PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 14 October 2014

(Extract from book 14)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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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
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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 Jennings, Mr Lenders, Ms Pennicuik and Mr Viney

 # Participating member

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 — Acting Clerk of the Legislative Council: Mr A. Young

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

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

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. 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

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TUESDAY, 14 OCTOBER 2014

Tuesday, 14 October 2014

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.05 p.m. and read the prayer.

ROYAL ASSENT

Messages read advising royal assent to:

23 September

Inquiries Act 2014
Resources Legislation Amendment (BTEX Prohibition and Other Matters) Act 2014
Sentencing Amendment (Emergency Workers) Act 2014
Transfer of Land Amendment Act 2014

30 September

Primary Industries Legislation Amendment Act 2014
Sentencing Amendment (Coward's Punch Manslaughter and Other Matters) Act 2014.

RULINGS BY THE CHAIR

Statements on reports and papers

The PRESIDENT — Order! I take this opportunity to provide some guidance to the house in terms of statements on reports and papers. Statements on reports and papers provide members with an opportunity to make a statement on any report or paper which has been tabled in the Council during the current session. The process allows members to consider both the substance of reports and issues that are raised in their chosen report.

Last sitting week Mrs Peulich spoke on the Department of Transport, Planning and Local Infrastructure annual report and used her contribution to discuss the activities of the mayor of Monash City Council in relation to a number of projects. The report did not contain any reference to the projects Mrs Peulich referred to, and the matters contained in the report were not relevant to her contribution.

Statements on reports and papers should be constrained to a discussion of matters that are raised or covered by the chosen report. President Monica Gould ruled in 2004 that members may refer to various issues but that they must be relevant to the report the member is referring to. See *Hansard*, 2 December 2004, page 1709.

Statements on reports should not be used as an opportunity for members to make a statement on a chosen issue but rather should be used to discuss a tabled report and any matters that may arise from the content covered by that report. A member's discussion of other matters of relevance to the report should be limited to matters directly related to issues raised by the report, and members are limited in widening such matters. The bulk of the member's contribution should revolve around the report and should be linked to the content of the report.

Previously a member was permitted to speak on the Department of the Legislative Council's annual report and use their contribution to pay tribute to the late Dr Ralph Howard, a former member of the Council. While this was not a strict application of the rules for statements as the contribution did not refer to matters in the report, the circumstance allowed for an exception to be made on that occasion.

Members should not use a report to launch an attack on a member of the public. A tenuous link in subject matter between the chosen report and the issues raised in the member's contribution is not enough to meet the requirements for statements on reports.

Furthermore, the Chair is partially reliant upon members being diligent in observing these rules, because there are usually too many large reports listed for a Chair to be aware of the content of each report. Copies of reports and papers listed for statements will be available for the Chair to refer to in future, but members are encouraged to regulate their approach in a manner that complies with the intent of the procedure.

Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014

The PRESIDENT — Order! I also wish to provide a ruling in respect of legislation that is before this house. I refer to the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 and to the constitutionality of the bill originating in the Legislative Council.

The second reading of the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 was moved in the house on Wednesday, 17 September 2014. The second reading of an identical bill was moved in the Legislative Assembly on the same day. Although the Council bill might not be read a third time, passed and transmitted to the Assembly because the identical bill is transmitted from the Assembly instead, the Chair is obliged to rule on

whether the bill introduced in the Council is irregular and should be withdrawn.

The Chair is required to rule on and order the withdrawal of any bill which infringes section 62 of the Constitution Act 1975. Section 62 requires that any bill for appropriating the Consolidated Fund must originate in the Legislative Assembly.

In recent rulings I have drawn the house's attention to a number of bills and amendments which have recently been permitted to proceed in this house. In some cases they may have previously been ruled out by the Chair or considered to be suggested amendments because of a more limiting view of what section 62 of the constitution means for the Council's legislative powers. My rulings have seemingly been consistent with the government's own view, because it has recently seen fit to originate a number of bills in this house.

On this occasion my consideration is made a little more complex by the fact that the Legislative Assembly reported the receipt of a Governor's message on Wednesday, 17 September, recommending an appropriation for this bill. In other words, the government has one view of this bill — that it is a bill for appropriating the Consolidated Fund and should therefore only originate in the Assembly — and on the other hand the government has the view that the identical bill is fit to originate in the Legislative Council.

One possible explanation for the Governor's message recommending an appropriation is that it has become convenient practice for successive governments to seek such messages simply because a bill might have the possible effect of increasing an expense for an agency. This in turn has been held to prohibit the bill originating in the Council and to restrict the types of amendments that the Council can move to some clauses in such a bill.

As I stated in a ruling on 4 September, the mere fact that a bill or an amendment would have the possible effect of imposing a new function on an agency or increasing its workload or expenses does not mean that the Consolidated Fund is appropriated.

If the bill states that the 'Consolidated Fund is appropriated' for a purpose, it is clearly an appropriating bill. However, many bills that have been interpreted to be appropriation bills have not included this statement. Furthermore, almost all of those bills have had only one clause, or a very small number of clauses, related to possible expenses. Such clauses and expenses may be described as a side effect and fail the purposive test of what an appropriation bill is — that is, a bill which has the main purpose of expending funds from the Consolidated Fund or collecting taxation for the Consolidated Fund.

Having examined the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014, I make the following observations:

1. the bill's main purpose is not to appropriate the Consolidated Fund but is overwhelmingly for the purpose of establishing a scheme under which convictions for certain offences may be expunged. In fact clause 3 of the bill proposes a new section 105S of the Sentencing Act 1991, which specifically prevents any entitlement to compensation due to a person's original prosecution and conviction and subsequent expunging of the conviction.

2. clause 3 of the bill proposes a new section 105F of the Sentencing Act 1991, which enables the appointment of one or more legal practitioners to provide advice on applications. It is possible that this is a provision of the bill that prompted a Governor's recommending message, but it is not an appropriating provision in its own right. It is merely a possible increased expense for the government department with carriage of the act.

3. clause 3 of the bill also proposes a new section 105R, which excuses the secretary of the responsible department from being personally liable for certain actions and omissions and instead attaches liability to the state. This may or may not lead to an expense, depending on whether any liability for an act or omission is ever alleged and found in a court of law. Again, this does not make the bill a bill for appropriating the Consolidated Fund, in my view.

Given the above reasons, I rule that the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 is not a bill for appropriating the Consolidated Fund, and it is in order for the bill to originate in the Council.

PETITIONS

Following petitions presented to house:

Retirement village differential rate

To the Legislative Council of Victoria:

The petition of certain citizens of Victoria draws to the attention of the Legislative Council that in Victoria there are approximately 38 000 residents living in approximately 400 retirement villages. Currently, residents pay totally to repair and maintain their own facilities within their villages by fees paid to the managers or owners of the villages. These facilities include several kilometres of roads, footpaths, kerbs, drainage and street lighting. A number of villages also manage their own rubbish removal and include that cost in their fees to residents. Many villages also provide a number of services such as library, swimming pools, suitable sporting facilities, medical support, et cetera, thus reducing the pressure on the community use of these facilities normally

provided by council. Last year, despite amendments made to section 161 of the Local Government Act (dealing with differential rates), only 5 councils out of 79 in Victoria introduced a differential rate for their retirement villages. So far as is known most councils appeared to have given no real consideration to those legislative amendments and no indication has been given that any real consideration will be given to them in the 2014–15 year.

The petitioners therefore request of the Legislative Council that it:

(a) introduce legislation amending section 161 of the Local Government Act that will make it obligatory for councils to consider and decide upon any request by the owner of retirement village land (as defined in the Retirement Village Act), that a fair differential rate be applied in relation to the village or land;

(b) introduce into the guidelines by the minister under section 161(2A) of the Local Government Act, guidelines to be applied specifically in relation to retirement village land with reference to facilities and services such as referred to in this petition, and any other relevant matters;

(c) introduce into section 161 a right of appeal to VCAT if any request as referred to in paragraph (a) is refused or not decided upon within 60 days of such request and in relation to any amount of differential rate decided upon.

By Hon. E. J. O'DONOHUE (Eastern Victoria) (8349 signatures).

Laid on table.

Queen Victoria Market

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the proposal for development at the Queen Victoria Market, including high-rise apartments, the building of a road through the market and knocking down heritage-listed sheds to build an underground car park, risks:

1. damaging an iconic, heritage-listed, historical asset that has been enjoyed by thousands of Victorian families;

2. destroying the livelihood and way of life of traders and stallholders who, for generations, have worked at the market and who may have to relocate, close down for up to two years or lose their stalls entirely; and

3. desecrating thousands of unmarked graves.

The petitioners therefore call on the Premier, Denis Napthine, to withdraw his support for the market redevelopment until there has been proper consultation with the affected traders and the community and until a thorough, independent, social and economic review has been undertaken which considers the impact on the livelihood of traders and the heritage value and ongoing viability of the Queen Victoria Market.

By Mr TEE (Eastern Metropolitan) (1747 signatures).

Laid on table.

Big Hill goldmine

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the proposed open-cut mine within Stawell township will have detrimental impacts on the health, environment, amenity, history and wellbeing of our community.

The petitioners therefore request that the Legislative Council note a petition of over 600 signatures recently tabled in the Legislative Assembly on this issue and the deep community concern that this indicates.

By Mr BARBER (Northern Metropolitan) (10 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

East–west link

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 need to abandon plans for a costly and unsustainable east–west toll road and tunnel in favour of funding urgently needed public transport priorities, including the Doncaster rail link.

The petitioners therefore request that the Legislative Council of Victoria members oppose the east–west link project and support sustainable transport solutions.

By Mr BARBER (Northern Metropolitan) (3123 signatures).

Laid on table.

MAGISTRATES COURT OF VICTORIA

Report 2013–14

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) presented report by command of the Governor.

Laid on table.

HAZELWOOD MINE FIRE INQUIRY

Victorian government implementation and monitoring plan

Hon. D. K. DRUM (Minister for Sport and Recreation), by leave, presented report.

Laid on table.

Ordered to be printed.

OFFICE OF THE PUBLIC ADVOCATE

Report 2013–14

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation), by leave, presented report.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 13 of 2014, including appendices.

Laid on table.

Ordered to be printed.

LEGAL AND SOCIAL ISSUES LEGISLATION COMMITTEE

Community pharmacy in Victoria

Ms CROZIER (Southern Metropolitan) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Ms CROZIER (Southern Metropolitan) — I move:

That the Council take note of the report.

It gives me great pleasure to table and speak to the report by the Legal and Social Issues Legislation Committee on the inquiry into community pharmacy in Victoria. I would at the outset like to thank all those who made submissions to the inquiry and all those witnesses who came before the inquiry to give evidence. Their input and expertise in the various areas greatly assisted the committee with collating the report and providing recommendations.

The committee has made 17 recommendations that support improved health care for the Victorian community. Like all jurisdictions, Victoria with its diverse population faces challenges within the health system to meet the demands of an ageing and growing population. This inquiry gave the committee the opportunity to review the role of the community pharmacy, otherwise known as the chemist, across Victoria. Community pharmacies are an integral component of our health system and exist in almost all suburbs, towns and shopping strips throughout Victoria.

As mentioned, we know our population is ageing. As people are living longer the prevalence and incidence of chronic diseases such as diabetes, heart disease, mental illness, cancer and arthritis are also increasing. Many of these conditions require complex medication regimes together with lifestyle advice and education, and constant monitoring.

Pharmacists are a highly educated and professional group of individuals. The committee heard that one area of their expertise is dispensing medications. Yet evidence to the committee suggested that medication-related hospital admissions are estimated to comprise 2 to 3 per cent of all Australian hospital admissions. These readmissions are extremely costly to our health system, with an estimate of around $320 million per year to Victoria. In many instances these readmissions are completely unavoidable, and this is particularly relevant to elderly patients.

Medication reviews by pharmacists are a service that should be further expanded within Victoria. A submission from Eastern Melbourne Medicare Local backs up this view. Page 24 of the report states:

> … GPs have a positive attitude towards medication reviews, believing that pharmacists' greater knowledge of pharmacology, dosage forms, adverse drug effects and drug interactions are an asset in helping to improve patient safety.

Our emergency departments across the state provide excellent and high-quality care to thousands of Victorians who require immediate emergency attention. At times, however, our emergency departments are also required to provide treatment and advice for ailments that are not acute or do not require immediate attention and could better be addressed in another primary health care setting such as at a GP's surgery or even a pharmacy.

In addition the committee heard evidence suggesting that pharmacists following proper and appropriate training can play a greater role in a number of other preventative health areas such as providing a cost-effective influenza immunisation service for adults. This is already being done in a number of international jurisdictions, and an adult-only influenza immunisation trial is soon to be complete in Queensland.

Likewise evidence to the committee suggested pharmacists could play a greater role working with GPs by providing a triage service for minor ailments before

referring on to the appropriate health professional; or, if no prescription were required, treating and offering advice for future management — for example, in the event of minor abrasions and injuries.

The inquiry also looked at the area of pharmacotherapy. In Victoria around 37 per cent of pharmacies in Victoria offer pharmacotherapy services for opioid dependency. As more areas across Victoria are being affected by opioid drug abuse, pharmacotherapy services need to be expanded.

Finally, the committee heard evidence suggesting that pharmacists receive funding from a variety of sources. However, despite them providing a service to patients, they do not have a Medicare number and cannot seek reimbursement through private health insurance. The committee believes that in future pharmacy agreement negotiations with the commonwealth government this area could be reviewed.

As this is the final report to be tabled by a Legislative Council standing committee in the 57th Parliament, I conclude by thanking the staff for assisting the committee, including Mr Richard Willis, Mr Keir Delaney and Ms Sarah Hyslop, and my colleagues, some of whom have been with the committee from the outset. I particularly thank Mr Shaun Leane, who has substituted for Mr Matt Viney as deputy chair. We are very pleased to see Mr Viney back in the house today. I also thank Mr David O'Brien, Mrs Amanda Millar, Mr Andrew Elsbury, Mr Nazih Elasmar, Ms Colleen Hartland, Ms Jenny Mikakos and Ms Marg Lewis for their valuable contributions.

Mr LEANE (Eastern Metropolitan) — I congratulate everyone who was involved in preparing this committee report. At the start of my involvement the cynic in me said this reference might have been given just to keep a committee busy so that we would not have to do general business on Wednesday nights, but I have to say that with the end result the cynic in me was proved wrong. There are some very good recommendations for a future government to embrace about how pharmacies can assist in taking the load off the health system. I also thank the committee chair and all the other committee members for giving me time to catch up on their work and the opportunity to fill the shoes of a great man, Mr Matt Viney.

Mr D. R. J. O'BRIEN (Western Victoria) — I too would like to follow on from the remarks made by the chair and the deputy chair of the Legal and Social Issues Legislation Committee. I thank the pharmacists and other submitters who provided an excellent source of evidence to the committee, from which we can again provide a bipartisan report. I thank the other members of the committee, particularly Mr Viney, and I join all members of the house in wishing him all the best and a fulfilling day today. I would also like to thank the committee secretariat: Keir Delaney and Sarah Hyslop — and Richard Willis before he went on to other duties.

In following the contribution made by the chair, Ms Crozier, it is important to recognise that the committee made important bipartisan recommendations relating to an expansion of community pharmacy roles. The committee also emphasised that GPs should remain the centre of primary care in Victoria. Some of the recommendations in the report, particularly recommendation 1, seek to expand the role of pharmacists in a very careful manner. The committee recommends that a step towards a trial in pharmacy-administered vaccinations be supported in Victoria. However, the committee considers that any expansion of the community pharmacy role should be undertaken carefully and incrementally. With those comments, I commend the committee on its work, and I commend the report to the house.

Ms HARTLAND (Western Metropolitan) — I want to add a few words on this report. My voice is going so I will not speak for long. One of the aspects of the report on which I think we did some very good work was the issue of methadone dispensing. We came away from the committee with a much better understanding about how that works, the issues for pharmacists and the need for more pharmacists to be methadone dispensers. There is also the fact that it is some 30 years since they have had an increase in the amount of money they receive to dispense methadone.

The other interesting subject we touched on came as a result of submissions from various women's health groups about the issue, especially for rural women, of not being able to access emergency contraception when a pharmacist has a religious or philosophical objection to dispensing those medicines. That makes it very difficult for women in the country. There is also the issue of chemists who refuse to dispense contraception. We touched on some very interesting subjects, and the committee report outlines those things very well. I also thank the chair of the committee, the other members involved and all the committee staff.

Mrs MILLAR (Northern Victoria) — I am pleased to make a brief statement on the Legal and Social Issues Legislation Committee inquiry into community pharmacy in Victoria. Can I firstly say what an outstanding process this inquiry has been. It gave us an opportunity to recognise and consider broadening the

role of one of the most respected groups of professionals in our state — namely, pharmacists. The 29 submissions received were of the highest calibre, and I thank those who submitted and gave evidence to the inquiry. Victoria's 6985 registered pharmacists play a vital role in health services in Victoria with the provision of trusted health advice and services. This is reflected in their consistent standing as one of the most trusted professions in the state — a fact which was reflected in the evidence given to the committee.

I especially highlight the importance of the role played by pharmacists in regional communities. This was an aspect which I certainly emphasised in the inquiry and it was noted as significant in the final report. Many regional communities face barriers in accessing GPs and other health practitioners, and in this context the presence of a local or community pharmacist is critical. Often they are the first source of advice sought by members of that community.

The 17 recommendations in the report offer the opportunity for a number of improvements to be made in primary and preventative health. In particular the opportunity to trial a limited vaccination program for adults and the consideration of expanding evidence-based chronic disease screening programs are very significant. The recommendations also consider important improvements to the significant issue of medication mismanagement.

I thank the other committee members, most especially the chair, Georgie Crozier, and Nazih Elasmar, Andrew Elsbury, Colleen Hartland, Shaun Leane, Margaret Lewis, David O'Brien and Matt Viney. I especially thank the very dedicated parliamentary committee staff members Keir Delaney and Sarah Hyslop who did a most superb job on the report which has been produced by the committee.

Ms LEWIS (Northern Victoria) — I would like to add my thanks to the people on the committee, especially our chair, who did an excellent job, and my fellow committee members. Some of the very important points we worked on in this area have been covered by Ms Hartland. Of particular interest to me were the issues for rural and regional people and the access they have to pharmacies, and the issue for women of access to emergency contraception. I thank our support people, Keir and Sarah.

Mr ELSBURY (Western Metropolitan) — I join with my colleagues in speaking to the Legal and Social Issues Legislation Committee report on its inquiry into community pharmacy. Even though the first meeting was a bit rocky we were able to band together, have a look at what was going on in the sector and bring about a great report, which highlights some of the advantages that can be achieved by utilising pharmacies a lot better than we do currently. I commend my fellow committee members. I also thank the staff, Sarah Hyslop, Keir Delaney and Richard Willis, for the work they put into the report, because without them collecting all the data, collating all of the submissions and, in some instances, explaining to some of the slower of us, like me, what certain terms meant, we would not have achieved the great result we have.

It is clear from the committee's report that there is scope for expanding the role of community pharmacies in the delivery of health services. This is especially the case for remote and regional settings where access to doctors may be limited. A cautious approach is being sought, but the value of allowing community pharmacies to assist in the management of health needs cannot be ignored. Pharmacists are highly trained and have a vast knowledge base of the medicines and treatments available. Pharmacists regularly work with doctors to assist patients to manage their medication, and as part of a managed treatment program this can benefit patients in their health care.

This has been a great opportunity to learn a bit more about the sector and to provide the Parliament with a greater knowledge base on what we can do with community pharmacies now and into the future.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Legal and Social Issues Legislation Committee inquiry into community pharmacy in Victoria. I thank the chair, Ms Crozier, and other members of the committee as well as the committee's executive officer and staff for their professional commitment to and enthusiasm for the conduct of the inquiry.

The committee believes that community pharmacists already operate at the front line of primary and preventive health care and are a highly regarded and trusted group of healthcare professionals. The committee believes that an expanded role for community pharmacists could be beneficial to the primary and preventive health of Victorians and be particularly useful in rural and regional areas where access to GPs can be more challenging for Victorians.

Key recommendations in the report include the establishment of a trial involving pharmacists providing influenza immunisations. The accessibility of pharmacies can contribute to a greater take-up of immunisations thus making a valuable contribution to preventative health care.

In conclusion, while the report is supportive of some expansion of community pharmacy, the committee emphasises that GPs must remain at the centre of primary care. Furthermore, any expansion must be evidence based and undertaken only with the necessary training, protocols and physical infrastructure in place.

Motion agreed to.

PAPERS

Laid on table by Acting Clerk:

Agricultural Industry Development Act 1990 —

Greater Sunraysia Pest Free Area Industry Development Order 2014, pursuant to section 8(3) of the Act.

