent of all vehicles travelling on our roads, is expected to reach 20 per cent in the same period.

Using my contacts in the industry I have spoken with a number of stakeholders and they are all supportive of the changes this bill will set in place. But they are almost to a man deeply concerned at the lack of investment by this government in road repairs and upgrades that must be undertaken if the economic prosperity of our state is to move in a positive direction. At least with this bill and its eventual progress through the rest of our nation — except for Western Australia, which thinks it knows better than all other Australian states combined — we will at long last see vehicles requiring only one set of permits and authorities to travel across borders. This is something that I thought would have occurred years ago given that section 92 of the national constitution, which refers to free trade between the states, could have been extrapolated by lawyers to also relate to non-discrimination in travel between states. But I am not a lawyer and certainly not an expert on the constitution, otherwise I would be hounding the government to explain why it opposes the recognition of local government.

What I can state is that I am someone who has worked in the trucking industry and who knows only too well how cumbersome existing laws have been between the states and how they have hampered the industry. That is why I also firmly support the call from some of my colleagues for a freight and logistics strategy for the state, something that I will most definitely strive to achieve when Labor returns to government. We have roads in Yarraville and Maribyrnong that are congested by trucks day in, day out; we have people living in residential streets who are suffering great strain; and now we have this government opening the door to allow B-triples onto suburban roads without any real planning, without any formal strategy and without the critical consultation that we on this side of the house would have definitely held beforehand.

There is something else of importance that we need desperately and which is strongly lacking under this government — that is, a dedicated road transport plan. As the population increases and new developments expand along with cities across the state, travel times are lengthening, congestion is growing and safety is being increasingly threatened. Yet this government struggles to even spell out a formal transport plan, a strategy, an actual statement that can give us hope for something better in the foreseeable future. While the bill is supported by those of us on this side of the house, more needs to be done. Yet judging by the performance of this government over almost three years now, I doubt we will see any steps in these critical areas. Hopefully sooner rather than later we will revisit how we extend the powers of the national regulator.

There are many areas where this legislation is remarkably silent, such as the transport of certain goods across borders, dangerous cargoes and related issues that truck drivers know only too well. We should also take a good look at how the regulator can work even more closely with police and with safety bodies to ensure that fewer lives are lost on our roads. No sensible person could ever object to that. Could vehicle registration be improved? Should there be better training of drivers and better communication of new rules and regulations? Are there any areas of safety that should be implemented but which demand government intervention? Can and should the vehicles themselves be better designed?

I have not even mentioned the growth of the port of Melbourne, which has been poorly planned and developed by this government with very little, if any, thought given to the effects of heavy vehicle transport

on Western Metropolitan Region. These are only a few of the questions that must be answered when we look at what the bill seeks to achieve for our fellow Victorians and those who drive into Victoria from other states and territories. The freight industry is critically important to our state and is destined to grow, but if we fail to act to support that growth, then we are failing the very future of our state, and members on this side of the house will not allow that to occur. I commend the bill to the house, but I call on the government to fill in the many gaps it has created over its term in office.

**Mr ELSBURY** (Western Metropolitan) — It is a great pleasure to join the debate on the Heavy Vehicle National Law Application Bill 2013. The importance of truck transport to this country and to this state cannot be underestimated. In the western suburbs of Melbourne we definitely feel the benefits of the truck transport industry, but we also live with the issues associated with the use of trucks for commercial and industrial transport purposes.

Trucks are very important, as they feed our industry and facilitate the sale of the products we generate in the western suburbs of Melbourne. Major logistical hubs are found in Truganina, Laverton North, Derrimut and Craigieburn, and they generate many thousands of jobs not just in logistics and warehousing but also in manufacturing. The market gardens of Werribee South need the vital links that trucks provide in enabling their produce to appear in supermarkets across Australia and transporting it to the airports or the seaports to be distributed across the Asia-Pacific region. Across Tottenham, manufacturing and delivery to bulk outlets is critical for the provision of goods and services, ensuring ongoing work for the people who live in that part of the west.

Trucks come in many varieties, but this legislation focuses on vehicles in excess of 4.5 gross tonnes. The bill will formalise a 2009 Council of Australian Governments agreement to develop and harmonise heavy vehicle regulation into a single body of law. All states and territories — with, as Mr Eideh pointed out, the exception of Western Australia — have agreed to participate in this arrangement.

Mr Eideh went off on a bit of a tangent and suggested that government members should force the West Australian government to come on board with this legislation. Government members value democracy, and we think the people of Western Australia, and certainly the government of Western Australia, should be able to make the decisions they want. If they do not want to come in on the national law, that is their problem; they will not get the benefits of this law and they will not see the benefits flowing through to their logistics companies, but the rest of the country will. I am more than happy for Western Australia to cut its own throat on this one and not take it on, because it benefits the east coast and central Australian states.

A new National Heavy Vehicle Regulator was established in Queensland on 21 January. Victoria set aside $11.3 million in the 2012–13 budget to facilitate transition activities related to the rise of the new regulator and the Heavy Vehicle National Law provisions. The establishment of the national regulator is advanced, with the new national law receiving royal assent in Queensland on 29 August 2012. A board was appointed on 3 October 2012, which commenced its duties on 19 November 2012.

The role of the national regulator allows for the application online for access permits through a single, national online business portal; a request to be made for an internal review of access decision making, as part of a more informal and responsive process; delivery of Australia's freight task under a standardised regulation for mass, dimension and loading; heavy vehicles to operate under harmonised, national standards for heavy vehicle inspections and the confidence that these will be applied uniformly across the country — except of course for Western Australia; advantage to be taken of mutual interstate recognition of inspections and defect clearances, which will flow on to reducing vehicle downtime, again improving efficiency; businesses to align their practices with the national fatigue and management laws, improving worker safety; and a nationally consistent approach to penalties and enforcement outcomes at the roadside.

When the bill is enacted, and even though we have a national law, any disputes will be settled in Victorian courts if the infringement occurs in Victoria and there is a dispute, so there is still a very strong role for our law courts to play.

We are debating a bill to enact the Heavy Vehicle National Law, which will improve the efficiency of road transport allowing for trucks to move across state borders in the full knowledge that if the operators are obeying the national law, they will comply in all states.

I am aware that during the droughts that gripped this state last decade there were instances of carters of hay and other feed for livestock inadvertently breaching our state's laws due to the requirements placed on heavy vehicles. The provisions in New South Wales and South Australia were very different; therefore someone who does not normally cross the boundary would not know that they have to have different types of load and

different restrictions of the load on an axle. The transition to having provisions across state boundaries will assist our agriculture industry in the future. It will assist us in providing help to other states when they too face a drought situation. It will allow companies to traverse the borders of our states with confidence in the interests of free trade between them.

The development of uniform laws will assist Victorian logistics companies, because they will know that their vehicles will be compliant in all states — with the exception, of course, of Western Australia — if they adhere to the laws that apply in Victoria.

There are 145 000 heavy vehicles registered in Victoria that traverse state boundaries, which means Victoria constitutes 26 per cent of the national interstate heavy vehicle fleet. This move will greatly benefit Victoria and Victorian businesses. These reforms are expected to save around $12 billion over the next two decades through the implementation of uniform regulation of the heavy vehicle fleet in Australia.

If I extrapolate those figures and calculate Victoria's expected share of the savings over 20 years, I find it is $3.12 billion. If I go further — and I ask to be excused because I did this rather quickly before rising to speak this afternoon — I calculate that it would translate to a saving of $1114 per truck per year. Certainly that is nothing to be sneezed at if you are trying to run a major interstate truck firm.

The establishment of the National Heavy Vehicle Regulator is one of 36 separate reforms covered by the national partnership agreement to deliver a seamless national economy. VicRoads has taken a lead role in this project by developing the way forward over the past two years. Subject matter experts from VicRoads have been used to assist in a range of policy and transitional forums. VicRoads will continue to supply services to the regulator through a service agreement. On-road VicRoads staff will assist in the enforcement of new national laws alongside Victoria Police.

I wish to refer to something Mr Eideh said in his speech. I took notice of his comment and made an interjection during complete silence. Mr Eideh had said, 'Despite interjections from those opposite'. Maybe he was pre-empting me, because he knew I would interject at that point, but I feel that it was a little bit misleading for him to say that this side of the house had gone into complete apoplexy over what he had been saying — —

**Mr Elasmar** — On a point of order, Acting President, I think Mr Elsbury's statement about Mr Eideh is unacceptable. I do not think Mr Eideh was misleading the Parliament in making that statement.

**The ACTING PRESIDENT** (**Mr Tarlamis**) — Order! There is no point of order. Mr Elsbury to continue.

**Mr ELSBURY** — In Mr Eideh's rush to try to read his speech verbatim without any additional input, he failed to notice that no-one was actually interjecting at the time he said they were. Certainly his speech wandered a fair bit. We heard him ramble about the West Australian government; we also heard him talk about the local government referendum in his contribution. He also made a questionable statement about the roads that B-double trucks may be allowed to use in the future. Mr Eideh also spoke about the impact of freight-carrying trucks on the Westernport redevelopment. I believe Mr Eideh supports the Labor Party's Westernport proposal to construct a port facility — —

**Mr Lenders** — Bay West.

**Mr ELSBURY** — Bay West, sorry. Thank you very much. It is not my policy, so I take no interest in it. The Bay West proposal would actually disproportionately increase the number of trucks in the western suburbs. Here we have a government that is improving the construction and efficiency of Webb Dock so that it will have its own direct route access to the West Gate Freeway and the M1 corridor, yet Mr Eideh, a member for Western Metropolitan Region, has the gall to say he does not care about the additional trucks the Bay West proposal would place on the roads in the western suburbs.

Ultimately this bill will provide a seamless regulation of heavy vehicles across the majority of states in Australia. It will provide consistent and streamlined administration and service provision. It will remove the inconsistencies in jurisdiction — —

**Mr Leane** — Maybe you should read it.

**Mr ELSBURY** — I am making a very good point here, and I will get to the end of my speech without Mr Leane's help. In any case it will also produce a reduction in the cost of compliance, with reduced regulatory burden. Improvements will be made to safety, productivity and efficiency. We will be voting in favour of this bill.

**Ms HARTLAND** (Western Metropolitan) — As I begin my contribution I indicate that I have one question that I would like to ask in committee. If I put it on the table now, there is a possibility that it may be

answered during the minister's response, which would mean we would not need to go into committee. The question is fairly straightforward: which roads are being considered for the last mile access for those longer, high-productivity freight vehicles, and when will this decision be made?

I will also move a reasoned amendment. I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until an evaluation of the regulations for mass, dimension and loading proposed in the bill is undertaken.'.

During my contribution I will speak about why I have moved this reasoned amendment.

This bill implements the Heavy Vehicle National Law, which covers all vehicles over 4.5 gross tonnes. It implements a single national regulator to administer a single set of national heavy vehicle laws and regulations replacing the separate and at times conflicting regulatory requirements on the heavy vehicle industry between territories and states.

Given the Heavy Vehicle National Law has been developed through the Council of Australian Governments over a number of years and has already been signed, sealed and delivered, there is not going to be very much opportunity for us to shape it now. That said, I will make some comments about the proposed law and the efforts to reduce the negative impacts of heavy vehicle traffic.

As my colleagues will know, the impact of freight-heavy vehicles has been of great concern to me and the people of the inner west in particular. Currently, local streets in the inner west endure some 21 000 truck movements per day. This is expected to double by 2025. The national law will make it easier for freight trucks to travel interstate due to a reduction in administrative requirements and the creation of consistency in regulations. While this is beneficial for the road freight industry, my concern is that this may result in an increase in the number of long-distance heavy vehicle freight trips at the cost of rail transport.

It is vitally important that, where possible, we support the transport of goods by rail to reduce road crashes, traffic congestion, road damage, greenhouse gas emissions and local air pollution and its associated health impacts. The benefits of moving freight by rail are enormous; one freight train takes 110 trucks off our streets. As others have pointed out, this bill will increase the productivity of the road freight industry, but where is the equivalent bill to increase rail freight productivity and the ease of use of rail freight? Despite the huge projected growth in heavy vehicles on our streets, the government has failed to come up with a rail freight strategy or target — despite the fact that, as I said, one freight train takes 110 trucks off our streets.

The government has also dropped the shovel-ready West Gate ramps truck bypass project, which would have diverted thousands of trucks off our local streets every day, and that is unacceptable.

This bill requires Victoria to follow nationally consistent regulations regarding the permitted size and mass of vehicles. I am deeply concerned that I have not been able to view these regulations before having to vote on this bill. I suspect the new national regulations in respect of length will be more lenient than those we have previously had in Victoria, and I believe that as a result of this the Victorian government sought to harmonise state regulations with the forthcoming national ones by releasing a policy in April to allow for an increase in truck length without specific approval from 26 to 30 metres on freeways and highways in metropolitan Melbourne and to 36.5 metres in rural Victoria. It has also indicated that access for 36.5-metre trucks will be permitted to the port of Melbourne by approval.

While this bill creates a national law and regulator, consent is still required from road managers, including VicRoads and local governments, for heavy vehicles to travel on particular roads and the state government still controls which roads heavy trucks can travel on. This is appropriate given that they are better placed than a national regulator to understand the local situation in respect of appropriate road use. However, in order for 36.5-metre vehicles to travel from regional areas to access the port they will inevitably need to travel on metropolitan freeways, and without a West Gate truck ramp bypass they will also be travelling on local roads in the inner west. While the national law does not dictate access, the new regulations mean that these longer B-double and B-triple trucks must inevitably access metropolitan and local roads to get to the port. This deeply concerning development comes as a direct result of the Heavy Vehicle National Law; however, given the government introduced the new policy in April, the longer, bigger trucks will be on Victorian roads soon whether this bill passes or not.

The solution to the worst of this problem is in the hands of the government. In order to reduce the impact of these massive trucks rumbling past the homes of people living in the inner north, the government must fund the West Gate Freeway truck bypass to divert these huge trucks away from local roads.

Despite the concerns I have outlined the Greens also recognise that there are benefits to the proposed national approach, the most important being the increased consistency and clarity regarding safety standards, speeding, and fatigue, including chain of responsibility, and the penalties for breaches of these. Truck accidents are still a major problem on our roads. Reform to make consistent rules for speeding and fatigue management across the nation will reduce confusion, increase the ease with which drivers can comply and create safer driving environments. Measures to clarify the chain of responsibility are most welcome.

Of course moving road freight to rail would provide even greater safety outcomes — for example, moving just 10 per cent more freight by rail would save 25 lives in Australia every year and prevent 100 serious injuries, but unfortunately this aspect has not been considered in the bill.

I have already outlined the aspects of the bill which the Greens do not support. We are concerned that the national regulations relating to vehicle length are more lenient than those we have had in Victoria in the past and that the national law will make it easier to move freight interstate by truck at the cost of rail freight. However, given the improvements to the laws relating to safety, speeding, fatigue and chain of responsibility, the Greens will not oppose the bill at this stage, but we clearly believe that it should be delayed until an evaluation is undertaken of the regulations proposed in this bill with respect to mass, dimension and loading.

Quite clearly our concern is that B-doubles and B-triples on residential streets, such as Francis Street, Somerville Road, Moore Street and other residential streets across the state will make the current traffic congestion situation that much worse. It is hard to see how trucks will be able to avoid using residential streets. How will they get to the Western Ring Road, the West Gate Bridge and the freeways without first going through residential areas?

**Mr ELASMAR** (Northern Metropolitan) — I rise to contribute to the debate on the Heavy Vehicle National Law Application Bill 2013. I understand the Queensland government has recently passed the Heavy Vehicle National Law Amendment Bill 2012, so the bill before this house will bring Victoria and the rest of Australia one step closer to having a national rule book for Australia's heavy vehicle industry.

The bill consolidates eight different sets of state and territory road transport laws into one national rule book. This will enable significant cost reductions and efficiency savings estimated to be in excess of $12.4 billion over the next 20 years. We hope these savings will have a trickle-down effect on road transport users and the general Victorian economy.

The multiplicity of regulations currently in place in Victoria is causing administrative and compliance burdens. In many cases these businesses are owned by families. This bill will create and deliver a safer road transport industry across Australia.

The main objective of a road transport freight industry is to get freight delivered in the fastest time possible. It is not unreasonable for companies to aspire to this goal, but it must be coupled with the logistically safe and legal movement of freight across Australia. The bill imposes duties and obligations on operators, drivers and other persons whose activities may influence whether the vehicles or drivers comply with these requirements. That regulation is commonly understood within the freight industry as being the chain of responsibility.

We have had these laws in Victoria for some time now. All too often it is the driver who is penalised for non-compliance of road and traffic laws, and unrealistic time lines for the delivery of consignments have often led to drivers breaking the law in order to meet or comply with the unreasonable deadlines of consignors. This legislation shifts the sole focus away from a driver and shares responsibility across consignors, packers, loaders and freight receivers. We know that the vast majority of transport operators are good operators, but unfortunately some do not obey the law and give the industry a bad name. The bill will put a focus on rogue operators and will definitely be of benefit to all motorists who use our roads and highways.

I acknowledge the work done by the commonwealth government in bringing this national set of laws to the Victorian Parliament. I will not add anything further because Mr Eideh has already explained this bill to the Parliament. The bill will not be opposed by the opposition.

