PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 12 June 2014

(Extract from book 8)

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 17 March 2014)

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, Minister for Tourism and Major Events, and Minister for Employment and Trade	The Hon. Louise Asher, MP
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. T. O. Bull, 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 Education	The Hon. M. F. Dixon, MP
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. D. K. Drum, MLC
Minister for Planning, and Minister for Multicultural Affairs and Citizenship	The Hon. M. J. Guy, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, 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 Energy and Resources, and Minister for Small Business	The Hon. R. J. Northe, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
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 Higher Education and Skills	The Hon. N. Wakeling, 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	Mrs I. Peulich, MLC

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Ms Lovell, Ms Pennicuik, Mrs Peulich and Mr Scheffer.

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

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Mrs Coote, #Ms Crozier, Mr Finn, #Ms Hartland, #Mr Leane, Mr Lenders, Mr Melhem, Mr D. D O'Brien, #Mr Ondarchie, Ms Pulford, Mr Ramsay and #Mr Scheffer.

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

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

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

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

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

 # Participating member

Joint committees

Accountability and Oversight Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ronalds. (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville.

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

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

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

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

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

Family and Community Development Committee — (*Council*): Mrs Coote. (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall.

House Committee — (*Council*): The President (*ex officio*) Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Ms Campbell, Ms Thomson, Mr Wakeling and Mr Weller.

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

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

Public Accounts and Estimates Committee — (*Council*): Mr D. R. J. O'Brien and Mr Ondarchie. (*Assembly*): Mr Angus, Ms Garrett, 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 D. R. J. O'Brien. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr Melhem, Mr D. R. J. 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. D. K. DRUM (from 17 March 2013)
The Hon. P. R. HALL (to 17 March 2013)

Deputy Leader of The Nationals:
Mr D. R. J. O'BRIEN (from 17 March 2013)
Mr D. K. DRUM (to 17 March 2013)

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Melhem, Mr Cesar [2]	Western Metropolitan	LP
Broad, Ms Candy Celeste [9]	Northern Victoria	ALP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Millar, Mrs Amanda Louise [4]	Northern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr Daniel David [8]	Eastern Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Mr Philip Rivers [5]	Eastern Victoria	LP	Pakula, Hon. Martin Philip [1]	Western Metropolitan	ALP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Petrovich, Mrs Donna-Lee [3]	Northern Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Hall, Hon. Peter Ronald [7]	Eastern Victoria	Nats	Ronalds, Mr Andrew Mark [6]	Eastern Victoria	LP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lenders, Mr John	Southern Metropolitan	ALP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Lewis, Ms Margaret [10]	Northern Victoria	ALP			

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013
[5] Resigned 3 February 2014
[6] Appointed 5 February 2014
[7] Resigned 17 March 2014
[8] Appointed 26 March 2014
[9] Resigned 9 May 2014
[10] Appointed 11 June 2014

CONTENTS

THURSDAY, 12 JUNE 2014

Thursday, 12 June 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

NEW MEMBER

Ms Lewis

The PRESIDENT announced the choosing of Ms Margaret Lewis as member for the electoral region of Northern Victoria in place of the Honourable Candy Broad, resigned.

Ms Lewis introduced and oath of allegiance affirmed.

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

The PRESIDENT — Order! I have to report that members of this house met yesterday with the Legislative Assembly to elect a member to the board of the Victorian Responsible Gambling Foundation, and that person was Ms Maree Edwards. She was elected to the board for the term specified in section 11 of the Victorian Responsible Gambling Foundation Act 2011.

TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014

Introduction and first reading

Received from Assembly.

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

FINES REFORM BILL 2014

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation); by leave, ordered to be read second time later this day.

PETITIONS

Following petitions presented to house:

Lilydale railway station

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 closure of the second pedestrian access to the Lilydale railway station platforms.

The petitioners therefore request that the Napthine government take immediate action to make safe and reopen the closed pedestrian access onto the Lilydale railway station platforms.

By Mr LEANE (Eastern Metropolitan) (281 signatures).

Laid on table.

Swinburne University of Technology

To the Legislative Council of Victoria:

The petition of residents of the outer eastern suburbs of Melbourne draws to the attention of the house the proposed rezoning and sale of Lilydale TAFE and university campus, which does not have the support of the local community.

The petitioners therefore request that the Legislative Council of Victoria ensures that the Swinburne facilities remain solely for educational purposes, and that the land zoning is not changed to facilitate the breaking up of the Swinburne site.

By Mr LEANE (Eastern Metropolitan) (412 signatures).

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2014–15 (part 1)

Mr D. R. J. O'BRIEN (Western Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr D. R. J. O'BRIEN (Western Victoria) — I move:

That the Council take note of the report.

This is the first report of the Public Accounts and Estimates Committee (PAEC) on the 2014–15 budget estimates. It comes shortly after the completion of the

Public Accounts and Estimates Committee budget estimates hearings, which I attended along with the other committee members, relevant ministers and departmental officials. As Mr Lenders said on Monday night, the Victorian budget was put together by our very capable Treasurer and given the full scrutiny the opposition could apply to it.

We have seen the passage of the budget in record time, and it was demonstrated in the estimates hearings that this budget delivers for Victoria. The estimates hearings demonstrated that the ministers, new and old, could withstand the scrutiny and the best of the blowtorch applied by the deputy chair of PAEC, Mr Pakula, the member for Lyndhurst in the Assembly. He gave it his worst, but on matters of substance for Victorians — the delivery of infrastructure, jobs, health and services — as is found in this report in relation to the key components of the budget, which I will go to shortly, this Victorian government has delivered again.

When members of the public come to the upcoming election and decide where to send their votes, it is very clear that there is a serious government here that can deliver and that can exceed expectations in relation to surpluses. We see on page 5 of the report that the amount of revenue that remains after output expenditure is funded is a net operating balance. Mr Somyurek might be interested in this, or at least some of Labor's financial gurus like Mr Lenders might well be interested in this. The report says:

> Achieving a surplus of at least $100 million is one of the government's targets in its medium-term fiscal strategy (see section 2.4.2).

Honourable members interjecting.

Mr D. R. J. O'BRIEN — I think Mr Lenders is listening — not all gurus should be followed. Just look at what happened to the Beatles. You do not follow all the gurus, and I would not recommend that people follow Labor's budgetary strategy; they should follow the Victorian government. The report continues:

> The government expects to achieve a surplus of $1.3 billion in 2014–15, and plans to increase the surplus substantially to $3 billion in 2015–16, and $3.3 billion in 2017–18.

As has been found by the committee, that is the underpinning of this budget; it is a key component. It again demonstrates the importance of overdelivering on your promises. In recent days we have seen contrasts relating to that and to focusing on substance. When you underpromise you make promises and you keep them, and when you provide a budgetary surplus that allows infrastructure expenditure — and Mr Leane laughs because he cannot follow the sort of matters that have been put together by the Treasurer — you find you have the infrastructure, the fiscal stability and the investment certainty that allow both the private sector to deliver its projects and the public sector to deliver a record $27 billion of new infrastructure expenditure, which is set out in this report.

I turn to the position in relation to net debt. Members can see again that under this prudent government and prudent Treasurer net debt is expected to decrease by $4.9 billion in 2014–15. One will recall that when we first came to government there were difficult decisions in relation to net debt; these were discussed in previous Public Accounts and Estimates Committee reports. The government had to make a call about whether to try to get it all addressed in a year or whether to set up the positions for fiscal management. This report shows the government has taken the tough decisions but has done so prudentially and responsibly so that net debt can decrease over the forward estimates, as has been set out in the report. As the report says at page 27, the net result of this is that Victoria maintains its AAA credit rating with both Standard & Poor's and Moody's Investors Service. The report sets out the many individual portfolio initiatives that have been outlined and that individuals will outline in their budget speeches.

I thank the chair of the committee, Mr David Morris, the member for Mornington in the Assembly. I also thank the deputy chair, Mr Pakula, for again doing his worst and coming up with nothing. The best he could come up with is that we have to change the Public Accounts and Estimates Committee hearings to stop the asking of Dorothy Dixers. That was his great reform; he did not want to hear about the good news this budget delivers. I thank PAEC members Mr Craig Ondarchie, Mr Neil Angus, the member for Forest Hill in the Assembly, who is a man of great integrity and a very good auditor who applies his careful scrutiny to these dollars and cents, Ms Jane Garrett, the member for Brunswick in the Assembly, Mr Robin Scott, the member for Preston in the Assembly, and the members of the secretariat who have all worked very hard on this report.

The PRESIDENT — Order! The member's time has expired.

Mr ONDARCHIE (Northern Metropolitan) — It is my pleasure to speak on part 1 of the report on the 2014–15 budget estimates. This report results from the estimates committee hearings, which lasted over two weeks and involved over 50 hearings. The hearings did their job. They scrutinised the 2014–15 budget, and they found that this is a great budget. It is a record

budget for the state of Victoria, with massive spending on infrastructure, massive spending on health and education and massive spending on services. This budget is, as I said, a record budget; it is probably the best budget this Parliament has seen in over 25 years. It is a demonstration of the fiscal responsibility of this government under the stewardship of Premier Denis Napthine.

I take this opportunity to advise the house that all the many third-party comments on the state of this budget have been favourable. They include the reaffirmation by Standard & Poor's and Moody's that this is the most economically stable state in the country. It is the state of opportunity, the state of growth and the state of infrastructure, and it is going to create over 30 000 jobs. I repeat, over 30 000 jobs will be created as a result of this infrastructure.

I thank my colleagues on the committee: David Morris, the chair and member for Mornington in the Assembly; Martin Pakula, the deputy chair and member for Lyndhurst in the Assembly; Neil Angus, the member for Forest Hill in the Assembly; Jane Garrett, the member for Brunswick in the Assembly; David O'Brien — the only other member of the committee from the Council; and Robin Scott, the member for Preston in the Assembly.

I thank our secretariat for the great work it does. That includes our executive officer, Valerie Cheong; our research officers, Alejandro Navarrete, Bill Stent, Rowan Jennion and Simon Kennedy; our special adviser, Joe Manders; one of the great staff members who supports me and other staff members, our business support officer, Melanie Hondros; and our desktop publisher, Justin Ong.

This report makes a clear statement that this is the best state in the country thanks to the leadership of the Napthine coalition government.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Auditor-General's report on Managing Consultants and Contractors, June 2014.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 49.

Victorian Environmental Assessment Council Act 2001 — Marine Investigation, Final Report, April 2014.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 24 June 2014.

Motion agreed to.

MEMBERS STATEMENTS

Manufacturing

Mr SOMYUREK (South Eastern Metropolitan) — I rise to condemn the government for the lack of support the budget provides to the manufacturing industry. In a year where Australia and Victoria lost their automotive industry, the coalition government has delivered very few industry-specific initiatives. One of those specific manufacturing initiatives was a measly $12 million from the national automotive structural adjustment and growth funds, which are open to non-manufacturing companies as much as manufacturing companies to access. It is therefore conceivable that the $12 million will flow to non-manufacturing industries and industries from other states.

On another matter, I condemn the government for failing to make one mention of the term 'local content' in the 1500 pages of budget papers released last month. Given that the government has made such a big deal of its proposed infrastructure spending as driving jobs creation, the fact that the term 'local content' was not mentioned once in the budget papers is an ominous sign that the government has written off manufacturing job creation from these infrastructure projects.

Melbourne rail link

Mr SOMYUREK — On another matter, as a resident and a representative of the south-eastern suburbs, I condemn the Napthine government for conceiving of a rail link policy — the Melbourne rail link policy — which dumps Cranbourne and Pakenham line passengers at Southern Cross station and will never run.

Opposition leadership

Mr FINN (Western Metropolitan) — I am sure we all remember the television program *The Biggest Loser*. Well, *The Biggest Loser* has come to Spring Street. By far the biggest loser this past week or so has been the

Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews. In Daniel Andrews the Labor Party has a leader who cannot lead, a strategist who cannot strategise and an individual who has no clue from one day to the next.

I thought Daniel Andrews's biggest problem was his subservience to the Construction, Forestry, Mining and Energy Union, but not so. Daniel Andrews's biggest problem is that the Victorian community and his own caucus now know the truth — Daniel Andrews is no leader. As his chances of taking the Premier's office in November evaporate before his very eyes, the caucus rumblings are becoming a roar. Last week Mr Andrews even had to drag them all in here to try to quell the revolt, but it did not work.

Martin Pakula, who is now the member for Lyndhurst in the Assembly, did not leave this house because he prefers green to red — although we know he is exceedingly fond of red. Mr Pakula is now stalking Daniel Andrews, and it is only a matter of time before he moves in for the kill. It is only a matter of time. For the sake of Victoria and the good governance of Victoria, I sincerely hope the ALP can one day soon get its act together.

Ms Mikakos — On a point of order, President, I draw attention to the fact that in his members statement Mr Finn referred to Mr Pakula as being fond of red, which could suggest that he was fond of red wine. If that was the inference, I would regard it as an inappropriate remark about a member of another house. I would ask Mr Finn to withdraw that remark if that is what he was suggesting by his comment.

Mr FINN — On the point of order, President, I must admit I am a little bit surprised by Ms Mikakos's take on this. I was not referring to Mr Pakula's drinking habits; I was in fact referring to his politics, which are decidedly red.

The PRESIDENT — Order! I cannot uphold the point of order because I am not in a position to determine which of the two views of the statement made is correct. I must admit that I was of the same view as Ms Mikakos when I heard the statement, but Mr Finn tells me it means something else.

I will just say that we have not started off terribly well today. I thought the introduction of the Public Accounts and Estimates Committee report was a bit over the top, frankly. If a member of this house introduces and moves to take note of a report, it is important to provide members with some understanding of the context of the report that is being presented to the Parliament rather than using it as an attack and as a cheerleading exercise for things that might be included in the report while not reflecting on other matters that might not be so congratulatory of the government. Mr Ondarchie's contribution was fair because he was not introducing the report, but I thought Mr O'Brien went a little too far for an introduction of a report. With the contribution of Mr Finn, hopefully we have had enough.

Mr Finn interjected.

The PRESIDENT — Order! I did not say that, but we all know the importance of committee reports and the work committees do, and there was a reflection on Mr Pakula in the introduction of that committee report which was not warranted. It is not a matter of not being allowed to criticise; it is a matter of using the appropriate mechanisms to criticise rather than using a period when the house should observe certain courtesies.

Mr D. R. J. O'Brien — On a point of order, President, I understand the comment you have made, and to the extent that I have used a committee report process inappropriately, I did so innocently and I did so without understanding what the process was. To put in context the comments that I made: in the middle of our hearings Mr Pakula made a public comment that the operations of estimates hearings needed to be altered through the removal of Dorothy Dixers. I thought the appropriate time for me to make a comment on that matter was in fact in this very forum, as I introduced the report in the manner that I did. By way of explanation, that is the reason I believed it was valid to introduce it that way, but I accept your guidance as to the introduction of future reports.

The PRESIDENT — Order! If we want to take it further, I actually think that Mr Pakula's suggestion is not a bad one.

Karin Geradts

Ms PENNICUIK (Southern Metropolitan) — Karin Geradts was a very special person who deeply touched the lives of those around her. Karin was a loving mother, sister, daughter, grandmother, aunty, cousin, teacher, mentor and dear friend to so many people. Karin was a primary school teacher, and the dozens of tributes to her from her current and former students are a testament to her inspiring, passionate and caring style of teaching. She was also a teacher to all who knew her — teaching by example and with love how to be more honest, generous and brave, as she was.

When I first met Karin I felt we were kindred spirits, and I know that so many others feel the same. She gave so much of herself to us and probably did not realise just how wonderful she was. Karin joined the Greens in 1995 and was committed to building the party from then until she became sick just a little while ago. She made a huge contribution at every level. It will not be the same without Karin.

Karin always stood up for the environment, social justice, equality and for animals. Hundreds of people from all corners of Karin's busy, overflowing life attended her memorial yesterday at Montsalvat. So many people will miss her. As her sister, Ingrid, said:

> A soul like Karin comes along only very occasionally. Her body has gone to join the earth she loved so much and her essence lives on in those she inspired.

Our thoughts and sympathy are with her family and with everyone who loved her. Vale Karin.

Queen's Birthday honours

Mr KOCH (Western Victoria) — I rise to pay tribute to the numerous Victorians recognised in this year's Queen's Birthday honours. Member of the Order of Australia recipients in Western Victoria Region include Geelong Paralympian Richard Colman for his continuing commitment to athletics after winning multiple medals at the Paralympic Games in London in 2012 and in Beijing in 2008; Ballarat athlete Steve Moneghetti for service to athletics; and former Corangamite federal MP and Bookaar farmer Stewart McArthur in recognition of service to the Parliament of Australia, to policy debate in economics, industrial relations and agriculture, and to the community of Victoria. Stewart represented the federal seat of Corangamite for over 23 years and made a significant contribution to public life including 10 years as Government Whip in the House of Representatives. I have known Stewart for many years, and this recognition is well deserved.

Medal of the Order of Australia recipients include Len Alford of Herne Hill, Rosemarie Carman of Highton, Bruce Clark of Ballarat, David Eltringham of Horsham, John Hendry of Corio, Toni McCormack of Torquay, Dr Patrick Mahar of Wallington, Dr Allen Moloney of Ballarat North, Reverend Margaret Russell of Halls Gap, William Ryan of Colac, Mervyn Schneider of Nhill, and Eric Thomson of Great Western. In addition, Ian Rossiter of Buninyong was awarded a Public Service Medal for outstanding public service to local government, and Jillian Read of Halls Gap is a recipient of the Australian Fire Service Medal. My congratulations and grateful thanks go to each of these recipients for giving their time and effort in serving their local communities.

Shipbuilding industry

Mr MELHEM (Western Metropolitan) — Last Friday the federal government made another job-destroying decision by awarding the contract for the construction of two new navy vessels to an offshore shipbuilding company instead of an Australian shipbuilding company. I am referring to the state-of-the-art shipbuilding yard in Williamstown, where currently the process for a state-of-the-art vessel is being finished as part of the air warfare project. It will be the first helicopter carrier.

In Williamstown we have one of the most highly skilled workforces in the world to build vessels. They are backed up by international companies. Yet the federal government has chosen to outsource and build the vessels offshore. I am pleased the state government is now joining with Labor to oppose what the federal government is doing. What I am worried about, though, is that Minister Hodgett and Premier Napthine have basically just put out press releases. The question is: will they go and stand up to the Prime Minister, Tony Abbott, and the federal Treasurer, Joe Hockey, and put enough pressure on them to make sure that the 20 Pacific patrol boats will be built in Williamstown? Or will that be another project that will go offshore?

Caroline Springs railway station

Mr ELSBURY (Western Metropolitan) — I would like to highlight to the house an article in the Ballarat *Courier* of 5 May 2014. The headline is 'Caroline Springs station will overcrowd: Greens — new stop bad news'. In the first paragraph it states:

> The addition of the new Caroline Springs train station to the Ballarat line will overcrowd carriages and lengthen journey times for commuters, according to Victorian Greens leader Greg Barber.

This completely ignores the new trains we have purchased or have under construction. I hope that as a member for Western Metropolitan Region Ms Hartland has stood up to her leader on this issue and has stood up for the people of Caroline Springs.

Rose Piper and Robyn Falloon

Mr ELSBURY — On another matter, which is of a much nicer nature, I would like to congratulate Rose Piper and Robyn Falloon from the Lions Club of Doutta Galla on their work in putting together the Quilt — Esprit de Corps project, which involves a group of ladies who made a beautiful quilt that was

used as a fundraiser for the Caroline Chisholm Society in the western suburbs of Melbourne. They raised $20 000 through this initiative, and the Lions Club organisation added another $15 000 to assist this great and worthy cause.

Protective services officers

Mr ELSBURY — I would also like to congratulate the protective services officers. On two occasions last week I saw them working above and beyond the call of duty assisting passengers, one who fell at Parliament station and another distressed lady at Hoppers Crossing.

Frankston Hospital

Mr TARLAMIS (South Eastern Metropolitan) — I rise to condemn the Napthine government's record on Frankston Hospital, given it has become the worst performing hospital in the state, with more patients waiting longer for surgery and emergency care. It is one of Australia's worst-performing hospitals when it comes to meeting federal targets to treat emergency patients within 4 hours.

A report released by the National Health Performance Authority indicates that Frankston Hospital is in the lowest 10 per cent of major metropolitan hospitals across Australia. The targets were agreed at the Council of Australian Governments in 2011, with a requirement that 90 per cent of Australian patients would be admitted to a bed or discharged within 4 hours by 2015. Frankston Hospital only treated 50 per cent of patients on time.

Ambulances at Frankston Hospital are spending 1323 hours a month waiting rather than being able to respond to those in our community most in need. Transfer times to hospital for ambulance patients also failed to make the grade. More than one in six ambulance patients are taking longer than 40 minutes to get into a hospital bed. The Napthine government has provided just $6.6 million to cater for growth in the ambulance service, an amount that will not fix the problems and will not even make a dent.

It is not just Frankston Hospital that has been failed by this government. The coalition's election promise to open the Monash Children's hospital by the end of its first term has blown out to 2016, with $184.5 million still uncommitted of the total $250 million needed. Victorian hospitals are going to be slammed further by the $50 billion cuts in health across the country in Prime Minister Tony Abbott's budget of broken promises. Tony Abbott's $7 GP co-payment will force struggling Victorians to flock to already struggling hospital emergency departments, adding chaos to the crisis in our hospitals. Under Victorian Premier Denis Napthine and the Liberals you are on your own when it comes to health and hospitals.

Lake Mountain Alpine Resort

Mrs MILLAR (Northern Victoria) — Seeing and experiencing snow for the very first time is one of those experiences few of us ever forget, and children will regularly ask each other whether they have ever seen snow as a significant and defining experience. Last Saturday I had the great pleasure of representing the Minister for Environment and Climate Change, Ryan Smith, for the opening of the snow season at Lake Mountain Alpine Resort. Although the only snow present was man-made, this was a great occasion and I thank the chair of the Lake Mountain Alpine Resort Management Board, Tony Thompson, Scott Gamble and the team at Lake Mountain for making what would otherwise have been another appointment into something truly magical.

The day included a visit to the mountain by the amazing Howling Husky sled dog team. Many families from across Victoria experience snow for the very first time at Lake Mountain, and the resort provides great excitement for children being able to have snow fights, build a snowman, have toboggan races, soar above the mountain on the flying fox and take their heart in their hands on the tube run. All this is combined with cross-country skiing in some very spectacular alpine terrain.

In 2013, and despite a rather ordinary snow season, Victoria's six alpine resorts — Lake Mountain, Mount Buller, Mount Stirling, Falls Creek, Mount Baw Baw and Mount Hotham — recorded over 1.2 million visitor days during the snow season. This added $580 million to the gross state product and creates over 5500 jobs each winter. This year we hope to build on this and have more Victorians committed to holidaying at home and experiencing some of this state's most breathtaking locations. I wish the team at Lake Mountain and the surrounding communities including beautiful Marysville a great snow season. Let it snow.

Youth employment

Mr EIDEH (Western Metropolitan) — I rise to address the house on the very serious issue facing the youth community in my electorate, an issue that needs to be fixed urgently to ensure that these young people have the same opportunities as others across the state to reach their full potential. The issue I am referring to is the staggering youth unemployment figures in my

electorate. It is clear that this government has let youth unemployment across Victoria skyrocket, disengaging thousands from the workforce and from the social and economic benefits that come with working.

In my electorate youth unemployment has reached 6.4 per cent. I will refer to unemployment figures for local government areas for the period from the election of the coalition government to December 2013. Brimbank had 1724 unemployed young people, which was an increase of 1.34 per cent to 8.59 per cent; Melton had 1380, an increase of 2.28 per cent to 8.93 per cent; Maribyrnong had 556, an increase of 1 per cent to 7.45 per cent; and Hobsons Bay had 188, an increase of 0.1 per cent to 4.91 per cent.

These figures are unacceptable. These statistics indicate the helpless situation our young people are facing. But what is more disconcerting is that this government appears to be purposely closing every door which offers opportunity and a future for young people with its reckless abandonment of TAFE, Victorian certificate of applied learning and vocational education and training providers across the state. These create pathways to work. How can young people in the west get ahead? How can young people ever possibly start living independently and contributing to our state when this government continues to shut them down?

Textile industry

Mr D. R. J. O'BRIEN (Western Victoria) — On Thursday, 5 June, I was privileged to open the Sustainable Textiles Today conference at RMIT University, which was put on by the international Society of Dyers and Colourists. This conference brought together leading experts in the textile industry to discuss future directions in the industry. Mr Mac Fergusson, a noted Australian colourist and dyers expert and a lecturer at RMIT, put a lot of hard work into organising the conference and was able to attract speakers who are national and international experts.

I note that the textiles, clothing and footwear industry continues to be a vital industry in Australia, employing almost 15 000 people in Victoria and generating $659 million in wages and salaries. The undeniable competitive advantages that Australia has enjoyed in relation to its reputation as a clean, green hub for agriculture and high-quality manufacturing and engineering continue. This is the innovation and strength underpinning much of the economy, and we need to ensure that it continues into the future. At the conference there was much talk about the control of environmental standards and the disparity within this industry locally compared with what sometimes happens overseas. This area needs to be dealt with by regulators and those dealing with trade issues in all countries.

There are some great initiatives in my electorate. Cotton On is creating 500 jobs with the support of the coalition government. We rode the sheep's back in the past and we continue to ride the sheep's back, but we also need to add manufacturing and fashion. We welcome everyone to Sheepvention at Hamilton in August this year, where my cousin Jackie O'Brien will again be leading the fashion show, demonstrating that Australian wool is a great product.

Dementia services

Ms MIKAKOS (Northern Metropolitan) — On 29 May I had the pleasure of officially launching, together with Ms Crozier, as co-convenors of the Parliamentary Friends of Dementia group, the Dementia Improving Practice Series at an event held at Parliament House. Currently 78 000 people are living with dementia in Victoria, and this number is expected to grow to 141 000 by 2030 as our overall population age increases. This online tool developed by Alzheimer's Australia Victoria aims to improve workplace practices amongst residential and community carers who play a key role in caring for people living with dementia. I congratulate CEO Maree McCabe and everyone involved in the development of this program. I have no doubt it will make a marked difference to the lives of many living with dementia.

Eating Disorders Victoria

Ms MIKAKOS — On the same day I was also pleased to attend a bipartisan event, 2014 Feed the Soul, held by Eating Disorders Victoria. This is a positive awareness and fundraising campaign that is focused on promoting a healthy body image. Research tells us that negative body image can lead to serious physical and mental health issues such as depression and social isolation. In 2012 there were an estimated 1829 deaths from eating disorders. I acknowledge and thank CEO Jennifer Beveridge and her staff at Eating Disorders Victoria for their work in combatting negative body image issues by raising awareness about eating disorders, and I wish them all the very best in their work.

The Greens

Ms MIKAKOS — On another matter, the political opportunism of the Greens party was in full bloom when the Victorian Greens party challenged Labor to block the state budget, despite federal Greens leader

Christine Milne calling such a move an opportunistic political stunt and Tea Party tactics. However, on Tuesday members of the Greens party in the upper house were silent on the budget.