Victorian Strawberry Industry Development Order 2014, pursuant to section 8(3) of the Act.

Auditor-General's Reports on —

Emergency Response ICT Systems, October 2014 *(Ordered to be printed)*.

Heatwave Management: Reducing the Risk to Public Health, October 2014 *(Ordered to be printed)*.

Boort District Health — Report, 2013–14.

Confiscation Act 1997 —

Asset Confiscation Operations, Report to the Attorney-General, 2013–14.

Report from the Chief Commissioner of Police pursuant to section 139A of the Act, 2013–14.

Corangamite Catchment Management Authority — Report, 2013–14.

Coroners Court of Victoria — Report, 2013–14.

Coronial Council of Victoria — Report, 2013–14.

Crown Land (Reserves) Act 1978 —

Minister's Order of 17 September 2014 giving approval to the granting of a lease at Ballarat Botanic and Public Gardens Reserve.

Minister's Order of 29 September 2014 giving approval to the granting of a lease at Wye River Foreshore Reserve.

Duties Act 2000 —

Treasurer's report of exemptions and refunds arising out of corporate consolidations for 2013–14.

Treasurer's report of exemptions and refunds arising out of corporate reconstructions for 2013–14.

East Gippsland Catchment Management Authority — Report, 2013–14.

Fed Square Pty Ltd — Report, 2013–14.

Heavy Vehicle National Law Application Act 2013 — Heavy Vehicle (Mass, Dimension and Loading) National Regulation Amendment pursuant to section 6 of the Act.

Health Purchasing Victoria — Report, 2013–14.

Hepburn Health Service — Report, 2013–14.

Heritage Council of Victoria — Minister's report of receipt of 2013–14 report.

Heywood Rural Health — Report, 2013–14.

Independent Broad-based Anti-corruption Commission — Report, 2013–14 *(Ordered to be printed)*.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule Nos. 81, 117 and 135.

Legal Practitioners' Liability Committee — Report, 2013–14.

Legal Services Board and the Legal Services Commissioner — Report, 2013–14 *(Ordered to be printed)*.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2013–14.

Mallee Catchment Management Authority — Report, 2013–14.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2014 *(Ordered to be printed)*.

Metropolitan Planning Authority — Report, 2013–14.

Moyne Health Services — Report, 2013–14.

Nathalia District Hospital — Report, 2013–14.

Office of Public Prosecutions — Report, 2013–14.

Office of the National Rail Safety Regulator — Report, 2013–14.

Parks Victoria — Report, 2013–14.

Phillip Island Nature Parks — Report, 2013–14.

Places Victoria — Report, 2013–14.

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

Ararat Planning Scheme — Amendment C33.

Ballarat Planning Scheme — Amendment C177.

Bayside Planning Scheme — Amendment C121.

Boroondara Planning Scheme — Amendments C150 and C199.

Cardinia Planning Scheme — Amendment C187.

Colac Otway Planning Scheme — Amendment C76.

Darebin Planning Scheme — Amendment C140.

Greater Bendigo Planning Scheme — Amendment C190.

Greater Shepparton Planning Scheme — Amendment C173.

Kingston Planning Scheme — Amendment C150.

Latrobe Planning Scheme — Amendment C84.

Maroondah Planning Scheme — Amendment C92.

Melbourne Planning Scheme — Amendment C249.

Moonee Valley Planning Scheme — Amendments C120 and C124.

Moorabool Planning Scheme — Amendment C72.

Mornington Peninsula Planning Scheme — Amendment C179.

Nillumbik Planning Scheme — Amendments C51 and C53.

Port Phillip Planning Scheme — Amendment C110.

South Gippsland Planning Scheme — Amendment C77 (Part 2).

Southern Grampians Planning Scheme — Amendment C32.

Surf Coast Planning Scheme — Amendment C98.

Victoria Planning Provisions — Amendments VC112 and VC114.

Wangaratta Planning Scheme — Amendment C60.

West Wimmera Planning Scheme — Amendment C31.

Whittlesea Planning Scheme — Amendment C182.

Yarra Ranges Planning Scheme — Amendment C118.

Port Phillip and Westernport Catchment Management Authority — Report, 2013–14.

Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 7 October 2014.

Queen Elizabeth Centre — Report, 2013–14.

Radiation Advisory Committee — Report, 2013–14.

Roads Corporation — Report, 2013–14.

Robinvale District Health Services — Report, 2013–14.

Royal Botanic Gardens Board — Report, 2013–14.

Statutory Rules under the following Acts of Parliament:

Confiscation Act 1997 — No. 139.

Corrections Act 1986 — No. 147.

County Court Act 1958 — No. 150.

Credit Act 1984 — No. 141.

Credit (Administration) Act 1984 — No. 140.

Crimes Act 1958 — No. 137.

Criminal Organisations Control Act 2012 — No. 138.

Environment Protection Act 1970 — No. 124.

Fences Act 1968 — No. 122.

Planning and Environment Act 1987 — No. 126.

Prevention of Cruelty to Animals Act 1986 — No. 135.

Road Safety Act 1986 — Nos. 131, 132 and 143 to 146.

Seafood Safety Act 2003 — No. 136.

Sex Offenders Registration Act 2004 — No. 142.

Subordinate Legislation Act 1994 — Nos. 125 and 127 to 130.

Supreme Court Act 1986 — No. 123.

Sustainable Forests (Timber) Act 2004 — No. 134.

Transport (Compliance and Miscellaneous) Act 1983 — No. 149.

Valuation of Land Act 1960 — No. 148.

Victorian Civil and Administrative Tribunal Act 1998 — No. 133.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 51, 60, 118, 123, 124, 127 to 146 and 148 to 154.

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

Approved Competency Units for the Purposes of Part 12 of the Plumbing Regulations 2008 of 29 September 2014 under the Building Act 1993.

Ministerial Determination of 6 October 2014 — Section 5 of the Retail Leases Act 2003.

Ministerial Order No. 755 of 11 September 2014 — Exemption from Attendance or Enrolment at School (Amendment) under the Education and Training Reform Act 2006.

Proposed Legislative Instrument of 20 August 2014 — Pursuant to section 39 of the Cemeteries and Crematoria Act 2003.

Minister's extension regulations certificate under section 5A in respect to Statutory Rule No. 125.

Sustainability Victoria — Report, 2013–14.

Trust for Nature (Victoria) — Report, 2013–14.

Tweddle Child and Family Health Service — Minister's report of receipt of 2013–14 report.

Victorian Assisted Reproductive Treatment Authority — Minister's report of receipt of 2013–14 report.

Victorian Building Authority — Report, 2013–14.

Victorian Coastal Council — Report, 2013–14.

Victorian Electoral Commission — Report, 2013–14.

Victorian Environmental Assessment Council — Report, 2013–14.

Victorian Equal Opportunity and Human Rights Commission — Report, 2013–14 *(Ordered to be printed)*.

Victorian Health Promotion Foundation — Report, 2013–14.

Victorian Inspectorate —

Report, 2013–14.

Report 2013–14, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.

Victorian Institute of Forensic Medicine — Report, 2013–14.

Victorian Interpreting and Translation Services — Report, 2013–14.

Victorian Law Reform Commission — Report on the Forfeiture Rule *(Ordered to be printed)*.

Victorian Pharmacy Authority — Minister's report of receipt of 2013–14 report.

West Gippsland Catchment Management Authority — Report, 2013–14.

Wimmera Catchment Management Authority — Report, 2013–14.

Yarram and District Health Service — Report, 2013–14.

Yorta Yorta Traditional Owner Land Management Board — Minister's report of receipt of 2013–14 report.

Zoological Parks and Gardens Board — Report, 2013–14.

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

Crimes Amendment (Abolition of Defensive Homicide) Act 2014 — Remaining Provisions (except section 7(17)) — 1 November 2014 (*Gazette No. S350, 7 October 2014*).

Crimes Amendment (Protection of Children) Act 2014 — sections 4 to 6 — 27 October 2014 (*Gazette No. S350, 7 October 2014*).

Criminal Organisations Control and Other Acts Amendment Act 2014 — Division 3 of Part 2, Part 3 and Part 4 — 1 October 2014 — Part 5 (except sections 154(2) and 155) — 31 October 2014 (*Gazette No. S330, 23 September 2014*).

Fences Amendment Act 2014 — 22 September 2014 (*Gazette No. S317, 16 September 2014*).

Freedom of Information and Victorian Inspectorate Acts Amendment Act 2014 — section 28 — 7 October 2014 (*Gazette No. S350, 7 October 2014*).

Privacy and Data Protection Act 2014 — Remaining Provisions (except Division 2 of Part 9) — 17 September 2014 (*Gazette No. S317, 16 September 2014*).

Sentencing Amendment (Baseline Sentences) Act 2014 — 2 November 2014 (*Gazette No. S350, 7 October 2014*).

Sentencing Amendment (Emergency Workers) Act 2014 — Part 1, section 6 and Parts 5 and 6 — 29 September 2014 — Remaining Provisions — 2 November 2014 (*Gazette No. S330, 23 September 2014*).

Sustainable Forests (Timber) Amendment Act 2013 — Remaining Provisions — 1 October 2014 (*Gazette No. S330, 23 September 2014*).

Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014 — sections 22 to 24, sections 32 and 33 and Division 3 of Part 2 — 30 September 2014 (*Gazette No. S330, 23 September 2014*).

Transport Legislation Amendment (Further Taxi Reform and Other Matters) Act 2014 — section 53 — 30 September 2014 (*Gazette No. S337, 30 September 2014*).

Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014 — 26 October 2014 (*Gazette No. S330, 23 September 2014*).

The PRESIDENT — Order! I note that the Legislative Assembly is yet to convene today and there are a number of items in the papers list that need to be printed so they have privilege. I therefore intend to put to the house the following question:

That the —

(1) Auditor-General's report on Heatwave Management: Reducing the Risk to Public Health, October 2014;

(2) Auditor-General's report on Emergency Response ICT Systems, October 2014;

(3) Cumulative Summary of Returns, 30 September 2014 under the Members of Parliament (Register of Interests) Act 1978;

(4) Independent Broad-based Anti-corruption Commission — report, 2013–14;

(5) Legal Services Board and the Legal Services Commissioner — report, 2013–14;

(6) Victorian Equal Opportunity and Human Rights Commission — report, 2013–14; and

(7) Victorian Law Reform Commission — report on the forfeiture rule

be ordered to be printed.

Mr Lenders — On a point of order, President, I am certainly happy to support that question. However, I am curious as to why when there were 40 or more reports tabled only some are being sought to be printed rather than all of them.

The PRESIDENT — Order! I might get the Acting Clerk to explain the status of these reports versus the others.

The Acting Clerk — I report to the house that these reports listed by the President are in receipt of parliamentary paper numbers and therefore are required to be ordered to be printed in order to receive absolute privilege.

The PRESIDENT — Order! Other reports are tabled under the statutory requirements for the various agencies. The crucial thing about the ones that are given this status is they need to have parliamentary privilege. It is imperative that we have them printed in case there is any commentary on them before the Legislative Assembly has an opportunity to print them.

Question agreed to.

STATEMENTS ON REPORTS AND PAPERS

Notices

Mrs Peulich having given notice:

The PRESIDENT — Order! I need to consider Mrs Peulich's notice because I am not sure that a right of reply is a report.

Mrs Peulich — On a point of order, President, I made inquiries with the Clerk's office some time ago and I was given the green light.

The PRESIDENT — Order! I am advised that that is the case.

Further notices given.

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 15 October 2014:

(1) the notice of motion given this day by myself in relation to the coalition government's failure to deliver on the promises made to Victorians;

(2) order of the day 10, resumption of debate on motion noting the petition tabled on 5 August 2014 relating to jumps racing in Victoria; and

(3) the motion to take note of a petition tabled this day by Mr Barber in relation to the detrimental impacts of the proposed open-cut mine to the Stawell community.

Motion agreed to.

MEMBERS STATEMENTS

National Centre for Farmer Health

Ms PULFORD (Western Victoria) — In May this year the National Centre for Farmer Health was in a dire situation. Having had its funding decimated by the Napthine government, the centre was reducing its staff, which was originally 10 members and which then became 6 members, down to 2 members. The centre was projected to remain operational only until the end of the last financial year, when its final grant money was due to run out.

Last Friday I had the privilege of announcing that an Andrews Labor government would commit $4 million funding to the National Centre for Farmer Health. The people of Victoria did not vote for a government that would comprehensively neglect those living in regional and rural areas. The people of Victoria did not vote for a government which would allocate a mere 4 per cent to the infrastructure budget or a government that would choose to decimate TAFE. The people of Victoria did not vote for a government that would fail to recognise the importance of health promotion, research and advocacy, such as the work done at the National Centre for Farmer Health.

We know that 25 per cent of Victorians live in regional areas, that between 60 000 and 70 000 Victorians derive their primary income from farming and that there are approximately 35 000 farms in Victoria. We know that farming contributes more than $6.8 billion to the Victorian economy. Farming is an important part of activity in our state, but particular issues come with that type of work. Workplace accidents and deaths are far too common in farming. There are also issues of hearing damage, increased levels of depression and risk from exposure to carcinogens. There is a long list. The funds required to keep the National Centre for Farmer Health running are an excellent value-for-money proposition. I am proud that Labor has pledged to keep this world-class, internationally renowned centre alive to help Victorians for generations to come. It is the least we can do for farmers, their families and their communities.

Labor Party policies

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — In an effort to try to win points for its candidate for Ivanhoe, the Labor machine has released a flyer on its transport policy, extolling what it says will be extra train services on the Hurstbridge line. The flyer bears a picture of a crowded station, which shows, among other things, just how popular train travel has become under the Napthine government. But what station does the flyer represent? It purports to represent a station on the Hurstbridge line, but is it the Hurstbridge line? It is certainly not Rosanna, Eaglemont, Ivanhoe, Heidelberg, Macleod or any other station on the line, so what train line does it represent? The answer is the Craigieburn line. Labor cannot even get that right.

The flyer also provides details of Labor's transport policy, many of which have been copied from the Liberal-Nationals policy. For example, capping zone 1 and zone 2 tickets at the price of a zone 1 fare and providing free CBD trams. The other interesting point is that the policy talks about extra peak services on the Hurstbridge line. The reality is that our government has already committed $61 million to upgrades to the Hurstbridge line, which has seen huge improvements in reliability and efficiency, including an increase of 13 additional services per week. It makes one wonder: if Labor cannot distribute a basic flyer showing what its policies represent, how on earth can we rely on and trust the member for Ivanhoe or the Leader of the Opposition in the Assembly, Daniel Andrews?

Western Victoria Region government performance

Ms TIERNEY (Western Victoria) — This being the last sitting week of the 57th Parliament, I acknowledge a number of communities for their endeavours to advance Western Victoria. I congratulate the staff, parents and students at Timboon P–12 School who ran a great campaign over the last three years to get funding commitments from the Napthine government. It is clear that the member for Polwarth in the Assembly, Terry Mulder, and his government have taken the Timboon community for granted over the years and they have certainly underestimated the community's resilience and determination.

On another note, I wish to congratulate the Horsham community, which kept up its fight to secure important funding for Horsham College. Labor started the education spend with the new special school; however, the community kept up the pressure to force this government to do the right thing by the secondary college.

Talking of pressure, we cannot forget the enormous energy that was expended just to get the Liberal Party to the table on the funding for the National Centre for Farmer Health. It was left to Labor to champion the centre, and I am proud of Labor's announcement, made last Friday, of $4 million for the centre. This government, however, still remains silent.

All of these three campaigns were in the government's own political backyard. Not once did this government demonstrate leadership, offer assistance or pretend to understand. These communities had to fight hard just to be heard. Leading into next month's state election, these communities know that Labor was strong in speaking out, while this government looked the other way.

Members and parliamentary staff

Ms HARTLAND (Western Metropolitan) — As this is my last members statement for this term — though despite being in a marginal seat, I hope to be back next year to make many more statements — I wish to thank a number of people. I thank firstly my colleagues Mr Barber and Ms Pennicuik, who have been not just great colleagues but wonderful friends. I thank the attendants, who have always been there and are always helpful. Usually they are the ones who know what is going on, more so than anybody else. I thank the clerks for all their help. I thank the gardeners, who keep the outside area so lovely, so that we have a place to go when we go out of the building. I thank the Hansard reporters, who work so hard, especially during the late-night sittings, and who always manage to take all the ums and ahs out of my statements. I thank the catering staff, especially Robyn Rogers, a former staff member who many years ago was my boss when I worked in the kitchens.

To the President: thank you very much for the respect you have shown the Parliament. Even when you have evenly rebuked us for a variety of bad behaviours, you have done it with humour. The campaign ahead will take a toll on all of us, and I hope we all survive with our humour and dignity intact.

Moolort Landcare Group

Ms LEWIS (Northern Victoria) — Last Sunday it was my great pleasure to attend the Moolort Landcare Group's 25th anniversary lunch. The Moolort Landcare Group is one of the pioneer Landcare groups that grew out of Project Branchout. The group's area covers the

volcanic plains and wetlands between Newstead and Carisbrook. Its work has included vegetation management, soil management, salinity work and wetlands conservation.

Landcare was established by the then Minister for Conservation, Forests and Lands, Joan Kirner, and the then president of the Victorian Farmers Federation, Heather Mitchell. It has grown to engage thousands of Victorians in more than 700 groups who work together to protect and repair our environment. I congratulate Alison Teese, who was the group's first president and remains an active member today, as well as John Bryant, the current president, who leads a dedicated group of people in this vital work.

Elmore Field Days

Ms LEWIS — I congratulate Elmore and District Machinery Field Days Inc. on another wonderful Elmore Field Days event, held on 7, 8 and 9 October. It was great to have for the third consecutive year a stand in the impressive Agribusiness Pavilion, which was funded by the Brumby government. Many people once again stopped at our stand to chat, raise issues of concern to them, their families and their communities and take away information. I congratulate field days president, Frank Harney, and the hardworking committee members, who devote so much time and effort to this great event. I also congratulate the many volunteers who contributed to making this another successful field days event for Elmore and northern Victoria.

Western Victoria Region government achievements

Mr KOCH (Western Victoria) — I rise with gratitude for having served the people of Western Victoria Region over the past 12 years and to take a moment to reflect on four of many major achievements during this time.

In May 2004 the Linton community breathed a sigh of relief in having been spared the Bracks government's toxic waste dump, which had been planned to be near Pittong. The local community, including the strong voices of Virginia Kennedy and Alice and Kevin Knight, fought hard and long to prevent this ill-conceived plan becoming a reality and to have the proposal reversed.

In 2009 it was with great satisfaction that Warrnambool and Western District residents greeted the news of a long overdue rescue helicopter becoming a reality. It took 10 years, and it happened after then Premier John Brumby relented due to a 30 000-signature petition and anti-government signage naming the Premier lining the local highways.

In 2012 the Baillieu government announced funding for a helipad at the Ballarat Base Hospital. It was welcome news for the Ballarat community, which had worked hard for over a decade to secure it. As the initiator and chair of the professional industry and community working group, this was a particularly great outcome for me.

More recently I led a community advisory committee in providing input into the successful $80 million, 320-home public and private housing project known as New Norlane, creating many local apprenticeships and jobs. I am proud of all these achievements, along with others, that have helped make a difference to the lives of many western Victorians.

Vision Australia

Mr ELASMAR (Northern Metropolitan) — On Thursday, 18 September, I attended an information session organised by Vision Australia. The session was extremely informative. It focused on programs which deliver a higher quality of life for people who are living with blindness or low vision. This organisation is worthy of government support and assistance, and I mean that in a practical sense.

Foodbank Victoria

Mr ELASMAR — On 23 September I met with Foodbank Victoria's CEO, Mr David McNamara, and was given a full tour of its warehouse facility located in Yarraville. Foodbank Victoria has an army of volunteers who donate their time and energy to assisting people who are in need. Foodbank Victoria needs help to relocate to the Epping fruit and vegetable market so it can maximise the utilisation of leftover fresh food for its clients, who are in desperate need of secure food supplies. This is a project I believe to be worthy of our full support.

Banyule Seniors Festival

Mr ELASMAR — I attended the Banyule Seniors Festival morning tea on Wednesday, 1 October. This annual event was organised by the Banyule City Council and, as usual, was very well attended. I took the opportunity to meet with and talk to as many people as possible. It was heartwarming to see so many senior citizens enjoying each other's company in a social gathering. I thank the organisers.

Kingswood Golf Club site

Mrs PEULICH (South Eastern Metropolitan) — This week I will be tabling a petition signed by hundreds of Dingley Village residents calling for the protection of the Kingswood Golf Club, which has been merged with the Peninsula golf club under some very concerning circumstances. These include the board acting outside of its constitution and oppressing members' rights, as well as flooding the membership to ensure that the vote went the way that seemed to have been predetermined.