**Ms DARVENIZA** (Northern Victoria) — I am pleased to rise to make a few comments on the Heavy Vehicle National Law Application Bill 2013 and to speak in support of the bill. Opposition members will not be supporting the reasoned amendment moved by Ms Hartland. Our first reason for not supporting the amendment is that opposition members did not receive notification of this amendment until today, which was very late and has meant that we have had very little time and opportunity to discuss it, particularly with stakeholders. Secondly, our contact with stakeholders

has told us that they are very supportive of this bill, so we would be very reluctant to support an amendment like this which would change time lines. Our third reason for not supporting the amendment is that if we were going to support a delay, then we would require within the amendment tight time lines about when the bill was going to come back. This amendment does not give us any such time line. For those reasons the opposition is unable to support the reasoned amendment moved by the Greens.

However, as I said, opposition members support the bill, and I am speaking in support of it. The bill is part of a wider national reform process that will put in place for the very first time a national framework for maritime, rail and heavy vehicles — that is, vehicles over 4.5 tonnes — and there will be one national regulation for each. By the end of this year the existing 23 separate state and federal regulators covering heavy vehicles, rail safety and maritime safety will be gone, along with their costly and confusing array of regulations. In their place there will be only three national bodies, each administering one set of modern nationwide laws. These reforms will support the growth of the transport sector, with flow-on benefits to the nation of some $30 billion over the next 20 years.

This bill provides for the application of the Heavy Vehicles National Law in Victoria, and in doing so it gives effect in Victoria to the National Heavy Vehicle Regulator (NHVR). This reflects the 2011 agreement of the Council of Australian Governments to establish for all heavy vehicles over 4.5 tonnes a national system of regulations consisting of uniform national laws administered by single national regulators that will be based in Queensland. This will reduce the regulatory burden, cut red tape and greatly improve productivity in the heavy vehicle industry as well as for the Australian economy more generally. These reforms will see an end to 110 years of duplication, an objective that the Victorian government, the federal government and other governments have been working towards for decades.

The regulatory impact statement that was prepared in support of this law identified potential national savings in excess of $12 billion over the two decades following the introduction of national heavy vehicle regulations. The bill prescribes requirements about the standards that heavy vehicles must meet before they can be used on roads, on security and restraining loads on heavy vehicles used on our roads, preventing drivers of heavy vehicles exceeding the speed limit and preventing drivers of heavy vehicles from driving whilst fatigued. This means that a long-haul freight operator will no longer need to meet different laws and rules for their logbooks in terms of their driving hours and their maximum loads as they cross state borders.

As an example, before the implementation of this bill a trip from Brisbane to Melbourne would have required three permits and three sets of paperwork. The introduction and passing of this bill will reduce the requirement to just one permit. Long-distance truck drivers will no longer need to worry about whether their vehicles or loads are still legal as they cross state and territory borders, or whether they have met the multitude of requirements, which have varied from one jurisdiction to another or from one state or territory to another. The bill provides a universal interpretation of when drivers should start counting driving hours from rest breaks within a 24-hour period, eliminating the confusion around existing fatigue laws.

Victoria will adopt the Heavy Vehicle National Law with only some minor variations to provide for fatigue exemptions for emergency and rail replacement buses, thus protecting the status quo in Victoria. The national law will preserve the fatigue legislation currently contained in our Road Safety Act 1986, with its relevant sections being taken over by the national regulator. Fatigue-regulated heavy vehicles are those over 12 tonnes or over 4.5 tonnes with 12 or more passengers. It also ensures, as reflected in the Council of Australian Governments agreement, that access to the Victorian road network remains the decision of Victoria. Victoria will continue to be responsible for the management of its road network.

In terms of what will not change, drivers and operators will continue to deal with local road transport authorities for heavy vehicle registration, driver licensing and all matters related to the carriage of dangerous goods. State and territory police and authorised officers will continue to enforce heavy vehicle offences under the new national law. Legal and court processes will largely remain as they are. Local productivity initiatives will be retained, and existing permits, notices, exemptions and accreditations will be recognised under the new national scheme. There will be no need to reapply for those permits or accreditations until they are due to expire.

In conclusion, as I said, we are supporting this bill. We think it is industry friendly, it cuts red tape and it reduces the regulatory burden. Labor is always supportive of increased road safety, and it believes this bill will bring about road safety. While this is a positive federal government initiative on freight, it really begs the question of what the Napthine government is doing in relation to freight — in particular, where is its freight and logistics plan?

**House divided on amendment:**

*Ayes, 3*

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

*Noes, 37*

| | |
|---|---|
| Atkinson, Mr | Lenders, Mr |
| Broad, Ms | Lovell, Ms |
| Coote, Mrs | Melhem, Mr |
| Crozier, Ms | Mikakos, Ms |
| Dalla-Riva, Mr | O'Brien, Mr |
| Darveniza, Ms | O'Donohue, Mr |
| Davis, Mr D. | Ondarchie, 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 |
| Guy, Mr | Somyurek, Mr |
| Hall, Mr (*Teller*) | Tarlamis, Mr |
| Jennings, Mr | Tee, Mr |
| Koch, Mr | Tierney, Ms |
| Kronberg, Mrs | Viney, Mr (*Teller*) |
| Leane, Mr | |

**Amendment negatived.**

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Ms HARTLAND** (Western Metropolitan) — I only have one or two questions, and my main question is around which residential roads these trucks will go on. This is a question the Greens posed to VicRoads — and I should have noted in my contribution to the second-reading debate the incredible assistance we got from VicRoads on this matter — but we have not been able to get a final answer on exactly which roads trucks are going to be on. My concern is that B-doubles and B-triples in the inner west will have to travel on residential roads to get to the Western Ring Road, the West Gate Freeway, the port of Melbourne et cetera. I would greatly appreciate the minister outlining that in his response.

**Hon. M. J. GUY** (Minister for Planning) — I am advised that one application has been considered. It does take in roads that surround the port of Melbourne area. I do not know much about the residential roads. Obviously trucks will travel on some of the feeder roads into the freeway network, and that is where you would imagine those trucks would travel. I understand that is the basis of that application.

**Ms HARTLAND** (Western Metropolitan) — I ask the minister if we could have more detail about that application, because these are residential streets I am referring to — in particular, Francis Street, Somerville Road and Moore Street — and these streets already have extremely heavy truck transport on them.

**Hon. M. J. GUY** (Minister for Planning) — I am advised the roads in that application are Pipe Road, Prohasky Street, Williamstown Road, Todd Road, Grieve Parade, Francis Street and Whitehorse Street.

**Ms HARTLAND** (Western Metropolitan) — They are all residential streets. What work has been done to assess the impact of people who live on those streets when B-doubles and B-triples are on the streets?

**Hon. M. J. GUY** (Minister for Planning) — I understand there are residences on some of those streets, but roads — for instance, Williamstown Road — are obviously more major streets than a backstreet residential street. As part of that application process I understand they will be assessed, and all those issues will be dealt with in that application.

**Ms HARTLAND** (Western Metropolitan) — More than just a few residents live on these streets. Except for possibly Todd Road, these are residential areas. Can I have some information about what the government believes will be the impact of B-doubles and B-triples going through residential areas?

**Hon. M. J. GUY** (Minister for Planning) — Ms Hartland should not take my words out of context. I did not say there were one or two houses around them. What I said was Williamstown Road, as one instance and as a road, is one of the main entry points into Williamstown. It is not like a cul-de-sac; it is a road which is a thoroughfare into Williamstown. Yes, I fully understand there are residences along it. I know the area very well. I understand that residents will have legitimate concerns and they will want to make sure that those are assessed by the government, and as part of any application in this process, they will be.

**Ms HARTLAND** (Western Metropolitan) — What ability will the community have to have any say in this application?

**Hon. M. J. GUY** (Minister for Planning) — As part of the application, I understand that the government will consult the local government authority and that will form much of the input from local government as to the number of issues which are raised within that permit.

**Ms HARTLAND** (Western Metropolitan) — My question to the minister was: how will the local community, who live on these roads, who are directly impacted by truck traffic now and will be more impacted by B-doubles and B-triples, be consulted on this matter?

**Hon. M. J. GUY** (Minister for Planning) — As I think I just said, through a municipality. Obviously local residents can be part of that through their municipality. It is important to note that these vehicles will not be able to operate on narrow, suburban local roads. From time to time there are some necessary points that need to be accessed from a depot or wherever the point of contact is back to the freeway network. They will do that as directly as they can. Access is typically granted by councils on those roads that are suitable for and do already carry other forms of truck traffic, and if it is in the interests of the municipality to facilitate the more efficient movement of that freight to and from those industries, that will be determined by local government. The government considers this is the most appropriate form of communication — through local government.

**Ms HARTLAND** (Western Metropolitan) — If the local council believes it is not of benefit to the local community to have more trucks on the roads, remembering there are 21 000 truck movements through this area a day, what are the means by which it can say that these trucks should not be coming through its area, or will its concerns have no bearing on the decision?

**Hon. M. J. GUY** (Minister for Planning) — That is part of the consultative arrangement with local government on the factors that will make up a decision. Obviously, as I said, the government will talk to the local government in that process, and that will form part of the government's decision.

**Ms HARTLAND** (Western Metropolitan) — I am not particularly clear on what form the consultation will take. The minister has said it will be through local government. Can it be explained how this is going to happen? What are the deadlines and when will a decision on these applications be made?

**Hon. M. J. GUY** (Minister for Planning) — What form will it take? They will be asked their point of view. They will be verbally spoken to and we will ascertain a point of view from the council. That is how it will occur.

**Ms HARTLAND** (Western Metropolitan) — That does not sound like a very adequate consultation. We are talking about more trucks in residential areas where people live — B-doubles and B-triples. There is no ability for the people who live on these streets to be consulted and there is going to be some kind of informal, verbal consultation with the council. I would have thought it would need to be much more formal than that.

**Hon. M. J. GUY** (Minister for Planning) — I am sorry Ms Hartland does not like my answer, but when the government says it is going to have contact with a local government authority — as it does in a planning permit application, as it does on this kind of application, as it does on a range of other applications — it is a process which is well defined with government and local government. It will occur in this matter as I said it does in other applications such as a planning application.

**Ms PENNICUIK** (Southern Metropolitan) — I am asking this question under the purposes clause but it relates to section 630, which is part of annexure 2 to the bill. It is interesting that it was raised by the Scrutiny of Acts and Regulations Committee. The minister did respond to the question, but very unusually the committee made further comment on the minister's answer, noting that:

> … s. 630 of the Heavy Vehicle National Law requires that the accused 'prove that the conduct constituting the offence occurred in response to circumstances of sudden or extraordinary emergency'. The committee observes that, to establish this defence, the accused must prove the matters set out in s. 630(2) on the balance of probabilities.

The committee further noted that:

> … it is not enough for the accused to discharge an 'evidentiary burden' for those matters and there is no onus on the prosecution to disprove the … matters (or the wider defence) beyond reasonable doubt. In this regard, s. 630 differs from the common-law defence of necessity and similar statutory provisions in s. 10.3(2) of the Criminal Code (Cth) and s. 9AI(2) of the Crimes Act 1958 (Vic).

It seems that there may be a very strong burden of proof put on a person in that particular circumstance, and the question would be: why has the government chosen to put such a strong burden on the person?

**Hon. M. J. GUY** (Minister for Planning) — I am advised that the government took the advice that this was in line with the Criminal Code and common law, and that is why it is in the form that it is.

**Ms PENNICUIK** (Southern Metropolitan) — I have to take that answer at face value, given that the committee is saying that it is not in line with the Criminal Code. However, it does seem that it imposes a

very heavy burden on a person to prove those circumstances, which it would be difficult for them to prove in the negative.

**Ms HARTLAND** (Western Metropolitan) — Quite clearly the reason I moved my reasoned amendment was because we have not been given very basic answers on what involvement the local community, whose members live on these roads, will have with regard to these regulations. It would appear that they will not have any opportunity to see the regulations before they are enacted, and they are the ones who will have B-doubles on their residential streets. Just having some verbal conversation with local government is not enough, and I urge government to have a proper consultation with the local residents, who already have 21 000 truck movements a day going through their community. B-doubles and B-triples are just going to make it that much worse. If this government was really concerned about local residents and their health, it would consult them properly. I have one more question. Will there be a regulatory impact with regard to these regulations?

**Hon. M. J. GUY** (Minister for Planning) — I am advised there will not be.

**Ms HARTLAND** (Western Metropolitan) — Can I ask why there will not be an assessment?

**Hon. M. J. GUY** (Minister for Planning) — Because a preliminary one was conducted in the past and it was felt that that was adequate.

**Ms HARTLAND** (Western Metropolitan) — Where was that assessment done?

**Hon. M. J. GUY** (Minister for Planning) — It was conducted by the National Transport Commission and released publicly.

**Ms HARTLAND** (Western Metropolitan) — Where was the assessment done?

**Hon. M. J. GUY** (Minister for Planning) — As I said, it was conducted by the National Transport Commission and released publicly. If Ms Hartland is asking me for details of a publicly released document, I will go away and find out that information for her, but I state again that it is a public document.

**Ms HARTLAND** (Western Metropolitan) — I would have thought this question was quite easy to answer. Was it done in every state, was it done in one state and was it done in one particular area?

**Hon. M. J. GUY** (Minister for Planning) — Two points: I would have thought it would also be very easy for Ms Hartland, and I answered the question by saying that it was at a national level.

**Clause agreed to; clauses 2 to 61 agreed to; schedule agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## SENTENCING AMENDMENT (ABOLITION OF SUSPENDED SENTENCES AND OTHER MATTERS) BILL 2013

*Second reading*

**Debate resumed from 9 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Ms MIKAKOS** (Northern Metropolitan) — I rise today to speak on the Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Bill 2013. I point out at the outset that the Labor opposition will not be opposing this legislation. The bill seeks to do a number of things, including to remove suspended sentences as a sentencing option in Victorian courts, to remove suspended sentences from the Sentencing Act 1991, to make changes to community correction orders (CCOs) and to make minor changes to the way courts deal with fines and infringements.

By way of background, it is important to look at the history of this bill. Members may recall it was the former Labor government in 2010 that removed suspended sentences as a sentencing option for serious offences. Victoria was the first state in Australia to do so. Those offences included murder, attempted murder, manslaughter, child homicide, defensive homicide, intentionally causing serious injury, threats to kill, rape, assault with intent to rape, incest, sexual penetration offences involving children, kidnapping and armed robbery. It was an extensive list of offences.

In 2011 the Baillieu government added the offences of causing serious injury, recklessly aggravated burglary, arson and drug trafficking, which it described as significant offences, to those ineligible for a suspended sentence in the County and Supreme courts. Also in that year the government introduced a new element to

the sentencing hierarchy to sit between imprisonment and fines: the community correction order. The problem with the government's legislation in 2011 was that it left a loophole that allowed a County or Supreme Court judge to refer a case involving a significant offence to the Magistrates Court in order for an offender to be eligible for a suspended sentence. This is what happened earlier this year in the case of *Batich*. I note that members of the opposition raised this issue during the debate on that bill, and it was disappointing that the government failed to fix the bill at that time. Nonetheless this issue is what division 1 in this bill seeks to fix. It clarifies that a suspended sentence is not an available option in a case commencing in the County or Supreme courts.

Division 2 of the bill also abolishes suspended sentences in the Supreme and County courts. The bill includes transitional arrangements so that the abolition applies only to offences committed after the commencement of this legislation — that is, 1 December 2013. Division 3 of the bill also abolishes suspended sentences as an option from the Magistrates Court, although this will not come into effect until 1 September 2014.

Part 4 of the bill relates to electronic monitoring. The bill makes changes to CCOs by empowering the Supreme Court and County Court with the ability to impose electronic monitoring of offenders subject to certain conditions, such as orders that carry a curfew or area exclusion conditions. The bill provides that when deciding whether or not to attach an electronic monitoring requirement to a community correction order the court must consider matters identified in the pre-sentence report. These matters include whether the offender is a suitable person to be electronically monitored, the appropriateness of the offender being monitored in all circumstances and the availability of appropriate resources or facilities for the offender to be electronically monitored.

Part 4 of the bill refers to community correction orders and other matters. New section 48CA will allow for hours of treatment and rehabilitation to be credited as hours of unpaid community work when they are conditions of a CCO. Further, the bill gives judges the power to issue a warrant for arrest if an offender subject to judicial monitoring fails to appear before the court when required.

Part 5 of the bill relates to fines and infringements. The bill also makes some amendments in relation to fines imposed by the courts for an offence. There is a new sentencing option for a court to reduce or discharge a fine if the court is satisfied that there is a material change in the offender's circumstances where there was a relevant undisclosed matter at the time the court imposed the fine.

Part 6 of the bill relates to amendments to the Infringements Act 2006. The bill amends this act to create a right to apply for the rehearing of an order where special circumstances exist.

Essentially that is the crux of the bill in summary form, but I want to come to the broader issue of the government's so-called tough-on-crime approach and whether the government's rhetoric is matched by the reality of the situation. The government says the bill delivers on its commitment to abolish suspended sentences, and it wants the community to believe it is the champion of sentencing reform and that it is tough on crime. The reality is far from that. It is all well and good for the government to spout such an agenda, but only after it has considered the practical application of its legislation. The Attorney-General said in his second-reading speech:

> This bill completes the delivery of the government's election commitment to legislate to abolish suspended sentences for all crimes within our first term of office, so that in future jail will mean jail.