INAUGURAL SPEECH

Ms Lewis

Hon. W. A. LOVELL (Minister for Housing) — On behalf of the Honourable David Davis I move:

> That the inaugural speech of Ms Margaret Lewis be now heard.

Motion agreed to.

Ms LEWIS (Northern Victoria) — I acknowledge the traditional owners of the land on which we stand, the Kulin nation, the traditional owners of the land where I live, the people of the Dja Dja Wurrung, and the traditional owners of the lands of the Northern Victoria Region, and I pay my respects to their elders, past and present.

President, I take this opportunity to thank you for allowing me to make my inaugural speech today. I thank members of the Legislative Council, who have been supportive of me in the last few days; it has been greatly appreciated. I thank the staff of the Legislative Council and the Department of Parliamentary Services for their professional support and advice.

As a member of the Labor Party I have had the privilege of working with the former member for Northern Victoria Region, Candy Broad, and acknowledge the work she has undertaken in conjunction with groups such as Emily's List and the Victorian Labor Women's Network to achieve gender equality not just in politics but also in the wider community. In particular I acknowledge her commitment to improving women's sexual and reproductive health choices and rights. I look forward to Candy continuing her work as a community member of the Labor Party and wish her and her family well for the future.

Northern Victoria has been my home and the home of my family since the days of the gold rush in central Victoria. My great-great-grandparents were tenant farmers, agricultural labourers and mill workers in England, Ireland, Scotland, Denmark and Portugal. They were among the lowest paid and most discriminated against workers in their communities. They lived in a society where poverty was entrenched through badly conceived government policy, and the poor were punished for their poverty and ignorance. They were also resilient and willing to take risks to improve their lives and the lives of their children and descendants. They grasped the opportunities offered to them and boarded boats to sail to the colony of Victoria. They then made their way to the goldfields around Castlemaine and Maryborough. After varying periods in mining, they settled in the local area to become farmers, factory workers, storekeepers and small business operators, but most importantly they became community builders, laying the foundations for the cities, towns and rural communities we know today.

Through my research of my family history I have come to understand the importance of good government policies and programs and the consequences these have on people's lives. The farm I live on today is where I grew up with my parents and paternal grandparents. It is part of a small rural community where neighbours work together to ensure their own and the community's success and wellbeing. People came together and worked in conjunction with their local council and the state government to build community resources — swimming pools, footy and cricket grounds, netball and tennis courts and community halls — and to improve and expand facilities at schools, libraries, hospitals, aged-care centres and the local fire brigade.

My parents, Alan and Val Iskov, were involved in numerous community organisations, from the local council to the school committee, mothers club, tennis and swimming pool committees, the Country Women's Association, the local fire brigade and Landcare. As I was growing up, much of the social life of the community revolved around working bees and events to support these local projects and organisations. Through these activities I learnt the importance of being involved in my community and the need to have the facilities and services that support healthy lifestyles made available to everyone.

I also learnt the importance of organisation, planning and negotiation — skills which were instilled in me as I grew up and which I have been able to use for the benefit of various community organisations over the years. The importance of organisation and negotiation were also demonstrated by my mother's family. My uncle, Lyle Courtney, OAM, is a life member of the Labor Party and was for over 25 years a metalworkers union shop steward at Patience & Nicholson in Maryborough, and another uncle-in-law was an organiser with the meatworkers union. It was these uncles who introduced me to the teachers union when I first commenced my teaching studentship, and 44 years later I am still proud to be a member of the Australian Education Union (AEU). Over the years I have been part of many actions and campaigns by the AEU to

improve the teaching and learning conditions of teachers and students across Victoria.

As a young teacher in the 1970s there were many inequalities and injustices in the education system. When I commenced teaching, women teachers had just achieved equal pay with men teachers, but we were still restricted to wearing dresses to work. Classes had over 40 students. There was no support for students with disabilities. One of my early classes had children from 26 nationalities, yet the school had no English-as-a-second-language teachers and our library consisted of three rows of bookshelves that took up about 3 metres along the corridor.

Change, however, was on its way. In 1973 the Australian Schools Commission interim report, known as the Karmel report, was released. The report identified inequalities in the education system, particularly for students from ethnic backgrounds, poor families and isolated rural areas and for female students. One of the outcomes of the Karmel report was the disadvantaged schools program, which was set up in 1974 to address inequalities identified in the report.

The program was far reaching, with major long-term consequences for students and teachers. Even though the Whitlam federal government was dismissed in 1975, the schools commission and the disadvantaged schools program continued to bring change and benefits to our students in schools. We learnt the importance of involving parents and communities in our schools. We developed programs to provide equal opportunities for female students to engage in education. We learnt that one size does not fit all students. We developed a better understanding of individual students' needs, and we found that smaller class sizes produced a greatly improved teaching and learning environment.

Throughout the life of the disadvantaged schools program the education unions were there supporting the changes needed to address the inequalities in education, just as the AEU is today supporting the implementation and recommendations of the Gonski review to ensure equal opportunities for all students.

After fulfilling the requirements of my teaching studentship bond, I returned to country Victoria to live and work and raise my children in the rural community I was familiar with — a thriving, innovative community where community members and organisations worked with local council and state government to develop the facilities that were needed to enhance the quality of our lives. Sadly, these developments came to a screeching halt in October 1992. We saw an end to community incentives, cuts to services, jobs lost from our community and assets sold off. Our community — in fact all of rural and regional Victoria — became the toenails of the state, starved of the lifeblood of good government policy and the programs that we needed to grow and flourish.

Following the election in 1999 one of the first acts of the Bracks Labor government was to establish the Regional Infrastructure Development Fund. Across rural and regional Victoria, we again saw investment in infrastructure and community projects, and the development and upgrading of sporting facilities, community halls, showgrounds, school buildings and police stations. A sense of optimism developed and people re-engaged in their communities to express their ideas and enhance their lifestyles. A pipeline of infrastructure was developed to provide services and facilities, and create jobs across rural and regional Victoria.

Over a decade we saw our rural and regional communities flourish. Despite drought and bushfires, people from rural and regional Victoria demonstrated their strength and resilience and pulled together, supported by local councils and a Labor government to build better lives for themselves and their children. My predecessor, Candy Broad, noted that some of the most rewarding work she did in Northern Victoria Region was about ensuring that constituents had an alternative to the habitual coverage of many districts by the Liberal and National parties. I look forward to continuing this role and ensuring that the people of Northern Victoria Region are aware of the choice they have available to them at the next state election.

Northern Victoria Region stretches from Sunbury in the south, north-west to Mildura and the South Australian border, and north-east to Corryong. This extensive tract of Victoria encompasses diverse ecosystems, widely varying geographic features and communities ranging from small rural localities to large regional cities. In the north-west the undulating Mallee country with its sandy soils and low mallee trees gradually gives way to the flat northern plains with rivers winding their way north to the Murray. The plains are bounded to the south by the Great Dividing Range with its box ironbark forests. The Divide then runs to the north-east, into the mountainous, timbered snow country.

These complex and diverse environments are intertwined with our communities, providing us with a range of resources and services that we must protect. A proud legacy of the Bracks Labor government is landscapes such as the box ironbark forests that have been preserved in regional, state, heritage and national parks. In conjunction with older national parks, these

provide strong economic support for the region through tourism.

Our unique ecosystems must be protected for the biodiversity they support and for the services they provide to society through the provision of clean water for drinking, agriculture, horticulture, viticulture and recreation, and for the provision of the clean air we breathe. Programs such as Landcare need to be supported to ensure that succeeding generations of landowners understand how to work with the environment to enhance their operations and the environment.

The Murray River and the network of rivers that flow north from the Great Dividing Range are also a strong drawcard for tourists, as well as supporting a diverse range of agriculture, horticulture and viticulture in the adjoining areas. Numerous riverside communities provide a range of services to the hinterland and smaller communities. Service provision is at the core of these communities, whether it is basic education, health or aged-care services through to information and financial services, tertiary education and the provision of complex health services. The strength of every community relies on the quality of services it can provide to its members. Unfortunately for most of our regional communities the last three years have seen cuts to many of the essential services — services that provide people with the skills needed to obtain satisfying jobs or access to the medical advice and care that ensures quality of life. These services must be returned to rural and regional Victoria. People must be able to access services when and where they are needed.

Education is a lifelong learning process. Young children must be nurtured with high-quality early childhood services, followed by access to well-resourced schools that provide safe and positive classrooms where highly trained teachers are able to cater for a diverse range of students. During secondary school, students need to be able to expand their horizons though vocational education and training and Victorian certificate of applied learning programs to start considering and developing the work skills they will need to get their first jobs. A range of education and training options, including TAFE, adult and community education and university, is essential for young people developing their skills, older workers who want to retrain and people who wish to develop new skills to assist their lifestyles. Rebuilding the Victorian education system to ensure that all Victorians have access to the education and training programs they need is a priority for Labor.

People from rural and regional Victoria should not have to face overcrowded emergency rooms and life-threatening ambulance delays, long waiting lists and outdated facilities. Nor should they have to face cuts to community health and preventive health programs. Labor's commitment to a holistic approach to health and wellbeing, based on health promotion and prevention combined with community and primary health services and high-quality hospital care, will improve quality of life for people of all ages across the region.

Almost every community in Northern Victoria Region has its own special festival or event, be it arts, music, drama, food, wine or sport. These events draw tourists and provide opportunities for communities to celebrate their specialty. They also support a healthier lifestyle by encouraging physical activity and healthy eating. They encourage creativity and innovation, generate new jobs and support social connections, all of which add up to happier, healthier, sustainable communities.

A special feature of the region is the growing number of microbusinesses — one or two people working together to turn a hobby or a lifestyle activity into a small business. Aided by internet sales and flourishing markets in many communities, these small businesses are adding enormously to the richness of our communities and the growth of our economy. Along with our major producers in agriculture, horticulture and viticulture, these businesses rely on quality communication and transport services — high-quality communications to inform people about our products, facilities and attractions and high-quality roads and rail services to take goods to local, interstate and international markets and bring people into our towns and cities to sample our produce and our lifestyle.

Whilst agriculture, horticulture, viticulture and tourism dominate the economy of Northern Victoria Region, in regional cities such as Bendigo and Shepparton around 10 per cent of the workforce is employed in manufacturing, a figure that has been steadily declining. Rebuilding our education system, reigniting innovation and reinstating the infrastructure pipeline will reverse this decline across Northern Victoria Region.

For many years it has been my privilege to work with members of the Victorian branch of the Australian Labor Party and members of the union movement in the development of Labor policy and our Labor platform. The diversity that members bring from all walks of life in both ideas and skills has contributed to successful previous Labor governments and provided us with our current progressive platform based on the values of building and supporting strong sustainable

communities; ensuring social justice and access to services, including education and health; and providing all Victorians with a fulfilling job.

The dedication and contributions of members of the country Labor executive and the ALP policy committees ensure that we gather ideas from across the Victorian community to keep our communities strong, resilient and sustainable. They are the grassroots of the Labor Party and provide the policy foundations for us to take to the Victorian electorate every four years.

There are so many people I would like to acknowledge and thank for their help and support over the years that I have been a member of the Labor Party, but it is not possible to thank everyone. The list would be too long. However, there are a couple of special people I would like to thank.

First of all I thank Joan Kirner, who I first met through the disadvantaged schools program in the 1970s. Joan was an inspiration then and continues to be so — always just a phone call away and ready with advice, information and comfort. My thanks to Joan, and I hope she will continue to provide support for the next generation of women.

Alongside Joan offering support and advice was Caroline Hogg. More than just someone to turn to for advice, Caroline was for some years a member of my local branch, and her strength and guidance is much appreciated.

I would like to thank the leadership team: Daniel Andrews, James Merlino, John Lenders and Gavin Jennings. It has been my privilege to work with Daniel Andrews on campaigns and developing policy through his years as a party official, MP, minister and today as the leader of our state parliamentary party. His skill and passion for a fair go for all set him apart as an outstanding leader. In developing our platform, I have worked with James Merlino and have come to appreciate his organisational skills and his ability to draw together a range of ideas from people from across the party. As ministers and shadow ministers, John Lenders and Gavin Jennings have been available to discuss ideas and issues with policy committees that I have been a member of, and more recently they have offered advice and assistance as I have moved into this new role.

A group of people who deserve a special thankyou are the dedicated staff at the ALP office. They work tirelessly to provide support to members and committees. There are several members of my local ALP branch and the Bendigo electorate who have been beside me working for the Labor cause for many years: Elaine Walsh, Kaye Petersen, Nola Hion, Julia Nutting, Debbie Lawn, Frank Thompson, Brian Willis, Marty Stradbrook, Trevor MacKay and one of our young members, Rob Thompson. We make a great team. My thanks to you all.

I would also like to acknowledge former members for the Bendigo West electorate, where I live, David Kennedy and Bob Cameron, and to express my thanks to the current member for Bendigo West, Maree Edwards, for her support over many years.

Finally, I would like to thank my three children, Edward, Annabelle and Madelaine, adults now making their own way in the world. My thanks for all your help and understanding over the years. Our journey together has been enriching for us all.

Honourable members applauded.

TREASURY LEGISLATION AND OTHER ACTS AMENDMENT BILL 2014

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Treasury Legislation and Other Acts Amendment Bill 2014.

In my opinion, the Treasury Legislation and Other Acts Amendment Bill 2014, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The Treasury Legislation and Other Acts Amendment Bill 2014 is an omnibus bill that amends:

the Emergency Services Superannuation Act 1986 (ESSA) to require ESSSuper to comply with any prudential standard approved by the Governor in Council;

the State Superannuation Act 1988 (SSA) and the Parliamentary Salaries and Superannuation Act 1968 (PSSA) to allow former members of public sector superannuation funds to commute a pension to meet a commonwealth taxation liability;

the Workplace Injury Rehabilitation and Compensation Act 2013 (WIRCA) and the Accident Compensation Act 1985 (ACA) to improve the operation of those acts;

the Victorian Managed Insurance Authority Act 1996 (VMIA act) to enable the board of the VMIA to delegate to a holder of a named office of the authority, rather than to a named person who is the holder of that office;

the VMIA act to clarify the board's power to delegate to the chief executive officer (or any other person or persons) to appoint or engage other officers and employees and to set the terms and conditions of appointment or engagement; and

certain acts to update the operation of indexation provisions in or under those acts.

Human rights issues

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

The bill does not raise any human rights issues. The amendments to the ESSA formalise the existing prudential supervision regime of ESSSuper. The amendments to the SSA and the PSSA allow members of those schemes to better manage the payment of taxation liabilities relating to superannuation benefits. And finally, the amendments to the VMIA act, the WIRCA and the ACA improve the operation of those acts.

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

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter act.

Conclusion

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

The Hon. Gordon Rich-Phillips, MLC
Assistant Treasurer

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The Treasury Legislation and Other Acts Amendment Bill 2014 is an omnibus bill which amends:

the Emergency Services Superannuation Act 1986 to require ESSSuper to comply with prudential standards made by the Governor in Council;

the State Superannuation Act 1988 and the Parliamentary Salaries and Superannuation Act 1968 to allow former members of public sector superannuation funds to commute a pension to meet a commonwealth taxation liability;

the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to improve the operation of those acts;

the Victorian Managed Insurance Authority Act 1996 (VMIA act) to improve the operating efficiency of the Victorian Managed Insurance Authority (VMIA); and

certain acts to update the operation of indexation provisions in or under those acts.

Turning first to superannuation, since its introduction in November 2009, ESSSuper has been voluntarily complying with DTF's Prudential Superannuation Standard. While this arrangement has worked well, a DTF internal audit, conducted by KPMG in late 2013, recommended that DTF's prudential supervision of ESSSuper be formalised. The bill therefore amends the Emergency Services Superannuation Act 1986 to require ESSSuper to comply with any prudential standards approved by the Governor in Council.

Unlike the governing legislation of other public financial corporations which are subject to prudential standards, ESSSuper's governing legislation does not provide the responsible minister with a general power of direction. Thus the minister is unable to direct ESSSuper to comply with any prudential standard that may be issued. This amendment will provide a legislative basis for DTF's prudential supervision of ESSSuper.

The proposed change will bring ESSSuper into line with other public financial corporations such as the VWA, TAC and VFMC which have a formal obligation to comply with relevant prudential standards.

In 2013, the commonwealth government inserted division 293 into the Income Tax Assessment Act 1997 (cth). This increased the superannuation contributions tax from 15 per cent to 30 per cent for individuals earning an assessable income in excess of $300 000 per annum.

Division 293 taxation assessments will be issued directly to the member — not the fund. The member can request the fund to pay the tax from their benefit. Where the member is in a defined benefit fund, payment of the tax will be deferred until the benefit becomes payable.

Where the entitlement is a pension, the member will need to be able to commute part of their pension in order for the fund to pay the assessment.

Currently, the governing rules of the Parliamentary Contributory Superannuation Fund (PCSF) and the revised scheme do not explicitly provide for the commutation of a member's pension to pay an assessment in respect of division 293 tax.

The amendments to the Parliamentary Salaries and Superannuation Act 1968 and the State Superannuation Act 1988 will apply to any commonwealth taxation liability that is imposed on a member's superannuation benefit (including the division 293 tax). This will negate the need for Victoria to legislate every time the commonwealth makes changes to the taxation of superannuation benefits.

This bill includes amendments to the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to improve the operation of those acts and address a number of outstanding issues following the passage of the Workplace Injury Rehabilitation and

Compensation Act 2013, which received royal assent on 12 November 2013.

The Workplace Injury Rehabilitation and Compensation Act 2013 honours the government's election commitment to recast the Accident Compensation Act 1985 and the Accident Compensation (WorkCover Insurance) Act 1993 into a single act that is simpler and easier to use.

It also delivers on the government's commitment to reduce regulatory burden associated with workers compensation legislation, by making it easier for employers and workers to read the legislation and understand their rights, obligations and responsibilities.

This bill includes a number of amendments to correct a small number of drafting errors and remove potential ambiguities by clarifying the intention of various provisions. These amendments are technical or administrative in nature and will ensure that injured workers (and their dependents) receive the compensation to which they are entitled.

Section 313 of the Workplace Injury Rehabilitation and Compensation Act 2013 sets out the requirements for a medical panel to give an opinion on a medical question where a referral has been made. The panel has 60 days to form its opinion on a medical question and that opinion is binding on any court, body or person.

Section 313 was the subject of a house amendment when the Workplace Injury Rehabilitation and Compensation Bill 2013 was introduced into Parliament.

The house amendment was intended to confirm that a medical panel opinion obtained in relation to a statutory benefits claim is not binding on a later common-law claim. The amendment to achieve this was applied to the wrong subclause with the effect that time frames imposed on medical panel opinions were unintentionally changed.

Clause 12 corrects the house amendment to the wrong subclause and ensures the time frames imposed on the medical panel remain as intended. The High Court's decision in *Wingfoot Australia Partners Pty Ltd v. Kocak* [2013] delivered after passage of the Workplace Injury Rehabilitation and Compensation Act 2013 clarifies that a medical panel opinion provided in relation to a statutory benefit claim is not binding in relation to a later common-law claim. This decision addresses the concerns raised in debate when the Workplace Injury Rehabilitation and Compensation Bill 2013 was introduced into Parliament.

The bill includes some minor amendments to update the Victorian Managed Insurance Authority Act 1996 to improve the operating efficiency of the Victorian Managed Insurance Authority (VMIA). The amendments will:

enable the board of the VMIA to delegate to a holder of a named office of the authority, rather than to a named person who is the holder of that office; and

clarify the board's power to delegate to the chief executive officer (or any other person or persons) to appoint or engage other officers and employees and to set the terms and conditions of appointment or engagement.

The bill also amends a number of acts as specified in the schedule to update references to indexation so as to reflect current Australian Bureau of Statistics publication practices and references. In particular, the amendments are required to bring references to indexation by changes in average weekly earnings into line with the half-yearly rather than quarterly publication of data. These amendments are technical not substantive in nature, and will not result in any variation of the amount of any payment from what would otherwise have applied if the ABS publication practice had not changed.

I commend the bill to the house.

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

Debate adjourned until Thursday, 19 June.

FINES REFORM BILL 2014

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Fines Reform Bill 2014.

In my opinion, the Fines Reform Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

The bill introduces a new system for collecting and enforcing unpaid fines in Victoria and makes various amendments to the Infringements Act 2006 and consequential amendments to the Sheriff Act 2009 and Magistrates' Court Act 1989. The changes introduced by the bill include establishing the position of director, Fines Victoria, within the Department of Justice and conferring powers on the director to collect unpaid fines. The bill also confers additional enforcement powers on the director and the sheriff to collect unpaid fines. The provisions of the bill that are relevant to the human rights set out in the charter act are as follows.

Human rights issues

Right not to have one's privacy and reputation unlawfully or arbitrarily interfered with

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy, family or home unlawfully or arbitrarily interfered with. Section 13(b) states that a person has the right not to have his or her reputation unlawfully attacked.

Amendments relating to the sheriff's power to execute civil warrants

The Sheriff Act 2009 currently authorises the sheriff to use reasonable force and assistance to enter the residential premises of a debtor to execute a civil warrant, but restricts the use of that power to within the hours of 9.00 a.m. to 5.00 p.m. Clause 309 of the bill amends the Sheriff Act to extend those hours to between 7.00 a.m. to 9.30 p.m.

Clause 310 of the bill also amends the Sheriff Act to provide that if the sheriff uses reasonable force and assistance to enter a residential premises for the purpose of executing a criminal warrant outside the hours of 7.00 a.m. to 9.30 p.m, the sheriff may, after gaining entry, also execute a civil warrant, which includes a warrant for the seizure and sale of property.

The execution of civil warrants by the sheriff is authorised by the Sheriff Act and is subject to the supervision of the court. As the amended Sheriff Act will clearly specify the extended hours of entry to residential premises for the execution of civil warrants, and the type of civil warrants to which these powers will apply, entry and seizure of property during the extended hours will be permitted by, and in accordance with law. Further, the existing legislative safeguards, including the requirement to request consent to entry and to make reasonable attempts to contact the owner of the property, will remain.

The amendments serve a clear purpose, namely increasing the effectiveness of enforcement of civil warrants by empowering the sheriff to execute civil warrants when it is more likely the debtor will be present and able to interact with the sheriff and so are not arbitrary. This will also increase recovery rates and improve outcomes for victims where the civil warrant is enforcing a compensation order awarded by a court to a victim against an offender. Property seizure warrants are commonly used for enforcement of compensation orders, and are typically directed to the sheriff for execution.

Consequently, extension of the hours for the execution of civil warrants does not unlawfully or arbitrarily limit the rights set out in section 13 of the charter act.

Power of the director to direct production of information

The Infringements Act currently allows an infringements registrar to require a person with an outstanding infringement matter to provide information for the purpose of making a payment order, an attachment of earnings order, or attachment of debts order. If, following a request, an infringements registrar is not given sufficient information regarding a person's financial circumstances, the Magistrates Court may issue a summons for oral examination. Clause 59 empowers the director to direct a person to produce information relating to their financial circumstances, or attend before the director to answer questions in respect of the financial circumstances of the fine defaulter. It is an offence under clause 67 to fail to comply with such a direction. Under clause 62, the director may apply to the Magistrates Court for a summons for oral examination. These amendments are relevant to the rights set out in section 13 of the charter act.

However, the amendments are clearly confined by law and serve a legitimate purpose. The power may be necessary to enforce outstanding debts against recidivist debtors where previous enforcement actions pursued by the director have not been successful. The bill contains an important safeguard, prohibiting the use of any information gathered for purposes other than fine enforcement.

In my view, these amendments do not unlawfully or arbitrarily limit the rights set out in section 13 of the charter act.

Power to request information from other bodies

The bill contains three provisions that enable the director or the sheriff to request information from another body.

Clauses 174 and 175 enable the director or the sheriff to request address information from specified agencies including public sector bodies and councils. This replicates the power contained in section 54 of the Sheriff Act. The information that can be requested is limited to the name, date of birth and address of a fine defaulter and can only be requested if reasonable attempts to enforce a registered fine have been unsuccessful. There is a positive obligation on agencies to provide the requested information, unless the agency head certifies in writing that exceptional circumstances apply or if the agency is a law enforcement agency.

Clause 177 authorises a credit reporting body to disclose identification information to the director or the sheriff identification, in response to a written request. This is a new power under this bill. The information that can be disclosed is limited to identification information including the name, date of birth, address, gender and employer of a fine defaulter. In response to the request, the credit reporting body may, at its discretion, provide the requested information. The credit reporting body may also refuse to provide the requested information.

Clause 178 enables the director or the sheriff to request information from specified agencies including public sector bodies and councils. This re-enacts the power currently contained in section 164 of the Infringements Act. The information that can be requested is any information held by the agency that may be of use in enforcing registered fines or executing enforcement warrants. In response to the request, the agency may, at its discretion, provide the requested information. The agency may also refuse to provide the requested information.

In my view, these clauses do not limit the rights set out in section 13 of the charter act.

The use and release of information under these provisions will continue to be regulated by law and will be subject to compliance with the Information Privacy Act 2000. Any information obtained under these clauses can only be used by the director or the sheriff for the purpose of enforcing a registered fine against the person to whom the information relates.

Right to a fair hearing

Clause 239 of the bill repeals the provisions currently contained within the Infringements Act which give a person (who had the opportunity to contest an infringement notice in court and has failed to pay) an additional opportunity to 'object' to an infringement registrars' decision not to revoke an enforcement order, which enables that person to have that matter heard in the Magistrates Court.

The amendment is relevant to section 24(1) of the charter act, which provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. A person retains the right to have an infringement matter heard in the Magistrates Court at any time until a notice of final demand is served by the director. In addition, an infringement offender cannot be imprisoned unless the Magistrates Court makes an order under part 14. Further, a person can seek judicial review in relation to any decision made by the director or the Magistrates Court under the bill. Thus, a person retains the right to have civil and criminal

aspects of an infringement matter determined by a court after a public hearing. I am of the view that the amendment does not limit the section 24 charter act right.

Removal of the right to object to a revocation decision by an infringements registrar serves to remove a potential avenue for a person to further delay a matter, or to bypass the application of enforcement sanctions where that person has exhausted or earlier refused other avenues of review. In addition to the right to contest the infringement notice in court, several avenues of administrative review will be available to a person issued with an infringement notice to object or seek review of a matter. A person may make an internal review application to the enforcement agency responsible for issuing the infringement notice at any time prior to the matter being registered with the director. A person may also apply for enforcement review in relation to infringement fines that have been registered with the director, at any stage until the expiry of a seven-day notice served on a person in respect of the outstanding fine. A direct result of the removal of this process will be a reduction in the number of unmeritorious matters proceeding to the Magistrates Court on a review application, reducing the burden on the court and assisting the court in alleviating delays in hearing matters.

Accordingly, to the extent (if any) that the bill limits the right set out in section 24 of the charter act, any limitation is justifiable and reasonable.