I note that the former government failed to include the Kingswood Golf Club site, Dingley Village, in the green wedge when it legislated the green wedge in 2003, even though it placed every other golf club in the area in the green wedge. I note also that the irregularities in the takeover were recently noted by the Victorian Supreme Court and further note that the club was purchased by an industry superannuation fund with close links to the union movement and the ALP for over $125 million — it was bought by an unlisted property trust called ISPT. This is despite the fact that there has been no rezoning and there is the likelihood that the site will be developed into high-density housing.

In order to protect this particular asset we need the shadow Minister for Planning, Mr Brian Tee, to support Plan Melbourne, which rules out rezoning and movement of the urban growth boundary; Mr Tee to resign from the Construction, Forestry, Mining and Energy Union; and Labor to return all the money it has received from the Construction, Forestry, Mining and Energy Union to ensure that there is nothing shonky and that these assets are not going to be pillaged in the future.

Mr Lenders — On a point of order, President I am very reluctant to intervene in a member's statement, but Mrs Peulich is reflecting on a member of this house, amongst other things which I will not comment on. However, she is certainly reflecting on the motives of a member of this house. She is calling on a member of this house to resign from an organisation he is a member of, and I put to you, President, that these are things for a substantive motion and not for a member's statement.

Mrs PEULICH — On the point of order, President, I was not reflecting on the member; I was merely calling for actions which would increase the protection of the Kingswood Golf Club, including Labor severing links with the Construction, Forestry, Mining and Energy Union, which is heavily represented on the board of ISPT, an industry super fund which has recently purchased the Kingswood Golf Club for a price way beyond market speculation. It was not a reflection; I was calling for action.

The PRESIDENT — Order! I do not believe Mrs Peulich has at this point reflected on the member in a way that would require a substantive motion. I accept she called on the member to resign from the union she mentioned, but I do not believe that is a matter that would require a substantive motion. The 90-second statement is in order at this point. Finished?

Mrs PEULICH — Do I have 5 more seconds, President?

The PRESIDENT — Order! I am not sure whether the time ran out. I am advised that it was on zero.

Western Metropolitan Region roads

Mr EIDEH (Western Metropolitan) — I raise my concerns about two very dangerous roundabouts in my electorate which this government has chosen to ignore. The roundabouts in question are located at the intersection of Kings Road and Taylors Road in Delahey and at the intersection of Sunshine Avenue and the Melton Highway in Sunshine. Both roundabouts have been causing significant traffic issues for members of my community for quite some time. I regularly travel through these roundabouts and often see near misses between cars which have the potential to result in very serious accidents, yet this government has continually failed to provide the funding and resources to fix these potentially life-threatening roundabouts. I sincerely doubt that the Minister for Roads, Mr Mulder, has ever visited these sites.

Recently my parliamentary colleagues, the shadow Minister for Roads, Luke Donnellan, the member for Narre Warren North in the Assembly, and Natalie Hutchins, the member for Keilor in the Assembly, visited the roundabouts to gain a real understanding of how dangerous these intersections are. I only wish that the current government had been so proactive during the past four years. If Labor has the privilege of being elected to govern by Victorians in November, Labor will make suburban roads a priority. We have committed $1 billion to fix dangerous traffic intersections, such as the ones in my electorate that I have just mentioned.

Middle East conflict

Mr SCHEFFER (Eastern Victoria) — Some 12 years ago, my first members statement concerned the US invasion of Iraq, as does my last. Millions of

people across the Middle East and in the West opposed that illegal invasion. The actual number of civilians and combatants who were killed and injured will probably never be known, but estimates indicate that the number of deaths could be as high as 1 million.

Since the collapse of the Ottoman Empire the West has not ceased interfering in territory from the Mediterranean to the Persian Gulf and the Indian Ocean, and the ambitions of the British, French and US have led to one disaster after another. In the strongest terms I condemn the brutality of the Islamic State, but I cannot see that the current Western involvement will bring peace. As was the case with Saddam Hussein and his weapons of mass destruction, and Bashar al-Assad's use of chemical weapons, the Islamic State is depicted as evil incarnate, while the West promotes its own response as humanitarian. Yet as Simon Jenkins wrote in the *Guardian*, all the West can muster is a half war — an air war.

While I am sure that people across the Middle East do not support the Islamic State's extreme ideology or its brutal methods, many may well endorse its defiance of Middle Eastern dictators and resistance to US bombing, which in part explains the legitimacy of IS on the ground, the alliances it has forged and the reticence of Middle Eastern governments to fully engage with the US. I suspect that the West's air attacks will serve to strengthen the Islamic State's legitimacy.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014

Second reading

Debate resumed from 17 September; motion of Hon. D. M. DAVIS (Minister for Health).

Mr JENNINGS (South Eastern Metropolitan) — On behalf of the Labor Party, I am very happy to make a contribution to the debate on the Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014, which will provide for simpler, but not necessarily streamlined, approaches to clinical trials for the use of medical cannabis in Victoria. In my contribution to the debate, and in particular with regard to the questions that I intend to ask the minister during the committee stage of the bill, I want to make sure that people know that I want to discuss these matters with the minister and hear his explanation of how the clinical trial process will work. I ask him to put these arrangements on the record very clearly so that he will not be surprised if and when we move to the committee stage.

I will seek to tease out with him the journey by which a medical practitioner in Victoria may make an application to embark upon a clinical trial of medical cannabis, the scope of the clinical trials that may be envisaged by the government now and in the future under this legislation and the means by which the minister can provide assurances to the community that the spirit of the second-reading speech will be complied with — in that the second-reading speech promises hope to families of children who may be suffering, for instance, from severe forms of epilepsy that a clinical trial may be imminent in the state of Victoria.

I will be seeking some reassurances from the minister that that is indeed his intention. Whilst the second-reading speech implies it and gives that distinct impression, in no other setting has the minister given that degree of assurance. Indeed he has given quite the contrary message in relation to his intentions and the limitations of the clinical trial process. That is the basket of issues that I will raise with the minister in the committee stage of the bill. I hope he will provide the chamber with some confidence about that, and very importantly that he will provide the community with confidence about these matters.

The journey in terms of the public's consideration of the use of medical cannabis has taken a number of twists and turns over the years, but it has also taken a number of twists and turns during the course of this year. In fact earlier this year the minister was clearly on the public record as saying his government had no intention of changing the legislative framework that would enable the use of cannabis for medicinal purposes in Victoria. From the beginning of 2014 until somewhere close to the end of August the minister was giving no indication publicly that he or the government of which he is part was sympathetic to increasing the scope and potential for the use of medical cannabis in Victoria. Indeed in the last week of August the minister had what some people might suggest was a conversion on the road to Damascus in his view of the policy settings and the appropriateness of the use of medical cannabis in Victoria. Certainly a number of people saw his change of heart, his change of intention and ultimately the urgent introduction of this piece of legislation during the last sitting week and noted that the speed and dramatic fashion with which he has moved have been very different from the glacier-like movement of the policy discussions prior to August.

One of the reasons why the Labor Party and a number of people in the community are somewhat sceptical about the minister's change of heart is the community's public perception of Labor's announcement on 24 August that, if elected in the upcoming November

state election, as one of its first acts as an incoming government it would provide a reference to the Victorian Law Reform Commission to examine the interlocking legislative frameworks that deal with the therapeutic use of cannabis in Victoria. It was an announcement that I was party to along with the Leader of the Opposition in the Assembly, Daniel Andrews, and the shadow Attorney-General, Martin Pakula, the member for Lyndhurst in the Assembly at which we joined a number of families in our community who have been providing their children with cannabis oil to deal with their children's forms of epilepsy. The children and families are reportedly experiencing some quite remarkable impacts from the use of these oils, which have very low levels of THC (tetrahydrocannabinol). I do not want my contribution to be driven by a large chemical analysis, but THC is the chemical most associated with hallucinatory effects produced by marijuana, and the high content of THC leads to many adverse impacts on the quality of life of heavy recreational users of marijuana.

Labor's position on this issue is not intended to provide comfort to those who use marijuana recreationally. Labor will not indulge in public commentary about the relative merits of the recreational use of marijuana or its impact on the quality of life of Victorians, and Labor does not support any change to the scope of Victorian legislation relating to this issue. It can be argued that in many instances access to marijuana use has led to adverse impacts, medical and otherwise. However, Labor's contribution to this debate is not concerned with that topic. We are talking about the use for medical purposes of a substance derived from cannabis but with low levels of THC. The chemical construction of these substances may in certain individuals lead to therapeutic benefits — for instance, in the reduction of seizures that young people may experience. This substance may produce pain relief for sufferers of a number of significant illnesses, some of which are life threatening, including cancer, HIV/AIDS, multiple sclerosis, glaucoma and Parkinson's disease. Clinical trials and other research around the globe has demonstrated the efficacy of using medical cannabis. Pain reduction, an improvement in the quality of life and a reduction of many other adverse impacts have led to a number of jurisdictions across the globe being prepared to countenance legislation that permits the medical use of this substance. These jurisdictions include Canada, Austria, the Netherlands, Israel, Spain, Italy and a number of states in the United States.

Victorian Labor believes this international experience justifies that further opportunities in a safe and regulated environment be provided in Victoria for the use of medical cannabis. Labor also wants to explore how clinical trial permits and medical treatment plans relating to the use of this substance in Victoria could be in unison with the commonwealth Therapeutic Goods Act 1989 and consistent with international learnings. The aim should be to ensure that law reform in Victoria harmonises with national frameworks and international best medical practice so that the Victorian community has a high degree of confidence in the medical use of cannabis. Quality assurance issues should be at the forefront, including ensuring the safe handling and use of this substance, because many people in our community may be not only sceptical about the therapeutic use of marijuana but also concerned about the potential for misuse and for adverse medical, psychological and social outcomes.

Labor wanted to make sure that in its framework it addressed all of those concerns simultaneously through a rigorous process of evaluating those interlocking issues and provided to government and therefore to the community legislative, regulatory and clinical advice on the preferred way of dealing with these matters. It was very interesting to note the Minister for Health's response to Labor's announcement of 24 August. The minister had quite a range of responses. He went from being quite sceptical, if not scathing, of Labor's recommendation to remind Victorians of the legal nature of the substance in question to saying that across the Victorian healthcare system relief may not be afforded within medical care settings.

Indeed whilst he did not expressly refer to matters of child protection during the course of these considerations, there had been a number of families in Victoria who had been subject to inquiries, if not interventions, by state child protection agencies due to concerns about the appropriateness of parents administering medical cannabis to their children.

In a formal sense Labor certainly does not dispute these legal concern or the concerns around the safety of Victorian children. While we recognise that in the strict black-letter law interpretation these agencies and the police have obligations to be seen to satisfy the statutory requirements and ensure that the laws of Victoria are complied with, in the past these concerns had been somewhat crudely interpreted and acted upon. We continue to have concerns about the appropriateness of police and child protection resources being dedicated to these issues, which are very resource intensive, when there are certainly other priorities relating to state intervention and protection of children which seem more warranted in the first instance.

In the longer term, if the spirit of the second-reading speech for this bill is to be enacted, indications are that

the government will seek to follow the lead of Victorian Labor and other parts of the Victorian community in trying to change clinical practices and pathways and support the acceptance of the use of medical cannabis for these purposes into the future. Certainly in relation to the philosophical and legal aspects Labor seeks to bring to the interlocking legislative and enforcement framework a quality assurance that may put the community more at ease. It will allow parents to be more at ease in enabling their children to receive some relief from dire symptoms they may be suffering and enable cancer patients to have greater access to pain relief and so forth. In relation to the other conditions that I listed earlier, while the administration of medical cannabis may not offer an entire remedy it offers relief from pain and suffering for many Victorian patients. That is the intention of Labor's intervention.

I believe that by the end of the week following 24 August the minister indicated for the first time that he was alive to changing the statute in Victoria to allow for simpler clinical trial approval processes, and that is what this bill purports to do. In some ways it can be argued that the bill clearly does that in that it specifies explicitly that an item that is currently defined as a schedule 9 poison by the Drugs, Poisons and Controlled Substances Act 1981 is available to be accepted by the Secretary to the Department of Health as a substance that could be used for a clinical trial in Victoria. It recognises that a clinical trial might apply equally to one patient or to a number of patients, so it is not specific about the breadth of persons being covered by that clinical trial. The bill removes sanctions that may be applied to a practitioner or participant in that clinical trial in terms of penalties under the Drugs, Poisons and Controlled Substances Act 1981 for charges associated with the use and possession of those substances. Therefore it provides some relief and sends a message to medical practitioners and the community that, in theory, clinical trials may be developed for medical cannabis.

I turn to what the bill does not do. Interestingly when I was briefed on the bill I discussed with the briefing officers — and I thank them for their advice to me, their steerage of this piece of legislation and the advice they obviously provided to the government — an aspect of Labor's approach that the minister had said he was concerned about: a review of the interlocking nature of approval processes. We intended this to cover not only the dispensing prescription and the regulation of the application of medical cannabis but also quality assurance issues about its manufacture, standards and compliance with the commonwealth Therapeutic Goods Administration Act 1989. Whilst Labor had indicated that it wanted to cover the whole pathway of the production, distribution and clinical use of this substance, the minister, in a major attack on Labor's framework, accused Labor of being blind to the question of quality assurance in the manufacture of this product in the first instance. Indeed for two or three days I was asked a series of questions by the media based on the minister's criticism of Labor's approach, even though it had, by first principle, tried to address this in the interlocking nature of the reference it wanted to give to the Victorian Law Reform Commission.

I draw attention to this issue in this debate, and I drew attention to it in the briefing session, because this bill is in effect silent on this question. The second-reading speech indicates that a clinical trial would require the importation of medical cannabis that has been produced and regulated to comply with the quality standards of the Drugs, Poisons and Controlled Substances Act 1981 and the Therapeutic Goods Administration Act 1989 on the basis of being an imported product. Whilst I understand that that is existing practice, in the future, if and when any practitioner in Victoria and indeed Australia seeks to embark upon a clinical trial, they will need to import a product that has been regulated and had its quality assessed in another jurisdiction. That in itself may be one of the biggest hurdles to a clinical trial proceeding — indeed it may be an insurmountable hurdle.

The minister's criticism of Labor's position did not account for this issue. The minister arrived in the chamber during the course of this discussion, and I indicate to him that the availability of this product, the certainty that it can be procured into the future and the question whether it can be procured in a way that will facilitate clinical trials are issues on which I will be seeking some responses from him. He may pleasantly surprise me with his determination to ensure that supplies are available for clinical trials, but if he makes that concession today and provides that reassurance, it will be the first time that he has addressed that question and provided some certainty that his legislative framework may be complied with.

That concession is a very important thing for both medical practitioners and families in Victoria to hear. Unfortunately at the moment many people who are administering medical cannabis either to themselves or to their children live in fear that the possession of plants from which to derive cannabis may give rise to charges of possession and use, which could prevent refined medical cannabis from being produced to a standard that would enable it to be used in a clinical trial. They fear that this is an insurmountable hurdle, a litigious conundrum and a condition that cannot be satisfied. That is the current legislative framework in Victoria

and Australia, and it is the reason medical trials have not occurred up to now. Without the spirit, the intent and the goodwill being offered by the government and the health department in terms of issuing permits and sanctioning trials, they may never occur.

These are not only very important legislative issues but also culture-setting issues within the medical world of Victoria and indeed Australia. Of recent times we have seen the minister make monumental shifts in his policy position, and it is interesting to note that the medical profession itself has also done some readjustment. When Labor made its announcement on 24 August it was welcomed, virtually wholeheartedly, by the president of the Australian Medical Association (AMA) Victoria, Tony Bartone.

In the days that followed that somewhat unguarded and open welcome had a series of qualifiers placed upon it. Obviously there is a divergence of views within the AMA about the appropriateness of clinical trials and the appropriate use of medical cannabis. That is understandable; Labor has accepted that professional differences may occur. In fact it underpins the reason clinical trials are useful. It also indicates a bit of a movable feast not only within the government but also within the medical profession and the way the profession deals with this matter.

I think there needs to be some certainty and consistency not only in the nature of the legal framework but also the practice associated with it. There certainly needs to be some consistency in the way Victoria locks into national frameworks as well as the building of national medical practice in Victoria in accordance with the legislative framework. They are matters that we are very interested in providing for. Labor's preferred pathway is that if this bill passes, then it would provide a foundation and framework — —

Ms Crozier — Are you going to pass it?

Mr JENNINGS — Am I going to pass it?

Ms Crozier — Are you going to support it?

Mr JENNINGS — The net effect of what we are going to do is to make a contribution. Acting President, you would appreciate that I have been invited by interjection to comment on the legislative program of the government. The government has its own problems in relation to its legislative program. If it is in a position to pass any legislation, that would be good for the people of Victoria, but only if any changes are going to make a positive difference. This bill potentially will, but it is not the whole story. It warrants further provision of clarity and consistency of approach under the leadership of the minister and the department in terms of the government meeting its responsibilities and establishing conversations with the medical profession as to how those clinical trials are created and how they should proceed.

The minister and the department need to consider what will happen when those families who have been using medical cannabis for their children go to a Victorian hospital where their long-term paediatric physician, who has supported and been quite comfortable about the use of medical cannabis, is not in residence when the child is admitted. What if the prevailing medical opinion means that medical cannabis is not made available to that child? These are the practical implications and why we need to take a consistent approach. We cannot jump all over the place in how we deal with the day-to-day realities of the pain and suffering of patients, the reliability and consistency of medical practice and how we bring them into line. They are the aspects of the work which Labor is committed to putting in place, which is why we are referencing the Victorian Law Reform Commission. We are trying to get all of those things in place and harmonised so that there will be a greater degree of certainty. That continues to be the real challenge even if this piece of legislation is passed. This may be one of the few pieces of legislation passed in the last sitting week of this Parliament. I will be pretty happy if that is the case. However, we are nowhere near the end of its consideration.

I will conclude my contribution to the second-reading debate, but I look forward to teasing out some of these issues with the minister during the committee stage. I will do so in the spirit of trying to provide greater certainty for practitioners, for the department, for families and for those individuals in our community who could benefit from the safe regulated use of medical cannabis now and into the future. I look forward to the minister providing clarity to the chamber about the way in which he will seek to obtain that certainty and consistency if and when this bill is passed.

Ms HARTLAND (Western Metropolitan) — The Greens have long supported issues around trials for medical marijuana. This is not something we have come to recently; for a very long time we have believed that governments need to move on these issues. In the last few months many of us have heard the stories and been moved by the families struggling with chronically ill children, especially those with severe forms of epilepsy, where it would appear that the use of medical marijuana has a profound effect. I do not believe these families should live under the threat of criminalisation for treating their sick children. Let us be fair to them;

they have suffered enough, and they deserve our compassion rather than police officers raiding their homes.

Medical cannabis, also known as medical marijuana, has been shown to be effective in treating pain, nausea, loss of appetite and other symptoms associated with terminal and very serious and debilitating diseases such as cancer, AIDS, HIV, multiple sclerosis, spinal cord injuries and epilepsy. A number of major international reviews have found that medical cannabis is effective and safe and that the side effects are few and acceptable. In fact 20 countries across the world have already moved to legalise medical cannabis, including Canada, Austria, the Netherlands, Israel, Spain, Italy and more than 20 states in the US. Considering all of that, I would have thought it was time for Australia to move on this.

Victoria can decriminalise medical cannabis through its drugs and poisons laws, but it is only the federal government that can legalise it. Legalisation is required to allow for proper prescription and importation. Without legalisation, decriminalisation will boost the underground industry. Lack of prescription could lead to mistreatment by self-medicating patients. Without legalisation, we will not have proper quality control standards and safety guidelines around dosage and side effects, which could put sick people at risk.

It was pleasing to see today a statement from the state government saying that there is general agreement around the country that we need to move to a state and federal agreement on these issues. I add to that by saying that the federal Greens health spokesperson, Senator Richard Di Natale, has been leading a cross-party parliamentary group and will introduce legislation to legalise medical cannabis. This would allow for its prescription by a doctor and proper standards and consumer protection. Today Senator Di Natale issued a press release stating that in the next sitting fortnight he intends to introduce a bill that would establish an independent body to regulate the supply and distribution of medical cannabis. This is the thing we need to be moving on.

While the Greens support this bill, we do not think there is enough here. The government could have moved much quicker on this issue. This is a small change, and we need federal and state legislation to make sure it happens — and happens quickly. Governments should stop being so afraid to look at how drugs such as medical cannabis can be used to help families with children with epilepsy and people suffering from a variety of diseases. With those few words, the Greens will support this bill. However, during the committee stage I will listen intently to the questions Mr Jennings asks, because I suspect he will ask a number of questions about issues that I also have concerns about.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise and speak on the Drugs, Poisons and Controlled Substances Amendment (Clinical Trials) Bill 2014. I do so because this is an important bill that amends the Drugs, Poisons and Control Substances Act 1981. I am pleased the Greens are in support of the bill and take note of Ms Hartland's comments, but I am still at a loss in relation to Mr Jennings's support. I think he is going to support the bill. Nevertheless, we will hear what he has to say at the committee stage. I am sure he will be reassured by the minister's answers.