Jail will mean jail because suspended sentences will no longer be an option for the courts to apply — that much is clear — but the government is yet to reveal exactly how it is going to address this expected growth in inmate numbers in our prison system and how it will provide the additional funding needed to cater for the new prison beds, which will cost the community a great deal of money. We know every prison bed costs the community an estimated $100 000 to create. Sadly all we are seeing from this government at the moment is a job strategy that involves building new prison beds; it is doing little else in terms of infrastructure and job creation.

Under this legislation offenders will be placed on community correction orders that may require them to undertake community work or involve other conditions being imposed on them. Such conditions are incredibly resource-intensive options for the corrections system and our courts because they have to be monitored by corrections staff. We will end up having prisons filled with individuals who have breached these community correction orders, which will put a great impost on the community. More money being spent on the corrections system means less money spent elsewhere — on education, public transport, health services and so on, all services the community expects to be funded. We are seeing so many cuts being

undertaken by this government because it is spending money on things like providing additional prison beds.

At the same time programs proven to reduce crime are being cut. Tomorrow I will have a lot more to say about youth employment programs. One such program is the YMCA's Bridge Project, which works with young people coming out of the juvenile justice system. It will be defunded from the end of June. That program has had great success in placing young people in work and reducing recidivism in our criminal justice system.

I have to question the government's tough-on-crime rhetoric because it is failing on this issue. You just have to look at the latest statistics to see by exactly how much the government is failing. The latest Victoria Police crime statistics by local government area show that statewide crime against the person has jumped 12.9 per cent, drug offences have jumped 19.1 per cent and assault, including family violence, has blown out by 17.2 per cent. I have spoken about this in terms of my own electorate because I am concerned that there was a significant rise in crime in my local community in 2011–12. Crime against the person in the Whittlesea police service area, which covers the district of Thomastown, jumped by 29.9 per cent; drug offences in the Darebin police service area, which covers the district of Preston, increased by a staggering 74.8 per cent; and burglary in the Hume police service area, which covers the district of Broadmeadows, jumped by 34.8 per cent.

With its rhetoric this government has raised expectations that it is not delivering on — in fact, it is spending more money trying to keep up with its ineffective policies. I urge members of the government to think carefully about this approach in the future. They would be far better off investing in things like education and training and giving young people opportunities to be useful members of the community rather than talking about how they will lock up more people and cutting youth employment programs that give young people an alternative pathway.

The coalition's commitment to abolish suspended sentences was also matched with a commitment to create 500 prison beds across existing prisons. We have seen the government forced to invest an additional $131 million in the budget this year to cope with the soaring crime rate. This is money that, as I said before, could have been spent on other important community services.

Sentencing reform cannot just be viewed as something that sounds good, grabs the headlines or sells newspapers. Sentencing reform is a serious business. The real indicator of appropriate sentencing reform is whether there is a reduction in the instances of crime, including whether it is effectively diverting young people away from a life of crime. The Minister for Community Services, who is in charge of the youth justice system, released a consultation paper on youth diversion entitled *Practical Lessons, Fair Consequences — Improving Diversion for Young People in Victoria*. We are still waiting for the government to release the response to this paper. There was no money in the budget to enable any new youth diversion initiatives to be introduced, certainly in the next financial year.

The coalition likes to sound tough, but when you look for the details on how it will tackle crime in Victoria the expectations it has created fall short. We are seeing crime rates soaring, we are seeing money being spent on prison beds and we are seeing programs that tackle youth crime being cut, and that is particularly galling at a time when there is escalating youth unemployment as well.

Labor understands that you cannot just take these simplistic approaches and not factor in the consequences for our corrections system. That is why when we were in government and we made these changes to suspended sentences, which I referred to at the outset of my contribution, we also invested extra funds, $78 million, to employ additional corrections staff at that time. We made significant changes to our criminal justice system, but we also invested in crime prevention strategies and we invested in programs that supported our young people in particular, whether it was in employment, education or training — things that are all being affected by the cuts implemented by this government.

We do not oppose this bill, but we have concerns about the government's direction in this area, particularly where it is not matching these changes with the additional resources that will be required and where it is not matching its tough-on-crime rhetoric with measures that will really reduce crime in this state and lead to a safer community.

**Ms PENNICUIK** (Southern Metropolitan) — The Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Bill 2013 is an omnibus bill which amends the Infringements Act 2006, the Surveillance Devices Act 1999 and the Sentencing Amendment (Community Correction Reform) Act 2011.

The bill will abolish suspended sentences for all the remaining offences — that is, the ones that have not

already been abolished by previous legislation — occurring in stages, depending on whether it is in the higher courts or in the Magistrates Court. It will give the Supreme Court and the County Court the power to order electronic monitoring of a curfew condition or a place or area exclusion condition attached to a community correction order (CCO).

The bill makes additional amendments, apart from electronic monitoring, in relation to community correction orders. It includes new sentencing powers in relation to unpaid court fines. It will amend the Infringements Act 2006 in relation to hearings and rehearings, particularly with regard to imprisonment under that act, and make other consequential amendments arising from those major amendments that the provisions of the bill will make to the act.

As with previous omnibus bills in this place, this bill contains some provisions of which we are supportive and others which we do not support at all. That presents a dilemma regarding support for the bill itself.

I will talk a little about crime statistics. We have heard the government's rhetoric about crime statistics, and just then we heard the opposition talking about crime statistics and how the crime rate is going up, particularly crimes against the person et cetera. We definitely need to expedite the establishment of an independent body to compile and release crime statistics in this state, as exists in other states. I have mentioned many times in this Parliament that this is an essential reform we need to undertake, because at the moment statistics are released by the police. There was a lot of furore at a particular stage when the former police commissioner, Simon Overland, released crime statistics just before an election period, but in any case he was required to release them at some stage and I think he was unfairly pilloried for the release of those statistics. The way to get over that is to institute an independent body to do that, which would stop the tit-for-tat on this issue that clouds public discourse about crime statistics and is used by both the government and the opposition, not always accurately.

That is something that we need to do so that we can then have a look at what the evidence says about whether the crime rate is going up for certain offences or going down. As I understand it, the crime rate is not going up. It is uncertain whether the reporting of domestic violence or the occurrence of domestic violence is increasing, but it is understood that it is the reporting of it that is going up and the follow-up by police that is increasing. It is a good thing that it is being followed up and taken seriously but not a good thing that it is occurring. It is certainly a blight on our community.

The first major part of the bill — not the purposes or commencement provisions — contained in part 2 introduces the abolition of suspended sentences for all offences in the County Court, the Supreme Court and the Magistrates Court. That comes about as a result of a recommendation by the Sentencing Advisory Council, which wrote a number of reports on this issue and recommended that suspended sentences be abolished. I have a lot of regard for the Sentencing Advisory Council. I read its reports with great interest and have referred to it many times in this place, but I am sure that if it had followed debates on the abolition of suspended sentences in previous bills, it would be aware that on this particular issue I am not in agreement with the council. I do not agree with the abolition of suspended sentences as an option for use in the courts.

Interestingly, it was only just last week that the Sentencing Advisory Council released another report on prisons and prison populations. I listened with interest to the chair of the council, Professor Arie Freiberg, in an interview with Jon Faine on ABC radio. He made the point, arising from the council's report, that the imprisonment rate is increasing while the crime rate is not increasing and is in fact going down. He said the prison population has increased by nearly 40 per cent over the last 10 years, which is a result not just of the policies of this government but also those of the previous government. He said we now imprison people longer, and it costs the community more money — hundreds of millions of dollars all up. In New South Wales, prison numbers are now levelling off and the government is no longer focused on building more prisons and is looking at alternatives. This is what we should be doing here; not abolishing alternatives to prison, which is what is proposed in this bill. Professor Freiberg went on to say:

> Not a lot of evidence that imprisonment either deters or is a cost-effective way of incapacitating …

In fact there is a lot of evidence to the contrary. He said in this interview that the council would be releasing a report in coming weeks to show that prison is criminogenic. It achieves the antithesis of deterrence and rehabilitation, but both the government and the opposition always seem to want to go down the tough-on-crime road to try to be better at it than each other. Arie Freiberg said other jurisdictions are looking at alternatives to prison. We also have a Senate inquiry looking into justice reinvestment — set up, might I say, at the instigation of Greens Senator Penny Wright. I

will be looking forward to the release of that report by the Sentencing Advisory Council.

The report released by the council last week found that Victoria's prison population has increased by nearly 40 per cent over the last 10 years, a faster rate than the increase in the general population. This is due to a combination of factors, including increased lengths of prison sentences, increased use of custodial sentences in the higher courts and increases in offences against the person, drug offences and offences against good order. The report says the prison population has risen from around 3500 in 2002 to just under 5000 in 2012, which means there are nearly 112 people in prison per 100 000 adults. Worryingly, the report also says that alongside the increase in the imprisonment rate there has been a significant increase in the number of prisoners held on remand, representing over 20 per cent of the prison population last year. That means around 1000 of those 5000 prisoners are on remand and have not been convicted of any crime.

These are statistics we should be concerned about. I am also concerned about the amount of money involved, which is around $1 billion, if you look at what was allocated in the previous budget and this budget for building new prisons and for new prison beds in existing prisons. That is not the direction we should be going in.

Part 2 of this bill introduces the abolition of suspended sentences for all offences in the courts, which will come into effect in either December this year or the middle of next year. The Attorney-General's second-reading speech says:

> This bill completes the delivery of the government's election commitment to legislate to abolish suspended sentences for all crimes within our first term of office, so that in future jail will mean jail.

That sounds good in a simplistic and black-and-white way, but it is not a good initiative for the community, the courts or the justice system. It takes away a significant option for the courts that is appropriate in certain circumstances. The Law Institute of Victoria in its submission to the Sentencing Advisory Council put forward some examples, such as an elderly male in poor health with mild dementia being convicted for a crime such as indecent exposure that occurred 10 years earlier. That person would not be capable of completing a community correction order because he would not be capable of carrying it out. That is the sort of person who in the past would have been given a suspended sentence: someone who is not going to reoffend in the community but cannot fulfil a community correction order. That option has now been taken away.

The Sentencing Advisory Council in its recommendation in favour of abolishing suspended sentences said it had formed the view that they are based on illogical reasoning, have been used inappropriately and as such the public perception of them would be problematic. The Sentencing Advisory Council asked for the reform to happen in stages, which is what has happened, but it also suggested that reform in other areas of sentencing, including community-based sentences, was needed. The Attorney-General used the word 'strengthening' when talking about community correction orders. The bill provides for electronic monitoring, which I will speak about a little later, and in his second-reading speech the Attorney-General said:

> … the Sentencing Advisory Council recommended that the abolition of suspended sentences should occur together with the strengthening of community-based sentences.

I suggest that what the Sentencing Advisory Council meant by 'strengthening community-based sentences' was to use more of them, resource them better, make sure they work and not make them more draconian. I do not believe that what the Attorney-General said is what the Sentencing Advisory Council meant by the use of that term. However, that is what the bill does in regard to sentencing — that is, it introduces electronic monitoring and removes the option of suspended sentences from the higher courts.

The Sentencing Advisory Council concluded that these measures may have been used inappropriately. I suggest that the way to deal with that is to use the Judicial College of Victoria to train judges about their appropriate use and not take them away as an option for the courts. It has been argued that the application of suspended sentences has been problematic, but to remove them completely will make it harder for judges to tailor a sentence to the needs of the particular offender and the circumstances of the case and therefore to ensure that justice is achieved. It was also put to the Sentencing Advisory Council when it was conducting its review that there has been a high compliance with suspended sentences generally. The Law Institute of Victoria stated that suspended sentences play a crucial role in the sentencing hierarchy and allow the courts to achieve balance between high denunciation of the offending, general and specific deterrence, appropriate punishment and offender rehabilitation.

I have already mentioned the example that the law institute put in its submission.

Just recently a criminal lawyer from Ballarat said on *ABC News* that the reality about suspended sentences is

that there is a very real sword of Damocles hanging over your head. If you breach the suspended sentence, you go to jail, and so you should. It is not as the government has portrayed it — that is, that people who receive a suspended sentence from the courts just walk off scot-free; that is not the case. They know that if they breach the sentence, they will face imprisonment or other sanctions by the court. It is regrettable that the government is going down this path with the support of the opposition. Ms Mikakos has mentioned the overcrowding in our prisons, as have I, and the amount of money that is going into the prison system rather than into the education system, and yet the opposition is still prepared to support this part of the bill.

We should be looking at justice reinvestment. I have been watching the Senate inquiry with interest, and it is something we should be looking at in Victoria. We should be looking at reinvesting the money that would be spent in prisons on initiatives such as mental health programs, drug and alcohol programs, mentoring for young people, adult offenders community support programs et cetera. That is where we should be going instead of in the direction the bill is taking us.

Part 3 empowers the Supreme and County courts to attach a requirement to a monitored condition that an offender is to be electronically monitored and that only a monitored condition under a community correction order can be subject to an electronic requirement. Those monitored conditions basically refer to a curfew condition that a person must, for example, be at home between 11.00 p.m. and 8.00 a.m. or to a place or area exclusion condition — that is, that a person must not go to a certain place, such as a hotel or the CBD.

The purpose of electronic monitoring is to monitor compliance with the monitored condition. The amendments in the bill provide for a relevant court to have regard to a pre-sentence report when deciding whether or not to attach an electronic monitoring requirement. If a magistrate is considering a community correction order, they will already have a pre-sentence report, so it is not as if this is some sort of safeguard against electronic monitoring. A pre-sentence report is already required, particularly in terms of 300 or more hours of community work. The court is able to sentence people to up to 600 hours of community work.

The court must be satisfied that the offender is a suitable person, that the order is appropriate in all the circumstances and that there are appropriate resources to enable the offender to be electronically monitored. That is a very interesting question, and I know it is one that was raised by the opposition in the lower house. It seems to me that electronic monitoring is more resource intensive than would be a condition imposed on an offender under a community correction order, such as a curfew or an exclusion order. That can be monitored by requiring the offender to report to the police and by the police monitoring the curfew order or monitoring the place where the offender was not meant to be. That would be just as effective, if not more effective, and would cost a lot less. It is a very draconian measure to impose on offenders who are on community correction orders and who, by definition, are low-level offenders and not a threat to the community — otherwise they would not be on a community correction order.

In his second-reading speech the minister said this would strengthen community-based sentences, but when reviewing the Sentencing Advisory Council's report on suspended sentencing I could not find any reference to the need to provide electronic monitoring for conditions attached to a CCO or to the Sentencing Advisory Council viewing this as strengthening community-based sentences. That is something the Attorney-General has picked up and used as some sort of rationale, but I have not seen any evidence as to how this would work. I have not seen any call for it, and in committee I will certainly be asking the minister who has called for these measures.

Part 4 makes other amendments to community correction orders and inserts a new section to give courts discretion to decide whether hours of treatment and rehabilitation may be counted as hours of unpaid community work when satisfactorily undertaken by the offender. That is a good initiative, because it is an added incentive for an offender to satisfactorily undertake treatment and rehabilitation. Part 4 also makes it clear that a residence restriction must not be inconsistent with a child protection order and that the courts are given discretion to issue a warrant if an offender fails to appear before a court for review in accordance with the terms of judicial monitoring unless there are exceptional reasons.

Part 5 amends the definition of 'fine' to make it clear that it does not include things such as money payable by way of restitution, compensation or costs incurred by a third party. It seems to me that it reinstates existing measures with regard to fines. New section 52(1) states:

> If a court decides to fine an offender it must in determining the amount and method of payment of the fine take into account … the financial circumstances of the offender and the nature of the burden that its payment will impose.

That is also a good measure.

The Scrutiny of Acts and Regulations Committee (SARC) observes in *Alert Digest* No. 7, which was

tabled today, that new section 55, which is in part 5 of the bill, may engage the charter. New section 55, which is headed 'Liability of director if body corporate unable to pay fine', states that if the offender is a director of a body corporate, then the director ought to be liable for the fine. SARC observes that this provision:

> … may make one person liable for a criminal penalty imposed on another, without that person being a party to the hearing that determined that the offence was committed and without proof of that person's criminal responsibility for the other's offending.

I had a chance to quickly read the minister's response in *Alert Diges*t No. 7. It seems a reasonable response, although I still have some brief questions to ask in committee, such as: will this affect owners in an owners corporation, and will this affect honorary office-bearers? I am not sure whether that is the case. It would be good to know the answers to these questions.

Part 6 of the bill amends the Infringements Act 2006. It creates a new right under the Infringements Act for an infringement offender to make an application to the court to vary an instalment order made under new section 160(4)(b) on the grounds that the circumstances of the infringement offender have materially altered since the order was made and as a result the offender is unable to comply with the order or that the circumstances of the infringement of the offender were wrongly stated or were not accurately presented to the court.

New section 160B also creates a new right for a rehearing where an order is made by the court that involves imprisonment and the application for the rehearing is made on the grounds that at the time of the hearing the infringement offender had a mental or intellectual impairment, disorder, disease or illness or that special circumstances applied to the infringement order and this was not taken into account or was not before the court at the time of the hearing, or at the time of the hearing evidence was not taken into account so as to make the decision to imprison the infringement offender excessive, disproportionate and unduly harsh. We support this particular provision. In terms of justice and fairness, it gives people who may be facing imprisonment the ability to appeal it in the circumstances that I have just noted. This reform came about via the cases of *Taha* and *Brookes*.