Edward O'Donohue, MP
Minister for Liquor and Gaming Regulation
Minister for Corrections
Minister for Crime Prevention

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The mechanisms available to enforce legal debts in Victoria are costly, inconsistent and outdated. There are a range of legal debts commonly incurred by individuals, including fines, victims compensation orders and civil judgement debts, each of which are owed either to the community on account of breaches of the law or to other individuals in recompense for wrongs done or to satisfy liabilities incurred. The complexity and inefficiencies of existing enforcement mechanisms means that recovery of these legal debts can be costly and uncertain.

The Fines Reform Bill 2014 delivers on the government's commitment to overhaul the current system and introduce a new model for the collection and enforcement of legal debt in Victoria. The new model established by the bill will allow for the better collection and enforcement of legal debts and make clear to people who seek to avoid their responsibilities that payment of legal debts is an obligation, not an option. For people suffering genuine incapacities or hardships, the bill will introduce new and better procedures to properly recognise those incapacities or hardships and provide a way forward.

This bill will provide for the introduction of consistent and efficient processes for the collection and enforcement of court and infringement fines, with additional and strengthened enforcement capacity and sanctions and more payment options.

These reforms involve extensive operational changes, the development of information communications technology systems, and a raft of subordinate legislation amendments. The legislation therefore provides for the introduction of the reforms in stages, and for the separate commencement of individual components of the reforms. The government has backed its commitment to these reforms with the allocation of $34.6 million of funding over four years in the 2013 budget.

Central to the reforms is a focus on the total amount of fines owed by an individual, rather than the current transaction-based approach. This will ensure that habitual offenders who incur large amounts of fines and seek to evade payment can be more effectively brought to account, while also providing for vulnerable people who accumulate multiple infringements due to circumstances such as mental illness or homelessness to be identified earlier on and have their circumstances taken into account.

I turn now to some of the key reforms.

Fines Victoria

Part 2 of the bill creates the position of director, Fines Victoria, to replace the Infringements Court. The director will be supported by the establishment of a new administrative body, Fines Victoria, within the Department of Justice. Fines Victoria will be a central, accessible body for the public to deal with in relation to fines, providing a single point of entry to deal with legal debts. This will make it easier for individuals to access the system and understand their total liability and will make payment arrangements easier to access by providing consistent payment options and payment methods.

The director, Fines Victoria, will have powers to manage and enforce infringement fines registered with the director. Alongside infringement fines, the director will have responsibility for managing payment and enforcement of court fines immediately after a fine is imposed.

The existing protracted timelines for fines enforcement will be dramatically shortened. A person or company in default will be given 21 days under a notice of final demand in which to pay the fine or take other steps such as entering into a payment arrangement or, in the case of an infringement fine, applying for enforcement review. If no action is taken to pay or deal with a registered fine after the expiry of the notice of final demand, the director can take enforcement action to recover the fine, with similar enforcement powers exercisable by the director for both registered infringement fines and court fines.

Infringement notices issued to children will continue to be enforced by the Children's Court under the children and young persons' infringement notice system, rather than by the director. Similarly, the management and enforcement of fines imposed on a child by a court will continue in accordance with part 5.3 of the Children, Youth and Families Act 2005.

Payment arrangements

The bill will consolidate fines into a single account and make significant improvements to fine payment options and arrangements.

Currently, under the Infringements Act, a person can enter into a payment plan or payment order in respect of an infringement fine depending on the stage in which their matter has progressed in the infringements lifecycle. Similarly, instalment orders and time to pay orders are available for the payment of court fines. However, for court fines payment options are more limited and depend on both court jurisdiction and court venue so that a person with an instalment order can only pay an instalment at the court venue that made the order.

Under the bill, people with infringements originating from several different enforcement agencies, registered court fines, and fines at various enforcement stages will be able to apply to the director, Fines Victoria, to pay their fines under one payment arrangement.

Current provisions in the Infringements Act providing for payment plans will continue to apply to infringement penalties managed internally by enforcement agencies. However, the bill will provide a person with an infringement notice to request the enforcement agency to refer the matter to the director for inclusion into an existing payment arrangement.

Work and development permits

Under the new work and development permit scheme proposed in part 17 of the bill, vulnerable people and people in acute financial hardship will have more options to expiate their unpaid infringement fines. Work and development permits will allow people with special circumstances or people in acute financial hardship to clear their infringement fine debt through approved activities and treatment, including: unpaid work, medical or mental health treatment, courses, financial counselling, drug and alcohol treatment and, for people under 25 years of age, mentoring.

While the work and development permit scheme will be provided by approved community organisations and health practitioners, the director, Fines Victoria, will be responsible for approving work and development permit applications and monitoring the operation of the scheme. This is a significant new initiative for Victoria and one that is expected to support our most vulnerable members of the community to address the circumstances that lead to offending.

More effective sanctions

The Infringements Act contains a number of sanctions for use by infringements registrars and the sheriff to enforce unpaid infringement fines. However, some of the available sanctions have had limited or no application to date due to legislative, administrative and technical barriers that prevent their efficient and economical use.

The bill removes many of these barriers (such as the requirement to personally serve a seven-day notice before licence or registration suspension can occur) to enable wider use and greater flexibility in the application of sanctions. The reforms will also enable their use for the recovery of both infringement and court fines.

Sanctions will therefore be simpler, more streamlined, stronger and, where possible, automated.

Enforcement function of the director, Fines Victoria

The bill provides a range of sanctions designed to encourage a fine defaulter to engage with Fines Victoria at an early stage. Wheel clamping, and the ability to make a direction to suspend licence, vehicle registration and similar dealings between fine defaulters and VicRoads are enforcement tools available in the legislation and will become more automated, to facilitate their broader use to encourage payment by a fine defaulter. The bill also provides the sheriff with a power to remove numberplates. This power will be effective where wheel clamping is not possible.

The provisions relating to other existing sanctions (including attachment of earnings and debts orders, charges over and sale of real estate, and mechanisms for enforcement against bodies corporate) will also be amended to enhance their effectiveness. These sanctions may be applied by the director, Fines Victoria, where total fines exceed the prescribed threshold and if they are appropriate in the circumstances.

In addition, the director will have broad information-gathering powers to obtain financial information from people with unpaid fines. The director will be able to obtain financial information to determine the most appropriate sanctions or payment arrangement terms to facilitate payment of unpaid fines.

The current requirement in the Infringements Act that a summons be served to orally examine a person and to compel a written financial statement has made it difficult to gather basic financial information from people with unpaid fines. The bill addresses this impediment by providing the director, Fines Victoria, with an efficient and effective administrative mechanism to obtain financial information.

Enforcement warrants

Part 10 of the bill provides for registrars of the Magistrates Court to issue, recall, and cancel enforcement warrants. The director, Fines Victoria, can apply to a registrar for the issuance of an enforcement warrant in respect of a court fine or infringement fine registered with the director for enforcement. Enforcement warrants will be directed to the sheriff for execution.

Enforcement warrants will provide the director, Fines Victoria, with another method by which to recover a registered fine. Enforcement warrants will have an indefinite life and remain in force until the relevant fines are recovered or the warrant is cancelled.

An enforcement warrant issued by a registrar will generally be directed to the sheriff and executed using powers similar to those that currently apply to infringement warrants under part 6 of the Infringements Act.

Removal of the option for prisoners to serve a term of imprisonment in lieu of paying outstanding infringement fines

The bill will also make prisoners more accountable for legal debts arising from breaches of the law by repealing section 161A of the Infringements Act 2006. The current law provides prisoners with an option to apply for an order from the Magistrates Court to serve a term of imprisonment in lieu

of paying infringement fines outstanding under infringement warrants. In many cases the term of imprisonment ordered for the unpaid fines is served concurrently with a prisoner's existing sentence. This reform will ensure that prisoners cannot absolve themselves of responsibility for paying infringement fines incurred by non-compliance with the laws of this state.

Infringement enforcement periods

The bill makes a range of process improvements to the current infringements system, central to which is the shortening of the current periods involved in enforcing infringements. The bill will significantly shorten the total time involved from the current 168 days to 77 days; a 54 per cent reduction. This will be achieved by reducing unnecessarily long statutory time frames at each step in the process. The deemed service period will be reduced from 14 days to 7 days, as well as the time to pay for infringement notices, penalty reminder notices and notices of final demand.

A shortened enforcement period will improve the efficiency and effectiveness of the infringements system. It will also enhance the deterrent effect of administrative enforcement, by enabling sanctions to be applied closer to the time of the offence.

Review mechanisms — internal review and enforcement review

The bill also strengthens the review processes currently contained in the Infringements Act.

The act currently provides a right for a person issued with an infringement notice to seek internal review of the decision to issue an infringement notice by the relevant enforcement agency. When operating well, the internal review scheme can resolve cases that might otherwise progress to the Magistrates Court or flow through the infringements system. However, this does not always occur in practice.

The bill accordingly removes the legislative 'default to court' mechanism after confirming an infringement notice following a special circumstances application, so that the onus is placed on enforcement agencies to make an active decision to prosecute a matter. This will ensure that vulnerable people are identified at an earlier stage. It will also reduce the burden on the Magistrates Court by reducing the number of infringement matters that are referred for determination.

Currently, the Infringements Act provides individuals with infringements at enforcement stage with a right to apply to a registrar of the Infringements Court to have an enforcement order revoked. The bill establishes a new administrative process called 'enforcement review' to replace the revocation process, which will be available after a matter is registered with the director for enforcement.

Enforcement review will largely mirror internal review. The bill provides clarity and certainty around the grounds for review at this later stage. Significantly, the bill will require enforcement agencies to 'opt-in' to prosecute a matter if the director determines that enforcement using the administrative model is not appropriate. This significant change to current practice will help to ensure that only matters that should be prosecuted enter the court system.

Monitoring and reporting function of the director, Fines Victoria

The bill provides for mandated oversight and reporting by the director of infringements activity undertaken by enforcement agencies and, importantly, the operation of the internal review scheme. Enforcement agencies will be required to report to the director on their activities under the Infringements Act and in particular, on internal review processes, decisions, and outcomes. This will enable more effective monitoring of agency compliance with the law and help ensure consistent and fairer internal review decisions within, and across, enforcement agencies. Currently, there is no legislative oversight of enforcement agencies.

Victims compensation orders

To reduce some of the cost burdens on victims of crime, the bill also waives certain sheriff warrant fees relating to the execution of civil warrants to enforce compensation orders.

Where a compensation order has been made against an offender who is found guilty or convicted of an offence, and that person has not paid, one method of enforcement is by way of warrants for the seizure of property, which are directed to the sheriff for execution. At present, the victim bears the cost of obtaining a warrant from the relevant court and paying any applicable court fees and costs. This can deter many victims from taking action to enforce payment of their compensation orders. The amendments will make it easier and more affordable for victims of crime to seek enforcement of a compensation order.

Civil warrant powers

An existing power within the Sheriff Act 2009 enables the sheriff to use force and assistance to enter the residential premises of a debtor to execute a civil warrant between the hours of 9.00 a.m. and 5.00 p.m. The bill amends the Sheriff Act to extend those hours to between 7.00 a.m. and 9.30 p.m.

The bill also amends the Sheriff Act to provide that if the sheriff uses reasonable force and assistance to enter residential premises for the purpose of executing a criminal warrant outside the hours of 7.00 a.m. to 9.30 p.m., the sheriff may, after gaining entry, also execute a property seizure warrant.

Conclusion

The Fines Reform Bill 2014 will modernise and strengthen Victoria's legal debt collection system — a regime that has long been in need of reform. By centralising fines recovery processes into one model, simplifying payment arrangements, and providing more effective sanctions and more options for vulnerable people to deal with fines, the bill will ensure that offenders who deliberately seek to avoid paying their fines are brought to account, while also better providing for people who genuinely cannot pay their fines.

I commend the bill to the house.

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

Debate adjourned until Thursday, 19 June.

WITNESS PROTECTION AMENDMENT BILL 2014

Second reading

Debate resumed from 3 April; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PULFORD (Western Victoria) — The Labor Party will not be opposing the Witness Protection Amendment Bill 2014, and I will make some remarks about this piece of legislation in a moment. With your indulgence, President, I congratulate our new colleague Margaret Lewis on an outstanding inaugural speech and I welcome her to the chamber. It will be great working with her, but I feel like I have always worked with her because Margaret was a member of the Castlemaine branch of the Labor Party when I joined the party at the age of 16, so we go back a long way. It will be wonderful to work with Margaret in a different capacity, and I believe she will make an outstanding contribution to this place. I do not believe we could have found a better fit to represent the Labor Party in Northern Victoria Region.

As I just indicated, the Labor Party will not be opposing this legislation. It is something of a work in progress for Victoria's witness protection arrangements. The legislation that governs witness protection in Victoria has a history dating back to 1991, and I am advised the legislation was unique and groundbreaking at the time. The protection of witnesses is an important aspect of our criminal justice system because without witnesses prosecutions fail, and without prosecutions succeeding criminal activity can go unchecked and unpunished. This element of the criminal justice system is particularly important in supporting our work to eradicate organised crime, not exclusively organised crime but significantly.

Of course there is a great imperative for these arrangements to be tightly and confidentially held, so there are some limitations on what politicians and the public can know and what they need to know about these arrangements. It is incumbent on us all to ensure that these arrangements are effective and provide the right kinds of powers and protections.

The government has indicated that it is undertaking a review into witness protection. That review will be conducted by Frank Vincent and will take another year. This follows a report and recommendations from the Office of Police Integrity in 2005. Reviews have occurred and are ongoing. The government has flagged that any further legislation arising from the current review will be a matter for the next Parliament. Without wanting to diminish the importance of the legislation before us, this bill really represents a set of interim and reasonably minor arrangements that will reinforce the current witness protection framework until we come back and do it all again in a year or so.

The bill provides for interim protection arrangements. It allows the Chief Commissioner of Police to authorise temporary assumed identity documents; it formalises existing decision-making steps and considerations for the chief commissioner to admit, suspend or terminate a person from the program; it removes the Independent Broad-based Anti-corruption Commission's merits review function in relation to decisions to terminate a person from the program; and it also clarifies — and this seems important — that entering into the witness protection program does not absolve an individual of legal obligations. A quick switch of identity does not get you out of those parking fines, and nor should it. The legislation also allows for closed court proceedings to protect sensitive witness protection information.

As I indicated, in the scheme of things these are reasonably minor amendments. They will probably have a modest impact on the process of fighting crime, including organised crime, in Victoria. We look forward to seeing the results of the review currently being undertaken and to considering legislation that may be proposed as a result of that review. With those few words, I commend the bill to the house.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I am pleased to speak on behalf of the government on the Witness Protection Amendment Bill 2014, which is an important bill in terms of ensuring that law enforcement agencies, not only in Victoria but right across Australia, can continue the work they do in dealing often with organised crime or with crime where the response revolves around the need to ensure the protection of a witness. The Office of Police Integrity's (OPI) 2005 report of its review of the Victoria Police witness protection program said:

> Upholding the criminal law and maintaining civil order depend to a very large extent on the preparedness of witnesses to give evidence to the court: if there is no witness, there can generally be no prosecution.

I reflect on a case I had many years ago when I was a young policeman. Witnesses had provided me with evidence in the case, which related to the stripping down of some motor vehicles, but the witnesses then went feral, so to speak. I ended up having to take out a summons to arrest a witness. That was probably not typical of Broadmeadows, but some might say it was typical of Broadmeadows. As it turned out, we ended up arresting the two witnesses so they could give

evidence against the person we were prosecuting. I make the point again relating to the importance of witnesses, whether or not they be feral. I am sure that is not the word, as there is a proper legal word for witnesses who become adverse — witnesses who, though they have given a properly informed witness statement to police, later on may have a change of heart.

That case occurred in the 1980s, and the witness protection program, first introduced in 1991, has now been replicated across all states. I think there has been a general acceptance across all jurisdictions of the importance of ensuring that witnesses are in some way protected from threats or other such actions that may occur due to them providing that evidence.

This amendment bill will improve the operation of the witness protection program, and it is about ensuring that there is a continual process of improvement. As was indicated in Ms Pulford's contribution, there will of course be a further review. The first step in the bill is about addressing some of the recommendations made in the OPI's 2005 review. As I indicated, the bill builds on a lot of that work. The bill does not, however, alter the scope of the principal act.

The second step in addressing the recommendations made in the OPI's review is for the Honourable Frank Vincent, AO, QC, to review the Witness Protection Act 1991. Mr Vincent's review will include an examination of whether the scope of the act should be expanded to cover witnesses who do not currently come within the act's witness protection program. This is described in the OPI's report as level 2 protection.

Just for the record, the Honourable Frank Vincent is not to look at any specific case; rather, his review is a systematic one with a view to making sure we have fit-for-purpose witness protection legislation, having regard to the level of witness intimidation in this state. I think it is fair to say that we know that organised crime infiltrates all jurisdictions, whether it be in Victoria, in Australia or elsewhere across the world, and the witness protection program is a crucial part of ensuring that evidence that is collected can later be used in further cases or trials or further examinations of whatever the case may be.

This bill ensures that there are a whole range of other things that are included in the legislation. I think fundamentally it is just a continual improvement of the process and of the Witness Protection Act. I look forward to this amending bill being passed so that Mr Vincent can get on with the job of reviewing the whole of the principal act.

Ms PENNICUIK (Southern Metropolitan) — George Brouwer, when he was director, police integrity, noted in his review of the Victoria Police witness protection program published in July 2005 — almost 9 years ago — that:

> Upholding the criminal law and maintaining civil order depend to a very large extent on the preparedness of witnesses to give evidence in court: if there is no witness, there can generally be no prosecution … It is a duty of the justice system to protect witnesses; only rarely may they need protection against the ultimate violence of murder, but any intimidated witness, too frightened to speak out fully and truthfully, undermines the cause of justice.

Mr Brouwer also said:

> The immediate future — given current trends in serious and organised crime — suggests an increase in demand for Witsec services. Preparation for such needs should be made now. This review has found that while Victoria's current witness protection program is basically sound, more resources are required along with some important policy and procedural changes.

In his second-reading speech the minister said this bill is the first step in implementing outstanding recommendations from the 2005 review by the Office of Police Integrity (OPI). It is now some nine years later. One could possibly agree that we are continuing to improve the system. The minister also said that the bill brings Victoria closer in line with the acts of other Australian jurisdictions.

Principal weaknesses identified in the OPI review are the approach adopted in the past to witnesses who may face a degree of risk but who fall short of the criteria for protection or who, for various reasons, refuse it but are nevertheless willing to receive some protection. There has also been insufficient attention paid to the assessment of the psychological suitability of witnesses for life in the program and to the ongoing support necessary to assist their successful adjustment to a new way of life.

Mr Brouwer said greater attention should also be given to the content of memorandums of understanding (MOUs) and that 'settling an MOU and subsequent disputes over what undertakings were or were not given are problematic under the existing arrangements'.

It should be noted that Victoria Police did not support all the recommendations of the 2005 report. In particular, I am concerned the police did not support the recommendations that the committee overseeing the scheme be chaired by an assistant commissioner, that there be an increase in staffing levels of the program and that there be an assessment of the risks to a community where a protected witness is located.

In the meantime the bill provides for a new interim protection declaration and temporary assumed identity to be applied to witnesses in need of protection while they are being considered for entry into the program. The duration of the interim protection declaration is a maximum of three months and the Chief Commissioner of Police may extend it for a further period not exceeding three months. This reform is important given that the process prior to the chief commissioner entering into an MOU with a person and the information gathering by the witness security unit, as well as a full risk assessment of the witness and their family, can take weeks or months when considering them for the witness protection program.

The bill provides a list of things the chief commissioner must have regard to in deciding whether to admit someone to the witness protection program. It sets out the matters a witness must disclose to the chief commissioner before being included in the program. It enables the chief commissioner to authorise the use of temporary assumed identity documents pending determination of inclusion in the witness program. It streamlines the review mechanism under the act so that affected people will continue to have the right to an internal review and an external Supreme Court judicial review of decisions.

The Independent Broad-based Anti-corruption Commission will not be able to conduct a merits review of decisions to terminate protection and assistance, but it can still investigate decisions using its complaints powers. This is one query the Greens has with the bill; what is the benefit of removing the ability of IBAC to do a merits review of these decisions? Such issues are so critical to the protection of witnesses. It is best not to just leave this to the internal review process of Victoria Police. It is good that a person can go to the Supreme Court, because previously the Office of Police Integrity undertook this function. Given that the functions of the Office of Police Integrity were transferred to IBAC, it is curious that this bill removes the ability of IBAC to conduct a merits review of decisions. The Greens are always wary of policies where police are left to review their own decisions, whether those decision were right or not. As I have said many times, the public are not too happy with that arrangement either.

The bill clarifies that certain applications to the Supreme Court will be closed to the public. It formalises the ability of the chief commissioner to suspend protection and assistance measures — for example, when someone goes into custody or goes overseas. It makes it clear that witness protection is not a way to avoid obligations associated with an original identity — for example, civil debts, a criminal record, parole obligations or sex offender register requirements. The bill introduces measures to guard against the disclosure of identities of protected witnesses related to an assumed identity, an interim protection declaration or in court proceedings, and it makes other minor and technical amendments.

The Greens support this bill. As mentioned by Mr Dalla-Riva, we understand that Frank Vincent is conducting a broad review of the Witness Protection Act 1991, and that is a good idea given that the previous review was nine years ago and we are still belatedly implementing some of the outstanding recommendations of that review. With those comments, I indicate that the Greens will support the bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Witness Protection Amendment Bill 2014. Witnesses are an integral part of our legal system, and these changes will help to fix Victoria's long-broken witness protection system. I note Mr Dalla-Riva's contribution to this debate; he opened the batting for the government. He referred to 'feral witnesses'. I am sure he meant 'hostile witnesses' when he said that. I also note that he talked about Broadmeadows, which is part of my electorate and is a great part of Melbourne, and I suspect that the people out there are not a feral as Mr Dalla-Riva's claimed. I suspect the right term is 'hostile witnesses'.

Without witnesses our legal system simply would not be able to function. They provide vital details about the way alleged crimes have occurred and have led to countless prosecutions that have taken dangerous criminals off our streets. It is well known that witnesses can be put under pressure not to testify against people, especially by organised crime syndicates such as outlaw motorcycle gangs and the groups who were involved in the Melbourne gangland killings. I am sure we have all seen parts of the *Underbelly* TV show, which is based on those killings. These conflicts have serious results, with innocent people being hurt and killed in the process. It takes a brave person to testify against another person, because doing so might result in a serious threat to their own safety as well as to the safety of their family.

I suspect many people would not be willing to testify when organised crime is involved. The brave people who are willing to testify about organised crime have a right to be protected, and passing this bill will mean the Victorian government is doing all it can to afford Victorians that right. We have to remember that organised crime gangs show no regard for proper legal process. They care only about their respective groups

and will cause whatever damage is necessary to others in our community.

We — Napthine coalition government members — are ensuring that the witness protection system remains unsullied by those who want to use it to avoid obligations such as debt, criminal records, parole obligations and sex offender requirements through clarifying the role of witness protection. Enabling the chief commissioner to authorise temporary assumed identity documents is a common-sense move. It can be highly time consuming to gather the relevant documents and go through the checks and balances required, meaning that witnesses can be left outside the system for too long, and this legislation will help to address that. The bill formalises the process by which the chief commissioner will consider decisions to admit a person to and terminate a person from witness protection, meaning that there is a transparent set of criteria by which all involved in witness protection can be guided.

There are many reports of failures in the witness protection system. On 14 May 2010 *Stateline* aired a revealing story about the way witness protection works in Victoria. It stated that the Office of Police Integrity had conducted an investigation that concluded that the system has many failings in keeping witnesses safe. In opposition we held the then government to account on this issue, and in government we have acted, yet again living up to our promise of fixing the problems and keeping Victorians safe.

As Mr Dalla-Riva noted in his contribution this morning, the Honourable Frank Vincent, AO, QC, will be conducting a broad review of the Witness Protection Act 1991, including examining the Office of Police Integrity's recommendations from its 2005 report. This is an area of government that is crucial to get right, and this review presents an opportunity for Victoria to have the best possible systems in place when it comes to witness protection.

The bill allows Victoria Police to provide urgent interim protection measures before formal entry into the witness protection program. It is a good bill. It goes to the Napthine coalition government's commitment to fix the problems and to get it right for all Victorians. I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — I am pleased to rise to speak on the Witness Protection Amendment Bill 2014, which will continue to preserve justice in Victoria. I thank my parliamentary colleague the member for Williamstown in the Assembly for his contribution to the debate about this amendment bill in the other place.

In 1991 the Victorian Parliament introduced legislation designed to ensure the protection of individuals who testify in criminal proceedings. Those who sat in the chambers over 20 years ago understood — and it remains unchanged today — that no witness means no justice. The witness protection program in Victoria is founded on a program formed in 1970. In 1962 Joe Valachi, despite being a criminal himself, agreed to testify about the inner workings of the US Mafia. From this, the witness protection program was developed and established fully in 1970.

This program has been used as a model for many countries, including Australia, which have constructed their own programs to ensure the protection of witnesses. The program in Victoria has not been free of criticism. However, I believe this amendment bill will ensure a step is taken in the right direction in protecting witnesses, who through their recollections make certain that criminals in Victoria are brought to justice.

Broadly speaking, to intimidate means to frighten. In the case of intimidating witnesses, this may result in them being silenced, being forced to tell untruths, being dissuaded from cooperating with police by not reporting crimes and being absent when their important testimony is required. In more extreme cases this intimidation may result in the physical harming of potential witnesses or their loved ones, as we saw in 2004 when Terence Hodson was murdered for being a police informant and threatening to blow the whistle on police corruption. In this shocking case of witness intimidation, Terence and his wife, Christine, were murdered, leaving behind family and friends.

In 2005 the Office of Police Integrity published a report which made 29 recommendations in relation to the witness protection program. These recommendations included the criteria under which witnesses are considered to be suitable for the witness protection program. The report also recommended increasing the attention paid to a witness's psychological state in considering whether they will be able to cope with the demands of the program and that the Witsec Committee should be chaired by an assistant commissioner of police. Most of these 29 recommendations were implemented to better the witness protection program.

This amendment bill will allow Victoria Police to provide urgent interim protection measures whilst considering whether a witness is suitable for the program during the time prior to their formal entry into the program and their undertaking of a memorandum of

understanding. This amendment is a very important step in implementing the remaining recommendations outlined by the Office of Police Integrity. This interim period will allow time for the necessary checks and assessments to ensure that witnesses and their families are prepared for the life-changing nature of the program.

The witness protection program is a very important element in preserving justice in our state, which is why we on this side of the house support any amendments which seek to further develop the program for the better.

Mrs MILLAR (Northern Victoria) — I am pleased to make a contribution in relation to the Witness Protection Amendment Bill 2014. This is a further bill in relation to making our criminal justice system more effective and workable — something this government is very committed to and which it has made a real and lasting difference to during this term of government. The bill is designed to improve the operation of the Victorian witness protection program, currently prescribed under the Witness Protection Act 1991. That act was a leading piece of legislation in Australia at that time but it is currently in need of reform following recommendations made by the Office of Police Integrity in 2005.