This bill simplifies the clinical trials process by enabling medical practitioners and researchers who are involved in treating patients with a schedule 8 or schedule 9 drug as part of a clinical trial to have a single permit rather than being required to apply for multiple permits — that is, a permit for each individual participant who might be involved in such a trial. By way of example, cannabis is classified as a schedule 9 drug.

In recent times the use of cannabis and cannabis oil for medical purposes has received quite a lot of media attention. I am sure all members are aware of the heartbreaking stories of parents using cannabis oil to treat children who suffer from multiple episodic seizures and of others who use cannabis on a regular basis to relieve severe and chronic pain or to treat the severe and debilitating side effects of nausea and vomiting following chemotherapy.

As someone who has seen the persistent and wretched side effects of chemo and the distressing ongoing pain experienced by chronic pain sufferers, I am certainly very sympathetic to their desire to explore all options that they feel may prevent some of these devastating symptoms and side effects of treatments. Cannabis oil, however, is being obtained through various methods and is an unregulated so-called treatment for various complaints, such as seizures in children, spasticity and management of chronic and severe pain.

The government is concerned about instances where parents have been exploited by opportunistic suppliers of cannabis oil to treat their children. A few weeks ago I saw a story on ABC's *7.30* program that clearly demonstrated how unregulated the product is and how people are openly flouting the law. The *7.30* report importantly highlighted the issues and warned of the dangers and medical effects that cannabis can have.

According to one interviewee on the program, all you need is a slow cooker, some cooking oil and marijuana. It is all put into the pot, cooked up, strained and then administered, with no idea of the strength of the cannabis that has been put into the pot, no monitoring of the effects of the cooking time on potency and no analysis of the final compound.

This is what the report highlighted, according to the transcript:

> ANDREW KATELARIS: … The process is very, very simple …
>
> CONOR DUFFY: Back at home in his kitchen, he mixes a rare strain of cannabis imported from Spain that's rich in the medicinally useful cannabinoid CBD but low in THC, the part of the plant that gets you stoned.
>
> ANDREW KATELARIS: What we can do: we can make specific oils depending on their intended end use, right? For instance, I might combine this as a predominantly CBD cannabis with more THC cannabis depending on what we're treating …
>
> CONOR DUFFY: He follows a special recipe, mixing pot with oil and heating it to about 50 degrees.
>
> In 12 hours we'll filter and decant it into a bottle and it will be sealed and labelled and shipped for patient use.

This is the heart of the issue. It is not an issue that needs to go off to the Victorian Law Reform Commission for further consideration, as the opposition believes it should. It is a medical issue, where properly conducted trials can demonstrate the future potential and efficacy of cannabinoid treatment for a range of conditions. Mr Jennings commented on the clinical trials, and he well knows that the Therapeutic Goods Administration is the appropriate organisation to conduct trials and approve medicines and medical products for use in this country.

The proper process needs to be followed, and it is being followed in the instance of Sativex. Sativex is cannabinoid mouth spray used to treat multiple sclerosis and alleviate symptoms such as neuropathy and spasticity. It is a mixture of compounds derived from cannabis plants — procured, importantly, in a properly regulated environment — and is a pharmaceutical product that is standardised in composition, formulation and dose. That is the difference between a properly regulated product and the brew made in the slow cooker at home, which is derived from imported or homegrown products. Goodness knows what final composition of this snake oil is formed from that concoction. Sativex is currently being used in a trial at the Royal Melbourne Hospital to treat the symptoms of MS and cancer patients to assess the reduction of pain symptoms.

This bill will enable proper cannabis products from recognised pharmaceutical companies and of known and standardised quality to be considered in trials. It will remove the barriers not only for medical practitioners and researchers to obtain a single permit for use in the trial, as I said, but also to recognise the legality of possession of the product when conducting trials. The government makes no apology for wanting a properly regulated process for the conduct of such trials. Patients and families can then participate in such trials without having to be put into extremely difficult situations and know that they are undertaking trials in a legal, properly regulated environment. Trials such as these put the health and safety of patients first and hopefully enable them to see immediate benefits. We all know that a product which has undergone this rigorous and carefully considered process may be used in the future to benefit many other patients experiencing similar symptoms.

I congratulate the minister for taking this action. At a recent Council of Australian Governments health council meeting there was support from the Prime Minister, premiers and chief ministers for taking a nationwide approach to medicinal cannabis trials. This is an important step to take. I also note that the minister has foreshadowed the formation of a Victorian expert advisory committee on medicinal cannabis, which is also an important step to take. I believe getting proper trials in place is the most appropriate way to progress this issue. Putting it to a bunch of lawyers for months and months of discussions will not do so. I commend the bill to the house.

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

Debate adjourned until later this day.

VALEDICTORY STATEMENTS

Mr VINEY (Eastern Victoria) — I thank the President and members for allowing me this opportunity to make a few concluding remarks at the end of my political career. This career has spanned 15 years, and it has been an honour during that time to serve as both a member of this house and the lower house. It has been a great privilege to represent firstly the people of Frankston East, then Chelsea Province and finally Eastern Victoria Region. I thank the constituents of those electorates for their support.

In contemplating what I consider to have been the most rewarding part of my varied political career, it would be difficult to go past my initial election as the member for Frankston East. The process of the 1999 election and,

for me, the supplementary election was exhausting but rewarding, not just for me personally but for the Labor Party.

I thank the President for his dedication and hard work, and I thank all my parliamentary colleagues for their passion, commitment and support. In particular I wish to thank John Lenders and the Leader of the Opposition in the Assembly, Daniel Andrews, for their leadership and support, particularly over the past 12 months. I also thank all the parliamentary staff for their hard work and commitment. They play a pivotal role in this place, and they have my greatest respect.

Becoming involved in politics was an ambition I had held from a very young age. I can recall my father encouraging me to express a view during the frequent political discussions and debates that took place around the dinner table at my childhood home. I pay tribute to my father for his work in politics over many years, and I can only hope that he found his political career as rewarding and fulfilling as the career I have enjoyed.

I thank the electorate staff who have worked for me over the years, of whom there have been many, each contributing support in their own unique way. Finally, I thank my family, who have been my bedrock. I could not have done it without them, and I look forward to now enjoying much more time with them as part of this new chapter of my life.

Honourable members applauded.

The PRESIDENT — Order! We will have the opportunity to hear from a number of retiring members later this week. I do not propose to comment on each one of them because that is not the process we follow, but I think it is appropriate on this occasion that I rise to thank Matt Viney for his contribution in his role as Deputy President of this house. Matt has had a distinguished parliamentary career. He has served this house well, and we have certainly missed his contribution during the past 12 months.

Matt's contribution has been informed and passionate on behalf of his perspective on politics, which is based on the bedrock of his family, his formative years in the labour movement and the work he has done over such an extended period, as we learnt today and earlier from his maiden speech in this place. I remember well the by-election in which he was elected and the manner in which he served the people of Frankston East in the Legislative Assembly.

Of course we in particular have had the opportunity to know and admire Matt Viney for his contribution in this house. I have certainly appreciated the time he has spent as Deputy President, and I thank him for all the work he did in that role during the early part of my term as President. It is unfortunate that illness has robbed this Parliament of the contribution of Matt Viney during the past 12 months and that it has stopped him from continuing his duties as Deputy President. He brought a knowledge and passion to this place that I think was respected, admired and valued by all members.

On this occasion we certainly wish Matt well in both his continued recovery and, equally importantly, in his life in retirement with his family and friends. It is this Parliament's loss that he goes to his family and friends, because I think that he might well have had a longer career had illness not robbed him of the opportunity. Indeed he can be very proud of what he achieved in the period he served the people of Frankston East and the two provinces he represented here in the Legislative Council, in his work as Deputy President and, prior to that, in his time as a key member of the government in the previous Parliament.

It would be remiss of me if I did not also acknowledge that a former member of this place, Candy Broad, is in the gallery today. While we do not refer to the gallery, I will indulge myself and welcome her as well as the many former colleagues of Mr Viney who have come here today to welcome him back and congratulate him on a fine record of serving the people of Victoria in this Parliament. Thank you, Matt.

Honourable members applauded.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014

Second reading

Debate resumed from earlier this day; motion of Hon. D. M. DAVIS (Minister for Health).

Motion agreed to.

Read second time.

Ordered to be committed later this day.

The PRESIDENT — Order! The legislation will go to a committee stage. Some members may like to say hello to Matt Viney and wish him well, so I will vacate the chair and resume it at 2.00 p.m. for question time.

Sitting suspended 1.54 p.m. until 2.02 p.m.

Business interrupted pursuant to order of Council.

QUESTIONS WITHOUT NOTICE

Ann Nichol House

Ms MIKAKOS (Northern Metropolitan) — My question is to the Assistant Treasurer. I refer to his approval of the sale of 80 Willis Street, Portarlington, the land upon which the Ann Nichol House aged-care facility is located. What is unclear is whether the land was advertised for tender or offered to other government departments or the local council. I ask: can the minister outline the process he undertook prior to approving the sale of the land to Bellarine Community Health?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Ms Mikakos for her question. The land on which Ann Nichol House is located was sold to Bellarine Community Health at the request of Bellarine Community Health. The requirements for that sale, with respect to it being sold at the valuer-general's valuation and sold in accordance with the approval of the Victorian Government Land Monitor, were all undertaken. The land was sold at the request of Bellarine Community Health, which owns the buildings located on the site, to facilitate the further development of public care facilities on the site.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister would be aware that Bellarine Community Health sold the land the day after the approval was given. Did the minister know that Bellarine Community Health intended to sell this land freehold to a private operator prior to his approval of the sale of this Crown land?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Again I thank Ms Mikakos for her question. The land was sold to Bellarine Community Health on the basis of its desire to have that facility redeveloped as an expanded community facility. As Ms Mikakos is aware, the asset on that land was owned by Bellarine Community Health, and to facilitate the expansion of that facility it was the desire of Bellarine Community Health to acquire the land on which the asset was located. That was undertaken in accordance with the requirements of government land sales.

Sunshine North asbestos exposure

Mr ELSBURY (Western Metropolitan) — My question is to the Honourable David Davis, the Minister for Health. Can the minister inform the house of the government's response to media reports relating to asbestos and the former Wunderlich factory site in Sunshine North?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question and for his advocacy for the people of the west in representing that area in particular, along with Mr Finn. I indicate that following media inquiries the government became aware that there may be a concentration of people who have been impacted by asbestos in and around the old Wunderlich site in Sunshine North.

That is a site where there has been Environment Protection Authority Victoria (EPA) activity, and I will leave discussion of that to my colleague the Minister for Environment and Climate Change. However, I can indicate that the government has established an expert advisory panel to provide advice on cancer rates in the area and what actions the EPA and the department should consider taking.

The expert advisory panel will be chaired by Professor Bob Thomas, the chief clinical advisor for cancer at the Department of Health. Other representatives in the group include occupational physicians, epidemiologists, a respiratory oncologist and an occupational hygienist. These include Ms Lara, a principal occupational hygienist; Dr Bruce Hocking, an occupational health physician; Associate Professor Lou Irving, a respiratory physician; and Professor Malcolm Sim, who is an occupational health physician and epidemiologist. These experts and others on the panel will provide important background information and the coordination of expert advisory information to enable government to coordinate the response by different agencies. There will be an opportunity for community input.

The government takes these matters very seriously. Along with other jurisdictions, Victoria has a history with asbestos, both in an occupational context and in a broader context, and the government is determined to do the right thing to make sure that people are looked after as best they can be. We cannot change the industrial history of our state, but what we can do is, where possible, respond appropriately into the future.

People can find general advice about asbestos at asbestos.vic.gov.au or indeed on the Better Health Channel that is operated by my department, under the title of 'Asbestos and your health'. There is general advice there concerning asbestos. Environmental pollution information is available from the EPA on its hotline. I can indicate that the expert panel will begin its work tomorrow and provide advice to government that will enable it to better respond to this issue. This will include seeking information from various cancer

registries and seeking to see precisely what epidemiological patterns can be drawn in the area.

As I said, this situation has occurred in a number of jurisdictions around the world and elsewhere in Australia. It is related to both mining and industrial activities. In this case it appears that asbestos may well have had a significant impact on neighbouring residential communities. We need to establish as best we can the facts of that and provide advice to the community. The expert panel chaired by Professor Bob Thomas will enable the government to do that in the most informed way possible.

Sunshine ambulance station

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Health. In January 2013 ambulance officers at the Sunshine ambulance station took action with regard to the appalling state of the station. By June last year Ambulance Victoria had acknowledged that the station needed to be demolished, and it relocated paramedics to Braybrook and Laverton. The tender for the rebuild closed in September last year, and the media was told by Ambulance Victoria that the new station would take 10 months to build, meaning it should have been concluded by mid-2014. Today the site is a vacant block — the old building has been demolished, but no new station has been built there. My question is: how have ambulance response times in the Sunshine area been affected by the lack of a local ambulance station?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question, and I understand the importance of ambulance services across the state. The state government, as the community will understand, has put very significant additional resources into our ambulance service, having put $696 million into funding our ambulance service this year, which is a nearly 24 per cent increase since we came to government. There are more than 539 additional effective full-time paramedics, which is a very significant increase, and more than 28 000 additional shifts have been put in place since Labor's time.

In Melbourne west, which is the region the member referred to, there are more than 53 additional effective full-time paramedic officers and nearly 2200 additional shifts. New and rebuilt stations at Caroline Springs, Melton, Werribee, Wyndham Vale, Roxburgh Park and Craigieburn are under construction. The government very much understands the importance of additional ambulance services statewide and additional ambulance services across the western region of Melbourne.

It is important to understand that across the western region of Melbourne our ambulances are mobile and are directed to areas of greatest need. They do not spend their time specifically at stations for long periods; they are mainly on the road responding as required and being targeted to specific areas when complex dispatch information provides the best estimation of where future cases are likely to be.

I will take on board the specifics of the Sunshine site and come back to the member. I can indicate that the government has put in place additional resources, it has built additional ambulance stations and indeed it has put in place a number of significant increases in ambulance resources across the Melbourne west region.

Supplementary question

Ms HARTLAND (Western Metropolitan) — My question to the minister was very specific. It was about the Sunshine ambulance station and about the fact that it has been demolished and the site is a vacant block. There were promises last year, a tender has been issued and yet there is still no station on the site. That leads me to seriously question the government's commitment to providing the best care, especially in the west. When will the new Sunshine station be completed and an ambulance service become operational? I would have thought that this was a very simple question. The tender was issued a year ago. A station was supposed to be built and still there is no station. When can we expect the new station in Sunshine?

Hon. D. M. DAVIS (Minister for Health) — As I have said to the member, I will take the specific time line on notice and I will come back to her. I can indicate that across the state the government has massively increased ambulance paramedic resources and massively increased the number of resources with respect to new stations. Ambulance Victoria is undertaking a massive capital works program around the state, including in the west of Melbourne, and I can indicate that those new or rebuilt stations at Caroline Springs and Melton and those areas are very significant.

It is very important for the community to understand that our ambulances do not spend their time at ambulance stations. They are out on the road responding to calls, responding — —

Ms Mikakos interjected.

Hon. D. M. DAVIS — Indeed. Ambulance transfer times have improved massively, and for the first time ambulance transfer times have improved very significantly following the report by Andrew Stripp — —

The PRESIDENT — Order! Thank you, Minister.

Biotechnology sector

Mr ONDARCHIE (Northern Metropolitan) — My question is to my friend the Honourable Gordon Rich-Phillips in his capacity as Minister for Technology. I ask the minister if he can inform the house about any significant recent developments in Victoria's biotechnology sector.

Hon. G. K. RICH-PHILLIPS (Minister for Technology) — I thank Mr Ondarchie for his question and for his ongoing interest in the technology sector in Victoria. Technology in Victoria has been a great success story. Over the last four years we have seen more than 5400 new jobs created across information and communications technology, biotechnology and small technologies in the Victorian economy. We have seen more than $1.4 billion worth of investment flowing into the ICT, biotech and small tech sectors.

This is a vibrant part of the Victorian economy, a growing part of the Victorian economy and a part of the Victorian economy that the Napthine coalition government is very committed to supporting. We have been doing that in a range of ways across a range of programs, starting with Victoria's technology plan for the future, released in 2011, which brought together our strength in ICT, biotech and nanotech. It is a $150 million platform focused on investment attraction and job creation, as well as driving the convergence and synergy between those technology streams and the value they can add in terms of driving productivity in the broader economy.

One of the big focal points of that platform has been attracting investment. Last week I was delighted to join the Premier at the CSL Limited plant in Broadmeadows for the announcement that CSL will establish its new albumin manufacturing plant at Broadmeadows. This is an investment by CSL of $210 million in new high-value-add manufacturing capability at Broadmeadows. It will lead to the creation of 200 jobs during the construction phase and a further 190 high-value-added biotech manufacturing jobs on an ongoing basis once the plant is up and running.

As many in the house will appreciate, CSL is the core of the Australian biotechnology industry. It is the largest player in biotechnology in Australia. We are very fortunate that it is a Victorian-based company. It is a great success story, having grown out of a commonwealth government agency in the mid-1980s to now being one of the world's largest biotech companies. That also creates challenges. It means that investments like the new albumin plant at Broadmeadows need not have been located in Australia. Despite being a Victorian-headquartered company, CSL is now a global corporation with operations in North America, Europe and around the world. The location of this plant is something that was very much up to CSL to decide across its global network.

It is a great testament to the strength of the Victorian economy and the strength of the workforce available in Victoria that CSL elected to locate this new facility here in Victoria at Broadmeadows alongside its other manufacturing facilities. This anchors CSL's position as the largest player in biotechnology in Victoria and Australia. Importantly, it also now anchors that Broadmeadows plant as a major provider and a major manufacturing facility in the global CSL network. It will contribute $600 million worth of exports; it will create, as I said, 190 jobs ongoing; and it is a great testament to the strength of biotechnology in Victoria that CSL has elected to establish that plant here at Broadmeadows.

Ann Nichol House

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Ageing. On 25 August the minister met with Ann Nichol and other community representatives in his office and he did not inform them that his department was facilitating the sale of the land to Bellarine Community Health so that it could be sold freehold to a private operator. I ask: on what date did he or his department first advise the Bellarine Community Health board that it would be able to buy the Crown land on which Ann Nichol House sits?

Hon. D. M. DAVIS (Minister for Ageing) — I thank the member for her question, but let us be quite clear about this. Labor ran down Ann Nichol House. It forced the community health sector out. It forced the community health sector away from government and it left it without the support that was required. Indeed Labor closed a number of health service beds for aged-care people around the state. I also note the very concerning statements — —

Ms Mikakos — On a point of order, President, the minister is proceeding to debate the question. I ask him to address the specific question that he was asked, which was about the date on which he or his department first advised the Bellarine Community Health board about the sale of this land.

The PRESIDENT — Order! I accept the point of order in the respect that I think that what the minister has said so far would constitute debate. I note that the minister has only just started his answer. Hopefully that

is sufficient context and the minister will move to address Ms Mikakos's question.

Hon. D. M. DAVIS — As the chamber will understand, the government responds to independent community health services which wish to take certain actions to serve their communities and provide better and expanded services for their communities. That is what has occurred with Bellarine Community Health. It has sought to strike an arrangement that will see an expanded number of beds, an expanded capacity on the Bellarine Peninsula.

I note with concern, though, that the Labor local member has said that Labor would cut funds to Bellarine Community Health. That would put at risk $4.5 million worth of funds and services for 3500 local clients. I do not want to see those services thrown on the scrap heap, and that is what Labor is intending to do.

Ms Mikakos — On a point of order, President, the minister is proceeding to make things up. He is debating the question, and I ask you to ask him to come back to the specific question that was asked, which related to the date on which he was advised, or his department was involved in advising, Bellarine Community Health about the sale of this land. He is not addressing the question that was asked.

The PRESIDENT — Order! As members know, I am not in a position to direct the minister as to how to respond to a question. He is entitled to discuss aspects that might affect the sale that has occurred and what might be expected to proceed as a result of that sale. That is fair comment in response to the question. Nonetheless, Ms Mikakos's question was quite specific in terms of a time at which certain notifications were given, and I would ask the minister to be cognisant of that question and to perhaps address that matter.