I asked the minister's department a question with regard to the new right under new section 160(1). I note that orders that allow for imprisonment can also be made under section 160(2)(da), (3)(a) and (3)(ca), and the right to a rehearing should be given under those circumstances. I would like to ask a few follow-up questions on that particular issue during the committee stage.

Some issues also arise from this bill with regard to suspended sentences. The Greens do not support the abolition of suspended sentences. We believe they are an important part of the sentencing regime. We understand that they are not used very often, but they are used in particular and exceptional circumstances where the court comes to the view that the circumstances warrant it. Part of the tools of the judiciary will be removed as part of that option. We do not support this particular move.

As I have said with regard to electronic monitoring, I am not persuaded it is needed for people on community correction orders. This appears to be a draconian measure that is being introduced without the evidence to support that it is needed for low-end offenders. I believe this will be a very expensive measure to introduce when there is no evidence to show that it is needed or appropriate.

We also looked at research on the use of electronic monitoring in other parts of the world. That shows that it can lead to shaming and embarrassment, particularly for offenders trying to engage socially in the community or at work et cetera, and can be counterproductive. Co-residents of offenders are also often indirectly punished as a result of living with a person on an electronically monitored sanction.

During my questioning of the department and the minister's office we were told that electronic monitoring allows for greater flexibility of sentences. Ironically this is what suspended sentences provide, but they are being abolished. We were told it is at the court's discretion and provides more stringent monitoring of conditions in cases where this is warranted and that this was an election commitment. I believe that is probably the salient point. No reasons or evidence were put forward to say it was needed.

The department also said that there are a range of orders for which electronic monitoring can be used and referred us to section 44 of the act, which does not mention electronic monitoring at all. I am unclear as to where it can be used at the moment — except for serious sex offenders and people under supervision orders — and so I would like an answer on that from the minister during the committee stage. It does not make sense to have it for low-end offenders, particularly where those offenders know that if they breach a condition of their CCO, the penalty is a maximum of three months jail or a fine of up to 30 penalty units.

We have some concerns with regard to electronic monitoring and suspended sentences, but we are pleased with the amendments to the Infringements Act. This poses a difficulty for us with regard to the bill itself.

**Mr O'BRIEN** (Western Victoria) — It is with great pleasure that I rise to speak on another significant law and order reform that the coalition, in opposition, promised to deliver if elected. The coalition campaigned long and hard for this reform, together with the good and law-abiding citizens of Victoria. As the lead speaker for the government, it is a great honour and privilege to indicate the government's strong support for this reform. We are delivering on what we promised we would do in opposition — that is, complete the abolition of the legal fiction of the suspended sentence, which is a sentence for jail or imprisonment which could be wholly suspended in circumstances where there ought to have been another, more tailored form of sentencing option available.

This government delivered this option in a separate piece of legislation which introduced community correction orders, which allow much greater judicial discretion and flexibility to tailor solutions to fit the crime, including when there needs to be truth in sentencing or a sentence of imprisonment imposed. Other tailored options are included that involve work in the community, community correction orders, mental health orders and diversions, where appropriate, and electronic monitoring, which has also been proposed to be adjusted in terms of the powers given to judges in relation to the provisions of this bill.

This is an important bill. I note Ms Mikakos was the lead speaker for the opposition on this bill, and prior to that it was Mr Pakula, who has now moved to the other place. I have considered both Mr Pakula's final contribution in this place and his first contribution in the other place, and I also spent some time with him over the past two weeks on the Public Accounts and Estimates Committee. His challenge on arriving in the other place was to take a little bit of the perhaps more considered debate that occurs in this place to the other place. I wish him luck with that challenge. In relation to this bill I have reviewed Mr Pakula's criticism of the government in his speech. One of the criticisms that he made was that after the Attorney-General had campaigned long and hard for the total abolition of suspended sentences we, the current government, did not live up to our promise because we did not abolish them all in one hit.

That is apparently what Labor does in fulfilling its campaign promises. We saw that tragically played out in the federal sphere when the federal government rushed through its pink batts scheme, and we have also seen it in other mismanaged projects. To respond to the Greens contribution to the debate in relation to prisons and prison beds I need look no further than the Auditor-General's report of last year, which again found that for three years the Labor Party did not act on recommendations to build the prisons that were necessary, even under its soft-on-crime law and order legislation. It allowed the need for prison beds to increase. It took this government to act upon its election to office.

I commend the previous Minister for Corrections, Mr McIntosh, the member for Kew, for the budget commitments that are very helpfully set out in the Treasurer's speech and include $131 million to strengthen Victoria's corrections system and to increase prison capacity. These initiatives will provide for an additional 397 prison beds across the male prison system and include $53 million to fund a new 40-bed unit to manage high-security prisoners at Barwon Prison in my electorate, which with Mr Ramsay and Mr Koch on the coalition side I am very proud to serve. The government has also allocated $670 million to fund a new 500-bed maximum security prison at Ravenhall and a further 390 beds to expand existing capacities.

We have also committed to investing $48 million over the next four years to ensure that Victoria's courts are appropriately resourced. Another significant difference between members on this side of the house and Labor members opposite is that they have difficulty in delivering on their financial commitments. This was notably and frequently played out between Mr Pakula and me in the debates and discussions that occurred during the Public Accounts and Estimates Committee's questioning of the government's ministers. During that process the state of Victoria was confronted with the reality of the failure of the federal government to live up to its commitment to deliver the budget surplus which had been made, and 500 times, by Treasurer Wayne Swan. The result is that no surplus was delivered by the commonwealth government. That shows the importance of being careful in what you promise to the electorate and what you budget for.

Turning back to the bill, we have proceeded with the abolition of suspended sentences. In one of the early contributions I made on the law and order agenda, I recall there was debate about an assertion that this program should have been rushed out more quickly. The Attorney-General brought in the initial bill to remove suspended sentences for the most significant offences in 2011. There was a belated suspended sentencing bill five years after the Sentencing Advisory

Committee's 2005 recommendation to abolish suspended sentences, and yes, it was passed by the previous government, but it was this government that started in 2011 to steadily, carefully and with good economic management, abolish suspended sentencing for the next most significant offences. The bill before the house will see the entire removal of the ability of the courts to grant a suspended sentence as opposed to the more tailored community correction order (CCO).

It is well noted in the second-reading speech when those reforms will come into effect, but it is important to note that they will be rolled out in two stages: the first will abolish suspended sentences in the Supreme Court and the County Court on and before 1 December 2013, and the second and final stage will abolish suspended sentences in all courts on and before 1 September 2014. There are other important changes in relation to curfew and monitoring provisions, which include allowing electronic monitoring of curfew conditions and place or area exclusion conditions under a CCO, giving courts discretion to specify hours of treatment and rehabilitation that may be credited as unpaid community work under a CCO, clarifying the interaction between CCOs and child protection orders, and giving courts explicit discretion to order the arrest of an offender who does not attend judicial monitoring under a CCO.

I noted also that in the contributions of the Greens and Labor Party members there was talk in relation to crime stats. I also note that the Minister for Corrections and, importantly, Minister for Crime Prevention, Mr O'Donohue, is in the chamber. I congratulate him on his commitment to the portfolio during his time in the ministry, and I also congratulate the previous minister, Mr McIntosh. In relation to Warrnambool, the Premier and Minister O'Donohue recently announced funding of $168 000 to install more CCTV crime prevention cameras in Warrnambool's CBD. These cameras will be installed at key points and linked by wireless radio transmission to monitoring equipment in police stations.

This is consistent with another great Warrnambool initiative, which has been led by the community and supported by the government through its various agencies — that is, the 32-hour Under-25s Road Safety Challenge, the launch of which I had the privilege of attending. This is the latest instalment of an initiative that occurred under the stewardship of Tracy Linford, a very active and commendable superintendent of police who has recently left the Warrnambool area for greater things and who worked with Assistant Commissioner Robert Hill on a road safety challenge project in 2010. In 2010 some 25 young people in Warrnambool, under the guidance of Mr David Stewart and Mr Russ Goodear, a personal friend of mine and a significant community leader, who volunteers his time not only for this cause but for cancer as well, participated in a road safety challenge.

According to figures provided by Tracy Linford, the incidence of certain crimes has gone down in Warrnambool, including property damage, which is down by 17.2 per cent; burglary, down by 9.6 per cent; theft from motor vehicles, down 12 per cent; and other burglary offences, down by 22.7 per cent. That is commendable in that community.

I note that many members wish to speak on this bill, including Mr Ramsay, who has been particularly active in relation to the installation of CCTV cameras in Ballarat. Mr Katos and Mr Koch, those fantastic hardworking members for the Geelong area, have also worked with Geelong's mayor and Mr O'Donohue on the expanded use of CCTV cameras in Geelong. This is a budget commitment that has been able to be delivered because of sound financial management.

We could liken crime prevention to a traffic light. The Greens are soft — the softest — on crime; they give a green light to crime. Labor sits in the middle somewhere. This may be the one area in which members of the coalition are proud to be red — that is, in relation to the stopping of crime. I said that for you, Acting President, because I am sure that it has given you a bit of a shock. If you want to stop crime in this state, you need to elect coalition governments. If you want to give a green light to crime, go with the Greens.

Having said that, I commend this bill to the house and I commend the minister for his activity in this area. I look forward to other members continuing the fight on behalf of the coalition.

**Mr VINEY** (Eastern Victoria) — Mr O'Brien has just confirmed why the Supreme Court has considerable concerns about barristers representing their clients in the Supreme Court without an instructing solicitor.

Opposition members have agreed to this piece of legislation and will not oppose it, but we have significant issues about a number of matters related to it. Mr O'Brien has exposed what the true nature of this piece of legislation is about: it is about political wedging. It is not about making Victoria safer, because this legislation will not do that.

Opposition members are not going to oppose this legislation, because it was the policy taken to the election by members of the government and they will

have to live with it. As you well know, Mr O'Brien, this legislation will not make this state any safer, because the research and the evidence is contrary to what you are saying.

**Mr O'Brien** interjected.

**Mr VINEY** — Mr O'Brien, it is your policy; you will stand by it — —

**The ACTING PRESIDENT** (**Mr Finn**) — Order! I think it would be very helpful if Mr Viney were to direct his comments through the Chair. That might help Mr O'Brien avoid the interjections that I have a feeling he is about to embark upon. I ask Mr Viney to direct his comments through the Chair.

**Mr VINEY** — Of course, Acting President; absolutely, properly call me up. I was addressing Mr O'Brien directly because his particular contribution was quite deliberately provocative by accusing others of being soft on crime.

Let us deal with what sentencing is about. There are two reasons for people to be sentenced by a court if found guilty: the first reason is that society wants to impose some kind of punishment for the offender's transgression of social rules or social norms; the second reason is so that people can learn a lesson and stop transgressing the law in future. That is what will make our society safer. This legislation will not do it; the evidence is contrary to that.

This legislation shows the two-faced nature of this government and the theme of most of its legislation. One face shows the position that the government wants to put out, which might well be, and often is, populist. The government shows this face when it wants to use legislation for its own political advantage and try to wedge or disadvantage other people in the political discourse. That is really what this legislation is about, and that was exposed by Mr O'Brien's contribution.

I turn to the contribution made to the debate by the Attorney-General, including comments in the second-reading speech, in which he said that 'suspended sentences are a legal fiction'. He went on to say that people who receive suspended sentences are 'living freely in the community, not subject to any restrictions' and so on. Then he went on to say that they 'often then go on to commit further crimes'.

The fact is that is not true. The fact is that 72.5 per cent of people on suspended sentences do not breach their suspended sentence. The fact is that suspended sentences have been effective in most cases in teaching people a lesson. If people learn a lesson through transgressing the law and being found guilty and they cease to commit further crimes, surely that is the principal objective we are trying to achieve to make this society safer.

I turn to clause 9 in division 3 of the bill, which provides for the abolition of suspended sentences from 1 December 2014 in all courts. Can anyone opposite explain to me how removing that as a sentencing option from the Children's Court of Victoria is going to be positive for our society? The judiciary will be required to make a decision to incarcerate anyone or impose some other sentence, but they will not be able to impose a suspended sentence, either partially or wholly.

It is an absolute fact that the government wants to deny the option of people being given partially suspended sentences — that is, they serve some time in custodial imprisonment and then the balance of the sentence is suspended. According to research, that measure is effective in preventing people from committing further crimes. How can it be a positive for our society to remove that sentencing option from the judiciary? How can it be a positive to do that? These are the questions the government has to answer.

The government has to fess up to the fact that apart from its political spin in all of this it is removing suspended sentences in the Children's Court. That is what the government has to explain. It has been completely papered over in this legislation and not referred to that this government has decided that suspended sentences will not be available as a sentencing option for children who commit offences. How is that good for the future of ensuring that people do not reoffend and do not get into the tragic cycle of going to prison, coming out, reoffending and going back to prison?

Every single one of us knows, and we have read time and again, that the first place that people start to learn about committing serious offences is quite often a children's prison or a children's institution. We are now saying that the judiciary will not be provided with the option of imposing suspended sentences. I fail to see the justification for the decisions the government has made — in Mr O'Brien's contribution, in the minister's second-reading speech or in any contribution in the other place. I call on government members to start to justify why they are saying the judiciary in the Children's Court will not have that option anymore. From 1 December 2014 the judiciary will not have that option. Mr O'Brien wants to go through a whole lot of history and misrepresent a whole lot of history in terms of the process that has got us here.

**Mr O'Brien** — On a point of order, Acting President, Mr Viney has accused me of misrepresenting something. I find that objectionable. He is imputing motive. He is allowed to say I am wrong, he is allowed to disagree, but saying I misrepresent is imputing motive. I ask him to withdraw.

**The ACTING PRESIDENT** (**Mr Finn**) — Order! It is a very fine line that one must draw on this. I have to say that I would not find that personally offensive, but if Mr O'Brien insists on requiring Mr Viney to withdraw, I will ask Mr Viney to do so.

**Mr VINEY** — Seriously?

**The ACTING PRESIDENT** (**Mr Finn**) — Order! Does Mr O'Brien wish to continue down that path? Mr O'Brien is suggesting that Mr Viney is questioning his motivation.

**Mr O'Brien** — Yes. Misleading — —

**Mr VINEY** — To make it easy, I will withdraw. It is the first time I have ever heard of anyone having to withdraw that word, but that is fine. It is clear that someone in this place has a glass jaw. With the number of things have been thrown at me over the years, it pales into insignificance a little.

Let us go to why I made that comment. Mr O'Brien in his contribution said that the Sentencing Advisory Council recommended in 2005 that all suspended sentences be abolished. That is not correct. In 2006 the Sentencing Advisory Council suggested that there could be a phasing out of suspended sentences to be replaced with other sentencing options, but by the time of the 2008 report the council had withdrawn that position. I am advised that in the 2008 report the position was modified.

Irrespective of that, in order to pursue a perceived political advantage the Liberal Party and The Nationals went to the last election with this policy, and that is why the opposition will not oppose the legislation. However, it is perfectly reasonable for us to question the legislation at the same time. We recognise that it is the coalition's policy and the coalition has the right to implement it. We would not do this. We would not go down the path that the government has gone down, but government members were elected, they have the policy and they will have to live with the consequences.

The point I will make in relation to this is that the consequences of this policy and this legislation will be Victoria becoming less safe. Over the time that this option has had effect 72.5 per cent of people on suspended sentences have not breached them.

**Mr O'Brien** — What about the other 28 per cent? What do you say to those victims? One victim is too many.

**Mr VINEY** — Mr O'Brien, where people breach them, what happens? They go to jail to serve out the sentence that was suspended, and you know that perfectly well because you were a barrister before coming into this place. You understand perfectly well what would have happened if you had acted in that way as a barrister. It is highly likely that as a result of this legislation you will actually be making Victoria less safe. That will be the consequence of what you are putting in place here, because suspended sentences — —

**The ACTING PRESIDENT** (**Mr Finn**) — Order! I must again ask Mr Viney to direct his remarks through the Chair. To direct his remarks towards Mr O'Brien, as he is doing, is tempting fate, to say the very least, and most unparliamentary. I am sure someone of Mr Viney's standing in this Parliament would be aware of that.

**Mr VINEY** — Thank you very much for your reminder, Acting President. Mr O'Brien is regularly interjecting, and unfortunately I am not resisting responding to his interjections. I will try to face you directly, Acting President, and see whether I can resist responding. I enjoy the cut and thrust of this place, and I enjoy the interjections. I am not worried about the interjections. The more that my opponents interject, the happier I am to keep contributing to the debate.

The difficulty we have is that the position the government has put forward that this legislation is somehow going to improve the safety and environment of the state is simply wrong. It is not supported by the evidence of the Sentencing Advisory Council, and it is not supported by the facts. It is disappointing that we have a government that decided to bring in legislation to play wedge politics. The legislation is actually about the politics of this; it is not about the interests or needs of the community. What drives the Labor Party in its policies is making Victoria a safer and better place. In his contribution Mr O'Brien talked about — —

**The ACTING PRESIDENT** (**Mr Finn**) — Order! The member's time has expired.

**Mr RAMSAY** (Western Victoria) — It gives me great pleasure to speak on the Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Bill 2013. It is always a great pleasure to follow Mr Viney, who in his own style is able to motivate our speakers when they make contributions after his not aggressive but certainly quite interesting contributions.