Witnesses are a central part of our criminal justice system. It is recognised that a large number of prosecutions could not proceed without witnesses being prepared to give evidence. But as is well recognised by all, giving evidence, perhaps most especially in cases involving organised crime, has the potential to be a life-threatening decision in high-risk cases, not only for the witness but potentially also for their family members. It is also a complex area in that many, though not all, potential witnesses are individuals who may themselves be tied up in criminal activities.

Often when I rise to make a contribution on a bill I am able to relate that bill to some life experience either of my mine or of someone known to me, but with witness protection I must say that I am totally without that knowledge or experience — and that is how it should be. We want those who enter into witness protection to be safely relocated so that they can, with their families, confidently and safely get on with their lives.

Protection mechanisms under this bill include change of identity provisions and relocation. These measures are not forced upon potential witnesses but require the potential witness to consent. Under this legislation the Chief Commissioner of Police will only protect a witness and continue to administer the witness protection program if that witness has entered into a memorandum of understanding that details the protection measures and the obligations of each party. The assessment process, which can currently take weeks or even months depending upon the complexity of the case and the need to build confidence in the witness, is undertaken by the Victoria Police specialist witness security unit. Division 2 of the bill allows Victoria Police to provide urgent interim protection measures ahead of formal entry into the program.

Other new mechanisms in the bill include enabling the chief commissioner to authorise the use of temporary assumed identity documents — that is under division 3 of the bill. The bill formalises the administrative steps for the chief commissioner's decision to admit or terminate a person from the program; strengthens the information upon which witness protection decisions are made; streamlines the internal review and external review mechanisms of the Supreme Court; and formalises the ability of the chief commissioner to suspend and terminate protection measures — that is under division 5. The bill clarifies that witness protection is not a way to avoid obligations associated with the person's original identity, including civil debts, a criminal record, parole obligations et cetera. It introduces new measures to guard against the disclosure of identities of protected witnesses and makes other minor amendments.

This bill is an opportunity for Victoria to again lead the way in witness protection arrangements and to increase and strengthen the program so that witnesses have the confidence to come forward to give evidence in this state. For those reasons, I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

VEXATIOUS PROCEEDINGS BILL 2014

Second reading

Debate resumed from 3 April; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms TIERNEY (Western Victoria) — I rise to speak on the Vexatious Proceedings Bill 2014. The opposition will not be opposing the bill. The bill reduces costs

incurred by courts and members of the community through unnecessary and unmeritorious litigation.

In 2008 the Victorian parliamentary Law Reform Committee inquired into vexatious litigants and received a significant response from the community. While it is common ground that all people should have fair access to justice, it is also known that vexatious litigants absorb the limited resources of the courts — and disproportionately so. Court staff are occupied by vexatious litigants, who are usually self-represented and are charged with providing both procedural and legal advice to guide them through the court process. As applications made by vexatious litigants pile up, the people forced to defend the unmeritorious applications also incur increasing costs.

Any costs to the court in time and money are heavy blows when its resources are already stretched to the limit, and the absence of legal support, exacerbated by the dire lack of funding to Victoria Legal Aid, further contributes to these problems. Although the coalition government is reviewing the impact of vexatious litigants on the court system, it has once again ignored the serious issues of legal aid funding and the lack of resources allocated to the court system.

This bill aims to improve the effectiveness of the court system through early disposal of unmeritorious litigation. It empowers the Supreme, County and Magistrates courts and the Victorian Civil and Administrative Tribunal to make litigation restraint orders to varying degrees. The first, in order of lowest to highest restraint, is a limited litigation restraint order which can be made where a person has made two or more vexatious applications in a proceeding. Such an order can prevent further interlocutory applications in the proceeding without leave of the court. An extended litigation restraint order can be made, without leave, where a person who has frequently conducted vexatious litigation against a person or entity in relation to a specific matter can be prevented from continuing or commencing proceedings against that person in relation to that matter. A general litigation restraint order may prevent continuation or commencement of proceedings in any Victorian court or tribunal, without leave, where a person has persisted with vexatious proceedings. This type of order can only be made by the Supreme Court.

The Attorney-General, a person against whom the vexatious application is brought or someone who has sufficient interest in the matter may apply for a limited or extended litigation restraint order. Only the Attorney-General is able to apply for a general litigation restraint order, although the Supreme Court is able to make such an order on its own motion. The court or tribunal will also be able to consider a person's litigation history in all Australian jurisdictions when deciding whether to make the order. Additionally, orders can be made against a person who is acting in concert with a person subject to a litigation restraint order. The court may make a litigation restraint order against the person acting in concert or may alternatively strike out or stay the application that, if made by the vexatious litigant, would have contravened their restraint order.

Section 21 of the Supreme Court Act 1986 currently provides that the court may declare someone to be a vexatious litigant. However, these provisions are not always effective and the applications are made very infrequently. Only 15 people have been declared vexatious litigants since 1928, although this is more likely to reflect the inadequacies in the current system than the extent of the problem. The new regime for managing vexatious litigants moves away from restrictive orders being a last resort and towards a system of graduated orders, which enables earlier responses.

In terms of reaching the test in my own mind about access and human rights, I set about getting access to a number of other authorities in relation to this. Graduated orders are in line with the recommendations made by the Victorian parliamentary Law Reform Committee following its inquiry in 2008. The inquiry explained vexatious litigants as those people who:

> ... may sue … people over the same issues again and again. They may sue the lawyers in the legal proceedings, the judges who dismiss their cases and other people who become involved in their disputes. They may appeal every adverse decision almost as a matter of habit.

The evidence received by the inquiry suggested that there was no one reason some people become vexatious litigants. Some submissions attributed it to poor complaint handling and dispute resolution schemes prior to commencing litigation; the nature of the court system, which can produce frustration and confusion; the lack of legal advice and therefore a misunderstanding of the process and expectations; or, controversially, individual circumstances such as possible mental health difficulties, personality, attitudes or behavioural disorders.

The committee received many submissions, among them submissions from users of the court system, experts and organisations such as Victoria Legal Aid and the Fitzroy Legal Service. Notably, His Honour Judge Misso of the County Court provided a submission detailing his own experience of vexatious litigants. His Honour's submission provides valuable

insight into the practical strain placed on court resources and explains that the vexatious litigant's perception of what litigation will provide is at the heart of the problem, which registry staff and judges are unable to deal with — it is often impossible for them to behave rationally and accept that the result may go against them. This perception leads to frequent contact with the registry staff and judges, resulting in more time being given to these litigants over others who may even be legally represented and incurring significant costs. These litigants need to be identified from the outset. Too often they are not identified until there has been various litigation initiated in numerous courts and tribunals and a reputation develops.

Finally, the Attorney-General is the chief law officer and it should be his obligation to protect the courts from vexatious litigants. Accordingly, the Attorney-General should have a representative to contest all applications by vexatious litigants seeking leave to commence litigation.

The inquiry also heard that other approaches, such as increased access to legal advice, alternative dispute resolution and the improvement of complaint management within departments, could also assist with early intervention and divert pressure away from the court system. The recommendations extend to alternative — that is, non-legislative — ways of dealing with vexatious litigants, including better case management and more training and guidance for the judiciary and court staff. The committee made 32 recommendations overall, focusing on restricting litigants where there is clear evidence of a pattern of vexatious applications. The recommendations strike the balance between access to justice and the need to protect the court system and the community from excessive and unnecessary litigation.

Having fair access to justice is an important value in Australia. His Honour Justice Kirby, formerly of the High Court of Australia, was once quoted as saying, 'It is regarded as a serious thing in this country to keep a person out of the courts'. Access to justice is also recognised as a human right. Article 14 of the International Covenant on Civil and Political Rights provides:

> All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

The United Nations Human Rights Committee has said:

> Article 14 encompasses the right of access to the courts … Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms of his/her right to claim justice.

The Charter of Human Rights and Responsibilities Act 2006 provides in section 24 for a right to a fair hearing. However, the Victorian Court of Appeal has held that this right is not absolute and may be subject to 'reasonable restrictions aimed at achieving legitimate objectives'. These objectives include preventing overuse of court services, with consequential unavailability and cost consequences for the community.

Although this bill will in some ways restrict access to the court system by vexatious litigants, consideration must also be afforded to the parties who are obliged to respond to or defend vexatious applications. Those parties are also entitled to fair access, which is often hampered by the increased costs and delays associated with typical vexatious applications. The Law Reform Committee suggested that given the court resources absorbed by vexatious litigants, they reduce the already limited resources available to the rest of the community and therefore compromise the entire community's access to justice.

In order to strike a sensitive balance between restricting access to justice for vexatious litigants on the one hand and ensuring the efficiency of courts and access to justice for the rest of the community on the other hand, this bill includes a number of safeguards. Firstly, a court can only make a litigation restraint order where it is satisfied that the application is of a vexatious nature; secondly, there are restraint orders of varying degrees to allow the restrictions imposed to be in proportion to the vexatious behaviour; thirdly, with each of the orders it is open to the vexatious litigant to seek the court's leave to make further application or commence further litigation if they have a sustainable cause of action; fourthly, there is a right to appeal the making of litigation restraint orders and acting in concert orders; fifthly, a person subject to a litigation restraint order may seek leave to apply for a variation or revocation of the order; and sixthly, the court may determine an application by conducting an oral hearing if there are exceptional circumstances and it is appropriate to do so in the interests of justice and to ensure procedural fairness.

This bill will assist the courts to manage vexatious litigants who, in the pursuit of repeated unmeritorious claims, consume court resources and incur costs for those forced to defend the applications. Although the opposition does not oppose the bill, it implores the government to extend its focus to other areas impacting on the justice system. It was common among

submissions received by the committee that vexatious litigants make up a small handful of the overall litigants in all courts and tribunals. However small, it is a reality that the courts are simply lacking resources, so that these problems exacerbate the state of efficiency of the courts. Cuts to legal aid funding, limited allocation of court resources and simplistic punitive approaches to crime are all compromising the community's access to the court system.

Victorians want the government to consider and implement solutions for the broader issues rather than just scraping the surface. Whilst this bill provides some small improvements to the court system, the wider agenda needs to be looked at very seriously.

Mr D. R. J. O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution on the Vexatious Proceedings Bill 2014. This is another significant and important law and order reform which this government, this Attorney-General, the department and indeed the entire legal community in the main, through the processes that were conducted by the very good inquiry of the Law Reform Committee into vexatious litigants in its report dated 2008, have sought, and called for and, with this bill, will have introduced.

I pick up Ms Tierney's contribution, with regard to everything but the last couple of sentences where she proceeded to stray from the bill somewhat into matters of general funding. In responding to those matters I can confirm that this government has sought to improve access to justice and support the independence of the court, including significant reforms such as the establishment of Court Services Victoria, which is one of the most significant supports for the courts from an administrative side, as well as providing sensible reforms that can improve efficiencies but also at the same time support the rights of litigants before the courts and in the justice system in Victoria.

However, the bulk of Ms Tierney's contribution that was on the bill picks up on many of the report's findings, which in a sense are matters that follow the Peter Hall doctrine of reaching out to the opposition and other parties in this place whenever possible. That is a matter that, as a speaker for the government, I could reach out and say we agree with, as with these other matters that have been supported in the drafting of the bill.

Those matters relate principally to the need to balance several competing interests that are the subject of discussions about vexatious litigation and abuse of process — namely, the rights of all litigants, including vexatious litigants on occasion, to access the courts, but also the rights of community members to be protected from repeated vexatious litigation and the public interest being best served by an efficient and effective justice system. It is the government's position — and, as I hear from Ms Tierney, also her position on behalf of the opposition — that this is effectively achieved in this bill, which gives the courts greater power to restrict vexatious litigants' ability to bring further vexatious litigation. That in turn protects the justice system and community at the same time as preserving the litigants' access to the courts by allowing them on occasion to bring meritorious litigation.

It is sometimes said that the most important person in the court, besides the judge, the lawyers and the public, is the person who is about to lose that case; because the justice system effectively works at its best if, wherever possible, a litigant who is unsuccessful in the court system can walk away feeling they have at least received that fair trial that is often alluded to. However, not all actions taken in a proceeding can be taken without consequence for other parties while managing abuses of process and vexatious litigation in the public interest. The careful balance alluded to in the bill draws upon the extensive report done by the Law Reform Committee and picks up that very issue. It is well summarised on page 15 of the report of the Law Reform Committee's inquiry into vexatious litigants report under the heading 'Striking a fair balance'. The report quotes the Victorian Bar, which describes the key issue in this inquiry in these terms:

> to achieve an appropriate balance between the right of all persons in the community to have access to justice, and the needs to safeguard scarce judicial resources and protect the community from the inconvenience and very considerable expense of defending proceedings brought by persons without reasonable cause or merit.

The difficulty in all of this is that until a case is determined it is not absolutely conclusive that a case has no merit, and of course the case is being litigated before the courts to determine that result. Patterns of behaviour in vexatious litigants have been determined, and the absence of reasonable prospects of success and an absence of supporting evidence and other materials have from time to time disproportionately taken up the resources of the court. Those patterns of behaviour have led to the existing vexatious proceedings litigation regime, the committee's report and the bill, which will significantly improve the operation of that regime.

That is the background to the bill and the fundamental questions it seeks to address. It recognises that the right of a litigant to bring a proceeding before the courts is an important right but it is not a right that is unlimited. This power has been carefully balanced by the key

introduction of a number of graduated types of orders that the courts can make and an extension from the Supreme Court as to the application of vexatious proceedings to all courts and tribunals. There are also procedures as to the manner in which those applications by vexatious litigants can be brought and the considerations that will be respectfully applied so that the courts, which are best placed to assess whether a proceeding is vexatious or otherwise potentially meritorious, can make the appropriate determinations in each individual case.

One of the key aspects in the bill is that three different types of orders will be available to the courts. They include the current system for managing vexatious litigants, whereby there is a high threshold before an order can be made. The problem with the existing system is that the high threshold makes it difficult for courts to intervene at an early enough stage and to manage the less serious or less frequent vexatious behaviour. We also have the problem that currently the main applicant has to be the Attorney-General. The extension of the ability of parties to appropriately apply from time to time for vexatious litigation orders of the type set out in the bill will allow the courts to guide the conduct of litigation with earlier intervention, which will be more expeditious and benefit all parties.

A limited litigation order will be able to be made. That will prevent a person from making further interlocutory applications or specified types of interlocutory applications in a proceeding without first obtaining the leave of the court or the Victorian Civil and Administrative Tribunal (VCAT) to do so. It can be made where a person has made two or more vexatious applications in the relevant proceeding, and it will last for the duration of the proceeding. It will not affect the person's rights to make applications in other proceedings or to continue or commence other proceedings. Unless a court or VCAT otherwise orders, a limited litigation order will last for the duration of the proceedings.

I turn to the second type of order, the extended litigation restraint order, which the bill breaks down into two further types. One of those orders is general in nature, and the other relates specifically to proceedings under the intervention order regime. The main feature of the first type of extended order is that the order may prevent a person from continuing or commencing any legal proceedings against a specified person or other entity or in relation to a specified manner without first obtaining leave to do so. Orders made by jurisdictions other than the Supreme Court only restrain proceedings in the jurisdiction within which the order is made. However, orders made by the Supreme Court have a general application and restrain litigation in all Victorian courts and tribunals. The order can be made where a person has frequently commenced or conducted vexatious litigation proceedings against a specified person or other entity in relation to a specified matter. This type of extended litigation order lasts for the time specified in the order, which can be indefinitely. That duration can also be extended.

It is appropriate to touch on one of the principal amendments the Greens propose, which seeks a two-year limitation on extended litigation restraint orders. Having considered that amendment, the position of the government is that it will not be supported. In principle we believe these matters are best left to the discretion of the court making the order. Those matters allow the courts, which are best placed to regulate their own proceedings, to permit these sorts of issues to be considered at the time of the making of the order. As is set out in the bill, in appropriate circumstances there are rights to appeal an order that has been made, and the court will take into account considerations which by reason of the bill take in necessary matters, including the prior conduct of a person subject to a litigation order.

The bill has other important provisions, particularly with regard to applications relating to leave to proceed. The process for a person who wants to bring further applications or proceedings is that the person subject to the litigation order must first apply for leave to proceed — that is, for permission to make or continue the interlocutory application or to continue or commence a proceeding. The important provision set out in the bill is that matters must be disclosed in the first instance, so an application for leave must disclose the following: all previous leave applications made by the person; details of previous vexatious proceedings and the applications or proceedings which may have been stayed or dismissed on the basis of being made, commenced or conducted without merit; and an explanation as to how the leave application is materially different from previous applications.

Under the current regime section 21 of the Supreme Court Act 1986 provides that leave may be granted if the proposed proceeding is not an abuse of process. This is a relatively low threshold and is readily satisfied. By contrast the bill will require the applicant for leave to establish that the proposed proceeding is not vexatious and that there are reasonable grounds for the proceeding, which is something I touched on earlier. This will require the applicant to positively establish that the proposed proceeding has a proper basis — for example, by providing evidence as to the factual foundation of the proceeding. If these matters

are not established, then the leave application will be dismissed.

Another important aspect of the bill is that there is no presumption in the bill that there will be an oral hearing for a leave application. In fact the presumption in the bill is that leave applications will be determined on the papers. This has been one of the frequent problems with vexatious litigation: every time there are processes that are available to vexatious litigants by way of seeking leave or the right to bring other proceedings it is perhaps the experience of dealing with some of these vexatious litigants that they will take any opportunity they can, sometimes on a minor issue, to try to agitate a major point that may have been already determined in a previous proceeding adverse to the vexatious litigant's desires.

One of the other concerns in relation to the Greens proposed amendments to clause 27 is that this would effectively involve inserting a further process into the bill. If we were to do as the Greens propose and subject orders to extensions of up to two years, this would not achieve the bill's objectives of ensuring that the court and tribunal time and resources and the time and resources of other litigants are not wasted by persistent vexatious litigation. If the court was only able to impose an order that lasted for two years, the person protected by the order would in many cases be required to continually apply for extensions of time to prevent the commencement of vexatious litigation. The extension of applications would likely be contested, meaning that the applicant would be required to spend considerable time and money making applications every two years, notwithstanding that the establishment of a prior pattern of vexatious behaviour led to the making of the litigation restraint order in the first place. This is likely to act as a disincentive to applying for an extension.

As I have also said, the bill enables a person subject to a litigation restraint order to seek leave to vary or revoke that order unless they are subject to a variation or revocation application prevention order, which could include varying the duration of the order. A variation or revocation order may be made if there has been a change in circumstances such as there is no longer a need for the order to remain in place or for the order to be subject to the same terms and conditions. This mechanism is a more effective way of ensuring ongoing protection of the justice system and other litigants while allowing for the variation or removal of orders in appropriate circumstances.

In essence we believe the current bill as drafted meets the concerns of the Greens without needing to put in place that additional mechanism and we consider that it is inappropriate to limit the jurisdiction of the court and VCAT by specifying the duration of an extended litigation order or to limit the court's discretion to extend the duration of such an order. As I said at the opening, we support the independence of the court and the court's ability to regulate its own proceedings. The court and VCAT are best placed to determine the necessary duration of an order based on the circumstances of an individual case. It is anticipated that the court and VCAT will only impose indefinite orders where this is justified in the interests of justice.

I should also deal at this point with the amendments the Greens have proposed to clauses 32, 42 and 77 of the bill. These will not be supported by the government as they are considered to be inappropriate for many of the same reasons, primarily that the court and VCAT are best placed to determine the necessary duration of the order and that to include the Greens amendments would be contrary to the objectives of the bill because it would be inefficient and costly to require the Attorney-General or any other person to apply for the extension of an order every two years when there has not been any relevant change in circumstances which would warrant the removal or variation of the order and a person subject to a general litigation restraint order may apply for leave to vary and revoke that order, as I have said in relation to clause 27.

In relation to the proposed new clause to follow clause 87, we do not believe that it is necessary to mandate a formal review of the bill's operation every five years. This is a common clause that the Greens have sought to introduce into a number of pieces of legislation. It is our view in relation to this bill that informal evaluation and review of the terms of legislation is routinely and very well undertaken and is an effective way of identifying any operational or policy issues and options for further improvement.

In that regard it is noted that the bill has the extensive support of the Civil Procedure Advisory Group, which is chaired by the Chief Justice of the Supreme Court and is comprised of senior members of the Supreme, County and Magistrates courts, VCAT, the Victorian Bar, the Law Institute of Victoria, the Federation of Community Legal Centres, Victoria Legal Aid and the Australian Corporate Lawyers Association. The Children's Court was also consulted about the bill, and both the advisory group and the Children's Court support it.

The last matter I would like to substantially deal with in my contribution is the alignment of the intervention order regimes and the means for managing vexatious

litigants under intervention order legislation. I note that this bill, along with many of the bills that have been brought in to protect victims of violence — including so-called family violence — support those who are in a position of needing to be protected from family violence. Indeed it is the case that the protective measures established under the intervention order legislation will also apply to relevant proceedings under this bill.

For example, the bill requires court staff to arrange the service of relevant documents rather than requiring the parties to do so. This is appropriate to prevent a person breaching an intervention order that has been put in place and to protect victims of family violence from prohibited behaviour and stalking. Those other protective measures will apply to other proceedings under the bill.

Finally, the final report supports some of the submissions made to the inquiry. A very good submission was made, which sums up much of the bill but also deals with the balancing that I spoke about at the outset, by Ms Penny Drysdale from the Women's Legal Service Victoria who told the committee:

> … we would not want to unnecessarily restrict people's rights to initiate legal proceedings, and we value that right of our clients to do so. But we do think it is important to limit that vexatious litigation to prevent harm and injustice to those individuals, particularly where they have already been the victims of violence, and to prevent erosion of community confidence in the justice system.

That sums it up well. I commend all the government's departmental officers, the courts and indeed the bulk of Ms Tierney's contribution. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — According to the explanatory memorandum, the Vexatious Proceedings Bill 2014 introduces a new regime for the management and prevention of vexatious litigation in Victorian courts and tribunals, and aims to improve the effectiveness of the justice system by ensuring that unmeritorious litigation is disposed of at an early stage and that persons are prevented from wasting court time with further unmeritorious cases. This will allow court and judicial resources to be allocated to the determination of meritorious cases, which will reduce delays in the court system for other pending matters.

The bill enables the Supreme Court, the County Court, the Magistrates' Court and the Victorian Civil and Administrative Tribunal (VCAT) to make various types of litigation restraint orders, which increase in severity in accordance with a person's litigation history and pattern of vexatious behaviour. The Children's Court is also given the power to make litigation restraint orders, but only in relation to litigation conducted under the intervention order legislation. The tiered approach to litigation restraint orders promotes early intervention and aims to provide flexibility for the courts and VCAT to adopt a proportionate response to a person's conduct. The bill draws upon recommendations made by the Victorian parliamentary Law Reform Committee in 2008, and also implements aspects of a model bill approved in 2004 by the former Standing Committee of Attorneys-General.

Initially you would have to say that it is difficult to argue with what the bill aims to do, but it is a complex area where competing rights and responsibilities need to be finely balanced. Currently in dealing with vexatious litigants, or what are known as vexatious litigants at the moment, we rely upon section 21 of the Supreme Court Act 1986, which enables the court to declare a person to be a vexatious litigant preventing them from bringing further litigation in a Victorian court or tribunal without first obtaining leave. Section 21 puts the onus on the Attorney-General. Section 21(1) states:

> The Attorney-General may apply to the Court for an order declaring a person to be a vexatious litigant.

Section 21(2) states:

> The Court may, after hearing or giving the person an opportunity to be heard, make an order declaring the person to be a vexatious litigant if it is satisfied that the person has —
>
> (a) habitually; and
>
> (b) persistently; and
>
> (c) without any reasonable ground —
>
> instituted vexatious legal proceedings (whether civil or criminal) in the Court, an inferior court or a tribunal against the same person or different persons.

Obviously vexatious litigants are a problem; however, perhaps not as large a problem as they have been made out to be. The minister says that the current regime in section 21 has been of limited utility in controlling vexatious behaviour in the courts and tribunals, and says that a number of serious limitations were identified by the Victorian Law Reform Committee in 2008. These include that section 21 sets a very high threshold for making a declaration, which limits the extent to which the court can intervene at an early stage to manage less serious or less frequent vexatious behaviour. The Attorney-General claims that the bar on obtaining leave to bring new proceedings is low and fails to act as a barrier to vexatious litigation. Also,

courts and tribunals other than the Supreme Court do not have similar powers and are therefore unable to control vexatious behaviour in their own jurisdictions.

The bill enables VCAT and other courts, apart from the Supreme Court, to make vexatious litigant orders. Instead of there being one type of order, as under section 21, there will be three different levels of orders now called 'litigation restraint orders'. The third most severe and restrictive order, which is the general litigation restraint order, can only be made by the Supreme Court upon application by the Attorney-General, so it is similar to the current situation under section 21. The two low-level orders allow not only the Attorney-General to apply for such orders but also a person on the receiving end of vexatious litigation. A person with a sufficient interest in the matter can apply and a court or VCAT will make an order on its own motion. The threshold test is also different for each type of order rather than the one test under section 21 of the act, which currently applies.

By way of email, we asked the department who would constitute a person with sufficient interest. An example given in clause 18 is that a person with a sufficient interest may include a police officer — and I think this would apply mainly to the intervention order legislation — or a guardian or family member who seeks to apply for an intervention order under intervention order legislation on behalf of a person. They would be classified as a person with sufficient interest, and I think that is an important issue to clarify — that is, who a person with sufficient interest may be.

The threshold interest for each type of order is to be read in conjunction with the definitions clause of the bill, where vexatious proceedings and vexatious interlocutory applications include a proceeding that is an abuse of a court or tribunal process, is commenced to harass or annoy another, is pursued without reasonable grounds, or is designed to cause delay or detriment or achieve another wrongful purpose.

In detail, the bill enables the courts — that is, the Magistrates Court, the County Court, the Supreme Court and VCAT — to make various types of litigation orders which increase in the level of restriction imposed on the litigant, dependent upon the person's litigation history and past behaviour. The Children's Court will also have the power to make vexatious litigation restraint orders, but only litigation conducted under the intervention order legislation. The bill also extends to the Victims of Crime Assistance Tribunal, but it does not apply to the Coroners Court.

In deciding to make any level of litigation restraint order, a court or VCAT may have regard to the person's litigation history in Victoria and in other Australian jurisdictions. The three levels of order from least restrictive to most restrictive are the limited litigation restraint order, the extended litigation restraint order and the general litigation restraint order.

A limited litigation restraint order, which can be made in the Magistrates Court, County Court, Supreme Court or VCAT, may be made where a person has made two or more vexatious applications in a proceeding and can prevent further interlocutory applications. An individual who is subject to this type of order cannot continue or commence interlocutory proceedings without leave of the court to do so. Applications for a limited restraint order can be made by the Attorney-General, a person on the receiving end of a vexatious application or a person who has a sufficient interest in the matter, and a court or VCAT can make the order on its own motion. Also, a person must obtain the leave of the court or VCAT before making an application for a restraint order. The court or VCAT may grant leave where the application has merit and is not an abuse of process. Unless a court or VCAT otherwise orders, a limited litigation restraint order remains in force for the duration of that proceeding to which the order relates.