Hon. D. M. DAVIS — As I have said, the government responds to requests made by local community organisations such as community health services, and this case is no different. In this case the government has responded in that way to facilitate an expansion of services. This is unlike Labor's history on the Bellarine Peninsula. Labor starved Bellarine Community Health of capital for more than a decade, and it let the facility run down. We want to see a stronger community health service and stronger aged-care services on the Bellarine Peninsula, so the government has responded to the request.

I met with Ann Nichol; I was very pleased to meet with her. She has made a magnificent contribution to the community, and I wanted to take on board her points and her understanding. It would be wrong of me to stop Bellarine Community Health taking steps that would enable it to better serve its community, and in that context I was prepared to support the steps of Bellarine Community Health.

I am concerned that Labor would not support Bellarine Community Health and that Labor intends to punish — —

The PRESIDENT — Order! I say to the minister that we have travelled this ground. The minister's concern is on the record. Does he have anything further to add? The minister to continue without reference to what Labor might do.

Hon. D. M. DAVIS — Let me be quite clear. I have responded to the question appositely. Let me go just a little bit further and explain that I have written to Bellarine Community Health to express my view that the community money that was put into Ann Nichol House at an earlier point should be in a sensible way returned to the community, perhaps in the form of a trust that recognises the growth, through interest, of the capital that was put into Bellarine Community Health for Ann Nichol House.

I very much believe that that money ought to be available in a structured way for community projects, and I have written to Bellarine Community Health to express my view formally. I have no power of direction over Bellarine Community Health, but I can express a view to it, and I have done so. I would urge its board to consider carefully the position of the community.

I know that the community wants to see that money available for community projects and I believe there should be appropriate recognition of the contribution of the community. But none of that diminishes Labor's treatment of Bellarine Community Health and Labor's plan to penalise it in the future.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — It is extremely disappointing that the minister has not responded to the first question that I asked about providing a specific date. I refer the minister specifically to the $1.6 million that Bellarine Community Health, and therefore the community, has paid to the government for the land, and I ask: will that money be reinvested into that community by the government?

Hon. D. M. DAVIS (Minister for Ageing) — All of those resources are reinvested in the community. I can

indicate to the member that just recently I was at Bellarine Community Health's Drysdale campus announcing a $1 million grant from the Rural Capital Support Fund for Bellarine Community Health. I was proud to be at Bellarine Community Health making a grant of $1 million out of the Rural Capital Support Fund. Let us put on the record Labor's history with country services. When our community health services were pushed out from government, Labor cut off the money — —

Ms Mikakos — On a point of order, President, I again refer to the fact that the minister is debating this question. I asked him another specific question about the reinvestment of $1.6 million by his government. It has got nothing to do with the previous government or any other government. I ask you to direct him to specifically address the question and not debate the matter.

Hon. D. M. DAVIS — On the point of order, President, I am very specifically addressing grants to Bellarine Community Health, the organisation in question, and indicating I have made a recent grant to Bellarine Community Health. I am entitled to draw a contrast to the behaviour of the previous government, which in this case turned the tap off to community health around the state.

The PRESIDENT — Order! There is a degree of proportionality that comes into these responses, and I think that we have more than reached the proportion in terms of the minister's commentary on the previous government. I ask him to direct his remarks to any further matters that he may wish to canvass in terms of reinvestment in the community.

Hon. D. M. DAVIS — This government very strongly supports the contribution of community health. In the case of Bellarine Community Health, as I have said, there has been a recent grant of $1 million from the Rural Capital Support Fund, an important election commitment for country Victoria involving $56 million over four years in four rounds, and Bellarine Community Health and the Bellarine community will enjoy part of that.

World Rowing Masters Regatta

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 the government's support for the World Rowing Masters Regatta recently held in Ballarat?

Hon. D. K. DRUM (Minister for Sport and Recreation) — I thank Mr O'Brien for his question. I also congratulate him on being the father of the winner of the under-21-kilogram class competition at the Pan Pacific jujitsu championships. Young Ned won that title last week.

The question Mr O'Brien has asked today has to do with the rowing masters championships held in Ballarat on the weekend, culminating on Sunday. I was able to travel to Ballarat to help present some of the medals at the World Rowing Masters Regatta. It was four days of great weather, and over 1100 competitors were able to participate in the world rowing masters. Champions of all ages were able to roll back the clock and set some very fast times and new records for the various age groups. This really did result in an amazing championship.

We have a situation in Victoria where over 68 per cent of the population has acknowledged that they are doing less exercise than what has been recommended, and we need to acknowledge the athletes who are continuing to participate well into their elder years. The oldest rower who participated in the regatta is 88 years of age.

We noted that some of the rowers had to be helped to and from their boats. These rowers had trouble walking, but once they got into their boats they were steady on the water and able to record some fast times. It was inspirational to see people of these ages rowing as they were, and it was inspirational to see how many people were brought together from various nations and all walks of life to renew old friendships. These events are held annually, and previous host cities have included Varese in Italy and Ontario in Canada.

Lake Wendouree was the host for rowing events at the 1956 Olympics. I was lucky enough to have my photo taken with Rainer Borkowsky 58 years after he won a silver medal for Germany at the 1956 Olympics. Rainer was not rowing at these championships, but he was there to witness the rowing events and catch up with his old mate from Japan, Sadahiro Sunaga. These guys were competitors in 1956. It was amazing to see them renew their acquaintance on the shores of Lake Wendouree over the regatta's four days which culminated in Sunday's finals.

Major events such as these are a fantastic opportunity to showcase Victoria's high-quality sporting facilities. The way these facilities are brought to the fore is one of the reasons the Victorian government is a proud supporter of these events. One of the other benefits of Victoria hosting such events and the government getting behind sports such as rowing is the amazing legacy that is left

once the championships have ended. At Ballarat four large floating pontoons will remain, which will assist with future rowing regattas on Lake Wendouree. An amazing legacy has been left.

World-class regattas such as this have an enormous economic benefit to the region. It has been estimated that over $2 million was injected into the Ballarat economy over the weekend. We want to thank and congratulate FISA for choosing Victoria and Rowing Australia for delivering a fantastic event. We want to thank the more than 200 volunteers who helped bring the championships together and stage the regatta, which gave the 1100 competitors and up to 1700 attendees the time of the lives.

Ambulance response times

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I am certain the hearts of the Victorian people went out to Pauline and Rohan Boyle when they read today of the tragic death of the Boyles' three-year-old daughter, Emmerson, on 2 September. The minister will remember that on the following day, 3 September, this house voted to have information about local ambulance response times, which is now kept secret by him and Ambulance Victoria, tabled. In response to the community's sorrow and concerns about ambulance performance, can the minister confirm that he will now table this document and this important information in the house during this week?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. I agree with him about Victorians' response to the story about Emmerson. The government has been at pains to point out its high level of sympathy for the family. I understand that this case involved some errors in the dispatching process and that it is the subject of an investigation by the coroner. The government will await both the coroner's investigation and Ambulance Victoria's investigation. Such investigations should occur in cases that have not been managed in the way they should have been. The government wants to find out what learnings can come from these investigations.

I can indicate that the government has increased resources to Ambulance Victoria very significantly. These resources have increased by nearly 24 per cent since Labor's time in office. I can also indicate the very significant increase in the number of paramedics who have been put on the road — more than 539 additional paramedics since Labor's time in office. In Melbourne's west, which is an important area, there are now many additional ambulance shifts, and there are 28 000 additional shifts statewide. This includes additional paramedics.

The ambulance service is also undergoing a major rebuilding program. Part of the response is to ensure that the historical legacy that we inherited, where the merger had not been managed well by the previous government, is being corrected. The government will release the normal battery of data in the annual report. It will show clearly the performance of Ambulance Victoria and indicate the additional resources the government has put into Ambulance Victoria to respond to the challenges that are faced.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, I am sure you and the rest of the chamber noticed that the minister did not address the question of the release of the information sought by this house which was expected to be tabled by 17 September, a resolution the minister has still not complied with. If the minister is not able to confirm that he will provide this information to the house and the community as has been requested, will he give us a personal explanation as to why not?

Hon. D. M. DAVIS (Minister for Health) — As the government has indicated quite clearly, more data is now available in the public domain than ever before. The government has released transfer time data that was kept secret by the previous government. The government releases information about the status of our emergency departments in real time; Mr Jennings could go online now and see the status of emergency departments around the state. The government is releasing hospital early warning system data. The government has also released survival data statewide for the first time in detailed formats and brought those measures into the state budget because of their importance.

What is important is that we are working to address historical problems. We are putting in more resources, more paramedics and more capacity to respond. That does not mean that every incident will occur in the way that we would all sincerely wish. Where there are mistakes made and where there are situations that are not managed in the way they should be, the government is determined to see investigations by Ambulance Victoria and, in the specific case to which we are referring, by the coroner, and we will certainly take on board all of those learnings.

Family violence

Mrs MILLAR (Northern Victoria) — My question is for the Minister for Crime Prevention, the Honourable Ed O'Donohue, and I ask: can the minister inform the house about initiatives the Napthine coalition government is funding to help prevent violence against women and children?

Hon. E. J. O'DONOHUE (Minister for Crime Prevention) — I thank Mrs Millar for her question and for her ongoing advocacy for and interest in this most important matter. Violence against women and children is unacceptable in any form and in any location, whether it is in a public place or behind the closed doors of the family home. We know that tragically one woman is killed every week by a current or former partner.

Over the weekend the government announced a comprehensive, $150 million action package of additional funding to reduce the incidence of family violence in Victoria. The Premier, the Deputy Premier, the Attorney-General and the Minister for Community Services unveiled this package. It represents the largest single investment in family violence prevention in Victoria's history. It represents a doubling of family violence prevention funding compared to when the coalition government was elected. Importantly it includes $41 million of new funding for prevention initiatives. I am pleased that the package includes funding for two new important initiatives in my crime prevention portfolio.

The Reducing Violence against Women and their Children grants will be enhanced, with increased funding of $9.6 million over four years. These grants will support communities to deliver locally driven early intervention and prevention programs. They build on the grants introduced by the coalition government in 2012. The Reducing Violence against Women and their Children grants have seen programs rolled out in each of the eight regions across the state. Each of these projects has been undertaken by community groups working with each other or with councils or with both. There have also been four separate grants specifically for programs with the Indigenous community.

On top of these grants, the package includes funding for proven prevention initiatives such as the Baby Makes 3 program. Baby Makes 3 targets first-time parents by promoting equal and respectful relationships between men and women during the often difficult transition to parenthood. The grants — including Baby Makes 3 — have helped to change attitudes and behaviours at home, in the workplace and in local communities. I am very pleased that these programs will be enhanced and continued.

In the corrections portfolio the package includes $3.7 million to expand targeted programs for offenders in a correctional setting whose crimes have involved family violence offences. This builds on the additional funding already provided as part of the $84.1 million Callinan reforms. Each domestic abuse program and men's behaviour change program is accompanied by a partner contact service, which has been developed to offer an opportunity for women partners of men participating in the program to access support, information and referral pathways. The partner contact service also has the function of holding perpetrators accountable if they continue to demonstrate abusive behaviour towards their partners during the program's duration.

This government wants to change community attitudes and ensure that women and children are safe in their homes and the community. I commend the Premier, the Deputy Premier and the Minister for Community Services on their leadership in this program, for taking decisive action now rather than waiting until later — as some would advocate — and on introducing record funding for this most important community issue.

Ambulance officers

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. On 5 October media reports emerged about a potentially fraudulent campaign coming out of the office of the Department of Health's principal industrial consultant which was designed to undermine the leadership of the Ambulance Employees Association of Victoria. Can the minister report whether his department has fully investigated these matters, and what are the outcomes of these inquiries?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. As I have said on a number of occasions, the department will fully investigate and examine this matter. It is undertaking that process in the way it would where there was any indication that that was necessary. It will do that with thoroughness and methodically and come back with a detailed response.

I can indicate, in terms of the ambulance union, that others around the state have indicated to me that they are very unhappy with the union involved. The behaviour of the union involved stands in stark contrast to the announcement yesterday of an agreement between Ambulance Victoria — with government

support — and the Ambulance Managers and Professionals Association (AMPA). What is clear is that the around 400 managers have been prepared to strike a deal with Ambulance Victoria and the government. If that deal is ratified through a vote — which I would hope it will be, and AMPA is advocating for that outcome — there will be a 6 per cent pay rise up-front and a further 1.5 per cent pay rise in 2016. That will be a good outcome for those managers; it will see a significant pay rise.

This stands in stark contrast to the Ambulance Employees Association of Victoria, the hardline union that does not want to reach a deal. It wants to deny its members — hardworking paramedics around the state — appropriate increases in payments. Let me explain again to the chamber the nature of the offer that is there. It is a $3000 sign-on bonus; a 6 per cent pay rise and two further tranches of 3 per cent, making a more than 12 per cent pay rise; and the opportunity to go to the Fair Work Commission, the independent umpire, for independent arbitration of their work value claim.

It is a very fair offer, but the trade union does not want to sign up to that deal. It does not want to sign up because it is in cahoots with the Labor Party. It is working with the Labor Party. It is a major donor to the Labor Party. Over the last 11 years it has made almost $1 million in donations to the Labor Party. On the one hand, there is a hardline union that does not want to do a deal, despite a very fair deal being on offer. On the other hand, there is AMPA, which is prepared to do a deal with Ambulance Victoria. We will allow the ballot process to occur and to come back, I would hope, with an agreement that would see the managers at Ambulance Victoria get a very good arrangement. That would be the 17th enterprise bargaining agreement that has been settled in this period — —

Mr Jennings — In this century!

Hon. D. M. DAVIS — No, in the last three years, Mr Jennings. There have been 17 of them. There is one outstanding, in the form of the enterprise agreement between Ambulance Victoria and the Ambulance Employees Association of Victoria.

Mrs Peulich — They are busy at Trades Hall, organising their doorknocking.

Hon. D. M. DAVIS — There is no question, Mrs Peulich, that the Victorian Trades Hall Council is deeply into this, but the fact is that Ambulance Victoria is prepared to do a deal. It is prepared to strike an arrangement and it is prepared to work at Fair Work Australia to find an arrangement that will see paramedics paid much more.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Given that the minister was unable within his 4 minutes to talk for more than 15 seconds about his department's inquiry into potentially fraudulent activity, can he take the opportunity in answering my supplementary question to guarantee that no fraudulent activities have been undertaken by employees of his office or the department in pursuing an industrial agenda set by him and his government?

Hon. D. M. DAVIS (Minister for Health) — I can certainly make that assurance about my office. I can indicate very clearly — —

Mr Jennings — Just your office?

Hon. D. M. DAVIS — I have indicated that the department is undertaking an examination, in line with normal practice, and there may be a question to be answered. The department is working through this in a systematic and thorough way. I will await the response of the department, as is appropriate.

Housing

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Housing, Ms Lovell. Can the minister tell the house what the Napthine coalition government has been doing to clean up Labor's mess in the housing portfolio?

The PRESIDENT — Order! I am happy to invite the minister to respond, but I would put out a warning about debating the matter in terms of her response.

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for her question and for her ongoing interest in the public housing portfolio. We are all aware of the mess that Labor left this state in. The Napthine coalition government has been cleaning up Labor's mess for four years now. The public housing portfolio in particular was left in a mess — a mess that I am still cleaning up.

When we came to government the Auditor-General conducted an investigation into the state of Victoria's public housing system. The Auditor-General concluded that the whole system had been mismanaged by the former government and that its operating model and asset management approach placed the long-term provision of this vital public service at risk. The Auditor-General's report — an independent report and

a report card on Richard Wynne, the member for Richmond in the Assembly, as Minister for Housing — concludes that despite being aware of the deteriorating situation in public housing, the former government did nothing and did not develop or act upon any long-term strategies.

Therefore it will not surprise the house to learn that when in government Labor bought a dud block of land in Highett Street, Richmond. It was vacant land, and it was contaminated. That land was left sitting vacant for nine years under Labor. Three Labor ministers chose to leave this block of land in inner city Melbourne vacant and contaminated rather than cleaning it up and using it. They were Bronwyn Pike, Candy Broad and Richard Wynne.

Today I am announcing that once again I am cleaning up Labor's mess. I am opening tenders for soil remediation work to be done so that the land in Highett Street can be used. Cleaning up this mess means that we can continue to get on with delivering our social housing framework, which I released earlier this year. Labor should be held accountable for its mismanagement of public housing, which left this vital service at risk. It was an absolute disgrace. Mr Lenders was warned by Treasury and the government was warned by the Auditor-General and a housing review board, but despite those warnings, Labor did nothing.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — Before I turn to answers to questions on notice, I thought it may be relevant for me to give Ms Hartland the information she sought about the Sunshine ambulance station. I have been advised that construction of the new station will commence in November 2014 and is due for completion in June 2015. Existing resources at Sunshine will operate from neighbouring ambulance stations until the new facility has been completed. I can also indicate that significant new design work has been completed for the station and that the station will be larger than the standard ambulance branch. This is a significant investment. The government has removed the terrible station that had been there for 11 years under Labor, and Ms Hartland may want to come to the sod turning in November.

There are answers to the following questions on notice: 217, 3583, 4499, 8159, 8248, 9285, 9286, 9795–8, 9803, 9804, 9806, 9932, 9933, 10 475, 10 478, 10 496, 10 497, 10 506, 10 521, 10 524, 10 540, 10 560, 10 614, 10 706, 10 722.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (CLINICAL TRIALS) BILL 2014

Committed.

Committee

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

Leave granted.

Clause 1

Mr JENNINGS (South Eastern Metropolitan) — I indicated in my contribution to the second-reading debate that I would like the minister to provide the house with some certainty about the way clinical trials will proceed in Victoria. Also, in relation to the transparency, predictability and reliability of the approval process for clinical trials, I ask the minister to indicate to the house how the government will promote these trials across the medical field in Victoria to make sure that this opportunity is taken up by clinicians and that support is provided to those people in our community who could derive a benefit from the use of medical cannabis.

I am interested in not only the technicalities of the act but also what work the government will do to facilitate the spirit of what is in the second-reading speech, which indicates that clinical trials will be opened up. In the first instance I would like the minister to just run through the process by which a medical practitioner in Victoria would apply for and receive the appropriate endorsements to deliver a clinical trial for medical cannabis under this bill.

Hon. D. M. DAVIS (Minister for Health) — I can indicate that through this bill and other mechanisms the government is supportive of the prospect of medicinal cannabis trials. I make the point that this has been discussed by health ministers and in my department, and the government is prepared to work across jurisdictions if that is appropriate. Through the process of this bill we are also indicating that we are seeking to smooth and make easier certain types of trials.

I can indicate that the government has formed an expert advisory committee on medicinal cannabis. It will be chaired by Professor John McNeil, the head of the department of epidemiology and preventive medicine at Monash University. On these processes the government will seek the advice of that expert committee. The committee will meet in coming days and at those

meetings it will discuss a number of steps that can be taken going forward.

The government will seek from the committee advice in terms of process and mechanisms. The government will also seek the advice of the committee about what medicinal substances are available now. The government will use that committee to provide advice to the Secretary of the Department of Health, who will have the authority to approve permits for suitable clinical trials of medicinal cannabis. A clinical trial may be approved for the purpose of these provisions if it is conducted in accordance with the relevant National Health and Medical Research Council and Therapeutic Goods Administration guidelines.

Advice on medicinal cannabis may be sought from this advisory group as established by the department and comprised of the relevant experts in these matters. As the member will appreciate, neither he nor I are clinical or research experts in this area. The advice of the expert panel will be relied upon for these particular steps. That will be in the form of advice in a broad sense to the minister but also specifically on a particular permit to the Secretary of the Department of Health.

Mr JENNINGS (South Eastern Metropolitan) — I thank the minister for what was an unusually fulsome answer. It did not necessarily, however, go to the nature of the decision-making process that may be available under Victorian law already.

If the minister chooses to rely on his first answer in relation to the advice that the government will receive from the expert committee and the processes that may ensue in the future, as a starting point, can the minister outline to the chamber what would happen under current Victorian law if a clinician sought to have a clinical trial for medical cannabis?

Hon. D. M. DAVIS (Minister for Health) — In answer to the member's question, that clinician could apply. This bill will put a more formal process around it and will ensure that an expert committee of sufficient standing and breadth will be able to provide advice in a structured way and also be able to provide useful advice to the secretary in the decision-making process.

Mr JENNINGS (South Eastern Metropolitan) — I note that the only relevant aspect of what the minister just said is that a clinician could apply. If a clinician today, in the absence of this law, wanted to pursue a clinical trial, what would they do?

Hon. D. M. DAVIS (Minister for Health) — They would comply, you would hope, with the relevant national and local arrangements and with their ethical approvals through relevant ethical committees. In this case a single clinician may apply, and the advice would be provided to the secretary about the structure of the proposed steps. I would imagine that that advice would be heeded by the secretary. I can indicate that the purpose of this bill is to smooth this process where there may be more than one person involved.