**Mr O'Brien** — Provocative.

**Mr RAMSAY** — Yes, provocative. I make my contribution with no great technical legal expertise, unlike my learned colleague Mr O'Brien, who for many years was paid for the number of words he spoke, which is fairly obvious to members of this chamber. I speak from a layman's point of view. My concern in relation to suspended sentences was that in the past they were not considered a punishment at all but were treated as a quasi-imprisonment, with no restrictions and providing no real deterrent to criminal activity. The previous government did not have the will or fortitude to reform the punishment of crime by abolishing suspended sentences. There was a view that offenders could commit a crime on the basis that they would get a slap from the judiciary and be free to carry on a criminal activity. That is a fairly simplistic view of the sentencing regime, but it is a regime in which the community has lost confidence.

I refer the chamber to the wonderful publication of the report of the joint parliamentary Drugs and Crime Prevention Committee on its inquiry into locally based approaches to community safety and crime prevention.

**Mr O'Brien** interjected.

**Mr RAMSAY** — Yes, Mr O'Brien, at the time I did happen to chair the Drugs and Crime Prevention Committee, and I still do. The statistics noted in the 'Chair's foreword' of the report indicate the seriousness of crime and the cost of crime to the community. I will quote these figures. The cost of crime in Australia in 2005, as researched by the Australian Institute of Criminology, was found to be 'nearly $36 billion per year'.

In Victoria alone in the 2009–10 year the estimated cost to the Victorian taxpayer was $9.8 billion. Crime comes at a significant cost to the Victorian community. In relation to incarceration we can put in place measures that reduce not only the impact on those who are at the end point of an offender's criminal activity but also the cost and ripple effect crime has on the community.

Our election commitment was to reform sentencing legislation and abolish suspended sentences for serious offences. I congratulate the Attorney-General, the Honourable Robert Clark, who when the coalition won government moved quickly to introduce legislation for the first stage of the abolition of suspended sentencing for serious offences, including murder, rape and sexual and violent offences, and for offences causing serious injury. That has been done. The first piece of legislation sent a very clear message, despite what Mr Viney suggested in his contribution, that if you do the crime, you do the time — no ifs and no buts; jail means jail, and a $10 000 per minute QC defence lawyer will not change that position.

**Mr O'Brien** — Who are you looking at?

**Mr RAMSAY** — Do not tempt me, Mr O'Brien. The first piece of legislation sent a very clear message. The next stage of legislation will abolish suspended sentences in higher courts for all remaining offences, with a further stage of abolishing suspended sentences for all offences in the Magistrates Court. This will become effective after the commencement of each stage.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Mr RAMSAY** — I will finalise my contribution. I have dealt with the initial issues around suspended sentences in relation to this bill. I just want to quickly talk about the Sentencing Advisory Council and its recommendations in concert with suspended sentence reform and the more flexible community correction order sentence which will be introduced. This bill enhances those reforms by giving the courts the power to impose electronic monitoring on an offender's compliance with certain conditions of a community correction order. When the new powers commence, the courts will be able to order electronic monitoring of an offender with a curfew or a place or an area exclusion condition after considering a report from Corrections Victoria as to their suitability. Offenders who are monitored will be required to wear a device at all times, and they cannot damage, tamper or disable it. I will not go into much more detail because my parliamentary colleagues have covered off on electronic monitoring.

The bill also gives cause for greater flexibility in dealing with persons with an undisclosed or unidentified mental illness or intellectual disability or other special circumstances. There are other provisions, which have already been covered. But the guts of this bill, if I may use that term with no disrespect, is to deliver the election commitment of sending a very clear message to potential offenders who are contemplating criminal activity that crime will be dealt with swiftly and harshly by our judicial system under new sentencing laws introduced by a coalition government. There will be no more puff pieces like the suspended sentences of the past or those offenders on community-based orders.

The community was sickened by the escalation of violence and crime over a decade. As statistics will indicate, there has been a significant increase in domestic violence and aggravated assault. The community demanded greater security and safety within the community, and demanded harsher sentences for crimes committed. We have delivered more police,

more protective services officers, more crime prevention tools, like CCTV and more jails.

In my electorate of Western Victoria Region the upgrade of the Ararat jail was a total disaster under the Labor government in relation to the public-private partnership. But I am happy to say that the former Minister for Corrections and Minister for Crime Prevention, Andrew McIntosh, and the former Premier, Ted Baillieu, worked diligently to provide a new contract with new terms with a new builder. Now, under the tutelage of the new Minister for Corrections and Minister for Crime Prevention, the Honourable Ed O'Donohue, we in western Victoria are looking forward to the rebuilding and upgrading of that jail continuing, given that it employs in the vicinity of 300 people with an ongoing ripple effect of more people.

In closing, I am very pleased to see the coalition government commit to its election promise to introduce this legislation. It is another stage of legislation that abolishes suspended sentences but also provides flexibility in the system to allow the judiciary to determine and implement sentences related to the level of crime. I commend the bill to the house.

**Mr ELASMAR** (Northern Metropolitan) — I rise to make a contribution to the debate on the Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Bill 2013. In 2010 the Labor government introduced legislation to abolish suspended sentences for serious crimes. The people of Victoria were quite rightly sick of seeing violent offenders being handed a suspended sentence by the judiciary, and there was a perception by the public that they were getting off scot-free. It was time to establish the goalposts, and the abolition of suspended sentences was introduced to ensure that violent or serious offenders were made to pay for their transgressions.

There were some sections of the community that argued that the prospect of a suspended sentence, like the sword of Damocles, hanging over the head of a perpetrator may keep them law abiding and watchful of their behaviour during the life of the suspended sentence. However, the statistics do not bear this out.

The bill before the house also provides for the Magistrates Court to abolish suspended sentences, and this will come into effect in September 2014. While we in the opposition are not opposing this bill, we must ask the question about the sentencing options provided to the judiciary. It would appear that significantly more community-based orders will be the order of the day, unless of course this government invests in the construction of new jails — the operative word being 'jails' — not just one but several. For some reason the concept of newly constructed state government prison facilities is very unpopular with the taxpayer. But when the bill is put in place and the Magistrates Court comes on board in 2014, 30-odd new beds will not accommodate the influx of new prisoners who do not meet the criteria for a community correction order.

In 2011 this government added several 'significant offences' to those ineligible for a suspended sentence in the Supreme and County courts. While the bill abolishes suspended sentences in the higher courts, there are transitional arrangements so that the abolition applies only to offences committed after the commencement of the legislation. In other words, there is no retrospectivity to this bill.

Community-based orders are only as effective as their monitoring system. There need to be more resources allocated to the oversight of these orders, because if they are underresourced, our judges may as well let offenders walk free without any penalty in the first instance. Electronic monitoring of offenders must be appropriately financed, otherwise the electorate will feel it has been cheated or lied to.

In supporting this bill, it is not without reservations that I make these observations.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I seek leave of the committee for Mr O'Brien to join me at the table.

**Leave granted.**

**Clauses 1 to 5 agreed to.**

**Clause 6**

**Ms PENNICUIK** (Southern Metropolitan) — As I said in my contribution to the second-reading debate, I do not have many questions on the bill, and neither do I have many questions on this clause. But when reading the bill, this clause in part 2 of the bill is the first you come across that relates to abolishing suspended sentences. We do not want to support the abolition of suspended sentences, but rather than opposing every single clause in the bill that has something to do with that, I have chosen to oppose clause 6, which is one of the clauses that sets up the abolition of suspended sentences in the staged manner that the Attorney-General has spelt out, firstly, in the County

Court and the Supreme Court, and later in the Magistrates Court.

The reason I have drawn attention to this clause is that the Greens will be opposing it.

**Committee divided on clause:**

*Ayes, 37*

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

*Noes, 3*

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

**Clause agreed to.**

**Clauses 7 and 8 agreed to.**

**Clause 9**

**Ms PENNICUIK** (Southern Metropolitan) — Clause 9, which is titled 'Sentences', reads:

> Section 7(1)(c) of the Sentencing Act 1991 is repealed.

For the benefit of the committee, section 7(1)(c) of the Sentencing Act 1991 allows the court to 'record a conviction and order that the offender serve a term of imprisonment that is suspended by it wholly or partly'. The repealing of that provision is the repealing of suspended sentences in Victorian courts.

That leads to the situation where there is nowhere for the court to go if somebody has committed a crime and the court wants to convict them of it and record by way of a sentence the severity of the crime, but because of the exceptional circumstances attached to that person — they may be very elderly and suffer from dementia or have other problems, or they may have a mental illness or have some other sort of disability — they are unable to carry out a community correction order (CCO). The court cannot record a suspended sentence even if it wants to record the severity of the offence by way of conviction. This is not a good day for the statute book in Victoria, and it is not a good day for the courts, all of which have now had that option completely taken away, so the Greens will be opposing clause 9.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The only thing I will say in response to Ms Pennicuik is that the government has delivered on its commitment to implement a flexible community correction order which provides courts with a range of options to deal with the matters that have been raised by Ms Pennicuik.

**Ms MIKAKOS** (Northern Metropolitan) — I want to go to the broader issue of clause 9 and its implications. Specifically, I ask the minister: does the government expect that additional persons will serve periods of incarceration as a consequence of the passage of this bill?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — That will be a matter for the courts. I repeat my previous answer to Ms Pennicuik's question: the community correction order is designed to be a flexible option for the courts in dealing with offenders and tailoring appropriate conditions, whether that be work, rehabilitation programs or the like. Whether this leads to additional demand for prison beds is in the hands of the courts, and it will be a matter for the courts to determine.

**Ms MIKAKOS** (Northern Metropolitan) — Given that it directly impacts on the minister's own portfolio — of course ultimately sentences are a matter for the courts — I find it hard to believe that the minister has no projections about additional persons that are expected to serve a period of incarceration. I specifically ask the minister whether his department has done any economic modelling on how many additional persons are expected to serve periods of incarceration as a result of this change?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I do not have a lot to add to my previous answer to Ms Mikakos. A range of factors lead to prison bed demand. As I said, the government believes it is providing flexible options for the courts with the delivery of the community correction orders, and ultimately these matters are a matter for the courts to determine on each and every case that comes before them.

**Ms MIKAKOS** (Northern Metropolitan) — Am I to take from the minister's answer that he is either refusing to say whether there has been economic modelling or he does not know?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — It would be speculative to give any sorts of figures. As I said, the sentencing reforms implemented by the government previously and that this legislation continues to implement continue to provide the courts with a range of options to consider when sentencing an offender.

**Ms MIKAKOS** (Northern Metropolitan) — If the minister has not done any economic modelling, how is the government able to estimate for budget purposes the costs of the proposal in its absence?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Taking these matters in isolation, again, is perhaps speculative or very difficult to forecast, because it will be determined by the courts. As Ms Mikakos would be aware, the coalition committed 500 additional beds to the prison system during this term of government to accommodate the broad suite of sentencing reforms that it took to the election in 2010. That has informed budgetary decisions in relation to additional prison beds, as has the Auditor-General's report from last year about prison bed capacity and as has a range of other factors which led to the investments which Ms Pennicuik and other members referred to in the second-reading debate.

**Ms MIKAKOS** (Northern Metropolitan) — I understand it was an election commitment and I am aware of that history. The minister refuses to say if there is economic modelling, but he has talked of the speculation about numbers, so surely there would have been some estimate made by the department as to anticipated numbers. Can the minister at least provide us with an estimate of the numbers of anticipated persons who will be incarcerated?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — There is nothing I can add to my previous answer to the member.

**Ms PENNICUIK** (Southern Metropolitan) — The minister said before that there are a range of reasons the prison population is increasing. According to the Sentencing Advisory Council's report, which was released just last week, it is as a result of increased length of prison sentences, increased use of custodial sentences in the higher courts and increases in offences against the person, drug offences and offences against good order. On average, how many suspended sentences are imposed per year in the three courts, the Magistrates, Supreme and County courts?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — As Ms Pennicuik would appreciate, the number of people on suspended sentences at any one particular time, or the number ordered in any individual year by the County, Magistrates or Supreme courts, varies. While I have some preliminary advice, I would prefer to take that on notice and give Ms Pennicuik more accurate figures, if that would be agreeable to her.

**Ms PENNICUIK** (Southern Metropolitan) — I am agreeable to that. If those people are no longer going to be eligible for a suspended sentence, it gives some idea of how many people would end up with a custodial sentence. I understand it is in the low hundreds, but that is only from memory. I do not have the figures at my fingertips either, but I would be interested if the minister could supply them on notice.

The minister said in answer to Ms Mikakos's question that there was the flexibility of community correction orders, but I am concerned about the hypothetical example I have been using of an elderly man, over 75 years old, with mild dementia who has been convicted of an indecent act or something that occurred 10 years ago. That was the example the Law Institute of Victoria used in its submission to the Sentencing Advisory Council. How is a person like that going to be suitable for a community correction order and what options would they have if they were not able to carry out such an order?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I am loath to engage with Ms Pennicuik on hypothetical situations, but I say again that the government believes the flexibility with the community correction order provides the courts with a range of options to consider when providing an appropriate sentence, noting that each and every case will be different. Each and every person will obviously be different, and the inherent flexibility in the community correction order will give the courts options when dealing with various matters.

In response to a comment by Ms Pennicuik I would also say that the abolition of suspended sentences does not necessarily mean that people will be incarcerated. That will be a matter for the court, and it will be able to impose a community correction order as well.

**Ms PENNICUIK** (Southern Metropolitan) — I understand that the abolition of suspended sentences does not mean that every single person who would have received a suspended sentence will get a custodial sentence, but it certainly means some of them will. We are not going to be able in this committee stage to establish the numbers, but I take up the minister's point about not wanting to talk about hypotheticals. When we are in committee and looking at the impacts of particular provisions the government is inserting in or removing from acts and options that are being taken

away, we are within our rights to explore what the practical implications are going to be.

It seems to me that the minister has been unable to outline what the practical implications are going to be if a person is not suitable for a community correction order or if it is not appropriate for them to receive a community correction order because of their health or other circumstances and there is no option for them to receive a suspended sentence. My question is: what happens to that person?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The answer to Ms Pennicuik's question lies in the fact that Ms Pennicuik and I perhaps have a different view of the inherent flexibility and options the community correction order provides to the court to impose a whole range of conditions.

**Ms PENNICUIK** (Southern Metropolitan) — I am sure the minister is well aware that I am well aware of how flexible community correction orders are and how they are more flexible than they used to be. Be that as it may, they are not flexible enough to cover every case. The provisions we set out and the options available to the courts need to be able to deal with every situation that arises, and I am concerned that this clause is going to leave a gap.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The government does not have that view.

**Committee divided on clause:**

*Ayes, 37*

| | |
|---|---|
| Atkinson, Mr | Lenders, Mr |
| Broad, Ms | Lovell, Ms |
| Coote, Mrs | Melhem, Mr |
| Crozier, Ms | Mikakos, Ms |
| Dalla-Riva, Mr (*Teller*) | O'Brien, Mr |
| Darveniza, Ms | O'Donohue, Mr |
| Davis, Mr D. | Ondarchie, 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 |
| Guy, Mr | Somyurek, Mr (*Teller*) |
| Hall, Mr | Tarlamis, Mr |
| Jennings, Mr | Tee, Mr |
| Koch, Mr | Tierney, Ms |
| Kronberg, Mrs | Viney, Mr |
| Leane, Mr | |

*Noes, 3*

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

**Clause agreed to.**

**Clauses 10 to 22 agreed to.**

**Clause 23**

**Ms PENNICUIK** (Southern Metropolitan) — Clause 23 is the definitions clause. It describes the monitored conditions to which electronic monitoring may apply, such as a curfew condition or a place or area exclusion condition. My office has had some correspondence with the minister's office, and through the minister's office, the department, regarding this issue. The minister's office was very helpful, but the status of electronic monitoring is a little confusing in terms of what situations it applies to currently. As I understood it, it is for serious sex offenders under supervision orders. The minister's office has said it applies to the back end of sentences, which is a little more generic, and I am not quite sure where that applies.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Before 20 May electronic monitoring was used in relation to sex offenders on post-sentence orders. With the legislative changes that were effective from 20 May, electronic monitoring is also an option for those on parole.

**Ms PENNICUIK** (Southern Metropolitan) — Could the minister repeat his answer?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Since 20 May electronic monitoring has been a possibility for those on parole, so it is a condition that may be imposed as part of the granting of parole.

**Ms PENNICUIK** (Southern Metropolitan) — Are they only for the same conditions — as in curfews and place or area exclusions?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — That is a matter for the parole board. The condition is a matter for determination by the parole board.

**Ms PENNICUIK** (Southern Metropolitan) — Is there a maximum period of time for which they can be applied?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — My advice is no, but of course the parole board monitors parolees closely and monitors compliance with conditions et cetera. Again, that will be a matter for the parole board.

**Ms PENNICUIK** (Southern Metropolitan) — I suppose I am fleshing out whether it is only for the period they are on parole and not beyond that.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — That is correct.

**Ms PENNICUIK** (Southern Metropolitan) — For what types of offenders? It would not be just any offender. Is it for specific types of offenders?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — That would be a matter for the parole board.