An extended litigation restraint order can be made by the Magistrates Court, County Court, Supreme Court and Children's Court, where intervention order legislation applies, and by VCAT. The threshold test for the extended litigation restraint order is where a person has frequently commenced or conducted vexatious proceedings against a specified person or other entity — that is, harassing a person or organisation or in relation to relitigating a specified matter. This order applies more broadly than a limited order and may prevent a person from continuing or commencing any proceedings against a person specified in the order or in relation to the matter specified in the order, without leave. Extended litigation restraint orders can also be made in relation to vexatious litigation conducted under the intervention order legislation. A person must obtain leave of the court or VCAT before making an application for a restraint order. The court or VCAT may grant leave where the application has merit and is not an abuse of process. Applications can be made by the Attorney-General, the person on the receiving end of vexatious proceedings or a person with sufficient interest in the matter. The court or VCAT can also make the order on its own motion.

Under clause 27 the duration of such an order, including an order that relates to intervention order

legislation, remains in force for the period specified in the order — that is, a court or VCAT may specify that the order remains in force indefinitely. A court or VCAT may extend the duration of an extended litigation restraint order referred to in this section if it considers it is in the interests of justice to do so.

This brings into play the amendments that the Greens will be moving regarding the extended litigation restraint order and the general litigation restraint order, which I will go to shortly. Our amendments would limit the duration of those orders to two years, but they would be able to be extended for another two years and so on. Given that under the extended litigation restraint order the court can specify the period of the order, the court may, for example, specify a period of two years. Under the bill as it stands the court may extend the duration of an extended restraint order if it considers it is in the interests of justice to do so. If a court in the first instance has specified a period of two years, one year or 18 months, under the bill it can extend that order if it thinks it is in the interests of justice to do so.

This really goes against the argument Mr David O'Brien put against the Greens amendments. He said courts would not want to be looking again at the duration of the restraint orders; in fact, they can do so under the bill.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Dorothy Dix questions

Mr LENDERS (Southern Metropolitan) — My question today is to the Acting Leader of the Government, Ms Lovell. When asked by Josephine Cafagna in the leaders debate about parliamentary standards on 5 November 2010, Mr Baillieu described Dorothy Dixers as 'a waste of time' and committed an incoming coalition government to 'change the standing orders to ban them'. Is it government policy to ban Dorothy Dixers this term?

Hon. W. A. LOVELL (Minister for Housing) — That is a question on general government policy. I will take that on notice and get back to the member.

Supplementary question

Mr LENDERS (Southern Metropolitan) — On the issue of general government policy, I put to the minister: are issues that were announced as campaign promises for the four years but that have not been dealt with in three and a half years areas of general policy that will be dealt with in the remaining six months of this parliamentary term?

Hon. W. A. LOVELL (Minister for Housing) — Each minister has areas of responsibility in which they implement their policies. I am sure that if the member asks each minister about their direct policies, they will be able to answer directly. But as I have said, the member has asked me a question about something that is not in my portfolio area. I am happy to take that on notice and get back to him.

Horace Petty public housing estate

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Housing, Wendy Lovell, and I ask: can the minister inform the house of the progress of the Horace Petty estate master planning process?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and her ongoing interest in those who are vulnerable in her community and in what we can do to improve conditions for them. Master planning at the Horace Petty estate is a three-stage process, and phase 1 of that began in 2011 with community consultation. In 2013 we included the Bangs, Essex and King streets estates as part of the master planning process as well. The consultation set out a vision for the estate, and it included expert analysis and also background studies. Phase 2 has been the development of draft plans, and a further consultation period on those draft plans has now begun.

We are seeking input from the community regarding the two proposals that have been put forward for consultation. There is a five-week consultation period, which includes a drop-in display, a walking tour, viewing of the draft plans online and also a questionnaire. The consultations so far have been a huge success. They have been attended by both residents of the Horace Petty estate and also people from the surrounding neighbourhoods.

The program has been met with excitement. I know this because I was there recently to attend the community liaison committee meeting that was chaired by my colleague Clem Newton-Brown, the member for Prahran in the other place. What this consultation provides is an opportunity to plan for better housing, better open space, better communities and also better opportunities for tenants. I encourage the entire Prahran community to get actively involved in the master planning process that will provide better opportunities, better housing and better communities around the

Horace Petty, Essex Street, King Street and Bangs Street estates in Prahran.

It is disappointing that the opposition has chosen to try to score cheap political points over this. The shadow Minister for Housing has claimed that this is a secret sell-off agenda. This is absolutely hypocritical, considering that on 17 May 2010 Richard Wynne, the member for Richmond in the Assembly and the then Minister for Housing, when talking about exactly the same program process, said the renewal projects aimed to better integrate the estates with their neighbourhoods and break up pockets of disadvantage by having owner-occupiers living alongside public housing tenants. This was reported in the *Age* when he first started talking about the process of building some new housing and also master planning for the three estates, Horace Petty, Atherton Gardens and Richmond.

Richard Wynne can accuse us of secret sell-off plans, but actually it was he and his government that signed up to this agreement that required master planning to be done. This government is getting on with the job of doing the master planning because it actually believes it is the right thing to do to get the best result for tenants and for communities that surround the high-rise estates.

Dorothy Dix questions

Mr LENDERS (Southern Metropolitan) — My question is to the Acting Leader of the Government in her capacity as Minister for Housing. Given the statement by Mr Baillieu that a future coalition government would not have any Dorothy Dixers, in the area of her administration, particularly during her time as minister and that of her ministerial staff, has the minister ever prepared a question for another member of Parliament to ask her in question time on the housing portfolio?

Hon. W. A. LOVELL (Minister for Housing) — No, I have never personally prepared a question.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I carefully noted the minister's answer and carefully noted that she had not prepared a question. The second part of my question is: have any of her ministerial staff ever prepared a question for another member of Parliament to ask her on the housing portfolio?

Hon. W. A. LOVELL (Minister for Housing) — This government is happy to be open and accountable and answer questions, and that includes questions from those on our own side of the Parliament who wish to ask questions about projects within their own electorate, as Ms Crozier has just done about the Horace Petty estate. In fact I remember the former government having many Dorothy Dixers. I remember Mr Lenders taking a Dorothy Dixer from Ms Darveniza, who was sitting right behind him at that point in time, about the number of schools that he had closed in Bendigo — and he actually got that number wrong.

Safer Road Infrastructure program

Mr RAMSAY (Western Victoria) — My question without notice is to the Assistant Treasurer, the Honourable Gordon Rich-Phillips. Could the Assistant Treasurer update the house on the recent announcement in Ararat on how the Victorian coalition government is funding better roads in regional Victoria?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Ramsay for his question without notice and for his interest in what the Victorian government is doing to improve roads in his region in western Victoria. Of course I am delighted to answer Mr Ramsay's question in my capacity as Assistant Treasurer responsible for the Transport Accident Commission. We know that in road safety there are three key areas to improving road safety in Victoria: getting better vehicles on our roads, having better roads and getting better drivers on our roads. If we can deliver on that trinity — better roads, better drivers, better vehicles — we can improve road safety.

It is part of this government's commitment through the Safer Road Infrastructure program to deliver better roads for Victorian motorists. Last week I was delighted to announce that the Victorian government, through the Safer Road Infrastructure program, will commit $80 000 to an upgrade at the Vincent Street–Western Highway intersection in Ararat. This is an intersection that carries around 8000 vehicles a day and of course being on the Western Highway it is on one of the major arterial links through Victoria and ultimately into Melbourne.

Over the five years to 2012 this intersection had four serious casualty collisions. As part of the Safer Road Infrastructure program the focus is to look at what types of specific treatments can be put in place at intersections to reduce the probability of collisions. In the case of the upgrade to take place at the intersection of Vincent Street and Western Highway in Ararat, we will see the duplication of existing traffic lights so they are more visible to drivers, an extension of the traffic islands and increased and new signage to reduce the probability of collisions taking place.

This is a very important part of delivering improved road safety outcomes. The Monash University Accident Research Centre (MUARC) has undertaken a study of previous Safer Road Infrastructure programs and determined that where Safer Road Infrastructure program treatments are put in place there is around a 30 per cent reduction in casualty collisions as a result. These investments result in a 30 per cent reduction in casualty collisions at these intersections.

The Victorian government is delighted to have made this commitment, and I know it is a commitment that is supported by Mr Ramsay and his colleagues Mr O'Brien and Mr Koch. I know it is supported by the Liberal candidate for the Assembly seat of Ripon, Louise Staley. It will be a very significant improvement to road safety in Ararat. This is part of a $1 billion commitment by the Victorian government through the Safer Road Infrastructure program over 10 years. MUARC has highlighted the benefit of this program with a 30 per cent reduction in casualties through these road treatments, and the Victorian government is delighted to be providing this upgraded road infrastructure throughout Victoria.

Take a Break program

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. Neighbourhood houses continue to report that they have been adversely affected by this government's decision in 2011 to cut funding to the Take a Break occasional child-care program, in particular by having to increase fees paid by parents. Has the Abbott federal government made the provision of funding for occasional child care to Victorian neighbourhood houses and community centres contingent on the minister's government also making a financial contribution to this program, as stated in the federal coalition's election policy?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The federal government has made some money available to the states for occasional care. It has also put some strict criteria around that funding. One criterion is that there needs to be a focus on rural and regional care provision, and another is that the states contribute what they were contributing before, which was 45 per cent of the federal funding. Mind you, that did start out at being 30 per cent of the federal funding, but because the state had put in additional money it got up to 45 per cent. There are still negotiations going on with the federal government around how much funding Victoria will receive from it. When those negotiations are finished the government will announce its plan for occasional care in Victoria.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — I refer the minister to her media release of 30 June 2011, in which she said:

> … the Victorian government has committed to continue its share of funding for Take a Break if the federal government also puts its money back in.

Will the minister honour the promise she made to Victorian families in 2011 and reinstate this government's share of funding to this program, given that she has provided no funding for it in this year's state budget?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I think I have answered that several times. I have said yes, when the federal government makes it clear what funding it will provide to Victoria, this government will provide 45 per cent of that funding and we will develop a program around that funding.

High-rise construction

Mr ONDARCHIE (Northern Metropolitan) — My question today is to my good friend and colleague the Minister for Planning, Minister for Multicultural Affairs and Citizenship, and Auskick's newest coach, the Honourable Matthew Guy. Could the minister inform the house as to what action he has taken to ease development pressures on quiet neighbourhood streets through the approval of any job-creating central city projects?

Mr Lenders — On a point of order, President, I think I know the answer, but it is unusual for a member to ask a minister a question in two specific portfolios, which I assume are in different departments. I seek your guidance on a question to Mr Guy as Minister for Planning and Minister for Multicultural Affairs and Citizenship. Which part of government administration is the question directed to, or do we have a new precedent where a minister can go over two departments when asked a question?

Hon. D. K. Drum — On the point of order, President, this is no different than my being asked, for example, in my portfolios of veterans' affairs and sport about the Anzac Day football match following the march. These events can easily go over two portfolios.

Mr ONDARCHIE — On the point of order, President, I suspect the answer to this lies in planning,

but because Northern Metropolitan Region has a very large multicultural community I would assume that the answer would also encompass their wellbeing as well.

The PRESIDENT — Order! Obviously a range of government programs and services cross government departments, where there is collaboration between government departments in terms of the delivery of certain services or programs or projects. In this case we have the good fortune that the minister apparently straddles the two departments that may well have had an interest in this particular project. I do not have a difficulty with the question being raised to the minister in both capacities. Ordinarily though Mr Lenders would be right in saying that we would be expecting that perhaps the more substantive portfolio responsibility, or the one with ultimate carriage of that responsibility, would be the capacity in which the minister answered that question.

Mr Lenders — Further on the point of order, President, mine is probably a broader issue, because I know in practice in this house previously when I and Mr Somyurek have asked questions of Mr Rich-Phillips on a portfolio area and have asked of the wrong portfolio or not the most applicable one for that part of government administration, we have been unable to ask the question if we did not get the target correct with the first asking. This is more than any pedantry on my part over this particular question; it is more an issue over how a member of Parliament gest an answer from a member of the executive when one member of the executive says you need to be specific and another member of the executive is invited to answer a question about a very broad area.

Hon. G. K. Rich-Phillips — On Mr Lenders's point of order, President, the example he used was quite a different scenario, because the matters Mr Somyurek asked me about did not relate to any of my portfolios. It was not a case of directing a question to the wrong portfolio; it referred to matters which did not fall within any of my portfolio responsibilities. It is an entirely different scenario to that raised by Mr Ondarchie.

Mrs Peulich — On the point of order, President, my point is similar to that raised by the Honourable Gordon Rich-Phillips — that is, that in this instance obviously there are different nuances. The two portfolios to which Mr Ondarchie referred — and obviously he may well decide to rephrase the question — are portfolios for which Mr Guy is responsible, whereas Mr Rich-Phillips was not responsible for any of those referred to. Mr Lenders would know that, and he is just wasting question time.

Mr ONDARCHIE — I say to Mr Lenders that I would not be taking advice from Daniel Andrews, the Leader of the Opposition and member for Mulgrave in the Assembly, if I were him. On the point of order, President, I am happy to rephrase the question if it will help Mr Lenders with his understanding.

The PRESIDENT — Order! Taking up Mr Lenders's point of order, there is a difference between the previous circumstance he raised and this one today. For the sake of clarity for the house, I ask Mr Ondarchie not to rephrase the question — I think the minister has the question — but advise me in which of Mr Guy's portfolios he is addressing the question to Mr Guy.

Mr ONDARCHIE — I am asking the Minister for Planning in his capacity as Minister for Planning — and I will spell that out if Mr Lenders requires it.

The PRESIDENT — Order! That is sufficient, thank you. I call the Minister for Planning.

Hon. M. J. GUY (Minister for Planning) — — С Праздником День России! Happy Russia Day today, President; it is 12 June. I also say to those in the chamber, what a wonderful question it was from Mr Ondarchie, a member for Northern Metropolitan Region and a good friend and colleague of mine, who asked about how we take pressure off some of those quiet neighbourhood streets by bringing forward new construction in our central city area.

It is my great pleasure, as the Minister for Planning and in my capacity as Minister for Planning, to inform the chamber of a planning decision I have made, which will help many communities, some multicultural and some not, across our beautiful state of Victoria and which will help create greater livability in our wonderful multicultural city, Melbourne. It relates to five new towers with 1000 units that the government has recently approved: 751 apartments in a four-building project in Footscray and a 249-apartment tower in Haig Street, Southbank.

On the day that John Setka is protesting out the front of Parliament House, let me talk about the construction industry. Let me talk about Mr Tee's favourite construction industry union, the Construction, Forestry, Mining and Energy Union (CFMEU).

These new applications, involving 1000 new units, will house 2000 people. There is one project at 2 Hopkins Street, Footscray, and another is at 57 Haig Street, Southbank. The projects will house 2000 people potentially, 2000 people who, if these towers were not approved, would be flushed onto suburban streets,

resulting in the clogging up of local roads and unit development in inappropriate areas — a return to Melbourne 2030. This government has saved those quiet streets by directing development to where it should be — in our activities areas.

Importantly, the two projects alone will generate around 1900 construction jobs, construction jobs — you would not believe it! — for people who may even be CFMEU members. And no, I do not mean Mr Tee — he is not on site — but I do mean some of those people who might be employed on those sites.

Daniel Burnham, the architect of New York City's Flatiron Building — not the flat earth building, as some of those opposite might say — said, 'Make no little plans; they have no magic to stir men's blood and probably themselves will not be realised'. And he was right; Я бачу Україну, боже мій — I could probably see Ukraine from the top of some of those approved towers.

Let me run through what this government has been very proud to be able to approve. In fact in the last minute of my answer I will go through what are I think some of the 10 greatest towers — some vertical Rembrandts — which will feature on Melbourne's skyline. There is 568 Collins Street — hundreds of jobs, 228 metres tall, 588 apartments. There is 320 Russell Street — hundreds of construction jobs, tens of millions of dollars worth of investment, 188 metres tall, 5 metres taller than Collins Place, and it has been approved. There is Queensbridge Street, Southbank, at 275 metres. Goodness me, it is 20 metres taller than the Rialto; what a great building. Some of the academics who oppose it might be able to see it from their little negative windows as they look out at the city skyline, and they might ask what that thing is on the skyline. It is a great big crane, and they will curse me as they see it. There is 25 Queensbridge Street, 450 Elizabeth Street, 150 Queen Street, 272 Queen Street, 260 City Road, 54 Clarke Street — what a Rembrandt that is — and 127 A'Beckett Street. There will be cranes in the sky, and there will be jobs, investment and the building of a better Victoria. That is what the coalition is about.

Big Hill goldmine

Mr BARBER (Northern Metropolitan) — In the absence of the Minister for Health, the Greens question today goes to the Minister for Planning, Mr Guy. The minister has before him an environment effects statement (EES) for the Big Hill open-cut mine at Stawell. Submissions have closed. Many of the submissions go not just to the issues of health and amenity but also to the rehabilitation of this hill that is to be carved off right in the middle of town and — we hope — replaced. At the same time I note the government has under way a tender for the development of a rehabilitation bond model for mining and extractive industry sites in Victoria, no doubt getting ahead of the Hazelwood inquiry. Can the minister assure us that no final decision will be made on the Big Hill open-cut mine until the government has worked out what its model is for site rehabilitation?

Hon. M. J. GUY (Minister for Planning) — There are clear time frames in the EES process. They are considered separately for many other matters, and those clear legislative time frames will be honoured in this process as it will be in others.

Supplementary question

Mr BARBER (Northern Metropolitan) — So that is the problem: the government is now having a major rethink about site rehabilitation for mines, which has been a very difficult and in some cases intractable issue. The government is expecting the findings from the Hazelwood inquiry, which will cover that issue, and yet it is clearly busy having a rethink about how it will cover the liabilities of rehabilitation. I ask: can the minister tell me what his approach is to mine rehabilitation and, for the people of Stawell who are writing submissions about this, hoping to see conditions added to the permits, can he tell us how he is going to approach site rehabilitation for an open-cut mine smack on the edge of town?

The PRESIDENT — Order! I will allow the minister to answer, but I think the supplementary question goes to other matters that are different to those raised in the substantive question to the minister. The substantive question was very much about process, and the supplementary question is asking what conditions and so forth the minister might be considering. That is different to process and to the first question. Nonetheless, I will let the question stand and let the minister answer on this occasion.

Hon. M. J. GUY (Minister for Planning) — I do not see clear legislative time frames as a negative. I appreciate that Mr Barber may in some instances and may in relation to this; I do not. The people of Stawell know there are clear and transparent time frames and a clear and transparent EES process. That process is under way, and they should have absolute confidence that this process — the same process that has been around in this state for some time — will be followed fulsomely.

Major sporting events

Mr D. R. J. O'BRIEN (Western Victoria) — My question is to the Minister for Sport and Recreation, the Honourable Damian Drum. Could the minister inform the house of how the Victorian coalition government is supporting major sporting events, including both Rugby League and Rugby Union?

Mr Leane — Are they two portfolios?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I do not think they are two portfolios, but they might be two different games.

I thank Mr O'Brien for his interest in these two codes. Early last week I had the opportunity, with the Premier, to announce that the Rugby League State of Origin series is returning to Melbourne. This was an amazing announcement, and in attendance we had Cameron Smith and Billy Slater, who are both Melbourne Storm champions but also Queenslanders through and through. We also had Ryan Hoffman, another Melbourne Storm star, but he turns out for the State of Origin in the blues of the New South Wales team.

The MCG will host this event in 2015, and there is a real chance that next year's MCG crowd could set an all-time record for a State of Origin game in this country. We have previously had 87 000 spectators at the MCG in the years when we first brought Rugby League to this city. That was eclipsed when the Olympic stadium in Sydney was at its full seating capacity, but there is a real chance that we can threaten that State of Origin crowd record next year.

It is worth noting the comments of Cameron Smith and Billy Slater, who mentioned how highly the players regard the MCG and how they look forward to playing there. This is an opportunity for them to play at what they all consider to be the home of sport in Australia. The MCG holds an enormous place in the aspirations of all those who play in the State of Origin, and it is an inspiration for them. Mr Smith and Mr Slater also spoke about their experiences of going along to watch an AFL Grand Final at the home of football and about the excitement associated with playing in front of such a huge crowd.

Not only will we be bringing the State of Origin to Melbourne next year, but we are also going to bring it back again in 2018. We are putting in place a range of games. As well as the State of Origin coming to the MCG, we will also see the Four Nations tournament played at AAMI Park. That is going to happen in November this year, when Australia will host England. We have also allocated funding for grassroots and community-based Victorian Rugby League programs to promote further community development, which will see an increase in participation and memberships and further club engagement.

It is not only Rugby League that is coming to Victoria; the game made in heaven, Rugby Union, will also be coming to Melbourne this Saturday night at Etihad Stadium. The Wallabies will be taking on France, having been successful in Brisbane last weekend. There is an opportunity for them to clinch the three-match series on Saturday night when they meet the French team at Etihad. We are going to see Melbourne Rebels player Scott Higginbotham, who is a regular player for the Wallabies, and there is also the possibility that his teammates Luke Jones and Laurie Weeks will play. They have a real chance of debuting for the Wallabies this Saturday night.

I am sure all Victorians would also be very proud of our Victorian-born-and-bred Australian Wallabies coach, Ewen McKenzie — the boy from Donvale who had to go to Sydney as a 19-year-old to further his studies but also to improve his Rugby skills at that stage. He has since had an amazing career as a Wallaby, and now he finds himself in charge of the team as the head coach. That is an amazing feat from someone born in an AFL-crazed city. He sets a fine example for what you can achieve. These are just a couple of great events — —

The PRESIDENT — Order! I thank the minister.

Early childhood facilities

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. Despite the 2013–14 state budget providing only $7 million towards the children's facilities capital program for one year only, budget paper 3, page 8, of this year's state budget indicates that the total amount of funding provided in the 2013–14 financial year was $15 million. I ask the minister: was this additional $8 million state or federal funding?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — It was state funding.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The description in the budget states that these grants will be expended by 30 June 2014. Why has the minister provided no funding at all towards kindergarten capital infrastructure in 2014–15 and the years beyond?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — We are currently in the process of announcing $22 million worth of grants for kindergartens around the state, and shortly we will be announcing a further $15 million grant round.

Crime Stoppers

Mrs PEULICH (South Eastern Metropolitan) — On this important independence day for Russia — the other important occasion on this day being my mother's birthday — I would like to ask Mr O'Donohue a question in his capacity as Minister for Crime Prevention. Can the minister inform the house about new initiatives this government is undertaking in partnership with key organisations that help our communities stay safe?

Hon. E. J. O'DONOHUE (Minister for Crime Prevention) — I thank Mrs Peulich for her question and her ongoing interest in crime prevention. It has been a great pleasure to have Mrs Peulich attend a number of events with me to make our community safer and to partner with local communities to respond to concerns about crime and perceptions of crime in our communities. That is what the crime prevention portfolio is about, and the government is very proud to have a portfolio that partners with the local community.

Honourable members interjecting.

Hon. E. J. O'DONOHUE — To pick up the interjections from the opposition, President, in this chamber we know that only the coalition has a portfolio of crime prevention. We are very proud of that portfolio. As part of our partnership with local communities, it has been great to be able to make two announcements in recent times with Crime Stoppers. I pay tribute to Crime Stoppers, which is a fantastic community organisation. I pay credit to the CEO, Sam Hunter, who brings great energy, drive and enthusiasm to the very important work that Crime Stoppers does.

The coalition government allocated $200 000 to Crime Stoppers to enable it to redevelop its website, to bring its website and communications into the modern age to better reach the Victorian community. As part of that upgrade, Crime Stoppers information is available in 24 different languages. This is very important.

We in Victoria are very lucky to have such an outstanding police force as one of the pillars of our community. It is an outstanding police force. But we also know that some people who come from other countries do not have police forces of the same integrity, so they do not have the same trust that we have in Victoria. Having an alternative way to notify Victoria Police about crime, via Crime Stoppers, is a very important initiative. Having the Crime Stoppers website available in 24 languages is a fantastic initiative, and I again pay tribute to Crime Stoppers and Sam Hunter for the work they have done. It was great to be at the launch of the new website with the outstanding member for Prahran in the other place, Mr Clem Newton-Brown.

The government is also very pleased to partner with Crime Stoppers in another important initiative. Graffiti is a scourge on our landscape and a scourge on our community. The coalition government takes graffiti very seriously. We have a number of initiatives in the crime prevention portfolio to tackle the scourge of graffiti. I receive many representations from constituents and members of the broader Victorian community about graffiti on our roadways and freeways, and I know that people do not like it. It is an attack on public property, and it is not good enough.

Mrs Peulich — Especially women; they hate it.

Hon. E. J. O'DONOHUE — I take up Mrs Peulich's interjection, particularly women. Another exciting initiative of this government, in partnership with Crime Stoppers, is the $150 000 funding to the Dob in a Tagger campaign. I was very pleased to launch that campaign with the outstanding Liberal Party candidate for Narre Warren North in the Assembly, Amanda Stapledon.

Mr Lenders — We are politicising it now, are we?

Hon. E. J. O'DONOHUE — She is an outstanding candidate. Mr Lenders can scoff at the concept of community partnerships. He can scoff at the concept of crime prevention and a dedicated portfolio for crime prevention. Mr Lenders and the Labor Party are so out of touch with the community on this issue — —

The PRESIDENT — Time!

VEXATIOUS PROCEEDINGS BILL 2014

Second reading

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) — Finally, a general litigation restraint order can only be made by the Supreme Court on application of the Attorney-General, which is the current situation for all vexatious litigation orders. This will prevent a person from continuing or commencing any proceedings in a Victorian court or tribunal without leave. The threshold

test for this order can be made where a person has persistently and without reasonable grounds commenced or conducted vexatious proceedings. The order may prevent a person from commencing or continuing proceedings in any Victorian court or tribunal. The order is reserved for the most serious vexatious behaviour and in circumstances where a lesser order may be ineffective. This type of restraint order must be on the application of the Attorney-General and made in the Supreme Court.

Of course in terms of this order, the threshold is restricted to the Attorney-General making the application, similar to section 21 of the Supreme Court Act as currently applies. The duration of a general litigation order remains in force for the period specified in the order by the court. The court may specify that an order remains in force indefinitely. It is a serious thing to impose an indefinite order on a person, making it impossible for them to commence or continue proceedings in any court or tribunal. The Supreme Court may extend the duration of the order if it considers it is in the interests of justice to do so, so the court can apply the order indefinitely or it can apply a specific duration. It can also extend the duration of the order. Again, the court may apply an order for a year, 18 months or two years, and extend that.

The fact is that under the bill the two more serious levels — that is, the extended litigation restraint order and the general litigation restraint order — can be imposed by the courts for a specified time and may be extended. My amendments would apply to limit those particular orders to two years. The court may extend them, as it currently can under the bill. The argument put forward by Mr David O'Brien that somehow it was going to waste court time et cetera when in fact it is already a provision in the bill is really no argument at all because it is already in the legislation before us now. All the Greens' amendments would do is prevent the orders being applied indefinitely.