Mr JENNINGS (South Eastern Metropolitan) — That sounded to me like a cut and paste of the generic advice that the minister may have in front of him. I can understand why he might answer in that way. Let me ask about the same issue in another way: what is the impediment to a clinical trial being undertaken under the current statute in Victoria?

Hon. D. M. DAVIS (Minister for Health) — As the member will understand, clinical trials are often large, cumbersome and expensive, and the structures involved require a lot of technical knowledge for the researchers to step through them. We will seek further advice from the expert advisory committee, which may be in a position to advise how steps can be taken — without weakening the checks and balances required — to allow suitable clinical trials to occur.

Mr JENNINGS (South Eastern Metropolitan) — If a clinician in Victoria currently had what they believed to be medical cannabis that complied with the thresholds in schedule 9 of the Drugs, Poisons and Controlled Substances Act 1981, would they be able to receive a permit to enable a clinical trial to proceed today?

Hon. D. M. DAVIS (Minister for Health) — The answer is they could apply now, but it would be a more onerous process because they would need to apply for each single individual.

Mr JENNINGS (South Eastern Metropolitan) — I thank the minister for being helpful. The answer is yes, they can apply, but they would need to apply for one individual. What does the minister think is the major impediment to a clinician seeking that approval at this point in time, particularly in relation to the procurement of medical cannabis in concentrations that would enable them to comply with schedule 9 of the current act?

Hon. D. M. DAVIS (Minister for Health) — I can indicate that the procurement is in many cases a challenge because the quality of material may not always be of a sufficient level, and one step that the panel could take would be to help facilitate the sensible procurement of substances of known quality from other states or other jurisdictions where that is appropriate.

Mr JENNINGS (South Eastern Metropolitan) — With the jurisdictions the minister is referring to, am I to assume that if this were to be undertaken today, even though the panel that may assist in procurement does not exist at this moment — —

Hon. D. M. Davis — It does exist. It has been appointed.

Mr JENNINGS — It does exist today — okay. I was trying to take the panel out of the equation because the panel may assist or hinder in the procurement. It may or may not play a role. It is not necessarily relied upon for the procurement of the substance in question.

My question is in terms of the jurisdiction. Is there any jurisdiction in Australia currently where the procurement of medical cannabis would comply with schedule 9 of the Drugs, Poisons and Controlled Substances Act? Would medical cannabis be able to be procured in any state in Australia without it being imported from an international jurisdiction where its regulation and quality assurance have been provided for in that international jurisdiction?

Hon. D. M. DAVIS (Minister for Health) — I can indicate that international jurisdictions are one potential source of some of those substances that may be used as part of a trial. Some of them are already allowed by the Therapeutic Goods Administration (TGA) and others presumably at future times will be available through formal TGA processes. The answer is that the government will work with other jurisdictions to ensure that there are options available here. That will require work — there is no question of that — and it may in some circumstances require the procurement of relevant substances that fit the relevant guidelines from international jurisdictions.

Mr JENNINGS (South Eastern Metropolitan) — I would suggest to the minister that the only sources currently available would be in international jurisdictions — I invite the minister to prove me incorrect in this assumption — and my further assumption is that that situation would apply for some time until there are interlocking mechanisms within Australian jurisdictions to allow for the manufacture of this product. Labor would suggest that that is a major area of additional concern it has beyond the scope of the government's legislation and mechanisms. In fact until there are some changes to the legal framework in relation to the manufacture and procurement of the substances in Australia, the only available substances would be derived internationally. The minister may or may not wish to comment on that.

Hon. D. M. DAVIS (Minister for Health) — I am aware that there are substances on the TGA schedule that are directly available from international sources, and the government in no way indicates it will not access those substances. Indeed the government is actively discussing these matters with relevant parties at this time to ensure that some of those substances may be available here in an appropriate way as part of the process being outlined not only in the bill but also more broadly through the panel and the government's preparedness to talk with and work with other jurisdictions. Steps inside the country will be discussed with other jurisdictions, and we will also seek the advice of the expert advisory committee on the best steps forward on those matters.

Mr JENNINGS (South Eastern Metropolitan) — What we have arrived at from the minister's contribution is that not only will the advisory panel play a useful role in relation to the procedures for compliance with clinical trial protocols but also, as the minister has indicated on a number of occasions, that it will provide other roles. He included in his commentary advice to him — —

Hon. D. M. Davis interjected.

Mr JENNINGS — The minister said, 'Provided me with advice'. Also he mentioned discussing with the medical profession the scope of application for the therapeutic use of medical cannabis. In that regard I invite the minister to outline what he believes is the starting threshold for the types of conditions and circumstances where clinical trials could or should be pursued in Victoria in accordance with the protocols that will be available under the legislation.

Hon. D. M. DAVIS (Minister for Health) — There are a number of currently approved Therapeutic Goods Administration products that can be used as part of these trials or for direct treatment purposes, and they would form an early set of steps that could be taken in this regard. In terms of the way forward there will be advice sought from the expert advisory committee, and the government will also talk further to other jurisdictions.

Mr JENNINGS (South Eastern Metropolitan) — The minister will not be surprised that it is incumbent on me, on behalf of the families whose children suffer severe forms of epilepsy and who have been associated with a public campaign to open up the application of the use of medical cannabis to support the quality of life for their children, to ask explicitly whether he sees a clinical trial applying to their circumstances as a first-

order issue in terms of the scope of this piece of legislation.

Hon. D. M. DAVIS (Minister for Health) — As the member will understand, the law obviously needs to be framed in a broad way to satisfy many different circumstances. What we have sought to do with the bill is to remove one impediment or barrier and concurrently establish a relevant expert advisory committee chaired by Professor John McNeil and with other eminent people as members. The committee will provide advice going forward. Obviously, as the member will understand, neither he nor I is a clinician or researcher and the government will be dependent on the relevant advice we receive from the panel.

The purpose of this series of steps is to make it easier to take certain steps to smooth the way for relevant trials to occur and for a number of those in the community who are able to appropriately access those trials to obtain access. Like the member and many others, I have been moved by the appeals from a number of families. The purpose of the steps we are taking is to ensure we can, to the extent possible, satisfy those requirements within a legitimate framework.

Mr JENNINGS (South Eastern Metropolitan) — I am not quite sure whether I can technically do this, but I want to refer to a paragraph in the second-reading speech that is as inconclusive as the minister's last answer. The paragraph I am about to read implies that the spirit in which this bill is being proceeded with is to deal with the children who have been quite prominent in media commentary where their parents have administered medical cannabis to try to assist them with the consequences of their epilepsy. The second-reading speech states:

> This bill is of immediate currency because of known instances in Victoria and elsewhere in Australia, where parents of severely ill children have resorted to treating their children with unregulated cannabis products, with purportedly positive results, because conventional medicine has failed them. Some of these children experience chronic pain that conventional medicines have failed to alleviate, or have been able to control to an extent, but sometimes with serious physical or behavioural side effects.

What is clearly implied but not completed in that paragraph and in the flow of the second-reading speech is that it is the circumstances of those children and their families that these clinical trials will enable to be developed to meet their needs. But the following paragraph seems to qualify pre-existing outcomes of clinical trials elsewhere for other conditions that seem to place a limit on the application of the clinical trials that the paragraph seems to suggest will be available to Victorian citizens and clinicians to serve the interests of those patients. I want the minister to take this opportunity to make it clear that what is in the second-reading speech will be the outcome of the intention of the law that it introduces.

Hon. D. M. DAVIS (Minister for Health) — I will not read the paragraph that the member has just read from the second-reading speech, but putting that in context with the rest of the speech it goes on to say:

> This bill ensures that only bona fide cannabis-based products of known and standardised quality from recognised pharmaceutical companies that are already approved for medical use overseas or in Australia, or that are currently undergoing that process, can be considered for clinical trials. Products from suppliers that do not meet those standards would not be considered for these Victorian clinical trials.

It then goes on to point out about the expert advisory group consisting of clinical and regulatory experts working through the complex clinical and ethical issues and encouraging appropriately governed trials. This will seek to facilitate the process. The speech goes on to say:

> These amendments do not interfere with the current regulatory processes involved in establishing and conducting clinical trials. This means that researchers will still need to meet all the requirements for establishing and conducting such trials that are set by the National Health and Medical Research Council and the Therapeutic Goods Administration in order to be considered an 'approved clinical trial' for the purposes of the act.

It also states:

> The participation of patients, including children, in bona fide clinical trials for new cannabis-based medical products has potential to provide positive benefits beyond the immediate future. If the trials bear positive outcomes, then greater availability of those proven medical products may have benefits for a larger number of patients in the future.

If you read this in context, it says it:

> … will help to alleviate the current distress felt by those families and is likely to attract support as a reasonable position to protect the health and safety of patients in the longer term.

The truth of the matter is that there is a careful balance to be struck to protect our important and robust regulatory systems and the quality of our clinical trial work so that we can carefully ensure and facilitate that where possible a broader range of trials are able to be brought forward. The expert advisory committee will play a role in that and will advise on some of the steps that the government may be able to take beyond what is referred to in the second-reading speech or in the bill or indeed in public commentary to date. I think there is scope and opportunity to take sensible, practical steps preserving our current structures but allowing more

trials to help in this case children but indeed a broader range of people than just the children to whom the member legitimately refers.

Mr JENNINGS (South Eastern Metropolitan) — I would like to indicate to the committee that if the minister and I had reversed our roles and he had asked me the question I asked him and I was answering the question, I would have said, 'Yes, we will include it, and we will facilitate it'. That would have been my answer. That is a very different answer to the answer the minister has given, and whilst he talks about a balance I am very concerned that it is a sleight of hand in terms of its effect, because my argument to the committee is that the major impediment to a drug trial proceeding under current Victorian law remains under the law he proposes to pass. Yes, there may be some variation in terms of certainty about schedule 9 poisons being included for clinical trials and the process by which they may be adopted, subject to consideration and scoping by an advisory panel and the instigation of a clinician in Victoria who has an appropriately sanctioned and regulated product available for that clinical trial.

If those substantive issues were satisfied under Victorian law today, these trials would proceed. They are not proceeding because we have a regime that has not encouraged it through medical practice and has been cautious on the side of what I describe as the conundrum of the availability of the product that underpins the manufacture of medical cannabis. That issue will remain under these laws being proposed unless the advisory panel, the Department of Health and other jurisdictions across the country change the nature of decision-making and policy framing around the legislation the government is adopting, because by and large exactly the same impediments remain.

Hon. D. M. DAVIS (Minister for Health) — The answer is yes, the government is taking steps to facilitate access through these processes. That is the purpose of the bill and its associated steps. That is the whole purpose of what we are doing here. We are saying that the process has been difficult and we need to, on one hand, preserve our strong arrangements around the quality of our clinical trials and related matters and the national regulation that is there while at the same time indicating that we are prepared to make some changes, one of which is this legislative change.

The government has never pretended that this legislative change on its own would provide a comprehensive solution. What we have said is that putting the expert advisory group in place will facilitate or provide a clear mechanism for applications, and at the same time the panel will be in a position to directly advise ways forward, some of which may not as yet have been thought of by my department or indeed by Mr Jennings.

One of the tasks of the expert advisory committee will be to make those exact recommendations and recommend exact steps. As we have indicated, we will also work with other jurisdictions, but I can indicate very clearly to Mr Jennings that the purpose of these steps is to make it easier and to facilitate proper trials of this type to help people in a structured way.

Mr JENNINGS (South Eastern Metropolitan) — In terms of providing certainty and consistency, what are the logical conclusions of the outcomes of the clinical trials and how medical practice can be regulated in the future? Does the minister see as a logical conclusion that if there is a successful clinical trial, even if it is only on one individual but its efficacy is demonstrated according to the ethical framework that underpins the Therapeutic Goods Act 1989, the Administration Act 2004, the ethical guidelines of the National Health and Medical Research Council and the protocols established by his advisory panel — if its satisfies all of those — the end of that process would be to change the nature of the scheduling of the medical cannabis product in question from schedule 9 to schedule 8 and therefore change the regulatory environment around it?

Hon. D. M. DAVIS (Minister for Health) — The member would appreciate that I am not a clinician or a researcher, so I will not give specific indications about a specific product, but where the relevant steps are taken and where the relevant processes are employed, the scheduling of drugs can be changed from time to time. That is not something the government is ruling out where there is appropriate advice and evidence behind it.

Clause agreed to; clauses 2 to 7 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so I thank honourable members for their contributions. This bill represents a significant step. It is one step taken towards a better system that will enable Victoria to work with other jurisdictions towards

achieving an outcome which, whilst preserving important aspects of our national arrangements, will also ensure some flexibility that will provide solutions for some individuals.

Motion agreed to.

Read third time.

CEMETERIES AND CREMATORIA AMENDMENT BILL 2014

Second reading

Debate resumed from 16 September; motion of Hon. D. M. DAVIS (Minister for Health).

Ms HARTLAND (Western Metropolitan) — I will be speaking only briefly on the Cemeteries and Crematoria Amendment Bill 2014, as it is an extremely straightforward bill and in consideration of the number of bills we have to get through in this sitting week. The bill amends the Cemeteries and Crematoria Act 2003. Its clauses are extremely straightforward, as I said, and very easy to understand. The Greens will therefore support this bill.

Ms LEWIS (Northern Victoria) — The opposition will not be opposing this bill, so I speak in support of the amendments made by the bill and the comfort the bill will certainly provide to families of veterans who have passed away.

The Cemeteries and Crematoria Amendment Bill 2014 makes small but significant changes to the Cemeteries and Crematoria Act 2003. The purpose of the principal act is to provide for the management and operation of cemeteries and crematoria, and it establishes the terms and conditions of internment of bodily remains and cremated remains. Under the Cemeteries and Crematoria Act 2003 there is a right of perpetual internment for interred bodily remains, but the rights relating to the internment of cremated human remains may be perpetual or for a period of 25 years from the date it is granted. The purpose of this bill is to amend the rights of internment for cremated human remains in special circumstances by providing cemetery trusts with new powers to manage the cremated human remains of deceased veterans and their family members. This bill allows for the conversion of a 25-year internment right into a perpetual internment right where the cremated human remains have been identified as those of a veteran. The bill also allows for the reinterment of cremated human remains of deceased identified veterans and their family members in specified circumstances.

Under section 85 of the principal act at least 12 months before the expiry of a right of internment for interring cremated human remains for 25 years, the cemetery trust responsible for the cemetery where the right applies must take reasonable steps to notify the holder of the right that the internment will expire at the end of 25 years. This notification must advise the holder of the right of internment that a request may be made to extend the right for a further 25 years or to convert the right of internment to a perpetual internment right.

The process of contacting families to determine their wishes is often complicated by poorly maintained, old or inaccurate cemetery records. Under the amendments, if the cemetery trust has given notification under section 85 and no action has been taken by the holder of the right of internment and the interred cremated remains are those of an identified veteran, the cemetery trust may leave those interred cremated human remains undisturbed in perpetuity and convert the right of internment to a perpetual internment right or may remove the cremated human remains from their current place of internment and reinter them at another location within the cemetery grounds. Any memorial may also be removed and re-established or a new memorial may be established.

The amendments also provide for the cemetery trust to remove from their current place of internment any cremated human remains that were interred in the same place of internment as the cremated human remains of the deceased identified veteran or any cremated human remains of a family member of the deceased identified veteran that were interred in a place of internment in the vicinity of the place of internment of the cremated human remains of the deceased identified veteran. These cremated human remains may be reinterred at the location of the cremated remains of the identified deceased veteran or at another location within the cemetery grounds that is in the vicinity of the location where the cremated human remains of the deceased identified veteran are interred. In plain language this means that where a veteran's cremated remains are interred together with or in the vicinity of the remains of members of their family, the cemetery trust may also reinter the remains of the veteran's family members at a location which is suitable for perpetual internment. Any memorials at the current place of internment of the cremated remains of a family member may also be moved and re-established or a new, equivalent memorial may be established.

When a cemetery trust reinters cremated human remains under the provisions of these amendments, the right of internment that applies to the new place of internment is perpetual. If a cemetery trust converts a

right of internment to perpetual internment under these amendments, then the right of internment will be held by the cemetery trust and the cemetery trust will be responsible for the maintenance of that place of internment and any memorial established there.

To enable the cemetery trust to maintain places of internment of identified deceased veterans, new section 110A is inserted into the principal act to enable the cemetery trust to use trust funds or other funds for the purposes of maintenance, repair or restoration of any memorial or for the establishment of a memorial to any deceased identified veterans. This new section 110A applies to the cremated remains of any persons identified as veterans under the Veterans Act 2005.

Under the provisions of the principal act a significant number of cremated remains of returned service personnel that are interred in Victorian public cemeteries will be subject to disinterment and disposal. This bill provides that cemetery trusts will be given new powers to manage cremated human remains of deceased veterans and their family members. These changes represent a significant change in the way our community recognises, honours and manages the interment of the cremated remains of deceased veterans and their family members. Providing for the perpetual interment of the cremated remains of identified veterans and their family members will impose a very small cost on our community compared to the enormous contributions made to the community by those veterans and their family members. This is the appropriate and respectful thing to do for veterans and their families, and I understand that veterans groups are supportive of these changes.

It is fitting that this bill comes to the Parliament this year, the centenary of the commencement of World War I, during which so many young Australians lost their lives and were buried in the massive war graves of Turkey, Belgium and France. Now all veterans who returned to Australia will have perpetual interment whether they are interred bodily or as cremated remains. Providing perpetual interment for the cremated remains of veterans and their family members will also add a new dimension to our cemeteries, provide acknowledgement of the veterans' service to our country and provide information to future generations of local and family historians. It is a small way for us to acknowledge the hardship experienced by our veterans and to say thank you to the veterans of all wars in which Australia has been involved.

As time passes since World War I and other wars and conflicts in which Australia has lost servicemen and women, making contact with family members to determine their wishes will be increasingly difficult. This bill gives the community assurance that the remains of veterans and their families will be treated with respect and that their sacrifice will not be forgotten. I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak on the Cemeteries and Crematoria Amendment Bill 2014. In doing so I acknowledge the support of members of the opposition and Ms Hartland from the Greens for this bill.

As has been said, this year marks 100 years since the outbreak of World War I, and in more recent years many Australians have actively served in our armed forces in conflicts and peacekeeping missions right across the world. Remembrance Day is only a few weeks away, so this bill is timely inasmuch as it recognises and will preserve the remains of those war veterans who have gone before us.

I have already mentioned the centenary of Anzac, and I also congratulate those people who have been involved in the many projects that are being undertaken for the Anzac commemoration. I also acknowledge the people from various Victorian schools who have been chosen to attend the Gallipoli commemoration next year and the many people who have connected with and rediscovered their family members' contributions in the Great War through tracing their family histories. I commend members of the Victorian Anzac Centenary Committee on the work they have done in commemorating the Anzac centenary.

This relatively simple bill relates only to war veterans and will protect their ashes forever. There are literally hundreds of cemeteries right across the state that are well tended and cared for on a regular basis, and they form an important part of our communities. They often reflect the significant history of individuals' lives and provide comfort to family members by recognising the loved ones who have gone before them.

Currently deceased people can be buried effectively in perpetuity; however, ashes which are held by cemetery trusts can be discarded after 25 years. As it stands, the Cemeteries and Crematoria Act 2003 accords no legal power to cemetery trusts to extend the tenure of expired ashes without their receiving instructions from relevant family members and the payment of an associated fee. Therefore if a deceased family member of a war veteran cannot be contacted or is unwilling to renew the tenure of expired ashes, then a cemetery trust may disinter and scatter the ashes elsewhere or even discard them. Despite many cemetery trusts saying this practice

does not occur, it could, therefore the ashes of those war veterans could be lost forever.

The bill amends the Cemeteries and Crematoria Act 2003 to provide for the conversion of a right of interment of cremated remains of deceased identified veterans for 25 years to a perpetual right of interment and to provide for the reinterment of cremated human remains of deceased identified veterans and their family members in specified circumstances. As I said, the bill will convert the limited tenure cremated remains of war veterans, and limited tenure cremated remains of family members interred with or close to a war veteran, to permanent tenure. That means that a war veteran could be moved to be with a family member in the immediate location.

The bill enables the re-establishment or removal of a memorial to a war veteran, and it also provides for the removal of cremated remains to a place of remembrance. As I said, many cemeteries across our state have well-tended and well-looked-after places of remembrance. I note that Springvale has a dedicated service each year in the Springvale War Cemetery within the Springvale Botanical Cemetery. Each year at this beautiful place of remembrance people can commemorate our war veterans.

As other members have said, this bill is about honouring those who have gone before us. In preparing this bill advice was sought from the Ministerial Advisory Committee for Cemeteries and Crematoria. During the committee's deliberations a very notable, well known and widely respected Victorian, Major General David McLachlan, AO, was consulted. As members will know, Major General David McLachlan, the president of the Victorian branch of the Returned and Services League, was consulted on the proposed changes to the act, and I understand that he agreed with the changes.