**Ms PENNICUIK** (Southern Metropolitan) — Is the electronic monitoring real-time monitoring? For example, if it were a place or area exclusion condition, would it be immediately apparent to whoever was monitoring that the person had entered the place or area they were not meant to enter?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — That is really an operational matter. The government anticipates that technology will improve over time. In my role as Minister for Corrections I have made some announcements about this recently, but it is not really a matter that is the subject of this bill. As technology improves and as resources are allocated, those sorts of decisions will be made and improvements will be made in the monitoring regime.

**Ms PENNICUIK** (Southern Metropolitan) — Could it be possible that if a person strayed into or deliberately entered a place or area that they were excluded from, it may not be discovered for some time after it had occurred even with electronic monitoring?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — That is not what I said. What I said was that the operation of the electronic monitoring regime is an operational matter, and the operational perspectives are not matters for this bill. I am representing the Attorney-General in this committee, but in my capacity as Minister for Corrections I have made announcements about the rollout of GPS technology, which is a significant advance on the radiofrequency technology currently in use and which has been in use for some time. Given the way technology advances and improves over time, I anticipate — and the advice I have received is — that the GPS system will be a significant improvement on the radiofrequency system. One would anticipate, like most technology systems, that there will be further advances made over time.

**Ms PENNICUIK** (Southern Metropolitan) — What will be the course of action, whether it is through radiofrequency technology or GPS, when it is discovered that the person has gone to an area where they are not meant to go under their conditions?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — The response would be determined by Corrections Victoria. A range of factors may be taken into account by Corrections Victoria in that monitoring process, including the type of condition attached to the electronic monitoring and the risk of that offender. As I said, it is an operational matter, and Corrections Victoria will make that decision.

**Ms PENNICUIK** (Southern Metropolitan) — How is a person on a community correction order with a curfew or exclusion condition monitored at the moment? How does Corrections Victoria know whether the person is complying with those conditions or not?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I am advised that there is information sharing between the various bodies, whether they be Corrections Victoria, Victoria Police or the like. These operational decisions are not a matter for the bill before us. In a general sense the rollout of GPS technology will be a significant advance on the current radiofrequency technology. I am not trying to be difficult, but I am loath to get into the specifics given that they are operational matters and not the subject of this clause or the bill in front of us.

**Ms PENNICUIK** (Southern Metropolitan) — I think the minister and I have a difference of opinion here because I think the practical implications of how the provisions of the bill are going to work in the real world is what we should be looking at in committee. I do not think we should be looking at a bill as an esoteric thing that sits on a shelf; it is actually a piece of legislation that impacts on people's lives.

Let us have a look at another hypothetical scenario in which an offender currently on a community correction order is excluded from a place or area, but the police happen to see that person in that area. For example, it could be that they are excluded from the CBD because they have offended a number of times in a drunk or disorderly way. They have a correction order that says, 'Don't go into the CBD for three months', but then the police see them there. Do they apprehend that person at the time they see them?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Again, that is a hypothetical situation; it would be an operational matter. The fundamental point is that this bill enables conditions to be put in place and electronic monitoring to occur. Whether someone is in the CBD, St Kilda, the Latrobe Valley or elsewhere when they do something and the police see them, I do not wish to entertain a hypothetical situation about what happens then. That

would obviously be an operational decision for Victoria Police.

**Ms PENNICUIK** (Southern Metropolitan) — The minister seems to be implying that it does not matter where such a person is, but an exclusion order can be very specific and say, 'Part of the condition of your CCO is that you don't go into the CBD', but the police might be well aware of that person and see them there, so I want to know: would they be apprehended? Would that be the general thing to do — to apprehend them, remove them from the CBD and take them back to their place of residence? Is it anticipated that, with the advent of GPS, somebody will be on a monitor somewhere monitoring all the people with electronic monitoring devices who are on CCOs at any point in time? Would that person's being seen on the GPS monitoring system mean a police divisional van would be dispatched to remove them from a particular place? I want to know what practical difference this is going to make in terms of the operational activities of the police with regard to people on CCOs with particular conditions.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I will say two things principally in response to Ms Pennicuik. First of all, the rollout of more advanced technology obviously improves the information available to Corrections Victoria, and to other agencies and organisations such as Victoria Police, about the compliance or otherwise with an order and the ability of the courts or the Adult Parole Board of Victoria to make orders about going or not going to particular places or about curfews or the like. The government thinks this is an important step forward.

Whether a divisional van would be called to the CBD would depend on a whole range of factors which I do not have the ability to determine. That would be determined by Victoria Police or others. Each matter will depend on a range of factors. I do not wish to entertain or discuss hypotheticals. What I will say is that these reforms, coupled with more advanced technology, increase the options available to the courts, the adult parole board, Corrections Victoria and possibly the police in the monitoring of those orders that may be made.

**Ms PENNICUIK** (Southern Metropolitan) — Let us go to another practical implication. Is it envisaged that with the current radiofrequency technology or with GPS someone will be monitoring where every person with an electronic monitoring device is 24 hours a day, 7 days per week? Is it the case that someone is watching all the time, or do people just look at it occasionally? I know this goes to questions Ms Mikakos has in terms of the cost of this sort of regime as opposed to the benefits. If it is just noted that someone has breached their CCO condition and the Department of Justice calls them the next day and says, 'It's been noted you've breached it', I cannot really see the value.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I am advised that the new technology referred to in the bill enables monitoring to occur 24 hours a day, 7 days a week. Again, decisions about breaches will be an operational matter. I do not like to speak in hypotheticals, but, to use an example, a serious sex offender who breaches an exclusion zone may be treated differently to someone who breaches their conditions in arriving home 15 minutes late. They will be operational decisions.

**Ms PENNICUIK** (Southern Metropolitan) — I would assume that a serious sex offender would be treated differently, and in fact I do not oppose it for serious sex offenders, but we are talking about community correction orders for low-level offenders and I am not being persuaded of the need for electronic monitoring devices to be attached to community correction orders. Has the government done any costing on the rollout of these electronic monitoring devices and the GPS system?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Can I take that question on notice just to clarify the precise figure? The budget has been allocated for the rollout of the broader, improved monitoring regime, but I am happy to take that on notice and come back to the member.

**Ms PENNICUIK** (Southern Metropolitan) — The minister might need to take this one on notice too. Does the department have any figures for the level of compliance with conditions of community correction orders at present?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I will take Ms Pennicuik's question on notice.

**Ms MIKAKOS** (Northern Metropolitan) — I intended to pursue some similar questions on clause 25, but given that we have covered a lot of this already on clause 23, I will deal with some of those issues now if I may. Ms Pennicuik covered a lot of ground in her questioning, and it has been interesting to listen to the minister's responses to some of those issues. Firstly, I take very strong exception to the minister's argument that a lot of the concerns around operational issues are not relevant to this debate. They are highly relevant. The government is suggesting that the electronic monitoring provisions in this part of the bill will somehow provide a degree of comfort to the community because of the additional safeguards that will add to what is in place at the moment. I do think

these operational issues are highly relevant. I want to ask about the issue of resources. What resources are actually available to properly implement an electronic monitoring regime — not what funding is in place?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Just to clarify my earlier comments, I am loath to enter into hypothetical discussions but the government believes that electronic monitoring, coupled with the more flexible conditions available in regard to a CCO, is an additional tool that will give more options to the courts and the adult parole board. I do not think it is helpful to enter into debate about hypothetical scenarios when ultimately these are operational decisions that need to be made. In relation to the costings, I will take that on notice and come back to Ms Mikakos, as I said to Ms Pennicuik.

**Ms MIKAKOS** (Northern Metropolitan) — I have not raised any hypothetical issues. I am asking for a statement of fact in terms of what resources are in place. I would appreciate receiving that information at a later date, but I will move on. In the minister's response to some of Ms Pennicuik's questions there was, I guess, an acknowledgement that there are currently some technological impediments to the electronic monitoring working effectively. Can the minister assure the committee that there are currently no technological or resource impediments to the courts applying an order regarding electronic monitoring to any offender?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Could Ms Mikakos clarify her question, because the subject matter of this debate is in part about community correction orders? Could she clarify for me what she is seeking?

**Ms MIKAKOS** (Northern Metropolitan) — I am asking the minister for an assurance that there are currently no technological or resource impediments to the courts applying an order regarding electronic monitoring to any offender.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — As the law currently allows limited application, obviously this legislation would broaden the potential application. The current radiofrequency technology that has been in use for some time is being upgraded to include GPS technology. I am advised that has been appropriately resourced. As we have discussed, I have taken the quantum of that on notice.

**Ms MIKAKOS** (Northern Metropolitan) — So you say there are no resource impediments?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — We would see the principal impediment at the moment as being the legal impediment to allowing this sort of monitoring to be the subject of a CCO, and that is one of the reasons this bill is before the house.

**Clause agreed to; clause 24 agreed to.**

**Clause 25**

**Ms PENNICUIK** (Southern Metropolitan) — I think Ms Mikakos is quite correct in saying that most of the questions that were asked under clause 23 could have been asked under clause 25, which is the clause that inserts new section 48LA into the Sentencing Act, which provides for the electronic monitoring of offenders. For the benefit of the committee and for the record, just as I voted against clauses 6 and 9 in part 2 of the bill to demonstrate my opposition to the removal of suspended sentences, I will be voting against clause 25 to show my opposition to the introduction of electronic monitoring for people sentenced to a community correction order. I am voting against this clause because I believe the monitoring can be done without electronic monitoring.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I note Ms Pennicuik's objection. I wish to provide Ms Mikakos and Ms Pennicuik with some information about the cost of the system. I advise that the government has committed $34 million over four years to fund the current system and expand it to include the GPS system.

**Committee divided on clause:**

*Ayes, 37*

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

*Noes, 3*

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

**Clause agreed to.**

**Clauses 26 to 46 agreed to.**

**Clause 47**

**Ms PENNICUIK** (Southern Metropolitan) — My question under clause 47 is to do with new section 55, which is in regard to the liability of a director if a body corporate is unable to pay a fine. I am sure the minister is aware — and Mr O'Brien might even be aware — that there was a bit of to-ing and fro-ing by the Scrutiny of Acts and Regulations Committee about the particular issue of charter rights being engaged because a person may be liable for something without being present and perhaps without knowing the full story. I thought the minister's answer to the question was reasonable. However, my question is really along the lines of: would this apply to, for example, owners in an owners corporation? For example, if the owners of a block of flats were in an owners corporation and a fine was imposed, would all those owners be liable to pay the fine? I seek some clarification on what is meant here.

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I can advise Ms Pennicuik that my advice is, yes, it does affect directors of owners corporations. The definition of 'director' in section 3 of the Sentencing Act 1991 includes any position of director of the body corporate, by whatever name called. Regardless of whether the position is honorary or otherwise, new section 55 only affects the office-bearer if they are also directors of a body corporate. An honorary office-holder would need to view the terms and conditions of his or her appointment to ascertain whether they are also a director.

**Ms PENNICUIK** (Southern Metropolitan) — In that case would they be liable severally for that? In the example of an owners corporation if, say, there are eight owners, would they all be liable for one-eighth of the fine?

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I am advised that the directors would be jointly and severally liable.

**Clause agreed to; clauses 48 to 66 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## JUSTICE LEGISLATION AMENDMENT BILL 2013

*Second reading*

**Debate resumed from 9 May; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr TARLAMIS** (South Eastern Metropolitan) — I rise to speak on the Justice Legislation Amendment Bill 2013. I do not intend to speak for too long as my colleague Jill Hennessey, the member for Altona in the other place, went through the bill in some detail, as did subsequent speakers. It is a somewhat refreshing change to speak on a fairly uncontroversial bill, the majority of which amounts to procedural and administrative changes. However, there is a particularly important amendment to the Electoral Act 2002 that I wish to focus on, arising as it did from a recommendation of the Electoral Matters Committee of which I am a member. I will however take a few minutes to address the other six amendments in the bill, all of which are designed to clarify or improve small parts of their respective acts.

Before doing so, I indicate that the opposition will not be opposing the suggested house amendments that the government will be moving during the committee stage, which relate to the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010. The assessment and referral court (ARC) list was an initiative of the previous Labor government. The ARC list helps people with a mental illness or cognitive impairment receive appropriate support. The aim of the mental health court liaison service is to provide court assessment and advice services to magistrates in relation to people appearing before the Magistrates Court who may have a mental illness. This pilot is due to sunset soon, and this amendment will extend the pilot for another two years.

Turning to the other amendments contained in the bill, the amendment to the Administration and Probate Act 1958 removes the standing requirement for the advertisement in a daily paper of any application to reseal foreign grants of probate or letters of administration. Reseals involve sealing of documents of a court or second jurisdiction that evidence the grant of probate or letters of administration made in another jurisdiction and are necessary as the personal representatives appointed by a grant in a foreign jurisdiction cannot actually deal with assets in Victoria. The Victorian Supreme Court can reseal a grant of probate or a letter of administration made in other specific jurisdictions which allows the person with the reseal the same rights, duties, powers or liabilities that

would have been imposed had the court originally given a grant.

The standing legislation requires the advertisement of an application in a daily paper, and this currently amounts to a cost of around $300. The amendment removes this requirement, allowing for the Supreme Court to rule on how any reseal application can be advertised effectively, thereby allowing for the discharge of this requirement to give notice. An example of this might involve the advertisement of an application on a website of the Supreme Court at a heavily reduced cost of around $40. This measure has the support of the Supreme Court, and we on this side of the chamber will always support any measures to make the legal system more accessible to all Victorians and to reduce the cost for people to access justice.

Regrettably the government has not chosen to apply this ideal to other administrations, like the Victorian Civil and Administrative Tribunal (VCAT). In fact it has decided to move in the opposite direction by significantly raising fees at VCAT. This will unfortunately marginalise a number of Victorians who will have to bear these additional costs when seeking dispute resolution, limiting the accessibility of this vital tribunal service for those who can least afford it — a decision I hope this government will reconsider.

The bill also seeks to amend the Crown Land (Reserves) Act 1978, following changes made in 1994 which left ambiguities around the responsibility of trustees and managers of Crown land, including local councils, and whether or not they had the responsibility to contribute to the fencing costs under the Fences Act 1968. The amendments clarify a long-held understanding that such managers and trustees of Crown land used for public purposes, such as parks, should not be held liable for fencing cost contributions in relation to that land. This is a small change but an important one given the number of civil disputes that frequently arise from the Fences Act.

The amendment to the Magistrates' Court Act 1989 arising from this bill will allow the Chief Magistrate to nominate a deputy chief magistrate to the Governor in Council, or GIC, when absent, on leave or temporarily unable to perform their duties. The act's current form allows the GIC to appoint any magistrate as an Acting Chief Magistrate without any reference to a nomination, and this amendment will assist in defining a standardised process for these circumstances. This is another common-sense change.

I am also pleased to speak on the amendment to the Sentencing Act 1991. Earlier this year we saw the Supreme Court make a judgement that courts do not have the power to force an offender to pay a sum of money to a charity or court fund, also known as the poor box, as part of an adjournment order. The shadow Attorney-General immediately requested that the government step in and legislate to restore the right to order charity payments, particularly given the fact that the Melbourne Magistrates Court annual report for 2010–11 indicated that over $880 000 was given to charities through court orders. These extra dollars enabled more service delivery for vulnerable Victorians, and the amendment to the act will restore this traditional practice. It will reinforce that these orders are part of an adjournment order and may not be used as substitute fines. This bill allows for a transitional arrangement that will maintain the integrity of existing and previous court orders. I am pleased to say the government heeded the advice of the opposition and numerous charity organisations on this amendment.

The amendment concerning the Coroners Act 2008 and the Victorian Institute of Forensic Medicine Act 1985 deals with areas of overlap between the court and the institute, along with some unnecessary processes — for example, under the current act reports of reviewable deaths must be made to the Coroners Court. This amendment will allow any such reports to also be made to the Victorian Institute of Forensic Medicine and will additionally allow for fire investigation requests to be made to the same body on behalf of the coroner. We were advised by the department that the coroner requested these changes following a review of operations, and we will support any measures designed to promote the efficiency of and excellent service performed by both the Coroners Court and the Victorian Institute of Forensic Medicine.

I mentioned at the beginning of my contribution that I would be focusing in more detail on the changes to the Electoral Act 2002 arising from this bill. It is my privilege to be a member of the Electoral Matters Committee. Last year it tabled a report in the Parliament entitled *Inquiry into the Conduct of the 2010 Victorian State Election and Matters Related Thereto*, which made a number of recommendations to the government. This amendment to the act is a direct result of the committee's recommendation 3.1 from the report, which states:

> The committee recommends the Victorian government amend section 23A(2) of the Electoral Act 2002 (Victoria) to allow data obtained by the Victorian Electoral Commission as part of the AEC/VEC joint enrolment process to be used for automatic enrolment purposes.

Labor introduced direct enrolment in 2010, amending the act to allow the Victorian Electoral Commission

(VEC) to enrol eligible electors on its own initiative, using information received from certain statutory agencies. This change acknowledged that direct enrolment should be examined as a long-term project, subject to a staged approach for changes. This first phase took in students aged 18 years who had registered with the Victorian Curriculum and Assessment Authority. Labor subsequently flagged that the second tranche of reforms should serve to widen this group of electors to be directly enrolled. The amendment before us today will allow the VEC to use data obtained from the Australian Electoral Commission (AEC) and will expand the pool of information that the VEC may access for the purposes of direct enrolment. It will ensure that people who enrol at the federal level are in turn placed on the state roll, in line with the committee's recommendation.