While we all understand the need to prevent vexatious and unmeritorious actions being taken in the court, it is also quite a serious thing to impose an indefinite order on a person. The person might have a history of vexatious proceedings, which is one of the criteria. It may be the case that in two years time that person will have changed and in fact may have a meritorious action to take to court but that would be restricted because of the indefinite order against them. If they are a natural person of no means, it will be difficult for them to apply to the Supreme Court to have that order overturned.

It is worth saying up-front that this is a complex area of law that requires balancing different public interests. It may be difficult to strike a balance between those, and it is the contention of the Greens that the ability to impose an indefinite order goes a little too far against the person on whom the order is imposed. The Greens see the benefits of the three levels of litigation restraint orders. This regime follows the UK model of a three-tiered system for dealing with vexatious litigants under the civil restraints order.

The Law Institute of Victoria in its submission of 12 September 2008 to the parliamentary Law Reform Committee stated:

> There are a number of advantages in implementing in Victoria a system similar to the model of civil restraint orders operating in England and Wales. Firstly, it is a flexible system allowing for a three-stage approach in restricting access to the courts. Under such a system, an order can be tailored to be confined to only a particular court or tribunal proceeding, or can extend to any future proceedings in any court or tribunal depending on the number and extent of vexatious proceedings or applications brought by a litigant.
>
> Secondly, imposing an expiry period of two years for a civil restraint order would ensure that a vexatious litigant's right to access justice is balanced against public interest considerations. The court would have an opportunity to further extend a civil restraint order after a period of two years if appropriate in the circumstances, but such an extension could be only for a further period of no greater than two years at a time.
>
> The introduction of a civil restraint order system would also ensure that the finite resources and time of courts and tribunals is not being wasted on applications that lack merit. Under a civil restraint order system, a vexatious litigant would be able to appeal a civil restraint order, but such appeals could be dealt with 'on the papers' without the need for the parties to attend court. Groundless appeals or applications could be dealt with from an early stage and disposed of without causing financial burden and distress to the non-vexatious parties.

In its submission to the parliamentary inquiry the law institute advocated that the orders be for no longer than two years with the possibility of extension.

The Public Interest Law Clearing House (PILCH) in its submission dated 3 October 2008 found that the use of civil restraint orders within the three-tiered system provided a more individualised and human rights-based approach to dealing with vexatious litigants. Members of the judiciary also supported the graded system of categorisation of civil restraint orders for litigants, like that of the UK system, as a way to modernise the law on vexatious litigants and reduce the stigmatising descriptor of 'vexatious' as noted in Dr Ian Freckelton's report, *Vexatious Litigants — A Report on Consultation with Judicial Officers and VCAT Members*. Also, most members supported the extension of the category of

potential applicants beyond the Attorney-General as is currently the case.

I again note that this is a complex area of law that requires balancing different public interests. On the one hand there is a need to prevent the abuse of court processes by vexatious litigants who, as noted by Mr Scheffer, chair of the Victorian parliamentary Law Reform Committee in 2008, can have a financial and emotional impact on people they come in contact with. On the other hand, as stated by the Federation of Community Legal Centres in its submission in 2008:

> Care must also be taken to ensure that any legislation and procedure concerning vexatious litigants does not become a mechanism to silence unpopular causes and 'difficult' people. It is of concern to us that much of the present discourse around vexatious litigants assumes that the present legal and complaints systems always work to achieve justice and fairness, and therefore that people who have been consistently unsuccessful must have issues unsuited to litigation or invalid complaints.
>
> On the contrary, major social justice changes have sometimes been achieved by people who simply insist on pursuing justice over a long period and who refuse to be deterred.

PILCH and the Human Rights Law Resource Centre (HRLRC) emphasise in their combined submission that there is no empirical data or research to show that there is a problem with Victoria's vexatious litigant laws, so there needs to be a very cautious approach to any reform. At the time of the parliamentary inquiry in 2008, only 14 people in Victoria had been declared vexatious litigants since 1928.

PILCH and HRLRC in their submission suggest the underlying issue of the vexatious litigant debate stems from the increase in self-represented litigants due in part to the restrictive legal aid guidelines based on insufficient funding in key areas for legal assistance during the time of the parliamentary inquiry, and this has only continued today in light of the recent legal aid funding crisis, where we are seeing more unrepresented litigants in all the courts. The problems this causes has been commented upon by the heads of jurisdictions. Of course if people are unrepresented they are perhaps ipso facto more likely to be considered vexatious because they are not getting the advice that they need early in the proceedings.

When we legislate we need to be careful that we do not impose indefinite orders against people who are unrepresented litigants. The lack of funding in the courts for legal aid and duty solicitors et cetera is the problem at the source, and the legislature is dealing with that problem by making orders against people. I am sure the courts will be careful. However, I am still not convinced that the provision to impose indefinite orders against people is needed. It being based on their historical record in terms of bringing what might be deemed vexatious proceedings to the courts may be one thing, but as I said before, two years hence a person may have changed their behaviour and not be doing that anymore. They may want to bring a different proceeding that is meritorious, but because they have an indefinite order against them they will not be able to do that. We need to make sure that we are not acting against the interests of justice, and I feel the way to do that is by not allowing indefinite orders to be imposed.

Properly funded legal advice needs to be available to people at the initial stages of proceedings and even prior to their commencement. That would enable a potentially difficult litigant to be informed about the legal process and to gain insight into the matter and why it may or may not succeed in court. It should also be noted that the Victorian Civil and Administrative Tribunal (VCAT) and the Magistrates Court reported no real problem with vexatious litigants when they received a report on this issue from Dr Ian Freckelton, SC. Dealing with difficult people is seen as part of the territory, and they therefore did not feel that it was an issue of concern for them. The Supreme Court seems to have a bigger problem with dealing with vexatious litigants, and having a self-represented litigant coordinator has been of assistance there, so also introducing one into the County Court would assist in that area.

Dr Ian Freckelton said at page 11 of his report entitled *Vexatious Litigants — A Report on Consultation with Judicial Officers and VCAT Members*:

> There was a division of experience between Supreme Court and County Court judges, on the one hand, who identified a significant number of undeclared persons who would broadly fit the criteria for being classified as a 'vexatious litigant' and magistrates and members of VCAT … who stated that they saw very few of them.

Another issue that has been raised is that the Attorney-General was not making enough applications for litigants to be declared vexatious. When looking at the report by Dr Ian Freckelton on consulting with VCAT staff and staff at other courts on vexatious litigants, it can be seen that there has been a concern that the Attorney-General has not been making applications in some cases when perhaps he should have been. In his report Dr Freckelton also said that whilst most participants were critical of the current formula in section 21 of the Supreme Court Act 1986 and saw merit in the adoption of a formula defining a vexatious litigant by reference to frequently bringing litigation without reasonable grounds, one Supreme Court judge said there needs to be care in liberalising

the definition because of the risk if the threshold is too low. Another Supreme Court judge is reported as saying:

> … declaring someone unable to bring further litigation without leave 'is such a draconian thing to do, the criteria should continue to be strict. The system should accommodate turbulence; that is … what we are paid to do.

The Greens have concerns with the possibility or potential for the indefinite duration of certain orders. In the UK extended civil restraint orders and general civil restraint orders, as they are referred to, have a two-year duration, given their seriousness and wider impact. Whilst the courts may extend the duration of these orders if they consider it appropriate to do so, they cannot be extended for a period greater than two years on any given occasion. As I mentioned, the Law Institute of Victoria in its submission of 12 September 2008 also made those points with regard to the UK system.

I propose to move some amendments in the committee stage, which I will now circulate, to compare the bill with the UK system, on which the bill is based.

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

Ms PENNICUIK — One of my proposed amendments deals with the need for a review clause. Given the extent of the changes under this bill and the introduction of indefinite orders, appeal restriction orders and variation or revocation application prevention orders being made, there should be a review clause under the bill, just as there is a review section in the Vexatious Proceedings Act 2008 of New South Wales, which does not have as far-reaching reforms in it.

In his contribution Mr David O'Brien said that the Greens are always putting forward review clauses in bills, and so we are. We think review clauses in bills are a very useful mechanism for making sure that particular provisions — particularly where they go to limiting the human rights of people to access the courts — are reviewed to determine whether they have struck the right balance, which is what I have been talking about in my contribution. In speaking to my amendment with regard to inserting a review clause Mr O'Brien also said that that would not be necessary because the department undertakes reviews all the time. It may, or it may not. But the fact that there is a review clause in the legislation focuses the mind and attention on the department to make sure that the review is done in a timely manner before the expiry of the time limit outlined in the legislation. In this case I am suggesting a five-year period, which I think is reasonable for the quite extensive changes that this bill will bring into the regime for dealing with vexatious proceedings. This is a good provision, and we think it should be included in more legislation.

The only other issue we have with the bill is with regard to the appeal provisions. This is particularly in clauses 10, 18 and 79, which I will ask the minister a little bit about in the committee stage. We certainly understand in terms of clause 79 that the appeal provisions under the Supreme Court Act 1986 are still there, but we just want to make sure, given the sweeping changes that are being made.

I have to keep returning to my notes because the names of the new regimes are a little bit confusing, in particular the extended litigation restraint order and the general litigation restraint order. Those orders either go beyond the proceedings that are in train or apply just for the proceedings that are in train. They are quite extensive and, as I said, can be of unlimited duration. In that case, appeal rights need to be clear, and people need to be able to appeal orders made against them. These orders can be quite restrictive on a person's ability to access the courts whether or not they have a past history of litigation. They may be deemed a vexatious litigant, but it does not mean they are forever a vexatious litigant and are in every case a vexatious litigant, so we need to be sure that we are not taking away people's access to the courts without the proper appeal rights. Those are our thoughts on the bill, and I commend my amendments to the house.

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

Mrs MILLAR (Northern Victoria) — I am pleased to speak on the bill before the house, which seeks to introduce a more effective framework to manage the significant problem of vexatious litigants in Victoria. Although small in number, when vexatious litigants bring unmeritorious actions against other individuals and organisations they cause significant congestion in Victorian courts and tribunals and consume a disproportionate amount of the time and resources of our courts. This is not a new problem, having been around since the inception of our justice system, but it is a problem which exists in Victoria because the current provisions have failed to adequately these cases.

Currently section 21 of the Supreme Court Act 1986 enables the Supreme Court to declare a person to be a vexatious litigant, which prevents them from bringing further litigation into a Victorian court or tribunal without first obtaining leave. As noted earlier by

Mr David O'Brien, the Victorian parliamentary Law Reform Committee in its report on vexatious litigants identified that currently these provisions fail to adequately address the issue of vexatious litigants on a number of grounds, including that the current section sets too high a threshold for making a declaration and therefore does not allow for intervention at an early stage. It is also problematic that currently courts and tribunals other than the Supreme Court do not have similar powers and are therefore unable to address vexatious behaviour in their own jurisdictions. I have had experience in my past professional career with a number of individuals who could only be described as vexatious litigants and who, after an initial hearing of their case and as a result of decisions having been made not in their favour, went on with appeals with separate claims but related to the same substance in alternative jurisdictions.

Earlier today Ms Tierney touched on some of the reasons that may lead to people becoming vexatious litigants, including a lack of proper legal advice, given that vexatious litigants are typically self-represented. Another possible ground may be the litigant's mental health and in some cases a personality disorder. In one such case in which I was involved a former employee brought an unfair dismissal claim against his employer after having been given the choice between a sizeable voluntary redundancy payment and an alternative job. Even after being urged to take more time over the decision and to consult his union or other sources of advice, this man elected to take the payment. To the employer's great surprise, what followed was a claim for unfair dismissal. Given the circumstances of the case, an appeal of the decision was unsurprisingly decided in the employer's favour. A separate but simultaneous discrimination claim to the Victorian Civil and Administrative Tribunal was ultimately struck out. All of this was concurrent with claims of breaches of the employee's human rights and other processes, including the person's claim to be writing a book about the matter.

Defending these baseless claims cost the employer, who was mindful about incurring legal costs, a sum of more than six figures, and many hours and resources were poured into defending the claims, which were always doomed to fail. I note that the process clearly took its toll on the former employee, and no-one took any solace from seeing this gentleman fretting about all the baseless legal claims when his efforts could have been focused instead on moving on and finding another job. It was costly, frustrating and notably tragic for the person concerned. Earlier intervention could have prevented this.

It must be said that this type of vexatious behaviour comes at a cost not only to the courts in terms of time and resources applied and to the parties involved on the other side in terms of time, resources, money, stress and anxiety but also to the vexatious litigants themselves. In some of these instances you can see both their physical and mental health and their financial circumstances declining with each subsequent action, and each subsequent legal action digs them further and further into an unstoppable spiral. This bill is not about denying access to justice, because these matters have always had their day in court. A vexatious litigant is a very clearly defined and particular party responsible for absorbing significant amounts of a court's time and resources, thereby denying others a timely resolution to the many claims coming through the courts.

I would like to address the proposed amendments put forward by Ms Pennicuik. Ms Pennicuik's proposal of a two-year time frame for general litigation restraint orders would undermine the whole point of bringing in this bill, because a period of two years would be a drop in the ocean in terms of the time lines that these vexatious litigants typically operate under. They would be back in the courts in the blink of an eye, which two years would become in the context of the time lines involved in some of these cases.

Ms Pennicuik has also requested that the government look at reviewing this legislation further. It is important to note that the government is always alive to reviewing all legislation, but the right of review does not need to be enshrined in this bill.

I also wish to note in relation to Ms Pennicuik's proposed amendments that this legislation has already been through a committee process, as was noted by Mr O'Brien, and there has already been extensive consultation on it as it has moved along the time line and taken the form of the bill we have before us. Each of these matters have already been addressed and so there is no need to support the amendments that will be proposed today.

In introducing a more effective framework for the management and prevention of vexatious litigation in Victoria's courts and tribunals, this bill will improve the effectiveness of the justice system and allow the court and judicial resources to be more efficiently and appropriately allocated to the determination of meritorious cases. For these reasons, I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — I am pleased to rise to contribute to debate on the Vexatious Proceedings Bill 2014 because it addresses problems

that were investigated by the former Law Reform Committee in 2008, which I had the honour of chairing. I was joined on that committee by Mrs Kronberg and Mr O'Donohue from this chamber. The committee made 32 recommendations. The bill we are dealing with today picks up the substance of recommendation 14, which suggested that new legislation should be introduced that would give all courts and the Victorian Civil and Administrative Tribunal (VCAT) the power to make what the committee called a limited litigation limitation order. The Law Reform Committee found that a system of graduated orders, such as those used in the UK, could be effective in civil cases, so it is gratifying to see this approach taken up in the present legislation.

Recommendation 15 sets out the committee's view that new legislation should give the Supreme Court, the Chief Judge of the County Court, the Chief Magistrate and the president of VCAT the power to make a limited litigation limitation order and that the threshold test for such an order should be that the person has frequently brought legal proceedings that are without merit. The committee envisaged that the effect of the order would be to prevent the vexatious litigant from using the courts against other people and organisations. Labor does not oppose the bill. We believe it will make a positive difference to what can be a serious problem for those individuals who are at the receiving end of attacks by vexatious litigants.

The bill will also prevent vexatious litigants taking up the time and resources of a court system that is already under serious stress owing to a lack of resources. As we have heard, the bill introduces new powers for the Supreme, County and Magistrates courts and VCAT to better manage and prevent vexatious behaviour. It enables the Magistrates Court and the Children's Court to make orders under those acts to ensure consistency across the state. The provisions of the bill enable the courts to align restrictions on vexatious litigants to the specific vexatious behaviours of an individual. This will ensure that the measures a court or VCAT imposes are commensurate with the problematic behaviour.

The bill provides for three levels — low level, mid level and high level — that enact the graduated response approach. The low-level approach comes into effect where a person has made two or more attempts to initiate what is found to be a vexatious proceeding. The court can implement a limited order that any further action on the same matter must be subject to leave being granted. The mid-level order can occur where someone has commenced vexatious proceedings on a more frequent basis. The court can impose a more extended order that prevents further litigation on any matter against a particular person without leave. The high-level order — the general litigation order — can be made in cases where the vexatious litigant has persistently and without reasonable grounds brought vexatious proceedings. The Supreme Court exclusively may put a stop to any further proceedings going forward in any court or tribunal unless leave is granted. Under the provisions of the bill, the courts and VCAT are able to consider the whole of the person's litigation history and relevant matters. There is a provision for the courts to protect people who are sued by vexatious litigants through the use of restraint orders.

The second-reading speech referred to the parliamentary Law Reform Committee's final report on its inquiry into vexatious litigants, which identified some serious limitations to the law. One strength of parliamentary committee inquiries is that they produce reports that contain a record of what experts, community organisations and affected citizens have experienced and consider the issues that are the subject of the inquiry. It was clear from the evidence gathered by the Law Reform Committee that a number of individuals use the law to cause other people harm, often frustrating them in exercising their rights.

At the time of the inquiry the committee found there was no firm data on the number of vexatious litigants in Victoria's courts and tribunals. In 2008 only 15 individuals had been declared vexatious litigants. Vexatious litigants do not seem to emerge as a type. The way they use the law to attempt to achieve the outcomes they desire varies from case to case. The committee also found that there were a wide range of views about the reasons individuals use the courts and the law in ways that are termed vexatious, with some attributing the causes to lie in the arcane methods of the courts, the poor complaint-handling procedures and the lack of legal advice.

Some evidence suggested that the problem lies not in the legal system but in the disposition of the litigants themselves. That could include mental or behavioural disorders that manifest along a spectrum ranging from litigants who bring meritorious actions repeatedly and are mostly successful, to those who bring meritorious proceedings often and are unsuccessful, to those at the extreme who bring repeated actions, many of whom are declared. Be that as it may, the effect of these vexatious behaviours still needs to be dealt with as they have the capacity to cause considerable harm to the individuals against whom the actions are aimed, even though it is difficult to often quantify the severity of the harm. Even though they appear to be few in number, vexatious litigants also have the capacity to disproportionately tie

up considerable court resources. That is completely unacceptable.

Besides legislative changes to address the shortcomings of section 21 of the Supreme Court Act 1986, the committee heard evidence about suggested alternative approaches that could complement changes to the law, such as the graduated orders that have been taken up in the bill before us today.

The final report on the inquiry into vexatious litigants contains a number of interesting and instructive case studies to present a sense of the human dimension of the issue. Re-reading these accounts, as I did in preparation for speaking on the bill before us today, I was struck by the extent of the frustration and the sense of powerlessness, anger, futility, bewilderment, pain and sorrow that was and is experienced by people caught up in what from the outside looks like senseless behaviour. The case studies contain stories of individuals who have been dealt setbacks, sometimes by another's negligence or malfeasance, sometimes by accident or circumstance and sometimes as a result of their own misjudgement, harm caused to another person or even violence. Their struggle to set things right or to make someone other than themselves pay for the misfortune consumes them in a never-ending cycle of frustration and misfortune.

Vexatious litigation involving family violence also came to the attention of the Law Reform Committee. Its final report noted that in 2006 the Victorian Law Reform Commission made recommendations to address concerns over evidence that some people were using intervention order applications to harass and intimidate family members. The Victorian Family Violence Protection Act 2008 took up the law reform commission's recommendations, giving senior judicial officers the power to make vexatious litigant orders to restrain family violence intervention order applications without leave, a reform maintained in the present bill. I commend the bill to the house, and I think it is a job well done.

Mr ELASMAR (Northern Metropolitan) — I rise to speak briefly on the Vexatious Proceedings Bill 2014 and indicate, as previously stated by my opposition colleagues, that we do not oppose the bill. Everyone — and by that I mean most Victorians — is already aware that our court system is currently gridlocked, resources are stretched to the limit and court hearing delays have reached a critical stage. This bill seeks in some small way to lessen the number of elongated court lists by limiting the ability of individuals to unnecessarily and vexatiously take up the time and resources of the court system.

The bill introduces a new three-step regime whereby vexatious litigants can be subject to one of three types of litigation restraint orders. Each of those litigation restraint orders places a different type of restriction on the commencement or continuation of proceedings by a person who is subject to that order. A person who has persistently commenced or conducted vexatious proceedings without reasonable grounds might be subject to a general litigation restraint order, which is the first type of restraint proceeding introduced as part of the bill. An individual subject to that kind of order will not be able to continue or commence further proceedings in any court or tribunal without receiving leave to do so. An order of that kind can only be made by the Supreme Court.

The third type of restriction introduced in the bill is the limited litigation restraint order. That order could be applied to a person who has made two or more vexatious applications in a proceeding. It is the least restrictive type of restraint imposed by the bill, and it prevents a particular individual from making any further interlocutory applications other than by leave. In order to obtain leave whilst being subject to one of these litigation restraint orders, an individual will need to establish that the proceeding they are seeking to embark on is not vexatious, and they will need to convince the court that there are reasonable grounds for them to proceed.

Motion agreed to.

Read second time.

Referral to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the Vexatious Proceedings Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 24 June 2014.

I move this motion to refer the bill to the Legal and Social Issues Legislation Committee for its consideration for a period of just two weeks for the reasons I outlined in my contribution to the second-reading debate on the bill. I will summarise them briefly. While the Greens are generally supportive of the provisions in the bill and the introduction of the three-tiered system, we are concerned about the introduction of a duration of 'indefinite period' for the extended litigation restraint orders and the general litigation restraint orders.

Those orders can be introduced in the courts, and I would like the committee to consider the effect they

may have on people wishing to bring proceedings before the courts. I concur with the remarks made by all the other speakers that some people labelled as vexatious litigants can have impacts on people they are bringing proceedings against, particularly if they are doing that frequently, and they can hold up the courts. On the other hand, we need to always balance the interests of justice. It should be very rare that we would use an order to bar a person from having access to the courts.

I have made the point that even though a person has behaved in the past in a way that could be labelled vexatious it does not mean that that is how they will behave for the whole of the rest of their future. The provisions of the bill already allow for any orders that are not indefinite to be extended by the courts. There is provision for a process that a court would need to go through if it determines that it will extend any of the second or third-level orders which are of a particular duration. The bill is not introducing a new provision or making it more onerous for the court than is already provided for if the court puts a particular limitation on any order. The amendments I am proposing provide for a two-year limitation. A person will be unable to bring proceedings for that length of time, but if circumstances change and they wish to bring another proceeding, they will be able to do so.

There was a parliamentary inquiry six years ago, and now this legislation has been introduced. It is modelled somewhat on the United Kingdom legislation, but it departs from it in that particular aspect. It would be good for the Legal and Social Issues Legislation Committee to spend some time considering the legislation with regard to the issues I have raised about it, the need for a review and any other things that individuals or groups whose members made submissions to the original inquiry might have to say on the bill. Government members will often say that people have been consulted, but they are consulted on general principles and issues and not necessarily on the bills that come to the Parliament. That is the function of the legislation committees.

At the risk of being labelled a vexatious referrer of bills to committees, I remind members that the Greens have attempted to have a number of bills referred to the standing legislation committees, and on every occasion I have made the point that that is a routine practice in most other parliaments but it is a practice that is not supported by the current government. I consider that to have been to the detriment of some of the bills. Now that members have a historical perspective on this matter, we can see that some of those bills would have benefited from being considered by a standing committee. The government may not have had to come back with amending legislation a year or 18 months after a bill had been passed, as has happened with quite a few bills.

The referral of bills to a legislation committee is good practice, it is good use of the Parliament and it is a good way to involve the public in the legislation that is before the Parliament. Members of the public can be involved by way of submission and/or participation in hearings. This particular bill would benefit from some examination. It would not be a lengthy examination, as my motion requires that the committee report by 24 June.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government will vote against Ms Pennicuik's motion. I note that Mr Scheffer made a contribution to the second-reading debate and that he ably chaired the then Law Reform Committee inquiry into vexatious litigants. I was also a member of that committee, and the member for Box Hill in the Assembly, who is now the Attorney-General, was the deputy chair of the committee at that time.

I note also that this bill was introduced into the Legislative Assembly in February, so there has been a significant period of time since its introduction, and that there had been significant input into the development of the legislation in the first place. I note further that the bill picks up many of the recommendations in the report of the Law Reform Committee and that it has also been informed by the Standing Committee of Attorneys-General process and examination of other jurisdictions, which Ms Pennicuik also referred to.

This bill has been a long time in gestation; as I said, it has been before the Parliament since February. The government does not consider that there is a need to refer the bill to a parliamentary committee, and therefore the government opposes Ms Pennicuik's motion.

Mr TEE (Eastern Metropolitan) — The opposition will support Ms Pennicuik's motion. We note the statement on behalf of the government. There is much to be said for the fact that the bill has been through a very thorough process and indeed is in large part a product of the inquiry by the then Law Reform Committee which, as has been acknowledged, was ably chaired by Mr Scheffer. We are also conscious of the fact that the time suggested by Ms Pennicuik for consideration of the bill by the committee is very short. That period will not interfere with the commencement of the legislation, which clause 2 provides will be 31 October. It is our view that whenever possible we

should use the committees for the purposes for which they have been established — that is, to provide some oversight and review. Any legislation that proposes restricting the capacity of people to access our courts is about precisely the sorts of issues around which we should tread carefully.

Opposition members do not oppose the bill and we do not want to see its implementation delayed, but we consider that there is nothing to be lost by referring the bill to the committee for consideration over a short period of time.

House divided on motion:

Ayes, 17

Barber, Mr	Melhem, Mr (*Teller*)
Darveniza, Ms	Mikakos, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Hartland, Ms	Scheffer, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr	Tarlamis, Mr
Lenders, Mr	Tee, Mr
Lewis, Ms (*Teller*)	

Noes, 19

Atkinson, Mr	Millar, Mrs (*Teller*)
Coote, Mrs	O'Brien, Mr D. D.
Crozier, Ms	O'Brien, Mr D. R. J.
Dalla-Riva, Mr (*Teller*)	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr	Peulich, Mrs
Finn, Mr	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Koch, Mr	Ronalds, Mr
Lovell, Ms	

Pairs

Tierney, Ms	Davis, Mr D.
Viney, Mr	Kronberg, Mrs

Motion negatived.

Committed.

Committee

Clauses 1 to 26 agreed to.

Clause 27

The ACTING PRESIDENT (Mr Elasmar) — Order! I call Ms Pennicuik to move her amendment 1, which relates to the duration of an extended litigation restraint order. I advise the committee that Ms Pennicuik's amendment 1 is a test for her amendments 2 and 3 and possibly her amendments 4 to 12.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 27, line 14, after "order" insert ", not exceeding 2 years".

This is an amendment to clause 27 and also a test for my amendments 2 and 3. I seek to amend clause 27 such that no extended litigation restraint order can be remain in force for a period longer than two years while leaving in place the provision whereby the court can extend such an order for a further period of two years, and indeed a further two-year period after that if it so desires. As I pointed out in my contribution to the second-reading debate, the provisions of the bill already allow that if there is a time specified in such an order, the court can extend it. This is just to limit the period to two years so that a person would not have an order remaining in force indefinitely.