I congratulate the minister for taking action this year to ensure that war veterans' ashes can be preserved, and that the Victorian community can rightfully respect and commemorate those men and women who served over so many years to protect what is dear to us all — namely, our democracy, the freedoms we enjoy each day and, importantly, our way of life. I commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be read third time later this day.

CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014

Second reading

Debate resumed from 18 September; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Mr LENDERS (Southern Metropolitan) — I rise to speak on the Casino and Gambling Legislation Amendment Bill 2014, which has been the subject of extensive media coverage and a lot of community commentary. This bill deals with the regulation of the casino, a debate about which has been happening in Victoria since the casino was established. It is also a debate about how this large organisation interfaces with government as far as revenue goes, about what is happening in the community as far as problem gambling goes and about the jobs that are generated in the casino. It is a debate that on many fronts generates a lot of energy in our community.

The Labor Party made clear its position on this bill in the Legislative Assembly when my colleague Tim Pallas, the member for Tarneit, spoke about its reservations about this bill, about the process of this bill and about how it was negotiated. The Treasurer made grand announcements about raising revenue, but he then needed to negotiate with Crown Casino after the event, and that is how this bill has come here.

In addition, Labor's spokesperson on gaming, Martin Pakula, the member for Lyndhurst in the Assembly, made it quite clear that the passing of this legislation will not prevent the Labor Party from taking future action on responsible gaming matters, despite what the bill may do in those particular areas — that is, there will be a financial implication, but a future Labor government will not back away from being involved in this area.

Without adding much more to the debate that Mr Pallas has already articulated in the Legislative Assembly, although members of the Labor Party will not be opposing this legislation, we think the process has not been good. It is remarkable to consider what the coalition said in opposition — and particularly what the now Treasurer, Mr O'Brien, said — and what it has done in government. Having said that, in accordance with what Mr Pallas outlined clearly in the Legislative Assembly, the Labor Party will not be voting against this bill.

Mr BARBER (Northern Metropolitan) — What Crown Casino wants, Crown Casino gets. That is

absolutely clear. The Leader of the Opposition should change his name to Leader of the Same Position, because what is going on here, despite a bit of hand-wringing and faux nervousness from the Labor Party, is that the opposition is with this all the way.

The Labor Party had an opportunity to stop this bill in its tracks in the lower house because it had the support of the balance-of-power Independent, Mr Shaw, the member for Frankston. It did not do that, nor did it attempt to give the bill any particular scrutiny. There was absolutely no rush. Even if the Labor Party believes it will be in government after the election, we could have dealt with this matter in December. The opposition could have referred the bill to a committee in the lower house, which at that stage had many weeks still to go, or it could have simply deferred debate on the bill while it sought further information to assuage some of the fear it is telling us about this afternoon. The Labor Party did not do that. Labor had one of those nervous, sweaty press conferences where it said it is not convinced why it is doing what is doing but it is going to wave this one through, and here we are.

An enormous number of important and complex matters need to be scrutinised before this bill can pass through Parliament. Since that scrutiny not been done through a parliamentary inquiry and the gaming regulator has not provided the proper scrutiny we would expect from it, and since in the middle of this Labor went off, by its own admission, and did some side deal, which it has announced, we need to scrutinise all those matters here in a committee-of-the-whole stage, which is extraordinarily difficult.

The matters in this bill relate first of all to the probity and appropriateness of the process; secondly, to the matter of Crown Casino itself and whether it remains an appropriate entity to run this; thirdly, the impact this bill will have on problem gambling in Victoria; and fourthly, the impact it may have on the revenues and economy of the state. These are matters that should appropriately be worked out in a committee of inquiry where public servants can be asked to explain matters, where modelling assumptions and arguments about benefits and costs can be tested with documentation that could be made public, where submissions from experts can be called and where the necessary appearances from gambling regulators and others with responsibility for the very important matter of probity in the gaming industry can be questioned by MPs. Instead we are going to have to try to do that in the Parliament here today when we move to the committee stage of the bill.

It is an extraordinary proposition being put into this bill. The proposition is that Crown gets more gaming tables and poker machines, and the state of Victoria, by getting a tax share of that, gets extra revenue. There is more money for the Crown and the Treasurer's coffers, but where does this money come from? It comes from gamblers, and we know that a significant proportion of the revenue raised from poker machines comes from gamblers who are losing money while experiencing low to moderate levels — and in some cases severe levels — of gambling-related harm.

A person losing money on those machines could burn through their life savings in a fairly short number of days or weeks before they, let alone any of their friends and loved ones, have any inkling that they have got themselves in deep. In my experience it often occurs as a result of a person experiencing a personal tragedy. They may have been a casual player of poker machines before that, but a divorce, the loss of a job or the death of a spouse often leads people to go back and play poker machines as a way of escaping, of zoning themselves out of reality, and they get caught up in the lights and the possibility of a win. Of course this is a complete loser's bet, because with poker machines the house always wins.

That is the problem we have been grappling with here in Victoria since these machines were introduced. Ever since Joan Kirner's government, in a desperate grab for revenue, brought poker machines into Victoria we have been grappling with the problem. This Parliament has had a number of inquiries into poker machines, including some that I have been involved in, and in the gambling industry there is zero recognition that there is a problem with poker machines. It says the problem is with the gambler. I have seen representatives of the gambling industry lined up, just like the famous tobacco executives in the American congressional hearings, swearing under oath that they do not believe their machines are addictive, in the same way that tobacco executives said nicotine is not addictive. Clearly these machines are scientifically designed to turn people into zombies and strip them of their money.

It gets worse. Crown already has a number of exemptions from measures that have been put in place elsewhere to prevent or at least limit the harmful effects of poker machines — for example, the smoking bans that apply elsewhere do not apply in some parts of Crown Casino, and it has so-called high roller machines that can spin very fast, and therefore you can lose money on them very fast. With this bill we have a proposal to make Crown Casino a special case decades into the future. There are provisions in this bill that say that if Crown Casino experiences any significant loss of

profits as a result of antigambling measures, it will get its lost profits rebated to it by the government.

In effect the bill says the Parliament can do whatever it wants but in a contract between Crown Casino and the government — a government with a temporary majority that is now planning to ram the bill through this house as it did in the other house, admittedly with the support of what was formerly known as the opposition but is now known as the 'agree position' — Crown will insure itself out to 2050 so that it cannot lose. Crown encourages everybody else to gamble, but there is no gamble in this bill.

Ms Pennicuik — It is a sure thing.

Mr BARBER — It is a sure thing. Whatever measure the Parliament implements — unless it is part of a national scheme of measures, we note — Crown will get its profits anyway.

The bill contains an interesting list — and we will be going through the items on the list one by one during the committee stage — of gambling measures which have already been contemplated, which in many cases have already been tried and which we know will work. We know these measures will work, and because so much of Crown Casino's poker machine revenue comes from gambling addicts it must know it is going to lose money if we solve the problem of gambling addiction. It is as close as you will ever get to an admission that it wants to be insured against measures that will actually reduce the harm of gambling. Therefore it must know that a significant part of its profits comes from gambling-related harm rather than from the fun and joy it portrays when giving you the impression that you will have a great time at Crown Casino. On the few instances when I have ducked through the casino I have seen not people laughing and hugging each other or any sort of *Casino Royale*-type glamour but rather just a bunch of people sitting in front of poker machines like zombies, losing money as fast as the machines can spin.

When you think about it, it is even worse, because if Crown wants this deal now in the state of Victoria, it will not be long until it and other casinos seeking renewals want the exact same deal in every state of Australia, until pretty soon every state will be signed up to the same deal, and if states wish to individually or as a nation address these gambling-related problems, they will find they are blocked or at least that they will have to pay out massive amounts of compensation — capped at $200 million per measure in this bill — for years to come. People may think the pokie barons from the clubs in New South Wales ran a good campaign against former Prime Minister Julia Gillard and company, but they did not even ask for something as audacious as what Crown Casino has got signed off in a backroom deal and then stapled to the back of a piece of legislation and presented to the Parliament. Members of the opposition spent a few minutes wringing their hands, and then they waved it through. I repeat that they did not need to do so. The Independent in the lower house who holds the balance of power, Mr Shaw, said he was not going to support the bill.

I am glad the Minister for Liquor and Gaming Regulation is representing the bill in the upper house. I do not know how much he had to do with this versus the Treasurer, but we will find out as we go through the bill clause by clause.

It is an absolutely extraordinary measure that is being put through here today: the idea that even if a future Parliament, all the way out to 2050, takes action to address the terrible problems associated with poker machine gambling, a company, by virtue of making a contract with the government — a separate legal entity to the Parliament itself — can win no matter who else loses. Most people who have heard about this have been absolutely scandalised. Since this bill is going to pass with the cooperation of the government and the opposition, the best we can do today is to make sure that the measures contained in it are exposed so that a future Parliament — and I hope it comes soon — can consider whether to legislate to remove all these measures, because this is a set of arrangements that should not be contemplated by any government in relation to any entity.

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — I am pleased to rise to contribute to the debate on the Casino and Gambling Legislation Amendment Bill 2014. I am also pleased that Ed O'Donohue, the Minister for Liquor and Gaming Regulation, is present in the chamber and will be involved in the committee-of-the-whole stage.

The Victorian coalition government is securing jobs and investment. It is supporting tourism and boosting the state's bottom line through this agreement with Crown Casino. This is an important bill. It will secure the employment of the almost 9000 Victorians who work at the casino. The bill amends the casino management agreement to deliver tax competitiveness and investment certainty for Crown. It is a win-win situation for Victorian taxpayers as well as for jobs and investment at Crown.

Under the agreement Crown will receive a licence extension, removal of the supertax on commission-

based gaming, a modest increase in gaming product and enhanced regulatory certainty. As a result, the state will receive payments of up to $910 million from Crown, including an immediate, up-front payment of $250 million. The Victorian coalition government will ensure that these payments support enhanced investment in services and infrastructure that will directly benefit all Victorians.

The casino management agreement is incorporated within the bill. The bill ratifies the 10th deed of variation to the casino management agreement. It is interesting to note that in his contribution Mr Barber pointed towards the Minister for Liquor and Gaming Regulation, who is in the house, as maybe having no involvement in this. Perhaps Mr Barber ought to read the 10th deed of variation and see who actually signed it. That aside, since the establishment of the Melbourne casino there have been nine variations to the management agreement, reflecting the dynamic nature of both this industry and the regulatory environment. I will again put that on the record: there have been nine other variations under the management agreement.

This bill comes about in the context of the Melbourne casino facing sharply increasing competition as a result of the establishment of other high-quality casinos in Australia and our region. To give members an idea of the expansion, in 2001 there was one casino operator in Macau. There are now over 30 casinos operating in that location. Queensland is in the process of issuing three new casino licences. A second casino in Sydney, which will target VIP players, will be established on the Barangaroo site in 2019.

The changes contained in the bill will ensure that the Melbourne casino remains competitive so Melbourne remains a top destination for interstate and international casino visitors. These visitors not only play an important part in terms of their attendance at the casino but they add value to the Victorian economy through the tourism and hospitality sectors. They not only visit the casino but they eat in our restaurants, drink in our bars and cafes, visit our art galleries, enjoy our theatre productions and take in many of our other magnificent tourism offerings.

This bill provides for a modest increase in gaming product at Crown. As a result of the agreement Crown will receive 40 extra gaming tables, up from a total of 500 tables currently. Crown is currently permitted 400 gaming tables to be used for any game and 100 poker-only tables. Crown will also receive 50 extra fully automated table game terminals, up from a total of 200 currently. There will be an extra 128 electronic gaming machines, up from the 2500 currently permitted. Importantly, the bill provides new powers for the Minister for Liquor and Gaming Regulation — that is, the Honourable Ed O'Donohue, who is present in the chamber — to extinguish unallocated and forfeited gaming entitlements to ensure that the statewide cap of 30 000 gaming machines is not breached.

The bill also provides regulatory certainty for Crown, preserving existing regulatory arrangements. This regulatory certainty will not impact on the government's implementation of its voluntary precommitment policy in 2015–16, which will provide an additional tool for patrons to support responsible gambling. This comes on top of a number of reforms implemented by the coalition government that support responsible gambling, including a 41 per cent increase in funding for responsible gambling and new requirements for ATMs to not be within 50 metres of a casino.

Compare this bill with the last such piece of legislation debated in the Parliament, which was the result of the agreement struck by the Labor government in 2009. That legislation provided Crown with 150 additional gaming tables in exchange for higher poker machine taxes. Labor's deal involved a 43 per cent increase in Crown's gaming tables. In contrast, this bill provides for an increase in gaming tables of just 8 per cent. I think it is fair to say that, compared to the former government, this government has been in the process of ensuring that this agreement is a win-win for both the state of Victoria and Crown. We have also put in place a range of important strategies to deal with problem gambling. I know the minister responsible may deal with those in the committee-of-the-whole stage.

If members want to look at examples of how Labor dealt with the gambling industry, they need only look at its gambling licences review, which was led by Daniel Andrews, now the Leader of the Opposition in the Assembly. That culminated in the auctioning off of electronic gaming machine entitlements and a loss of over $3 billion to Victorian taxpayers. To be fair, we have taken a very rigorous approach to the agreement. The minister has worked towards ensuring that it is a win-win for both the state of Victoria and Crown.

The investor analysis is very important. Obviously Crown needs to maintain its level of importance due to the increased competitiveness of the industry not only overseas but also in other states which are implementing casino arrangements. JP Morgan said:

> Overall, the changes are unlikely to result in large earnings changes over the next couple of years but Crown has

> achieved a better level of certainty in its licence for what we saw as a fair price …
>
> In particular, we believe there will be benefits arising from not paying supertax going forward, much of which will incentivise Crown to grow the business more; given that margins in the VIP business in Melbourne will be higher under the new arrangements. This will carry benefits for Crown and for the state of Victoria.

Credit Suisse headed its analysis 'Crown gets a fair deal in Melbourne'.

You need only look the share price. It tells a similar story and puts lie to the claims by Labor and the Greens that this is a fabulous deal for Crown at the expense of taxpayers. We had the shadow Treasurer, the member for Tarneit in the Assembly, saying, as reported by in the *Age* online on 21 August, that:

> They have negotiated under duress and it looks like Crown have taken the Victorian government to the cleaners.

If this were true, one would expect a huge jump in Crown's share price. Obviously there are many factors affecting the share price, but on the day before the deal was announced Crown's share price closed at $15.98 and on Monday of this week it closed at $13.32. In other words, the price was down from the time when the deal was announced. This is not the sort of price movement you would expect if Crown had exacted a brilliant deal at the expense of taxpayers. As I said, this is a win-win situation for both parties.

As a coalition government we have done a lot to encourage responsible gambling. The coalition government is committed to responsible gambling initiatives that work. We acknowledge as a government that gambling is a legitimate recreational activity enjoyed by many Victorians. Victoria's gaming regulations feature some of the strongest responsible gaming measures in Australia. Under the leadership of the minister present in the house, the Minister for Liquor and Gaming Regulation, this government is committed to implementing a range of initiatives to foster responsible gambling behaviour and address the harms caused by problem gambling.

We have established the Victorian Responsible Gambling Foundation and provided it with funding of $150 million over four years. This is the largest financial commitment to address problem gambling in Australia's history. It represents a 41 per cent increase on funding provided by the former government. Through the foundation Victoria now has one of the most comprehensive strategies for gambling prevention and education, research and support services ever seen in Australia.

This bill will deliver significant financial benefits for the state while preserving the significant responsible gambling provisions currently operating in Victoria. It will support jobs, it will support investment, it will support tourism and it will support the state's finances while reflecting the government's strong commitment to responsible gambling. I commend the bill to the house.

House divided on motion:

Ayes, 36

Atkinson, Mr	Lovell, Ms
Coote, Mrs	Melhem, Mr
Crozier, Ms	Mikakos, Ms
Dalla-Riva, Mr	Millar, Mrs
Darveniza, Ms	O'Brien, Mr D. D. (*Teller*)
Davis, Mr D.	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
Guy, Mr	Rich-Phillips, Mr
Jennings, Mr	Ronalds, Mr
Koch, Mr	Scheffer, Mr
Kronberg, Mrs	Somyurek, Mr
Leane, Mr	Tarlamis, Mr
Lenders, Mr	Tee, Mr
Lewis, Ms (*Teller*)	Tierney, Ms

Noes, 3

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

Motion agreed to.

Read second time.

Ordered to be committed later this day.

SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014

Second reading

Debate resumed from 18 September; motion of Hon. D. M. DAVIS (Minister for Health).

Ms CROZIER (Southern Metropolitan) — I am very pleased to rise this afternoon to speak on the Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014. I understand that the debate on this very important bill is also currently taking place in the Assembly. This is an important bill, and I think members will agree that in relation to what has occurred in the past in Victoria, the bill presents an opportunity to correct legislation that was established when there were very different views about the matters

that are the subject of this bill. In 1980 a Liberal Premier introduced the Crimes (Sexual Offences) Bill to decriminalise homosexuality in Victoria. On 18 November 1980, in speaking on the bill, the then Attorney-General, the Honourable Haddon Storey, said:

> The bill results from a complete review of all aspects of the law relating to sexual offences in Victoria …
>
> The law in this state concerning sexual offences has remained virtually unchanged since the last century. Many of its provisions are anachronistic, anomalous or ineffective.

In 2014 there are still men who participated in homosexual activity prior to its decriminalisation and who still have a criminal record in Victoria. In my view that indicates that our legislation remains anachronistic, and I think most Victorians would also hold that view. I am very pleased that it has been another Liberal government that has led the way in correcting the records of those men who were convicted of having gay sex before its decriminalisation in 1980.

This bill will expunge the criminal conviction records of those men. I would like to recognise the work of the Attorney-General, the Honourable Robert Clark. I also recognise the work of the member for Prahran in the Legislative Assembly, Clem Newton-Brown, who has been very forthright in his views on this issue. He has put those views to the Attorney-General and to the community, and he has led the way on this matter. That is why the bill has come before the house and why we are having this debate today.

An article in the *Age* tells the moving story of Mr Noel Tovey, who is now almost 80 and has lived with a criminal conviction since 1951. Why? Because in 1951, at a party in an inner city suburb in Melbourne that was raided by police, he was charged with the crime of having sex with another man.

Earlier this year the Premier attended the Midsumma Festival — I add that that was the first time a Premier had attended the launch of the Midsumma Festival — where he publicly announced this amendment to legislation. The announcement was received with wide support. In an *Age* article, the Premier is reported as having said:

> It is now accepted that consensual acts between two adult men should have never been a crime … The Liberal government, led by Sir Rupert Hamer, recognised this and decriminalised homosexual sex in the 1980s. We also recognise the social and psychological impacts that have been experienced by those who have historical convictions for acts which would no longer be a crime under today's law.

He also said that these convictions have been allowed to stand for far too long.

It is not just the social and psychological impacts that need to considered. Individuals with convictions such as these have been subjected to limitations in a number of areas, including their ability to volunteer, to travel or even to take employment opportunities. These impediments have led to serious health and wellbeing implications for many gay men.

This bill is well overdue. I concur with the Premier's comments that it provides a 21st century approach to these matters. The bill allows anyone to apply to have a historical homosexual conviction expunged. The definition of a historical homosexual offence can be any sexual offence or any public morality offence that was used to punish homosexual behaviour. As the Attorney-General highlighted in his second-reading speech:

> Although allowing historical convictions to be expunged is simple in concept, it presents a legally complex problem. The offences that have over the years been used to charge those engaged in consensual homosexual activities are often the same offences that were used to charge cases of truly criminal sexual assault.

These matters must be carefully considered. The offences that are to be expunged must relate to consensual adult behaviour and must not relate to behaviour or acts that would still be regarded as a crime under our current legal system. This distinction is absolutely critical in relation to whether somebody's criminal record can be expunged.

Very careful consideration needs to be undertaken, so two assessment tests will apply to determine that status. As the Attorney-General has highlighted, the complexities surrounding the legal issues in relation to this need to be very carefully considered. Basically the assessments will conclude whether the person was charged due to the homosexual nature of their conduct and, if that is the case, whether that conduct would be illegal under the current law. If it is deemed that the conduct was of a homosexual nature and would be legal today, the conviction can be expunged.

The Secretary of the Department of Justice will have the responsibility of making decisions about the facts surrounding a conviction and will determine the eligibility for a conviction to be expunged — that is, they will be able to decide whether an act that occurred prior to decriminalisation would still be deemed criminal in today's law or whether it was just an activity relating to consensual adult behaviour. If the secretary has any doubts as to the assessment of the case and the decision that is to be made, advice can be sought from a variety of legal experts. That is very important to note. It is not just one person making a determination in relation to some of the complexities,

and I again highlight the complexities surrounding the legality of these particular determinations. If there is any doubt, the secretary has the power to bring in legal experts to enable a decision to be made or an assessment to be concluded.