When I reflect on the fact that the coalition, which was in opposition at the time, was somewhat reluctant to support Labor's 2010 policy — and that includes the Attorney-General — it comes as a welcome surprise that the government has agreed to follow our lead and accept this recommendation.

It is paramount in any democracy that we ensure that all eligible voters have the opportunity to exercise their democratic right to vote. In Australia we are fortunate to have this right and as such we are the envy of many other countries. We have all witnessed the situation of countries around the world where people are fighting and being killed for the right to participate in a free and fair election process. Our electoral system is something we should be proud of, but having said that we should always work to ensure that we are doing all we can to enhance voters' access to participation in the electoral process. This measure further strengthens and contributes to the VEC's capacity to have access to information to be able to inform people of their rights and their obligation to vote in our democratic society.

It is crucial that the government take steps in the near future not only to implement other recommendations made by the Electoral Matters Committee but to explore other ways to further improve our democratic processes. More work clearly needs to be done. According to the VEC annual report for 2011–12, despite an increase in overall involvement, with the total number of people enrolled reaching 3 623 594, there has been a decrease in the estimated percentage of the population that was enrolled in the previous year — from 92.28 per cent to 91.87 per cent. That means more than 8 per cent of people who are estimated to be eligible to be on the electoral roll are not currently on the roll. More concerning is the figure of 25 per cent of young people aged 18 to 25 years who are not enrolled to vote.

It was Franklin D. Roosevelt, when talking about democracy in his country, who said:

> Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education.

I think it is equally applicable here in Victoria.

In the relative scheme of things, the VEC provides a small educational program on Victoria's democracy through the Passport to Democracy program. But unfortunately, despite its growth, not all students have access to this program, and there is an argument to be made that not all Victorian students are well informed on voting or the rights and responsibilities that go with living in a democratic state. This results in many young people being deprived of one of the most important opportunities to have a say over their lives, over how their taxes are spent and over the education and job opportunities available to them.

I am encouraged that the VEC is using more opportunities to encourage enrolment via VicRoads, the Residential Tenancies Bond Authority and the Victorian Tertiary Admissions Centre. I am encouraged by the VEC's strategy of opt-out enrolment over opt-in, and I hope that this leads to a significant improvement, especially in the number of young people being enrolled.

It is said that the community is increasingly cynical of politics and politicians. I suggest one of the reasons for this is the opaque nature of the political system to ordinary Victorians. We must rail against this cynicism and we must rail against the reasons for this cynicism, and the most effective way to do so is to ensure that the community is educated, informed and able to access information about politics and the electoral system. Surely it must be an objective of all people in this Parliament to ensure that everyone entitled to vote is registered to vote. With that brief contribution I commend the bill to the house.

**Mr O'BRIEN** (Western Victoria) — It is with great pleasure that I rise to speak on the Justice Legislation Amendment Bill 2013, which is what is often called an omnibus bill and deals with a number of important pieces of legislation, as has been outlined by the previous speaker, who finished his contribution on the reforms to the Electoral Act 2002. Those reforms are to enable the Victorian Electoral Commission to use the enrolment information obtained from the Australian Electoral Commission to directly enrol Victorian

voters. I will commence my contribution by picking up from where Mr Tarlamis left off and endorsing his comments on the importance of democracy and our electoral system to Victoria.

I do this on the day that we have a new member in this house, Mr Melhem, who I warmly welcome to the chamber. I have already farewelled his predecessor, Mr Pakula, and thanked him for his contribution to the house. It is important that we remember the constructive work we do in this place, despite the differences that sometimes separate us. I know I have a good time chatting with Mr Tarlamis about his important contribution through the Australia-Gallipoli remembrance visit that he does each year. One day maybe I will have the pleasure of joining him on one of those visits.

The important thing about democracy is that it is something that people have fought for, and it is something that I believe, subject to checking my family history, my ancestors fought for or were involved in potentially on a number of different sides, but probably mainly on one side in the Eureka battle. Legend has it that two of my ancestors nursed Peter Lalor when he lost his arm. What is important about Eureka is that it is a symbol of Victoria's fight for democracy. Indeed this chamber stood alone as the only place for democracy, and Australia was able to achieve representative government relatively early after the extension of the franchise and before many other countries in the common-law world. This chamber led that charge. It is important, given the conflicts around the world, that we sometimes remember the importance of obtaining democracy, how fragile it is and how it can be lost, which is why the Museum of Australian Democracy at Eureka (MADE) is an important facility. MADE is a bipartisan project of the former government, the present government and the federal government, and it has embarked upon that very educative role that Mr Tarlamis outlined is important in making sure that not only are people enrolled but that they stay enrolled, stay up-to-date and stay consistently enrolled in both state and federal legislatures.

We will have a referendum this year on local government, which will be another interesting challenge to the structure of our democracy. But perhaps I should leave that debate for another day.

At this stage I should outline that we have some suggested amendments to the bill from the other place that I request be circulated now.

**Government amendments circulated by Mr O'BRIEN (Western Victoria) pursuant to standing orders.**

**Mr O'BRIEN** — They are important amendments. They relate to the assessment and referral court (ARC) list and seek an extension of the sunset date for that pilot that would otherwise take place. It can now proceed because of the very important budgetary commitments that this government has made through delivering responsible budgets, planning for surpluses and delivering upon surpluses, and therefore has been able to commit to important things like the continuation of the ARC list. For those who are not aware of the ARC list, it was a pilot commenced in March 2010 as a specialist court list at the Melbourne Magistrates Court to meet the particular needs of accused persons who have a mental illness and/or a cognitive impairment.

The ARC list combines a problem-oriented court approach with support for accused persons provided by court-employed clinical advisers and case managers, and it operates in a manner that takes into account the particular needs of defendants who have a mental illness or a cognitive impairment.

The ARC list was initially funded until 30 June 2013; however, the 2013–14 state budget has extended that funding to extend the trial period. These house amendments will provide for the ARC list pilot to continue for a further two years. I am pleased that the opposition has taken these amendments and considered them and that it will not oppose them, understanding the importance of this important pilot. I am not sure of the position of the Greens; I understand I will hear that from Ms Pennicuik.

The ARC list is an important list and shows how far this state has progressed in the treatment of mental illness in this wonderful part of Victoria that we live in. I note that the Parliamentary Secretary for Families and Community Services is in the house. She is very diligent in the discharging of her parliamentary secretary's role and indeed in many of her other roles as a member of Parliament, together with other members of both places. What Mrs Coote would understand is how far we have come in the treatment of mental illness. My family has some history in relation to facilities in my electorate of Western Victoria Region, where once people were incarcerated for a lifetime in J Ward at the Ararat Lunatic Asylum. The asylum housed the criminally insane — or alleged criminally insane; whether it was an inheritance denial or an allegation of criminal activity, it was literally terrible incarceration that occurred for a long time.

That is a long way from where we sit now, but it is a problem that we are still grappling with as we deal with people on our streets who have a mental illness, who are endeavouring to rehabilitate themselves and from whom we must at times protect the community, particularly with the scourge of very difficult and dangerous drugs like ice et cetera that can influence behaviour and result in difficult assessment protocols. That is why this important list and these house amendments are necessary to ensure that the pilot continues its active work.

Some other amendments proposed in the bill are to the Crown Land (Reserves) Act 1978 (CLRA). These will clarify a question that arose around the application of section 21 of the Crown Land (Reserves) Act and whether it renders managers of reserved Crown land, such as councils, liable to contribute to fencing costs under the Fences Act 1968. Prior to 1994 section 21 of the CLRA deemed trustees or persons having the care, control or management of reserved Crown land to be occupiers for the purposes of section 5 of the Fences Act, which allows occupiers to agree on a line of fencing where a waterway forms a boundary between adjoining lands. Section 21 was amended in 1994 by section 48(e) of the Crown Lands Acts (Amendment) Act 1994 to substitute a reference to the definition of 'occupier' in section 3 of the Fences Act, rather than section 5. The 1994 amendment significantly broadened the potential application of the Fences Act, including the obligation to contribute to fencing costs, to include managers of reserved Crown land.

It is unclear why the statute law revision amendment was made in 1994 as there is no explanation or evidence in the parliamentary debates or the associated materials that such a significant policy shift was intended. Furthermore, section 21 appears to be at odds with the longstanding government position that managers and trustees of reserved Crown land should not be liable for fencing costs in relation to that land. Upon the recent discovery of this anomaly, the Municipal Association of Victoria contacted the Department of Justice on behalf of numerous councils to express concern regarding the potential liability of councils to contribute to the cost of fencing. As a result, this amendment has been brought to the house and will have retrospective effect so that those anomalies can be cured.

I have a fair amount of fencing which is at different stages, and Victoria is blessed with many different styles of very important fencing. I particularly note that our ancestors built very good stone fences, which some descendants used to go rabbiting under and remove. Some of those fences are not in the condition we would like them to be in. It is important that we maintain our fences. Good fences make good neighbours, and disputes and accidents can result when fencing is not there.

That is the third aspect of the bill. The other aspects relate to amendments to the Sentencing Act 1991 which restore the ability of courts to attach a condition to an undertaking that an offender make a donation to a charity or court fund, following the recent court decision which casts doubt on this practice. This is a significant and important reform for charities, which would otherwise have been denied this money. It is a common-sense reform which is consequent upon the court decision, and it will enable these fines be paid into the court fund.

Last but not least, none of us is here forever, but having been here, we want to leave a legacy. That is why the amendments to the Administration and Probate Act 1958 will simplify the process of applying to the Supreme Court for a reseal of a foreign grant of probate or letters of administration by allowing such applications to be advertised online.

With those words, on time and on budget, the government commends this bill to the house, and I look forward to other contributions.

**Ms PENNICUIK** (Southern Metropolitan) — As Mr O'Brien said, the Justice Legislation Amendment Bill 2013 is an omnibus bill which amends seven acts. It is a straightforward bill with uncontroversial amendments to those acts. Mr Tarlamis and Mr O'Brien have spent quite a bit of time going through the amendments, but I will briefly touch on them, perhaps not going to the level of detail that they have. The first set of amendments are to the Administration and Probate Act 1958 to simplify the process for applying to the Supreme Court for a reseal of a foreign grant of probate or letters of administration by allowing advertisements of applications for resealing of grants to be made online on the Supreme Court website.

The amendments to the Crown Land (Reserves) Act 1978 clarify that trustees and managers of reserved Crown land may take part in any agreement on the line of fencing where a waterway forms the boundary between adjoining lands. This clarifies that managers of reserved Crown land, such as councils, are not liable to contribute to fencing costs under the Fences Act 1968.

The amendments to the Electoral Act 2002 will enable the Victorian Electoral Commission to use information it receives from the Australian Electoral Commission

(AEC) to directly enrol Victorian electors. This amendment is consistent with recommendation 3.1 of the Electoral Matters Committee inquiry into the conduct of the 2010 state election and the government response to that report, which was tabled in Parliament in 2012. It is beneficial to have people who are enrolled with the AEC able to be directly enrolled in Victoria.

I could be wrong, but as I understand it, persons as young as 17 can be enrolled to vote under the Australian Electoral Commission act. I am not sure what implication that has for the changes to this bill. If voters are enrolled under the AEC act and are directly enrolling in Victoria, they could perhaps be enrolled at 17. That is an interesting issue. It is certainly an issue that interests the Greens, who have a position that the voting age should be lowered. It is also the case in other jurisdictions in Australia that persons can enrol to vote at 17.

The amendments to the Magistrates Court Act 1989 make provision for flexible arrangements for the appointment of an Acting Chief Magistrate by the Governor in Council when the Chief Magistrate is absent on leave or temporarily unable to perform the required duties. This will mean that the Governor in Council may appoint a deputy chief magistrate nominated by the Chief Magistrate to be Acting Chief Magistrate for any period when the Chief Magistrate is absent on leave or temporarily unable to perform the required duties.

Secondly, if the appointment has not been made under that provision and the Chief Magistrate is absent on leave or unable to perform the required duties, or if the position of Chief Magistrate becomes vacant, the Governor in Council may appoint a magistrate to be Acting Chief Magistrate. If no appointment has been made under the previous provisions and there is a vacancy, or the Chief Magistrate is temporarily unable to perform his or her duties, the most senior of the deputy chief magistrates willing to act shall act as Chief Magistrate. As Mr O'Brien outlined, and as is clear from the amendments in front of me, the government's amendments to this section of the bill serve to extend the trial period of the Magistrates Court assessment and referral courts list for two years. The Greens are supportive of that amendment.

The amendments to the Coroners Act 2008 and the Victorian Institute of Forensic Medicine Act 1985 enable a more effective integration of their respective roles so that reportable deaths may be reported to the coroner or alternately to the Victorian Institute of Forensic Medicine (VIFM), which has the power to receive various reports of deaths and investigations on behalf of the coroner. VIFM may also assist and guide a person who must report a death in establishing whether a death is a reportable or reviewable death. It specifies additional functions which will allow VIFM to assist the coroner in the initial investigation of deaths and in the necessary communication between the court and the senior next of kin of the deceased during that initial investigation.

Regarding the Coroners Court, that is an issue in which I have taken an interest for a long time. An amendment I was able to secure to the Coroners Bill 2008, with the support of the then opposition, required statutory authorities or other public entities to respond to the coroner's recommendations publicly within three months. I am looking at the operation of that provision since it came into effect on 1 January 2009 to see how it is going and what statutory authorities and public agencies have done in terms of responding to the coroner's recommendations.

Tomorrow I will also be speaking on the annual report of the Coroners Court. In terms of this bill it is worth stating that while everybody supports the court and the introduction of practical measures such as those I have just outlined to help it fulfil its functions, the annual report shows that the court is greatly underfunded and that the review of family violence related deaths must be fully funded, again given that the statistics show that a very high percentage — 40 per cent — of homicides are related to family violence. We are facing a crisis of family violence in our community. We need to provide resources to help address this crisis, and funding a review of family violence related homicides would assist in this.

There are more things that need to be done to assist the Coroners Court. In particular there needs to be an evaluation of how the court is dealing with families. I have heard anecdotes; people have talked to me about their experiences with the Coroners Court, which have not gone as well as they should have in terms of the court keeping them informed and aware of what is going on with the inquest into the death of their loved ones, as is provided for by the act. We still have some way to go in improving the operation of the court. Much of that may come down to the resourcing concerns. Obviously the court will not be able to fulfil its obligations as well as it could if it is not resourced to do so.

The final amendments I turn to amend the definition of 'fine' in section 3(1) of the Sentencing Act 1991 so that money payable by an offender on an order of the court to an organisation that provides a charitable or community service or to the court for a payment to such

an organisation will not be considered a fine. In fact that is similar to the amendments that were just passed in the previous bill.

They seem to be the major amendments made by this omnibus bill, the Justice Legislation Amendment Bill 2013. The Greens will support the bill and the house amendments tabled by Mr O'Brien.

**Mrs COOTE** (Southern Metropolitan) — I have great pleasure in speaking briefly on the Justice Legislation Amendment Bill 2013, because my colleague Mr O'Brien has given a comprehensive outline of the bill. However, I reiterate that the bill seeks to amend a number of acts, including the Administration and Probate Act 1958, the Crown Land (Reserves) Act 1978, the Electoral Act 2002, the Magistrates' Court Act 1989, the Sentencing Act 1991, the Coroners Act 2008 and the Victorian Institute of Forensic Medicine Act 1985. I want to talk about all of these acts.

On the Administration and Probate Act 1958, looking around at the people in this chamber, I think they would probably remember that in times gone by an advertisement in the newspaper used to suffice to make an announcement about probate. It was the best and most cost-effective way to make such an announcement. You could read it in the paper. We have come a long way from that, and it is pleasing to see that the bill addresses this issue. It modernises the Administration and Probate Act 1958 by allowing certain announcements that presently must be advertised in newspapers to be announced on the Supreme Court website. Presently, before probate from certain external jurisdictions can be granted, they must first be resealed by the Supreme Court of Victoria. Part of this requires that the application for resealing be advertised in a daily newspaper.

It is important that our justice system operates in a transparent manner so that people can be confident that it is independent and fair. The bill amends the act to allow these announcements to be posted on the website of the Supreme Court of Victoria. This is modernising the legislation, bringing it into the 21st century and using existing technology. According to the Attorney-General's second-reading speech, this reduces the cost to applicants from in excess of $300 to just $40.

One of the most interesting acts amended by this bill is the Crown Land (Reserves) Act. I say 'interesting' because the section being amended was inserted into the act in 1994, substantially changing existing policy, but no reason was presented at the time as to why the act was being amended. Furthermore, the provisions have never actually been used. The section says if a waterway forms a property boundary, the responsible authority for the Crown land — that is, the waterway — is liable to contribute to the cost of fencing. As Mr O'Brien rightly pointed out, fencing can be a contentious issue in rural and regional Victoria, but given that this provision in the act had never been used, it was time for it to be reviewed.