I think it is quite a big step to put in place indefinite orders against people, notwithstanding that I concur with everyone and understand that some vexatious litigants can cause a lot of harm. However, I believe that putting in place for two years an order which can be extended for a further two years and a further two years beyond that gives protection to those persons who may be harmed and also allows that the litigant may have mended their ways or have come to a situation where they can show they have a meritorious claim. In my view the appeal provisions make it difficult for a person to appeal an indefinite order.

I have had some correspondence with the minister's office in relation to the tests for appeals. The way I see it, on the one hand there is an allowance for a broader set of circumstances for appeal — for appeal restriction orders and variation or revocation application prevention orders — in that appeals are not limited to questions of law, but on the other hand these are harder to obtain, because it is not simply a case of asking for leave or permission, as it is with other appeals. A person needs not only leave to appeal but also to demonstrate that the appeal is not vexatious and that there are reasonable grounds for the appeal. Of course, when a court is considering giving leave for such an appeal, it would look at the merits of the application, which it would have if there are reasonable grounds for the appeal, and that could be fine, although it is probably not ideal. Given the seriousness of such orders, the need to have a broader base for appeals adds weight to my contention that such orders should not be made indefinite. This would bring the legislation in line with the United Kingdom legislation and other legislation.

Mr TEE (Eastern Metropolitan) — The opposition will not be supporting Ms Pennicuik's amendment. I have had regard to the Law Reform Committee report, which considered the issue of time limits and considered that issue in the context of the United Kingdom experience. The committee found that vexatious litigant orders in Victoria are usually drafted so that they remain in force for the remainder of a litigant's life; that is the current position. The committee recommended there be a capacity to put in a time limit, and the bill provides for this. In its deliberations the committee found that in light of the evidence it received about the behaviour of some declared vexatious litigants in Victoria, two years would not always be sufficient. The committee held that the courts should be able to determine appropriate time limits on a case-by-case basis according to the individual litigants and the nature of the proceedings, and it went on to recommend that the legislation provide that litigation limitation orders remain in effect for the period determined by the court or the Victorian Civil and Administrative Tribunal.

The opposition notes the Law Reform Committee considered this issue for nearly two years, received a range of submissions and took evidence, and when it comes to this issue we believe the committee has been best placed to provide a considered view. The committee's view, which is one the opposition shares, was that the courts, considering all the circumstances, including the individual and their behaviour, are best placed to determine the length of any order. We think that responsibility should be determined on a case-by-case basis on its merits, objectively — or as objectively as you can be — rather than by the Parliament imposing an arbitrary time limit. For that reason we will not be supporting Ms Pennicuik's amendment.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — In a similar fashion, the government will not be supporting the amendment proposed by Ms Pennicuik — and I thank the opposition for its support of the clause as it stands. As Mr Tee articulated, the Law Reform Committee examined this issue. That was done, as I said, on the basis of a referral motion and with Mr Scheffer as chair and with the now Attorney-General as deputy chair. I was fortunate to have been part of that committee as well. This issue has thus been examined by the Law Reform Committee.

Ms Pennicuik said in her second-reading contribution that this was a complex area of law in which different public interests interacted and that perhaps this legislation was going too far. The government's view is that this clause and the bill more generally strike the correct balance. We believe it is best left to the court to make a determination about the appropriate length of an order. I make the additional point that limiting the duration of orders would also place an inappropriate burden on the person who obtained the order. It would require them to continue to apply for extensions of time to prevent the vexatious litigant from bringing further vexatious proceedings, notwithstanding that they had already established a prior pattern of vexatious behaviour. The government believes that instead of placing this burden on the person who has already shown the need for an order, the bill appropriately enables the person subject to a litigation restraint order to seek leave to vary or revoke the order, which would include varying its generation.

I also refer to the points articulated by Mr O'Brien and Mrs Millar during the second-reading debate. The government will oppose the amendment proposed by Ms Pennicuik.

Ms PENNICUIK (Southern Metropolitan) — Mr Tee, in speaking on the amendment, and Mr O'Brien, in his contribution to the second-reading debate, referred to the Law Reform Committee report, which of course I have looked at. Submissions were made to the inquiry, and lest members are left with the impression that everyone who made a submission to that inquiry agreed with the idea of indefinite orders, I point out that they did not agree with it. Some of those who made submissions did not agree with that idea and were in favour of the two-year position I am putting forward in my amendments.

In some ways the points we have made in the committee stage and in our contributions to the second-reading debate show that these matters are complex and that it is difficult to put time limits on this. That is why what I am putting forward in my amendment would not stop an order being indefinite if it were just extended every two years. That may impose an obligation on the applicant to reapply and it would impose some extra workload on the courts, but given the small number of people who come into this category — we know from the evidence that there are not that many — it is not a huge burden, and again it is an issue of balancing the interests.

We appear to have amongst us quite a high degree of agreement and just a small degree of disagreement with regard to the duration of the orders. As I said, we are in favour of the three levels of orders — that is good — and we are in favour of them being able to be applied across the courts, it is just the issue of the duration. With those remarks, I commend my amendments to the house.

Committee divided on amendment:

Ayes, 3

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

Noes, 34

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

Amendment negatived.

Clause agreed to.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I ask Ms Pennicuik if she would like to proceed with her amendments 4 to 12.

Ms PENNICUIK (Southern Metropolitan) — Given that the principle of my amendments 4 to 12 has been tested — they are the same amendment applied to different orders — I am happy not to proceed with them, because it has already been shown that they are not supported.

Clauses 28 to 87 agreed to.

New clause

Ms PENNICUIK (Southern Metropolitan) — I move:

Insert the following new clause to follow clause 87 —

"**A Review of Act**

(1) The Minister must cause to be carried out a review of the operation and effectiveness of this Act as soon as practicable after 5 years from the date that it comes into operation to determine, having regard to the **Charter of Human Rights and Responsibilities Act 2006** —

(a) whether the purposes of the Act and its policy objectives remain valid; and

(b) whether the terms of the Act remain appropriate for ensuring those purposes and policy objectives are met.

(2) The Minister must cause a copy of a report of the review under subsection (1) to be laid before each House of the Parliament within 12 months after the end of the 5-year period referred to in subsection (1).".

This amendment is even more important than my amendments which sought a limitation of two years duration of any of the orders under the bill. This amendment requires that after five years there will be a review to make sure the act is achieving its purposes, and that would be determined with regard to the Charter of Human Rights and Responsibilities Act 2006.

Mr Tee reminded me of a point I neglected to make relating to the application of section 21 of the Supreme Court Act 1986 whereby orders are made indefinitely. One of the reasons there are so few of them is that it is such a big thing to do to a person, notwithstanding whether they are or they are not vexatious. We are introducing a completely new system where the first level is only for the duration of a particular proceeding and then there are two other levels introduced. I do not see why we need to continue with that practice, and it is more fair and in the interests of justice not to do that. That is why I think it is even more important that there is a review of the act.

David O'Brien mentioned in his contribution to the second-reading debate that reviews happen as a matter of course, but it is even better if there is a requirement under an act to review it and to table the report of that review in Parliament. The review would commence after five years, and the report would be tabled a year later, so we would receive the report six full years after the commencement of the act. That is a good amount of time to see how well the act is working, because the bill introduces a completely new regime.

Mr TEE (Eastern Metropolitan) — The opposition, having considered this matter, will support Ms Pennicuik's amendment, and we do so having had a look at the work of the Law Reform Committee. We note that the committee in its report suggests that the government should evaluate the new system after a period of five years to assess whether it is effective and to analyse its impact on access to justice. We think that is an important suggestion that the committee has made. We note there was no dissent from the now Attorney-General or indeed anyone else, so we think the view of the committee should on this occasion be adhered to.

We support the amendment because, as Ms Pennicuik has indicated, these are significant changes in some respects, but also, as I said earlier, anything that reduces access to justice or restrains someone's access to justice is something around which we should tread carefully. We should review it to make sure it is delivering the

outcomes we want and improving the justice system. For that reason, we do not see that there is any downside in having a review after five years to see whether the system ought to be changed in any way. For that reason, we will support Ms Pennicuik's amendment.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Mr Tee and Ms Pennicuik for stating their position on this matter. The government does not support the amendment moved by Ms Pennicuik. This is perhaps consistent with similar reviews Ms Pennicuik has proposed in relation to previous legislation. The government will remain vigilant and will actively monitor the impact and the effect of legislative changes that are made by the Parliament. We will of course always take feedback from the courts and other stakeholders. If future legislative change is needed or warranted, a future government can give active consideration to that.

The government has fully considered the recommendations made by the Law Reform Committee, but in this situation the government believes there is no need for a formal legislated review. As a government we actively monitor legislative change, and where appropriate we will consider future legislative change.

I would make the additional point that a compulsory review could create uncertainty about the law and make it difficult for parties, judges and tribunal members to apply it effectively. This is a challenging area, as many members have said. The government has given very serious consideration to this legislation and has drawn on the input of the Law Reform Committee, the work of the Standing Committee of Attorneys-General and the suggestions of other stakeholders, and we believe that a compulsory five-year review is not warranted.

Ms PENNICUIK (Southern Metropolitan) — I thank the opposition for its support for the amendment. I note that the minister's response was virtually: 'Well, the government will undertake its own review — trust us, that will happen. When we think it is appropriate there may be amendments'. My response to that would be that the reason we like to move amendments to bills and have compulsory reviews is that they are then tabled in Parliament, they are then open and transparent and the public knows what the outcomes of the reviews are. Many of the reviews by the Department of Justice are internal, and they never see the light of day. They are not released to the public.

It is an ongoing problem with executive government that things are not as open and transparent as they should be. Having a compulsory review of legislation is not going out on a limb; it is a routine thing that is done in relation to much legislation, and I think it is a good practice. I do not agree with the minister's contention that it means the courts will not be able to operate under the act.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Ms Pennicuik is not giving appropriate credit to the role of Parliament and the role of other bodies. If Ms Pennicuik is the Greens' spokesperson on legal affairs and matters relating to the Attorney-General's portfolio and if she believes in two years time, five years time or three years time that a review of this legislation is warranted — or indeed if what she perceives to be flaws in this legislation are present — she may move a motion in this place, she may raise an adjournment matter with the Attorney-General and she may debate the matter during opposition business. We as a government will monitor the implementation of the legislation, but we do not believe a five-year review is warranted.

Ms PENNICUIK (Southern Metropolitan) — I was going to let it rest, but I note that I am in fact giving Parliament a role by suggesting that there be a compulsory review that is tabled in Parliament. Of course I agree with everything the minister says I can do, and given the minister's position, that is what will have to happen; however, I think it is preferable that it is more predictable as to how a review will be done, by whom it will be done and when it will be tabled.

Committee divided on amendment:

Ayes, 17

Barber, Mr (*Teller*)	Mikakos, Ms (*Teller*)
Darveniza, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lewis, Ms	Tierney, Ms
Melhem, Mr	

Noes, 19

Atkinson, Mr	Millar, Mrs
Coote, Mrs	O'Brien, Mr D. D.
Crozier, Ms	O'Brien, Mr D. R. J.
Dalla-Riva, Mr	O'Donohue, Mr
Drum, Mr	Ondarchie, Mr
Elsbury, Mr	Peulich, Mrs (*Teller*)
Finn, Mr (*Teller*)	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr
Koch, Mr	Ronalds, Mr
Lovell, Ms	

Pairs

Viney, Mr	Kronberg, Mrs
Lenders, Mr	Davis, Mr D.

Amendment negatived.

Clauses 88 to 137 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Membership

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

> That Ms Mikakos be discharged from the Legal and Social Issues Legislation Committee and the Legal and Social Issues References Committee and that Ms Lewis be appointed in her place.

Motion agreed to.

BUDGET PAPERS 2014–15

Debate resumed from 10 June; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation):

> That the Council take note of the budget papers 2014–15.

Mr LENDERS (Southern Metropolitan) — I rise to speak on the motion to take note of the budget papers. I will have some fairly targeted comments on them — both on the macro of them and also on how they affect my electorate. The first thing to observe in this debate is that if you listen to government members, you would think that a AAA credit rating, a $100 million surplus and a strategy to reduce debt and pay down public sector superannuation was some sort of rocket science invented on 30 November 2010. When you listen to government members hyperventilating with their hyperbole on this, you would think those things were actually invented then.

Interestingly, for the record, during the global financial crisis Victoria was the only state then, as now, that had recurrent surpluses forecast for every year into the future. Victoria was the only state then, as now, that had a AAA credit rating from all agencies — or the two major ones, if I leave Fitch out. For the record, lest those government members are somehow or other in la-la land or noddy land or on some sort of illicit substances, this is there.

Hon. G. K. Rich-Phillips interjected.

Mr LENDERS — I take up the Assistant Treasurer's interjection about the size of the surpluses and make the point that there was a thing called the global financial crisis and our figures were real — not the dodgy ones that are presented periodically by the government. The other comment I make about this government that talks of debt is that the feature of Treasurers Wells and O'Brien is that they have single-handedly doubled debt in the state of Victoria. My opening comments on that — and it is just the final joke of this budget — is that these people are beating their chests about reducing debt, but the best they can do in the forward estimates is to make, at the last year, at the very last little bit, this dodgy little tweak that says it will be a smaller percentage of the size of the economy. It is not going down in actual dollar terms but as a percentage of the economy.

Given that I am speaking for 15 minutes and not an hour, I will focus on some other areas. I would like to focus on the hyperbole one hears from the Premier and everyone down the hierarchy in the government parties. What we hear is, 'This is the biggest spend ever'. Of course it is! With the population going up 1.8 per cent a year and inflation going up 2.5 per cent a year, unless you are spending 4.3 per cent more than you did before, you are actually cutting spending. I heard the Premier in question time just ranting — that is the only way to describe it — 'Big, big, big!'. He was worse than Mr Guy about his Tower of Babel in question time today — 'We've got the biggest, the biggest, the biggest!'. The Premier obviously has a problem of some sort. What he forgets when he talks about these amounts is that unless they are 4.3 per cent more than the year before in dollar terms, they are actually less. Forget about the service delivery components of it and what matters to real people in getting their treatments in hospitals, their attention in schools or their facilities built.

Government members say it is the biggest spend ever, but on the other hand — 'Oh, but we are the smallest taxing people'. They make a cut to payroll tax, but when you look at the budget papers, revenue is up about $300 million or $400 million. They do not say it is the biggest taxing government ever because the economy and the population have grown — no, they are silent on that. It is the biggest spending, but it is also the biggest taxing government in the history of Victoria — without exception. Without a single year's exception, this government has taxed more than any other in the history of the state of Victoria.

The reason I am saying that is not to have a debate about the merits of taxation or the size of government but just to state how goofy this government looks. If its members just listened to themselves and actually started talking to real people rather than to each other, they might get their message across. I find it humorous when I hear people in this house, like Mrs Peulich, who I thought had a bit of a political brain and could actually talk to people, reading as if trained things by the bureaucracy, saying, 'This year we are spending $4.2 million over four years' in this public sector accounts language.

Members of the government seem to forget we are here for a purpose — to actually deliver services to Victorians, who expect that from their government. What we hear from those opposite is that they talk to and convince themselves that somehow or other they are the best government in the history of the inner solar system, but they are not — —

Mr Koch — They are.

Mr LENDERS — I take up Mr Koch's immodest interjection, 'They are' — the best government in the inner solar system. All I say to Mr Koch is that he is modest compared to his Premier. His Premier would not limit it to the inner solar system; he would say the whole solar system, if not the Milky Way or something bigger. The hyperbole we hear from those opposite never ceases to amaze me.

Moving on, the next thing those opposite say is, 'Because we're Liberals, we're good financial managers'. If they say it to each other often enough, they might believe it. This group boasts about billions and billions of dollars — every day you hear the Premier speak, there is another nought added to it, 'It is $27 billion', or whatever they are allegedly spending — but do any of them have a business case? The answer is: no.

Honourable members interjecting.

Mr LENDERS — Here is the classic — and I love the interjections — when the Premier was asked about whether Infrastructure Australia thought the first stage of the east–west link was ready to proceed, the Premier responded, 'It's ready to go, according to us'. That is no. 1: where is the transparent business case?

When the Premier then looks at the $2.5 billion Cranbourne-Pakenham rail corridor project, it is all a secret. When we have unsolicited bids coming in all over the place — 'It's a secret'. There was talk of a secret proposal to float the Rural Finance Corporation, but the company thought it was making a bid. It did not know it was a secret proposal with the Bendigo and Adelaide Bank. If this sad, anarchic collective of a government gets re-elected on 29 November, we will not have just a flurry of Auditor-General's reports on its finances; we will have an orgy of Auditor-General's reports. I reckon this Auditor-General will not know what has hit him, with dodgy project after dodgy project without a business case.

The classic was when Mr Guy valiantly went out there to defend the Premier, who did not know where the railway station of his key infrastructure project was. When being grilled with, 'Where's the business case?', he said, 'Oh, common sense says it's a good idea'. The same common sense says that a tunnel should be built through a sewer. The same common sense means the Premier cannot even describe where his railway station is. The same common sense means the government, in a panic, cannot even deal with a few hundred million dollars of work already done by state and federal governments, of both Labor and Liberal persuasions, to try to get a good route for a big new transport system, to test these things out — things like whether a tunnel is being dug through a sewer — and to actually know, heaven forbid, where a station is.

You would think that a Premier who is spruiking his project would know that — but no. All of that passes. It is done on the run because this government has to spin, spin, spin and say, 'It's all this, it's all its idea and it's all new'. We wonder why billions will be lost and why there will be an orgy of Auditor-General's reports on this in the years ahead. It is such a joke; Liberal governments cannot manage money.

Mr Koch interjected.

Mr LENDERS — Mr Koch just took my next point — that is, about the 11 years. I will focus locally on why the Liberal Party cannot manage money and why its spin is just hopeless. Let me refer to Prahran, which is in the electorate that you, Acting President, and I represent in this place. In a period of time back in the mid-1990s the Kennett government got rid of two secondary schools and two primary schools. The secondary schools I will focus on are Prahran Secondary College and Ardoch Windsor Secondary College. It got rid of them. It said, 'They're not necessary, we're clever, we're Jeff.com, we're smart, we don't need these things, we'll utilise the asset for something more and we'll get rid of four schools'.

What did Labor do when it got into government? It started trying to find land in Prahran to buy for a school. For anyone who has looked, with the specifications we have for schools in Melbourne, that is

difficult. There is not much land left in Prahran. What happened then, of course, was that we had the change of government and the all-wise, omnipotent member for Prahran in the Assembly, Clem Newton-Brown — how you spell his name depends on how he is tweeting that day; let us assume it is Clem Newton-Brown as listed in the parliamentary record and not how he tweeted, which was from a notice that some private staff member of the Premier had given him to read in the house — said, 'I am the hero of Prahran. I have $20 million to find a school. I'm the parliamentary secretary, and I'll look for one'.

People in Prahran are injuring themselves falling over laughing because, firstly, there is no $20 million in the budget. There is $1 million in waffly money in there somewhere or other to try to do some study. Secondly, what is he doing? He is heading up yet another committee looking for a school site in Prahran when two perfectly good government school sites in Prahran were sold by the Kennett government. What is worse, where does the spin go? Clem Newton-Brown says, 'Labor did nothing for 11 years'. The problem is that two perfectly good school sites were sold off by the Kennett government, but the Napthine and Baillieu governments say, 'My gosh, it is Labor's fault!'.

We can go then to Bentleigh and the member for Bentleigh in the Assembly, Ms Miller. Do not even get me started on what is happening with the spin going on in Bentleigh, but we go there and we have got this heroic statement, 'We're going to rebuild Coatesville Primary School. After four years we are going to rebuild Coatesville Primary School, and it is all Labor's fault'. The fact is that Labor rebuilt all these schools in Bentleigh, which the Liberals have never done, and this is one of the ones coming up on the list that the Liberals have got onto a couple of years late. It is still all Labor's fault for 11 years of neglect, but when you go to the next school, McKinnon Secondary College, which Labor says it rebuilt, because it was not Ms Miller's idea suddenly it is irresponsible and Labor did not do it.

We get this spin on a local level, let alone going back to the rail plans. We have this wacky proposal where presumably the Minister for Planning, the Premier and the Minister for Public Transport said, 'It's got to be our idea — let's do new lines on a map'. Then suddenly all these people on the Frankston line find they cannot go to Richmond any more. They cannot go to Flinders Street. They have got to go past the casino — —

Hon. G. K. Rich-Phillips — They have got a new tunnel, a new underground station.

Mr LENDERS — I find it intriguing, Mr Rich-Phillips. I actually take the Dandenong line to come here. It joins the Frankston line at Caulfield, which is the next station up from where I live. People are genuinely perplexed. They are saying, 'Why do we have to jump from platform to platform to platform?'. At the moment people are used to doing things one way. It is not that they are incapable of doing it differently; it is just that they do not know why they need to do it. Why do they need to do it? It is because the project had to have this government's branding on it. It had to be new.

I will conclude by referring to a few other areas. The priorities of this government beggar belief. Government members think they are such good economic managers. That is why Libs cannot manage money. Let us start with the Latrobe Valley. Under Labor there were six inspections of the open-cut mines a year, to prudently check how they were going. What did this great 'Liberals can manage money and plan for the future' mob do? It cuts those inspections to three. Is it any coincidence that the government was blindsided again and again by what happened in the Latrobe Valley?

Let us look over the life of this government. We had the fires. The government did not know what was happening. The material was not there.

Mr Koch interjected.

Mr LENDERS — The information was not there, Mr Koch, because this government cut by half the number of inspections of the mines and the work there. The government cut by half the amount of information it had on the state of these mines. It cut it by half, Mr Koch. No matter what spin this government tries to run, it cut from six to three the number of annual inspections of those mines. It cut them from six to three, and therefore it has half the information.

We look again and again. We have the issue with the mine fires at the moment, and there is an inquiry into that so I will stay out of it. However, when the Princes Highway cracked, the government suddenly slowed the speed limit down to 60 kilometres an hour. Why? You had government departments running round for two years almost blaming each other for who was responsible. There was nothing decisive. A lack of information made it difficult, and this is Liberals not being able to manage money. It is like cutting maintenance or any of those things. You think you have got a short-term saving but the long-term consequences are disastrous.

I said that the other day in my response to the Orwellian-named 'Make Victoria better bill' which slugs motorists with a tax and does all these sorts of things; as in, there is a new spin going on. I said I would speak some more about that, but in the interests of time I will refer members to the comments made on that bill by my colleague Tim Pallas, the member for Tarneit in the Assembly, in which he went through the hypocrisy of the government — a government that does nothing but put its hand in the pockets of Victorians.

Mr Leane interjected.

Mr LENDERS — They will take my keys, Mr Leane. They will take my money — everything they can — when they put their hands in the pockets of Victorians. The only thing confusing about it is whether it is Mr O'Brien's hand or Mr Rich-Phillips's hand: which minister is actually taking money out of your pockets? They say they are good financial managers. They cannot plan. They cannot do a business case and there are things like the mine fire in the valley, things like the blow-outs.

Mr Koch interjected.

Mr LENDERS — Members opposite know this is the case, Mr Koch. Everybody in this place understands that for everything the Liberal Party said about the lack of business cases for Labor programs or whatever they have said, they are doing it on steroids with their own programs, and the people who will suffer are the Victorian people, who will be dealing with that and worse.

They have completely lost the plot that governments are about actually assisting citizens, improving services, improving infrastructure. They talk. They change their mind. They spin. They do diagrams. They do not govern, and most of all Liberals cannot manage money.

Mr FINN (Western Metropolitan) — I am delighted to speak on the motion to take note of the budget papers for 2014–15. Having heard Mr Lenders's last little performance I wonder if we have opened a branch of the Melbourne Comedy Festival up here. When you consider what he did to this state as Treasurer, for him to get up here and start to lecture this government on how to handle money is absolutely nonsensical. It is a bit like Kevin Rudd getting up and lecturing about human relationships and how to handle people. It is absolute nonsense.

This is the man who gave us myki, the man who gave us the desalination plant, the man who gave us the north–south pipeline — how many more are there? There was disaster after disaster after disaster, and up he gets and tries to lecture this government about fiscal aptitude. It is extraordinary, to say the very least, and just to put the icing on the cake, right at the end whose name does he bring into the debate? I was going to, but he has done it for me — Tim Pallas, the member for Tarneit in the other place, the shadow Treasurer, the man who would be the Treasurer of this state and the man who in just the last few weeks blew out his own estimates by $1 billion. He is $1 billion down even before he starts. Even by Labor standards you would have to say that is pretty good. As Bruce McAvaney would say, 'That's special. That's very special'. But again, it is typical of what we have come to expect from the Labor Party.

I am delighted Mr Melhem is in the chamber, but I am sorry Mr Eideh is not joining us because what we are discussing today is the best budget the western suburbs has ever had, and I can say that without any fear of contradiction at all. This is the first budget where the western suburbs has actually been given a fair go, where Melbourne's west has been given the attention it deserves. I look at what my friends on the other side of the chamber did when in government, and I know that for generations Labor neglected Melbourne's west. They used and abused the people of the west. They used it as a base for their own ill-gotten careers, for little gains, for stacking, for all the sorts of funny things they get up to.

One thing we never expect from the Labor Party is for it to treat the western suburbs with respect. If members do not believe me, they just need to look at Brimbank City Council. This budget actually treats the western suburbs with the respect that it deserves. As a group we should give praise to the Treasurer and the Premier for bringing down this budget, because it is outstanding in what it is doing for the western suburbs, and I am sure the best is yet to come.

I was in the chamber the other day when members of the Greens were speaking on the budget papers — I think it was Ms Pennicuik or it might have been Mr Barber, one or the other; I sometimes get the two confused — and I listened to what they had to say. It is often said about the Greens that they can say whatever they like because they will never get the opportunity in government to put those things into practice. All I can say is that we should all get down on our knees now and say thank you. We should give thanks to whoever is responsible for ensuring that the Greens will never have the opportunity to put their policies into practice, because they are economic nutbags. They do not have the first idea about how to handle an economy.

In November when people are deciding whether they want a Labor-Greens government after 29 November, they should remember what the Greens would do to Victoria, given half a chance. People should consider the impact of a Greens influence over any government, and if they want to see what Victoria would be like, all they have to do is look at Tasmania. Look at what Labor and the Greens did to Tasmania. As good as Will Hodgman is — and he is an outstanding Premier down in Tasmania; not quite as good as ours, but an outstanding Premier nonetheless — his work is cut out for him. It is going to take him and the rest of the Tasmanian community a very long time to get back from the place where the Labor Party and the Greens have taken them.

In the discussion on the budget papers in this house I heard Mr Lenders talk about the vast sums of money being spent; billions here and billions there. In fact I have heard it from both sides of the house, but I have to say that that does not impress me greatly. I am not after amounts of money; what I am after is value for money. In years gone by we have seen Labor governments spend money; they spent billions and billions of dollars, quite often for nought. To me that is a criminal waste. That is not something I want to see this government involve itself in, and I am delighted to say that is not happening.

Mr Melhem interjected.

Mr FINN — Mr Melhem is surprised, but it is not happening. I hope Mr Melhem sticks around, because I am going to speak about the east–west link in a minute. I know Mr Melhem has an interest in the east–west link, particularly in stage 2 of the project.

It is worth considering the sorts of projects and interests that the west of Melbourne is now receiving in this budget, because it is quite extraordinary. Mr Elsbury made reference to this the other day, and rightly so. He and I are equally proud of this government's attitude to and treatment of the west in this budget. It is safe to say the Napthine government has done more for the western suburbs in this budget than the Labor Party has done in generations; that is a fact. To see that we only have to look at it. We have the widening of the Tullamarine Freeway.

Mr Leane interjected.

Mr FINN — Mr Leane probably only ever travels on the Tullamarine Freeway when he is heading out to get in the business section of his plane to the Greek Islands or wherever it is he is going. He is not Clive Palmer. Perhaps it is a Qantas jet, perhaps another airline; I do not know which one he uses. But that is the only time Mr Leane would have an opportunity to travel on the Tullamarine Freeway. I travel on it just about every day, and I know it is a nightmare. I am delighted that $850 million is being freed up to widen the freeway in anticipation of what will follow, and I will get to the reason that is particularly exciting in a moment.

One section of the budget I am particularly proud of is that which allocates money to Sunshine College.

Mr Melhem interjected.

Mr FINN — Mr Melhem should listen to this, because I visited Sunshine College five or six years ago and I was absolutely staggered. I have never seen a school in as bad a state of disrepair as Sunshine College. I came into the chamber and asked the then education minister for some money for that school, a request which was flatly rejected by the Labor Party. With the change of government I tried again, and I have been continuing my efforts throughout the course of this government.

I am delighted to say that stage 1 of the new school will be built at a cost of $6.3 million. That is part of an almost $20 million project that will see a new Sunshine College built on two campuses in Sunshine. That is very exciting for the local community as well as the school community. We also have a new P–9 school at Point Cook South. We have a $7 million stage 2 project at Truganina P–9 College, and an $8 million stage 2 project at Alamanda College K–9. It is interesting to note — and Mr Leane might be interested in this — that Point Cook was an area that was treated very shabbily by the former Labor government. The Labor government took the land tax, it took the stamp duty, it took everything else, but it gave the people of Point Cook nothing.

When this government came to office, we were left with the problem that was Point Cook. We have worked assiduously on this. I give credit to the Premier, the Minister for Planning and the Minister for Education for the work they have done in bringing the infrastructure up to scratch in Point Cook. We have a way to go, but we were a long way behind to begin with. We will get there. I promise the people of Point Cook that if we are re-elected on 29 November, we will continue our efforts to bring that suburb into a new age of infrastructure and services.

We have allocated $650 000 for a relocated kinder at the Thomas Chirnside Primary School in Werribee. In case Mr Melhem is wondering, Werribee is in the

western suburbs. We have $4.9 million for the maintenance and modernisation at Essendon Primary School. For Mr Melhem's benefit, Essendon is an inner suburb in the north-western suburbs of Melbourne. It is worth noting that a lot of these schools in the inner suburbs are very old. You would have to say that to a degree they are dilapidated, so the $4.9 million for Essendon Primary School will be of huge benefit.

Public transport has not lost out either, because we have allocated $32 million to the Caroline Springs railway station.

Mr Melhem interjected.

Mr FINN — If Mr Melhem stopped whingeing long enough, he might be able to wander down to Caroline Springs railway station and get the train in and talk to his fellow commuters about the wonderful services that are being provided to them by the Napthine government. He might show a totally different attitude to the one he is displaying at the moment.

Then of course there is the iconic project in the western suburbs, the one that Labor first promised in 1982 — that is 32 years ago. Then, just to show it was fair dinkum about recycling, it brought it out again in 1999. Here we are in 2014, and it is the Napthine coalition government that is removing the level crossing from Main Road, St Albans. This project is long overdue, and I am particularly proud of it. It shows the people of the western suburbs that the Liberal Party is their party. We are the ones that deliver for the people of the western suburbs.

Add to that the airport link, which was the first broken promise of the Bracks government back in 1999. It had promised to build the airport link back then. Within weeks of it being elected, Labor scratched its head and said, 'Only joking'. It broke the promise back then. But here we are, 15 years later, and we are going to bring this into reality. It is long overdue.

I wish I had a lot more time to contribute to this debate because I really want to speak about the east–west link. I particularly want to speak about stage 2 of the east–west link, the western link, that Mr Melhem and many members of the Labor Party, including Mr Pallas, the member for Tarneit in the other place, not so long ago were saying had to be built. They said that the first thing that had to be built was stage 2 of the east–west link — the western link. Now they do not want anything built. They have told the people of the western suburbs they can go forth and multiply, in not so many words. That is the attitude of the Labor Party towards the people of the western suburbs. This coalition government is delivering for the people of the west; we are winning for Melbourne's west.

Debate adjourned on motion of Mr LEANE (Eastern Metropolitan).

Debate adjourned until next day.

ADJOURNMENT

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

That the house do now adjourn.

Disability discrimination commissioner

Ms MIKAKOS (Northern Metropolitan) — The matter I raise this evening is for the Minister for Community Services. I am concerned that the Abbott government is set to abolish the full-time position of the federal disability discrimination commissioner, which is currently filled by Mr Graeme Innes. The federal budget cut $1.65 million in funding over four years to the Australian Human Rights Commission and reduced the number of special purpose commissioners from seven to six.

One of the shocks Victorians learned about when the federal budget was handed down related to the fact that the position of the disability discrimination commissioner was to be abolished. In fact Mr Innes himself first heard about his contract not being renewed on budget night.

Mr Koch — On a point of order, Acting President, I understand this to be a federal government matter, not a state issue. We have not heard anything other than what the Abbott government has or has not done. I bring that to your attention.

Ms MIKAKOS — On the point of order, Acting President, if the member waits for me to conclude my adjournment matter, he will see that I am actually calling on the state Minister for Community Services to undertake certain actions on this matter.

The ACTING PRESIDENT (**Mr Finn**) — Order! I am in a very difficult position as I am not sure that the state minister is in a position to have any input into changing federal policy. I will not uphold the point of order. Mr Koch makes a very good point in that up to now no mention has been made of any state jurisdiction or responsibility, but I will take Ms Mikakos at her word that she will get to that very soon.

Ms MIKAKOS — I am seeking that the Minister for Community Services lobby her federal counterparts to ensure that Victorians with a disability can continue to access the advocacy of the federal disability discrimination commissioner. This position has been in place since 2003. The disability discrimination commissioner acts as a very strong advocate for those individuals and communities affected by discrimination and who are facing barriers in accessing services because of their disability.

Complaints on the grounds of disability account for 39 per cent of the work of the Australian Human Rights Commission. As part of this workload I understand that Mr Innes has been instrumental in shaping the new national disability insurance scheme. At a time when we are seeing that scheme being rolled out not only across Victoria but across the country, it seems very short-sighted for the Abbott government to cut this position. Many people with a disability will be having their disability support pension reassessed, so they will need an advocate in their corner.

I am asking that the Minister for Community Services lobby her federal counterparts to ensure that the federal disability discrimination commissioner position continue into the future in a full-time capacity so that there is someone there who can act as an advocate on behalf of those Victorians who have a disability and who are fighting discrimination and facing barriers in accessing services. The position is also critical in terms of the changes that will be brought about via the rollout of the national disability insurance scheme, as well as the changes to the disability support pension and many other areas that will impact on people with a disability.

The ACTING PRESIDENT (Mr Finn) — Order! I will refer Ms Mikakos's adjournment matter to the President for his adjudication. I recall in times gone by a precedent was set by President Smith whereby when matters were almost entirely federal matters, he ruled them out of order. I will refer the matter to the President for his adjudication and allow him to rule it in or out of order.

Ms MIKAKOS — On a point of order, Acting President, there have been situations when ministers have come into the chamber during question time and spent the whole time allocated for their answer talking about how they are lobbying their federal counterparts, whether it is in relation to kindergarten funding or in relation to health funding. It is perfectly within the minister's responsibility as Minister for Community Services to lobby her federal counterparts as to whether there should be a national disability services commissioner position in the future. I find it incomprehensible that in some way you, Acting President, are seeking to question the ability of the minister to respond to my adjournment matter.

Hon. E. J. O'Donohue — On the point of order, Acting President, it is inappropriate for Ms Mikakos to reflect on the Chair. You did not say what Ms Mikakos said you said; you said you would refer the matter to the President for determination, which I think in this circumstance is appropriate. Ms Mikakos said that in question time ministers refer to decisions and consequences of federal government decision making. I remind her that this is not the time for questions without notice; this is the debate on the adjournment.

The ACTING PRESIDENT (**Mr Finn**) — Order! I understand that the rules have been loosened a little over time, but I will still refer the matter to the President for his adjudication, as in my view it is a matter which is almost exclusively a federal government responsibility.

Ballarat green waste collection

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Environment and Climate Change, the Honourable Ryan Smith. The matter I raise with the minister is an issue that was brought to my attention by the Committee for Ballarat which is seeking a facility that will turn waste to energy in the new Ballarat employment zone, to which I might add the Napthine government committed $30 million in its recent budget.

I also note that the Liberal candidates for the Assembly seat of Buninyong, Ben Taylor, and the Assembly seat of Wendouree, Craig Coltman, have been strong advocates for the Ballarat City Council to provide green waste bin collection for households in Ballarat. With 40 per cent of rubbish being organic, this gives the city a wonderful opportunity to recycle green waste and complement the proposed facility in the employment zone. I have to say, though — —

Ms Mikakos — On a point of order, Acting President, in light of your previous ruling I draw your attention to the fact that the member's adjournment matter seems to relate only to a local council issue, given that he is talking about green waste collection. I ask you to reflect on whether the member's adjournment matter is within the purview of state administration, as he is talking about a council green waste collection.

The ACTING PRESIDENT (**Mr Finn**) — Order! As Ms Mikakos would know, local government is a

statute responsibility of state government, and clearly Mr Ramsay is within his rights to speak on the matter that he is raising.

Mr RAMSAY — Ms Mikakos should listen, because I am coming to the point she wants me to make. The Ballarat *Courier* was quick to show its true colours, and in an editorial questioned the motives of the passionate candidates and suggested that this was a council decision. But despite the paper's political bias, the community fully supports a green waste bin collection.

Given that removing organic waste from landfill helps to minimise potential environmental and public hazards, and that the state government can support councils through the building organics recovery fund, I ask that the minister work with the Ballarat City Council, the Committee for Ballarat and Liberal candidates Ben Taylor and Craig Coltman to investigate the option of a green waste bin collection for the residents of Ballarat.

Ms Hartland — On a point of order, President, given this is the adjournment debate, I am not sure whether it is appropriate to ask ministers to work with candidates in the upcoming election on certain matters.

The PRESIDENT — Order! Is that what the member said?

Mr RAMSAY — On the point of order, President, I asked the minister to work with the Ballarat City Council, the Committee for Ballarat and those candidates who have been advocating for a green waste bin collection to investigate what options there might be for the state government and the City of Ballarat to incorporate a collection service.

The PRESIDENT — Order! I ask the member to withdraw the reference to the candidates because it is inappropriate in the circumstances. The member has included all the other advocates in his request. They may well take an interest, but it is inappropriate to ask ministers to support candidates in this situation. Is the member agreeable to taking out the reference to the candidates?

Mr RAMSAY — Yes, President. I withdraw the names of the candidates, Ben Taylor and Craig Coltman, from my adjournment matter.

Housing standards

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Housing, the Honourable Wendy Lovell. The matter I raise is in relation to the Footscray Community Legal Centre's published report examining the standards of rental accommodation available to low-income earners in Melbourne's west. I refer to an adjournment matter I raised in April, to which I received a response from the minister today. This is a follow-up.

The review by Justice Kevin Bell of the Victorian Civil and Administrative Tribunal, which was published in November 2009, revealed that the residential tenancies list at VCAT is practically entirely used by landlords against tenants, with 95 per cent of matters being initiated by landlords against tenants and 80 per cent of those matters being undefended by tenants. It has become evident that tenants often do not pursue their rights for repairs to be made to their property. Tenants have a right to a well-maintained property under section 68(1) of the Residential Tenancies Act 1997. A large proportion of tenants appear to be families, with a significant number being single-parent families. The majority of the project's sample report indicated that the properties required one or more repairs. The largest proportion of tenants surveyed were newly arrived immigrants or refugees.

The report recommends that housing standards be legislated for all Victorian rental properties. Further, a body such as Consumer Affairs Victoria or the Ombudsman should be given the responsibility of enforcing the standards. Failure to comply with the standards should have legislative penalties attached instead of leaving the matter to tenants unions to advocate on behalf of tenants.

I call on the minister to heed the call of the report and to bring about a feasibility study for implementing its recommendations. Further, I call on the minister to provide an update to me and to the house on what her office is doing to address this issue.

Hon. E. J. O'Donohue — On a point of order, President, I purposely did not interrupt Mr Melham during his adjournment debate matter, but in the early stages he made specific reference to a previous matter he raised in April and the response which the minister provided. I seek some assurance that he is not repeating the same matter, which would be in breach of standing order 4.11.

Mr MELHEM — On the point of order, President, I am not repeating it; it is a new matter. The minister made reference to the matter I am raising but did not give a full response.

The PRESIDENT — Order! Mr Melhem's contribution is therefore in order.

Motor vehicle registration fees

Mr EIDEH (Western Metropolitan) — I rise to ask the minister representing the Minister for Roads when he will review the current methods for payment of motor vehicle registration. Members in this house are well aware that as a member for Western Metropolitan Region I represent an electorate that has one of the highest unemployment rates, one of the highest youth unemployment rates, one of the highest crime rates and one of the highest domestic violence rates in Australia. It is by far one of the highest socially disadvantaged areas in Australia.

In an age when pressures on household budgets are greater than ever before and many families are entering into repayment schemes on gas, electricity, telephone, water and council charges, the Napthine government only offers concession card holders the opportunity to pay their car registration in two equal payments.

My electorate has some of the fastest growing housing development areas in Australia where, due to available and affordable housing, young families are pursuing their dreams further and further out from established infrastructure. Due to the lack of efficient and affordable transport, they are ever reliant on their cars — in many cases two cars, one each for mum and dad — yet the Napthine government offers no tangible assistance in reducing the burden of car registration. As I have just stated, concession card holders — in particular, pensioners who hold a blue pension card — can arrange to make two equal payments on their car registration per annum.

But what about the rest of the western battlers? What about the majority who have to pay for their car registration in one hit? I am talking about those people who cannot get to work without a car and those young people who genuinely want and actively seek a job — the same young people who the Abbott federal government's horror budget has punished because of their age.

This uncaring government raked in almost $600 million in car registration last year. In the current budget it projects that it will get $1.4 billion in car registration. This represents an increase of $800 million since it came into office. But wait, there is more: the current average fee is $712.10 per year, and this is expected to rise to $750. I ask the minister representing the Minister for Roads when he will introduce an instalment plan for payment of car registration and thus give a little relief to the average family in the western suburbs.

Hon. E. J. O'Donohue — On a point of order, President, in his opening remarks Mr Eideh referred to 'the minister representing the Minister for Roads', and he repeated that reference when he summed up. I assume that he is referring to the Minister for Roads.

Mr EIDEH — Yes, the Minister for Roads.

Latrobe Valley energy industry

Mr SCHEFFER (Eastern Victoria) — I raise a matter for the Minister for Energy and Resources, Russell Northe, regarding the government's role in the future of the coal and energy industries in the Latrobe Valley. This week's *Latrobe Valley Express* carries a story in which the outgoing CEO of Energy Australia, Richard McIndoe, delivers a warning on the implications of falling electricity demand on the viability of power generation businesses in Victoria if things do not change. Mr McIndoe is reported to have said that domestic energy market forces remain the biggest threat to the Yallourn power station and that recent projections for electricity demand indicate that Latrobe Valley generation assets are being placed under a lot of pressure. Mr McIndoe said it is now estimated that by 2020, only six years away, demand will be 15 per cent lower than was projected even two and three years ago, and there is a question over whether the market can consume the amount of electricity being generated.

The implication of Mr McIndoe's observation is that the cost of running the generation facilities must be reduced if sales are to be profitable. Mr McIndoe said he does not believe that the commonwealth government — or presumably the state government — is prepared to support the industry through a transition restructure, and this means power companies will have to deal with their own balance sheet losses.

Meanwhile the Latrobe City Council voted, with only one dissenter, to call on the state government to facilitate the construction of a new baseload power station in the Latrobe Valley. The council voted to write to the Premier and the Leader of the Opposition seeking their position on the proposal and seeking the support of key stakeholders in the power industry and neighbouring shires, as well as the Minister for the Environment in the Abbott federal government. As the member for Morwell in the Assembly, Mr Northe, who is also the minister, will be fully aware, around 3000 people, or approximately 11 per cent of the Latrobe Valley workforce, are employed directly and indirectly in the coal and energy industries. The minister will also know that the Gippsland community is acutely aware of the local, national and global debate

concerning the uncertain future of thermal coal, and the community is fearful that without a government transition plan it will pay the price. This is no longer a wild and unfounded concern. A piece by the former leader of the federal Liberal Party, John Hewson, in yesterday's *Australian Financial Review*, entitled 'Stop banking on a carbon future', is but one example of that.

My request to the minister is that he provide me and the constituents of Eastern Victoria Region with information on any meetings he has had with representatives of the power industry on how the government, in conjunction with the industry, its employees and the community, will manage the impact on power plant infrastructure resulting from the falling electricity demand as described by Richard McIndoe.

Betrayal of Trust

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Attorney-General. The *Betrayal of Trust* report is a product of the joint investigatory Family and Community Development Committee inquiry into the handling of child abuse by religious and other non-government organisations. Through the course of this inquiry we have heard appalling stories of sexual abuse. The people we should be able to trust — members of revered religious organisations and community leaders — have betrayed the community beyond belief. They have denied, hidden and failed to come forward with cases of child abuse — not just in the long distant past but in recent years. This behaviour is disturbing and indecent and must be criminalised. I commend the bravery of victims for speaking out and sharing their stories. The experience of criminal child abuse has profound and lifelong consequences for the physical, psychological and emotional wellbeing of victims. The victims of this horrible abuse must have justice and redress.

In recent weeks the Victorian government made its formal response to the *Betrayal of Trust* report and its 15 recommendations. I am pleased that the government has supported in principle all the recommendations. Three of these recommendations have been implemented. There are six recommendations referring to strengthening organisational approaches to prevention and response. The government has supported them and outlined how it intends to respond to them, but there is no time line for these matters.

There are six critical recommendations referring to redress that the government has only given in-principle support to. It has indicated that it may wait for the outcome and recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse before acting on the *Betrayal of Trust* recommendations. We must remember that the Irish Commission to Inquire into Child Abuse took almost 10 years. Victims cannot be expected to wait for years for the resolution of the royal commission before they see action when we have very important recommendations of the *Betrayal of Trust* report before us.

The royal commission's recommendations may or may not go further than or be slightly different to those of the *Betrayal of Trust* report. We can deal with those when the royal commission delivers its report. In the meantime we simply cannot ignore the *Betrayal of Trust* report's recommendations. To do so would be to suggest that they were somehow inadequate or lacking, and we know they were far from that. We know many of the levers for dealing with these issues are at a state level, and thus there is no need to wait for a national response that will invariably call for state level action. The action I am seeking from the government is that it outlines the steps it intends to take and the time line planned for implementing the outstanding recommendations of the *Betrayal of Trust* report.

Textile industry

Mr D. R. J. O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Manufacturing. I ask the minister to make representations to his federal counterpart regarding the important issue of hazardous dyes in clothing, particularly imported clothing, to ensure that adequate safeguards are in place for Victorian consumers and to ensure a general level playing field between Australian manufacturers and imports producers. This is the matter I touched upon in my members statement this morning. It arose from the great opportunity I had to open the international Society of Dyers and Colourists conference at RMIT University last week.

The undeniable competitive advantage that Australia has is, amongst other things, its reputation as a clean, green hub for agriculture as well as advanced and quality manufacturing. This is a reputation that has been earnt over many years and is a great testament to our producers, both on the farms and also in factories and other entrepreneurial enterprises. I am good friends with a family who each year have a representative from Zegna come out to buy the very best wool from their fine wool merinos. It is a testament to our producers that they can produce such fine materials.

However, since February Australian customers have been asked to return 207 000 items of clothing, mainly

jeans, after they were found to contain unacceptable concentrations of hazardous azo dyes.

Mr Leane — On a point of order, President, I do not want to take away from the noble sentiment of Mr O'Brien's adjournment matter, but to be consistent with the discussion by the minister and the ruling on Ms Mikakos's adjournment matter. I point out that Mr O'Brien raises a solely federal issue that falls within the federal jurisdiction and not the jurisdiction of the state government.

Hon. E. J. O'Donohue — On the point of order, President, just so that members are clear — Mr Leane is putting words into my mouth — I said that Mr Finn's ruling as the Acting President was appropriate in the circumstances of Ms Mikakos's adjournment matter in that he deferred to you as President to make the determination. I said then that I believed that to be appropriate, and I still believe that it is appropriate.

The PRESIDENT — I will allow Mr O'Brien to complete his matter and I will come back to the point of order.

Mr D. R. J. O'BRIEN — This is an important issue that affects consumers in Victoria and Victorian manufacturers. It relates to environmental and regulatory standards that are in place at state level. Many of our standards, including those for environmental pollution and the safe handling of noxious and poisonous substances, are prescribed under state regulations. The point is that those regulations generally do a good job in ensuring that our consumers are protected. The issue is that sometimes consumers cannot be so protected from imported materials, as has been demonstrated with the azo dyes.

The action I am seeking is that the Minister for Manufacturing be appraised of these important regulatory issues. From a regulatory point of view we can go one of two ways. We can seek to remove some of the state regulations, which I would not support in relation to anything that protects the genuinely high standards and our reputation, or we can have discussions with our federal counterparts and at a state-to-state level and with other countries in relation to their standards to ensure that Victoria's state standards are not compromised and our manufacturers can compete. The action I seek is for the minister to provide assistance in these important matters and to advise me how I can advise my Victorian producers how we can best respond.

The PRESIDENT — Before I call the minister, Acting President Finn indicated to the house that he would defer to me for a ruling on a matter that was raised tonight by Ms Mikakos, who sought the assistance of a state minister in advocating to the federal government in respect of a position that it would seem the federal government is looking at defunding in its budget. The position involved is that of the federal disability discrimination commissioner. As an action, Ms Mikakos was seeking advocacy by the Victorian government minister to the federal government to impress upon the federal government the importance of the position to Victorians.

I have subsequently had a matter raised in a similar vein by Mr O'Brien, which is fortuitous. He asked that a state minister advocate to the federal government in respect of regulations and standards that are in place protecting a key Victorian industry. He is seeking a dialogue with and in due course action from the federal government in respect of the matter that he raised. In both cases members have asked a state government minister to take action by way of advocacy to the federal government.

Mr Finn as Acting President was uncertain that seeking this course of action in matters raised in the adjournment debate was appropriate under our contemporary practices. It is my view that both adjournment matters may stand, that they are both in order. We need to be careful about raising points of order because sometimes they come back and bite us in the sense that on 17 August 2011, which is certainly during my presidency, Mr Koch, Ms Crozier and Mrs Coote all asked a state government minister to advocate to the then Labor federal government in respect of the removal of carbon tax imposts. These are just the first requests I have turned up, but in the past members have requested that the federal government take some action because of the impact of federal government policy or practice or suchlike on Victorians. The entry point, if you like, to seeking that advocacy was the impact on particular state services — in that case health services.

In regard to both matters raised tonight, first, on Ms Mikakos's matter, I am very much aware that the national disability insurance scheme (NDIS) has been embraced by the Victorian government and has been subject to negotiations and a considerable amount of work by the Victorian government, led by the Minister for Community Services, Ms Wooldridge. I note that the NDIS probably already has its headquarters established in Geelong. I see that in that context concerns about the federal disability discrimination commissioner not being in place as an office might well be a matter that the Victorian government has a view on. Ms Mikakos certainly has a view on it and is

seeking advocacy in respect of that position. There are shared service partnerships in this field and the NDIS headquarters in particular are located in Victoria, and that has been part of a long dialogue. We are pleased to see progress in that area, and it is certainly in order to have this item raised and to seek the minister's consideration of advocacy to the federal government in that respect.

Similarly, Mr O'Brien's matter touches on an important industry where the standards are important, and economically it is an industry that has significance for this state. He has suggested that there is a need for some coordination in these matters and therefore has sought advocacy to the federal minister. Again, I think that is appropriate in the context in which it has been raised.

Responses

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Thank you, President, for your ruling and guidance on those matters. On the basis of your ruling, I will refer the matter raised by Ms Mikakos to the Minister for Community Services, Ms Wooldridge.

Mr Ramsay raised a matter for Ryan Smith, the Minister for Environment and Climate Change, about waste disposal in the Ballarat region. I will refer that matter to Minister Smith.

Mr Melhem raised a matter for Ms Lovell in her capacity as the Minister for Housing, and I will refer that matter to Ms Lovell.

Mr Eideh raised a matter for the Minister for Roads in relation to car registration, and I will refer that matter to the Minister for Roads. I would make the point to Mr Eideh that he has long advocated in this house for infrastructure upgrades to the western suburbs and he made reference in his contribution this afternoon to the lack of investment in the western suburbs. Mr Eideh has campaigned for the removal of the Main Road, St Albans, level crossing, which has been funded by the coalition government. I trust Mr Eideh will support the east–west link project. It will bring relief for commuters in the western suburbs he referred to. I trust that Mr Eideh also supports the regional rail link project being delivered by this government, which includes rolling stock and the grade separation at Anderson Street. However, I will refer that matter to Minister Mulder.

Mr Scheffer raised a matter for the Minister for Energy and Resources, Mr Northe, and I will refer that matter to Mr Northe.

Ms Hartland raised a matter for the Attorney-General in relation to the *Betrayal of Trust* report. I note the outstanding work done by Ms Crozier, Mr David O'Brien and Mrs Coote, the three members from this place who served on the Family and Community Development Committee, as well as the committee's members from the other place. I also note the scepticism of some when the committee was asked to undertake this work, including that of the Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, and Ms Hartland herself, who was quoted in the *Age* as saying the inquiry was a half-measure. I think the way the report — —

Ms Hartland — On a point of order, President, I suggest the minister could also repeat the comments I made when the report was delivered. I said that considering my scepticism at the time I thought an excellent report had been delivered and the work of the committee was excellent. Maybe the minister could add that into *Hansard* as well.

The PRESIDENT — Order! That is not a point of order as such.

Hon. E. J. O'DONOHUE — As I was saying, President, there was a degree of scepticism before the committee undertook its work, but I think we all agree now that the report is outstanding. Some of the recommendations, as Ms Hartland noted in her contribution, have been implemented, but I will refer her request for an update and a timeline for the implementation of the outstanding recommendations to the Attorney-General.

I have one written response, to an adjournment matter raised by Mr David O'Brien on 3 April this year.

The PRESIDENT — Order! On that basis, the house stands adjourned.

House adjourned 4.21 p.m. until Tuesday, 24 June.