I am certain the Electoral Act 2002 is pertinent to everyone in this chamber and that they will take a great deal of interest in any changes to that act. Recently the federal Parliament changed the federal electoral legislation to allow for automatic enrolment. If this bill were not to amend the Electoral Act 2002, the Victorian Electoral Commission (VEC) would not be able to rely on the information it might receive from the Australian Electoral Commission (AEC) through direct enrolment. In turn this would prevent the AEC and the VEC from sharing enrolment details and mean that voters would still need to complete a separate enrolment form for Victorian state elections, compared to federal elections. We are all riveted by elections — they are what drives us in this place — but I do not think all our constituents would share that view. However, they are switched on to modern technology and would find having to fill out more forms a huge indictment, so this is pleasing to see.

As we know, the amendments being made regarding mental health are extremely important. It is interesting to see that this builds upon a series of initiatives that we as a government and the Minister for Mental Health, Ms Wooldridge, have made in the field of mental health. For example, there have been improvements for women in mental health care, new counselling teams in the outer east, a budget boost to mental health beds, services and workers, which is the largest ever boost for mental health in the west, mental health care with the new Bendigo Hospital, a mental health boost for schools in Casey and Cardinia, and new youth mental health services opening in Dandenong — a whole series of very important mental health initiatives, which again addresses this issue.

This bill makes a number of small changes to several acts. It is a straightforward bill that makes common-sense changes. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed next day.**

## ADJOURNMENT

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — I move:

That the house do now adjourn.

### Drought: federal Farm Finance package

**Mr LENDERS** (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Peter Walsh. As the minister in this house would well be aware, much of Victoria, particularly the west and the north, has been experiencing very dry conditions, and farmers in those areas are looking for solidarity from their governments and some financial assistance.

In that context drought relief has normally been a collaborative arrangement between the commonwealth and state governments. One month ago, in response to rising debt problems in the agricultural sector, the Australian government developed a Farm Finance package which offers Victorian farmers $30 million per annum in concessional loans for the next two years. These loans will be available to Victorian farmers at an initial interest rate of just 4.5 per cent, with the commonwealth assuming the ultimate risk for defaults. You would think that if $60 million were on the table to assist Victorian farmers, the state government would reach out for that money with both hands. But alas, it is stunning that the Victorian government has failed to respond to the commonwealth's offer of assistance for farmers.

The only requirement placed on the Victorian government is that it administer the loans and be responsible for an applicant assessment cost. Given the Victorian government does that on a routine basis through the Rural Finance Corporation, it is set up to do so. It seems a very cheap way to secure $60 million for the many farmers across Victoria who are doing it tough at the moment.

The action I seek from the minister is that he respond to the commonwealth with a degree of urgency to make sure this Farm Finance package on offer to Victorian farmers who are doing it tough is seized with both hands.

### Local government: parks research study

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter this evening is for the attention of the Minister for Local Government. I was particularly interested to read in the *Age* of 28 May about the benefits of having parks in residential areas. An interesting study, focusing on older adults, has been conducted by the University of Western Sydney to show that green space encourages exercise.

Given that we are an ageing population, this is a very important research project. It was published in the *British Journal of Sports Medicine* and showed that as the amount of green space increased by 20 per cent of land use, the odds of a nearby resident taking a weekly walk increased by 6 per cent. This is an important issue. Many older people are encouraged to have a dog, for example, or to be ambulatory and walk as far as they possibly can, and they are to be encouraged at all costs. We know that walking encourages socialisation, it gets people out, it gives them a healthy attitude to life and is very beneficial. We have all known this anecdotally, and that is the reason this report is so important.

Some of the statistics are very interesting. The study of more than 200 000 Australians aged over 45 confirmed that the grey-versus-green ratio in neighbourhoods can influence the health of residents. It showed that the more green space there is within 1 kilometre of your home, the more likely you are to walk, jog or take part in team sports. Residents were 8 per cent more likely to take part in moderate to vigorous exercise, which leaves people out of breath, and they were 10 per cent more likely to exercise more than once a week than the people with very little green open space.

The lead researcher said that people aged over 45 are the least physically active, suffer the highest rate of chronic disease and place the greatest strain on health services. The focus of the research paper was very important and has interesting ramifications for us as an ageing population — although I have to say being classified as aged at age 45 is always a contentious issue. The research speaks for itself with empirical evidence that suggests things we already know. If we can get people out into parks, it will make them healthier and be cost effective for the long term.

I ask that the minister alert all local government municipalities to the benefits of parks and to this research, and encourage them to go out to their constituents and publicise the benefits of being active in local parks, being participants in their parks, walking their dogs, joining team sports and generally socialising for the betterment of their health.

### Timboon P–12 School: funding

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Education and is in relation to the Timboon P–12 School. To say that the Timboon

community is disappointed — for the third year in a row — by the Napthine government's attempt to ignore it is an understatement. As the *Cobden Timboon Coast Times* puts it, the community has been dealt a devastating blow. Missing out on funding for three years in a row is bad enough, but to have had funding approved to begin stage 1 of the school's redevelopment and then to lose it when the coalition government was elected is a huge kick in the head to the local community. The previous government approved $6.4 million for stage 1 of the redevelopment project, and prior to the last election the then coalition opposition announced the project as an election promise.

In an article in the Warrnambool *Standard* in April 2011 the school council president, Gary Langenhuizen, was quoted as having said:

> Our big concern is the new government may delay this a year or two and then claim it as its own project …

He is also reported to have said:

> We can't get a commitment, despite several attempts through Terry Mulder … I'm not too impressed.

This was more than two years ago, so one can only imagine the level of frustration the local Timboon community is feeling in relation to the government on this matter.

Timboon P–12 School also missed out on funding from the coalition's school maintenance funding program that was distributed just prior to the budget. This is simply inexplicable and shameful. The education department has classed 34 per cent of the school's buildings as being in poor condition. The school has a total of 31 areas, 22 of which are below the threshold. The member for Polwarth in the other place, the Minister for Public Transport, himself said the situation was an anomaly, but this is just lip-service to a community which is rightly fed up with being ignored by the member and this government.

It is now known that the government has set aside a funding pot for school redevelopments, although this does not show up in the recent budget. Through word of mouth I understand that the Apollo Bay P–12 College redevelopment project will apparently be a beneficiary of that funding source, so I urge the minister to use funding from this secret source to deliver the $6.4 million needed for stage 1 of the Timboon P–12 School redevelopment immediately, as the government should have done in 2011.

## Gaming: local government submissions

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter is for the Minister for Liquor and Gaming Regulation. The Gambling Regulation Amendment (Licensing) Act 2010 provides that after the notification of an application for a new electronic gaming machine venue or an increase in the number of electronic gaming machines at an approved venue, municipal councils have 37 days to notify the Victorian Commission for Gambling and Liquor Regulation whether they intend to make a submission in respect of any request or amended request. It states that municipal councils have 60 days after that notification to lodge any submission. That is a maximum of 44 working days to complete a complex analysis and submission. The time frame can be even smaller depending on the day of the week the application is submitted and the number of public holidays during that period. Often the council has just 39 working days to complete the submission. This puts a lot of pressure on council workers.

Councils also have limited meeting times available to them in which to deal with matters affecting their communities. The problem is compounded when limited time is made available to council staff to consider and make recommendations to council on critical matters. Planning meetings for councillors are often held once per month, as is the case with the City of Greater Geelong. If an application is received in the days immediately after a council planning meeting, the time line of 60 days is very difficult to comply with. For example, if the application is received in the days after a council planning meeting, the first meeting subsequent to receiving the application could approve the notification from the commission about the intention to submit, but then the final submission would be due before the next council planning meeting.

It is neither reasonable nor good governance practice for submissions to be made without the formal consideration of the elected council, acting on advice and information gathered by council staff. It is imperative that an appropriate limit be found that goes beyond the 60 days, which is a maximum of 44 working days, currently allowed by the act.

The action I am seeking of the minister is that the government amend the Gambling Regulation Amendment (Licensing) Act 2010 to extend the number of days municipal councils have to make a submission on an application for a new electronic gaming machine venue or for increasing the number of electronic gaming machines at approved venues. The

length of time of this extension should be determined in consultation with municipal councils.

## Mount Macedon Primary School: speed zone

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Roads, the Honourable Terry Mulder, and relates to a primary school crossing in my local community. Mount Macedon Primary School is located on a road which is on an incline leading to the Mount Macedon township. During autumn and winter an issue with glare in the mornings means those driving between 8.00 a.m. and 10.00 a.m. are unable to see the 40-kilometre-per-hour sign indicating that they are entering a school zone. Visibility is reduced, placing pedestrians, parents and children at risk.

Mount Macedon Primary School is a unique school in my electorate of Northern Victoria Region that caters for a range of different needs. The school's curriculum aims to inspire all of its students and create opportunities for all of them to further their education. I would like to commend the staff and in particular their tailored education program that provides children with not only a technical understanding of the world but a practical understanding of the environment they are working in.

As a member for Northern Victoria Region and a member of this community I feel it is my duty to raise this issue in Parliament. On a recent visit I experienced the difficulty of glare and the lack of visibility firsthand. A sign with amber lights warning that there is a 40-kilometre-per-hour zone ahead is a possible solution to this problem and one that has been recommended by members of the local community. We have a great school servicing a number of different communities within the Macedon Ranges, and it is important that we look at practical solutions that protect our children.

The seasonal double-glare on this road poses a risk to members of the community, and I ask that the minister consider this issue and look at developing a strategy to reduce the risk to motorists of glare on the slope approaching Mount Macedon Primary School.

## Consumer affairs: incorporated association model rules

**Ms MIKAKOS** (Northern Metropolitan) — My adjournment matter this evening is for the Minister for Consumer Affairs. As the minister will no doubt be aware, as a result of changes to the Associations Incorporation Reform Act 2012 many incorporated organisations must either amend or replace their model rules to fit the new requirements. Many of the organisations affected by these changes comprise people from culturally and linguistically diverse backgrounds with limited proficiency in English, and many of my local senior citizens clubs fit this description, having members from a wide and diverse range of backgrounds.

Staff from my office have been speaking with representatives of the City of Darebin, which has been very helpful in assisting many of these senior ethnic groups to adapt to the legislative changes. However, it has advised me that to date Consumer Affairs Victoria has only translated the model rules into Arabic, Chinese — and it is not clear whether this is Mandarin, Cantonese or both — and Vietnamese.

When council contacted the north-western metropolitan office of Consumer Affairs Victoria to request new model rules in other community languages it was told that was not going to occur. It is unreasonable to expect organisations to make decisions on amendments to their model rules or the adoption of new model rules if they are unable to understand the document they will be required to vote on at a special general meeting. I think it is particularly unreasonable given this change is being required as a result of legislation introduced by this government.

In a multicultural state like Victoria it is appropriate that we assist people from culturally and linguistically diverse backgrounds to comply with legislative requirements. According to 2011 census data there are at least four significant community languages spoken in Victorian homes other than the languages the model rules have been translated into. These other significant languages include Italian, Greek, Tagalog and Spanish. I call on the minister and the Napthine government to ensure that the new model rules are translated into more languages to facilitate the needs of non-English-speaking background organisations to adapt to the required legislative changes.

## SP AusNet: Millgrove works

**Mr SCHEFFER** (Eastern Victoria) — I raise a matter for the Minister for Energy and Resources, Nick Kotsiras, on behalf of a constituent of Eastern Victoria Region relating to the way SP AusNet has apparently mismanaged several interruptions to power supply adversely affecting residents of Millgrove. Early this month Mr Bob Lillie provided me with an email chain of correspondence between him and Mr Daryl Kelly, customer relations, SP AusNet, that go back to 6 May. Mr Lillie advised Mr Kelly that problems had occurred

adversely affecting residents during a scheduled electricity interruption at Millgrove.

The problem was that SP AusNet advised residents in a piecemeal way — firstly, it was two days, and then another day was added — when it should have indicated the days and times well prior to works commencing and stuck to them so people could plan, and SP AusNet should have given residents an opportunity for more effective consultation. Residents were advised that on 13 May the electricity supply would be interrupted from 8.30 a.m. to 3.30 p.m., but at 4.15 p.m. on the day the power was out Mr Lillie, and presumably other residents who had mobile phones, were advised that the interruption would continue until 6.00 p.m. This left residents without heating and meant they could not cook their evening meals. Those who did not have mobile phones — I presume this would mainly have affected older residents — would not have had a clue when the power would be back on. Mr Lillie complained to SP AusNet, and it took two days for him to receive a reply from Mr Kelly, the SP AusNet person, basically saying he would check it out. In the end Mr Kelly advised that SP AusNet has to keep the powerlines in good order, which is fair enough, and that the reason for the 2½-hour extended interruption was that its equipment failed, and at that point Mr Kelly apologised for the inconvenience to residents.

During all this Mr Lillie was advised there would be a further electricity interruption in a week time, on 21 May. There is not time now to go through all the frustrating details, but it is clear from the emails that SP AusNet does not seem to appreciate the effects this apparent lack of planning and equipment failure had on Millgrove residents. I ask the minister to contact SP AusNet and to seek an assurance that the company will engage in a much more thorough consultation with residents well prior to undertaking work that necessitates electricity interruptions. I believe SP AusNet should have protocols in place to ensure that residents are advised of all the days when they will be affected by power supply interruptions in order to avoid having to add on days when the company realises things have not gone according to plan and makes changes that then affect hundreds of people.

I cannot see why necessary equipment should not be backed up so that equipment failure does not cause delays that leave hundreds of people without power for more time than they were initially advised. It seems to me that if SP AusNet agrees with the minister that it should have done a better job at Millgrove earlier this month, an apology to residents would be appreciated.

## Fruit growers: Goulburn Valley

**Ms DARVENIZA** (Northern Victoria) — I wish to raise a matter for the Minister for State Development, Peter Ryan, concerning the recent announcement by SPC Ardmona to cut its fruit intake for 2014, with some fruit varieties being cut by up to 50 per cent. SPC Ardmona has advised 60 of its 114 growers that it will not be taking any fruit from them in 2014. The remaining 54 growers have been advised that their quotas will be significantly reduced in 2014, leaving many to consider whether they can remain viable and in business with the reduced tonnage. In order to comprehend the magnitude of produce involved, the cuts are equivalent to 25 000 tonnes of fruit or 750 000 trees.

The plight of canning fruit growers is being felt across the region and has been heard by the federal government in Canberra, where MPs and senators want to know firsthand exactly what impacts are likely to be felt from the cuts to fruit contracts. The Victorian Minister for Agriculture and Food Security, Peter Walsh, has advised that he will meet with officials to try to formulate a plan for the future of fruit growers minus the intake of canning fruit at SPC Ardmona. We look forward to seeing some positive outcomes and action from those meetings.

Victorian Peach and Apricot Growers' Association president Tony Latina recently spoke to the Cobram *Courier*, saying that growers who could afford to remove trees were doing so but that most growers remained in shock, unsure of what to do next. He hopes the meetings will paint a clearer picture of what lies ahead for the industry, including help for those sacked by the Shepparton-based cannery last month. He said that people were still in shock and that this is not something you get over quickly.

Growers are completing surveys which will clarify the impacts, including the financial implications and acreages involved, and the compiled data will be made available soon. Fruit Growers Victoria general manager John Wilson said the information gathered will help to measure the total impact of the cuts and direct future lobbying and actions.

The specific action I am seeking from the minister is that he identify alternative investment opportunities for Goulburn Valley fruit growers, investments that drive growth in the fruit industry and that will be for the long-term benefit of northern Victorian families, especially those affected by the SPC decision to cut its fruit tonnage.

## Responses

**Hon. E. J. O'DONOHUE** (Minister for Liquor and Gaming Regulation) — Eight members raised matters on the adjournment this evening. Mr Lenders raised a matter for Mr Walsh in his capacity as Minister for Agriculture and Food Security. I will refer that matter to the minister.

Mrs Coote raised a matter for the Minister for Local Government. I will refer that matter to the minister.

Ms Tierney raised a matter for the Minister for Education. I will refer that matter to the minister.

Mrs Petrovich raised a matter for Mr Mulder, in his capacity as Minister for Roads. I will refer that matter to the minister.

Ms Mikakos raised a matter for the Minister for Consumer Affairs, Ms Victoria. I will refer that matter to the minister.

Mr Scheffer raised a matter for Mr Kotsiras in his capacity as Minister for Energy and Resources. I will refer that matter to the minister.

Ms Darveniza raised a matter for the Minister for State Development, Peter Ryan. I will refer that matter to the minister.

Ms Hartland raised a matter for my attention, in my capacity as Minister for Liquor and Gaming Regulation, in relation to the appropriate time for councils to respond to gaming machine applications, which is currently 60 days. I note that any change to that period will require legislative change. I will look into the matter and seek further advice as to the appropriateness or otherwise of the 60-day period. Ultimately, if any changes are to be made, as Ms Hartland has requested, they will need to be made via legislation. I will take that matter on notice and come back to Ms Hartland.

I have responses to adjournment matters which were raised by Mr Lenders on 16 August 2012, Mr Finn on 23 October 2012, Mr Lenders on 14 November 2012, Ms Hartland on 27 November 2012, Mrs Petrovich on 28 November 2012, Mr Ondarchie on 28 November 2012, Mr Ramsay on 13 December 2012, Mr Barber on 7 February, Mr Tee on 20 February, Mr Philip Davis on 21 February, Mr Elasmar on 5 March, Mr Lenders, Mr Finn and Mr Leane on 19 March, Ms Hartland on 21 March, Mr Lenders, Mrs Coote and Ms Hartland on 16 April, and Mr O'Brien on 7 May.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.22 p.m.**