If an applicant is refused and does not agree with an assessment that has been made, they have the right to appeal to the Victorian Civil and Administrative Tribunal. In assessing each case, however, we must be absolutely certain that the process does not inadvertently expunge convictions of true criminal behaviour. The Attorney-General, as I said, made it very clear in his second-reading speech that this bill does not relate to behaviour that would be deemed criminal under today's law. This is about the behaviour of adults engaging in consensual sex with one another that is not deemed illegal under today's law.

This bill will go a long way towards giving great comfort to those individuals who have suffered for years. They can now finally have those outdated convictions expunged from their records. Again, in the words of the Premier, these convictions have been allowed to stand for far too long. I commend Clem Newton Brown, the member for Prahran in the other place, and the Attorney-General for the work they have undertaken to ensure that this bill is before us today, and I wish the bill a speedy passage.

Ms PULFORD (Western Victoria) — I note Ms Crozier's final remark about wishing the bill a speedy passage. By way of explanation for members of the house, I will start with some of the procedural complexities arising from the government having this legislation considered concurrently in both houses. In the debate underway in the Legislative Assembly the shadow minister for equality, my colleague and good friend Martin Foley, the member for Albert Park, has indicated that the Labor Party will seek to amend this bill to two effects. It is not my intention to formally move those amendments in this place, but having had some discussion with the Leader of the Government, Ms Pennicuik from the Greens and the Acting Clerk, it is my intention to ask if those amendments can be distributed in my name. These amendments are exactly the same as those the Labor Party is asking the government to consider in discussions that are occurring in the corridors around the Legislative Assembly.

The way this government seeks to run its business program perhaps presents an inelegance in the way we are going about considering this very important issue and reform. On behalf of all those people who are seeking a solution, I ask for the chamber's forbearance. What we plan to do at the conclusion of the second-reading debate in this house is delay the committee stage and any debate on the amendments that I might move until we have a better idea of what is going on in the Assembly. The Labor Party has a couple of concerns about this bill and is seeking the government's assistance with them. The amendments have been presented to the Attorney-General, and I believe the government is considering its response. It all seems a bit messy, but the parties are discussing how to do this as effectively as possible.

In moving on from that description of how we have gotten to where we are today, I will talk to the substantive question. The Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 is an incredibly important piece of legislation for a number of Victorians who have suffered discrimination and the terrible burden of a criminal conviction for something that we no longer consider to be a crime. I place on the record my sincere sorrow and regret that there are members of our community who have carried with them for decades the burden of convictions for things that should never have been considered crimes.

The bill amends the Sentencing Act 1991 to allow for the expungement of historical homosexual convictions. Historically a wide range of offences, including buggery and gross indecency, have been used to prosecute homosexual activity. Public morality offences such as loitering for homosexual purposes and behaving in an indecent or offensive manner have also been used.

In 1980 the Hamer government enacted legislation to decriminalise consensual homosexual acts as part of the modernisation of sexual offences. Interestingly this legislation was recently described in a newspaper article about the life and times of former Premier Hamer. I encourage members to read this article, which was written by Tim Colebatch and published in the *Age* of 27 September. The article states:

> Sexual attitudes had changed dramatically since 1960, but the laws had not. Tolerance had replaced intolerance.

The article goes on to say that Mr Hamer declared his support for the legalisation of homosexuality. He asked his Attorney-General, Mr Storey, to take on the reform. The article describes a fractious party room, a difficult internal debate and a difficult argument within the Liberal Party which ultimately led to some far-reaching legislation. The article says of the bill introduced at that time that:

> It introduced a common age of consent for boys and girls, increased penalties for sexual offences against young people in the perpetrator's care, outlawed rape in marriage (for separated couples), broadened the definition of penetration, and classified offences into different grades.

The article relates that a number of Liberal Party members crossed the floor to vote with The Nationals against deleting buggery from the statutes. However, the Attorney-General and the Premier prevailed and the law was changed.

In writing about the matter, Mr Colebatch describes the sexual offences act as a vanguard reform, one which defined Victoria as a tolerant, broadminded state in which real issues were talked about and tackled. I am sure all Victorians would have been proud to have led many other states in the commonwealth in this reform.

In the 34 years since, however, a number of people have carried the burden of those convictions which have remained on the record for all this time. In February 2013 the Victorian Labor Party announced that if it is successful at the election, which will be held in a few short weeks, it intends to expunge historical homosexual convictions. In January of this year the coalition government declared an intention to do the same, and this bill is a result of the coalition's work on this law.

It is important to note the advocacy of a number of people and groups, including the Victorian Gay and Lesbian Rights Lobby and its leadership. Earlier I had the pleasure of briefly meeting Mr Noel Tovey. He is watching the debate in the Assembly. A number of people have sought to right this wrong for a very long time. This is an important day for them. It is for them that we ask for forbearance while the politicians negotiate and consider the amendments and work on the finer detail in the two houses at one time in the hope that we can get this right.

The bill establishes a scheme under which a person convicted of a historical homosexual offence can apply to the Secretary of the Department of Justice to have their conviction expunged. This will be inclusive of findings of guilt even if no conviction was recorded. The bill places the onus on the applicant to show that the conviction ought to be expunged. The secretary must refuse an application unless they are satisfied that the offence is a historical homosexual offence and, on the balance of probability, the following tests in relation to the applicant are satisfied: that the applicant would not have been charged but for the fact that the applicant was suspected of having engaged in the conduct constituting the offence for the purpose of or in connection with sexual activity of a homosexual nature; and that the conduct, if engaged in by the applicant at the time of making the application, would not constitute an offence under the law of Victoria. In short, expungements will be granted for convictions or guilty findings for things we no longer believe are a crime.

If the secretary refuses an application, the bill provides a mechanism for the applicant to seek review by the Victorian Civil and Administrative Tribunal. Under this bill it is the intention that once the conviction has been expunged it will be treated as though it had not been imposed. Successful applicants — that is, those who have had their convictions expunged — will no longer be required to disclose past convictions, and there are a number of consequential arrangements.

Importantly, Victoria Police and the Office of Public Prosecutions will be required to remove or alter any other records they have. When we talk about wiping the slate clean we are talking about old files being disposed of and electronic records being deleted to establish that the conviction never existed. This is an important part of what this bill provides for, but I think it is incumbent upon us to recognise that for people who have been caught up in this injustice there have been many decades during which their lives have been adversely affected by this.

The legislation provides that a person whose conviction is expunged will not have a right to compensation of any kind merely on account of the expungement itself.

The Victorian Labor Party supports and works with the lesbian, gay, bisexual, transgender and intersex (LGBTI) community on developing policy in a whole range of areas. It is my great pleasure to participate as a member of the Victorian Labor Party's LGBTI policy committee. Together we work on issues across the broad spectrum of policy development where members of the LGBTI community experience discrimination or disadvantage. These issues are many and broad, and they include access to housing, the need for children to attend school in an environment where they are supported and the fact that government services are often not suitably responsive to people's situations and needs, forcing many to re-enter the closet when they enter aged care. Great improvement has been made in these areas over the years, but there is still a great deal of work to do.

The Labor government was very proud to introduce into this Parliament dozens of bills that sought to remove discrimination against LGBTI members of our community. A great many new arrangements were made to reflect people's domestic arrangements and the need for all Victorians to be able to participate fully in

society without being discriminated against because of their gender identification or sexual orientation. There are also some fabulous initiatives that have been supported by Labor in the past and that Labor supports into the future, including the Safe Schools Coalition, which ensures that young people questioning their gender and sexuality can feel safe in their school environment. An Andrews Labor government would extend the Safe Schools Coalition to all Victorian schools, not just to those that currently enjoy what is simply a wonderful program.

It is important to put things right by cleaning the slate with this legislation, but as I indicated, there are a couple of amendments the Labor Party believes would improve this bill. The first relates to posthumous application. We believe the bill should provide for posthumous expungement applications to be made by the partners, families or legal representatives of men with convictions. This is not a feature of the current bill, and we believe the inclusion of posthumous applications would greatly enhance it. For surviving family members, achieving justice in this regard is still an important and worthy goal, and we would very much like the government to adopt Labor's suggestion to this effect.

Labor's second amendment seeks to change the Equal Opportunity Act 2010. We seek to make it unlawful to discriminate against a person on the basis of that person having an expunged conviction. We believe this could be considered as a separate attribute by expressly including a person who has been charged with or convicted of an offence that has been expunged under this new legislative regime. We seek the government's agreement to our amendments, and we seek the assistance of members of both houses to give this proper consideration.

Our society is much more tolerant of sexual diversity than it has been historically. The reforms of the Hamer government in 1980 were very important, but it is important today that the Parliament clear the names of people who were charged with and found guilty of offences that our society could no longer even consider to be crimes. The notion that people would be charged for engaging in sexual activity in a homosexual relationship is now abhorrent to the overwhelming majority of people in our society, and it is important that this bill pass.

Labor seeks to improve the bill in a couple of ways, and I have indicated I am not entirely sure whether or not the opportunity will come for us to discuss these amendments in more detail in the committee stage. We await news from our colleagues in the Legislative Assembly, but the Labor Party stands proudly with members of the LGBTI community. We are committed to removing discrimination wherever we find it. We are also committed to, in government, providing government service delivery that is responsive and sensitive to the needs of members of the LGBTI community.

Like Ms Crozier, who is now in the chair, I wish this bill a speedy passage. It would have been nice if we had had it a few weeks ago so that we would not be caught in this crazy procedural dance. It is important that we get it right. But, like Ms Crozier, I wish the bill speedy passage — hopefully amended and hopefully by the end of today.

Ms PENNICUIK (Southern Metropolitan) — The Sentencing Amendment (Historical Homosexual Convictions Expungement) Bill 2014 will amend the Sentencing Act 1991 to establish a scheme under which convictions for certain offences related to conduct carried out for the purposes of or in connection with sexual activity of a homosexual nature may be expunged. It is one of those bills which comes before us that will make a real difference to the lives of many people, both symbolically and practically.

We are in a strange situation because the bill is being debated concurrently in both chambers of the Parliament. As you, Acting President, Ms Pulford and I speak on the bill, members in the Assembly are also speaking on it. This is an unusual situation.

I concur with Ms Pulford that it would have been preferable to see the bill introduced into the house a little earlier rather than on the first day of the last sitting week of the Parliament, given that the announcement to bring in the legislation was made at the beginning of the year. Nevertheless this is important legislation which the Greens are happy to support. Its passage through the Parliament will make Victoria the first state to introduce laws allowing historical convictions for homosexual activity to be expunged. We should be ashamed that it has taken all this time, some 34 years, for this to happen, not to mention the travesty that people were convicted under such draconian laws in the first place.

In preparation for debate on the bill I read the report entitled *Righting Historical Wrongs — Background Paper for a Legislative Scheme to Expunge Convictions for Historical Consensual Gay Sex Offences in Victoria*, published in January by Anna Brown and Madeline Forster from the Human Rights Law Centre in partnership with the Victorian Gay and Lesbian Rights Lobby, Gay and Lesbian Health Victoria,

Liberty Victoria and the Victorian AIDS Council and Gay Men's Health Centre. It is a very interesting report.

We have heard about the decriminalisation of homosexuality in 1981 under the Hamer government. In the lead-up to that in 1977 a report by the then Equal Opportunity Advisory Council, commissioned by Premier Hamer, recommended decriminalising sex between men in Victoria, and three years later in 1980 the Victorian Parliament enacted legislation decriminalising consensual male-to-male sex and related offences. In its report the advisory council also recommended action to expunge gay sex convictions because of the stigma associated with those offences and criminal convictions. The advisory council recognised that criminal records sometimes caused needless discrimination in employment, particularly where a homosexual offence is concerned. So far as the authors of this year's report were aware no action was taken by the Hamer government, or to date by any succeeding Victorian government, to implement this recommendation. It is something we should all think about, because we are certainly late in coming to this.

The report is peppered with many case studies of how over the years these convictions have affected those who were convicted under the laws prior to 1981, including Mr Noel Tovey, who was mentioned both by Ms Crozier and Ms Pulford. In his case study amongst other things he points out that the police had raided a party when he was 17 years old and he was taken away for questioning. He says that after an alleged police beating he was forced into confessing that he had had sex with a person who he had not in fact had sex with. He pleaded not guilty in court, but the jury found him and the other person guilty. He spent months in Pentridge Prison awaiting trial but was eventually released on a good behaviour bond. Once out of prison Mr Tovey changed his name in order to apply for national service. He had lived his life under a different name until then, but his mother revealed after his release that his biological father's name was Tovey. He believes that in this way he has been able to fudge his past over the years and seek to do things that having a sexual conviction would normally preclude. Mr Tovey had to resort to changing his name in order to avoid the stigma and discrimination associated with having such an offence registered against him.

There are other cases of men living in fear of being exposed and people who were exposed as very young men, even minors under 18 years, who were humiliated in school and in front of their families et cetera. The report makes very sobering reading; it is something we should all have been very aware of.

Page 26 of the report relates to current practice. Paragraphs 65, 66 and 67 state:

> Under the current Victoria Police information release policy convictions for past gay sex offences may be displayed on criminal history checks.
>
> The Victoria Police information release policy generally operates so that any convictions or findings of guilt, apart from minor traffic offences, are disclosed on a person's criminal history check if they have committed any offences in the past 10 years. If a person doesn't commit any offences for a 10-year period, the criminal history check will come back clear. But if they commit another relevant offence, their entire history, including any offences committed as a juvenile, will be disclosed on the criminal history check. Special provisions apply to offences which result in a sentence of imprisonment of longer than 30 months, which will always be disclosed.
>
> Accordingly, a man convicted of an offence for consensual gay sex in the 1970s should, accordingly to the information release policy, have the offence disclosed on their criminal history check if in the last 10 years, they have been found guilty of any other offences other than minor traffic offences.

That is the current situation, which we need to rectify. Paragraph 73 of the report succinctly states:

> Men have lived for decades with the shame of being identified as criminally culpable for their sexual expression, potentially causing untold psychological and emotional harm. The stigma has also inhibited many men from telling their story publicly or even sharing their secret with family and friends.

As I mentioned, there are many case studies peppered through the excellent report.

The bill allows people to make a confidential application to the Department of Justice to have the records of their convictions removed. Once expunged, the person will be treated as though the conviction had never happened. They will not be required to disclose a conviction and it will not provide grounds for exclusion from any office or privilege. On considering an application the secretary will assess it together with any relevant official records to determine whether the applicant was convicted of a historical homosexual offence, which may be either a sexual offence or a public morality offence, and decide whether on the balance of probabilities the conduct would be illegal today. The secretary will be able to draw on the advice of legal experts if necessary in making the decision, and where there are other parties involved official records and other evidence will be examined in order to establish that the act was consensual.

An anonymous caller to my office said he was concerned about the evidentiary provisions as there will be some people with historical homosexual convictions that it will be hard for them to get expunged since the person with whom they performed the consensual act

may be deceased. He recognised that there cannot be a perfect system and that there need to be evidentiary requirements, but he still felt the bar was set too high, despite understanding that evidence is examined on the balance of probabilities and that written evidence could be provided, if not from the person who was involved in the conduct constituting the offence then from a person other than the applicant with knowledge of the circumstances in which their conduct occurred. I think the caller raised a fair point, but we all realise that given the passage of so much time there can never be a perfect system, though hopefully the bill will mitigate the issues brought about by this nearly 34-year gap between now and when the law was changed to decriminalise homosexual activity.

The Greens have also consulted on the bill with representatives of the Human Rights Law Centre and Corey Irlam, co-convener of the Victorian Gay and Lesbian Rights Lobby. They commented that they were supportive of the bill, although they have highlighted some areas that are raised in the Human Rights Law Centre's report, *Righting Historical Wrongs*, in particular with regard to three of the report's recommendations. In our discussions with them the Greens came to the conclusion that rather than moving more amendments myself I should write to the Attorney-General to request that he amend the bill to include three recommendations from that report which in the view of those stakeholders and the Greens would improve the bill. I wrote to the Attorney-General on 23 September requesting that the government bring forward these amendments itself. I cannot understand why these three particular recommendations were left out of the bill, given that the government has gone to the trouble of putting forward the legislation.

These recommendations include recommendation 3 of the report, which recommends that:

> The scheme should accommodate the expungement of:
>
> > convictions for offences that would not have taken place had it not been for a primary offence referred to in recommendation 1 above — eg. resisting arrest; and
> >
> > convictions for inchoate offences relating to a primary offence including, for example, 'attempts'.

So recommendation 3 recommends the expungement of convictions for offences that persons would not have been convicted of had those types of circumstances not existed.

Recommendation 4 states:

> A proposed scheme in Victoria should, as is the case in the UK, allow for expungement of cautions, warnings, fines and other reprimands in relation to the specified offences.
>
> A review of police and other records should be undertaken to gather further information about how cautions, warnings, fines and other reprimands may be disclosed to the public and removed from a person's record.

I agree that that is an oversight in the bill. In the course of a person applying for the expungement of a conviction, the secretary may well come across this type of information about a particular person as the secretary goes through the processes outlined in clause 3 as to the processes for application and the secretary's checking of information through Victoria Police and court records. At present under the bill these would not be expunged at the same time as the conviction. This seems to be an oversight that could have been addressed in the bill.

The last recommendation that the Human Rights Law Centre and the Victorian Gay and Lesbian Rights Lobby wanted included in the bill is posthumous expungement. I understand from Ms Pulford's contribution that that is an amendment that the ALP will be moving in the lower house and may be moving as we are speaking now. It may have already been moved. I am not sure. That recommendation states:

> The estate or next of kin of a person who lived with a conviction for a gay sex offence should be permitted to apply for expungement posthumously.

I requested that the Attorney-General incorporate those amendments into the legislation, but I have not had any response from him in that regard. While we agree that those amendments should be included, given the legislative load that faces us this week we did not want to have the passage of the bill through Parliament held up in any way. When the legislation comes into effect I would expect and hope that the government of the day, whichever it is, will be monitoring its progress as to how well it is working and whether there are any amendments that need to be made in the future to make it work more effectively and in a timely manner.

Clause 3 includes the processes that must be followed by the person making application and the mandatory tests that must be applied by the secretary, which have already been mentioned by Ms Crozier and Ms Pulford. The bill also provides that a person can withdraw an application at any time before the secretary determines it but that the secretary must determine an application promptly. If the application is refused, the secretary must inform the applicant that they can appeal to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision and the secretary must explain to the applicant how to apply to VCAT.

The effect of a conviction being expunged will be that it will be removed from the person's criminal history, if

they have one and, if they have no other convictions, its removal will mean they have no criminal history. There will be no need to disclose the conviction, and the conviction or the non-disclosure of the conviction will not be any ground for the exclusion of a person from any appointment, post, status or privilege or be any ground for the revocation of any appointment, post, status or privilege held by the person or for the dismissal of the person from any post.

The bill also deals with VCAT proceedings and includes confidentiality provisions. For example, a person looking at an application must not directly or indirectly disclose any information acquired whilst performing a function or exercising a power under the relevant part of the principal act. Doing so will attract a maximum penalty of 120 penalty units.

The bill provides that there is no entitlement to compensation for an expunged conviction but that nothing prevents a person from being entitled to compensation for anything that occurred while the person was serving a relevant sentence — for example, a person having been injured while serving a sentence in prison for such a conviction.

The Greens are very happy to support this bill, and we commend the government for bringing it to the Parliament, notwithstanding that I believe it has come a bit late — in fact many years, indeed decades, late in terms of the effects the ongoing existence of those convictions have had on the lives of so many people. Also, in terms of this parliamentary year, it would have been preferable to have had this bill introduced earlier so that we, the ALP and of course the government could have worked through the types of amendments that have been raised with us. Doing so could have improved what is a good bill.

I note that in her contribution Ms Pulford mentioned a possible amendment to the Equal Opportunity Act 2010 to add having received a conviction for a homosexuality offence prior to 1980 as an attribute on the grounds of which it would be illegal to discriminate against someone under that act. Ms Pulford talked about the previous government having introduced dozens of bills to reduce discrimination and to allow people to fully participate in society and said that there is more work to do on discrimination. I agree. In particular, under the Equal Opportunity Act it is still possible for religious organisations to discriminate against people on the basis of their sex, their sexuality, their marital status, their parental status and a number of other attributes. Given Ms Pulford's remarks, I look forward to the ALP supporting the Greens when the Greens again try to remove those exemptions from the Equal Opportunity Act, which we certainly will do again. We have done so in each Parliament. It is quite strange to be supporting the exemptions remaining in the act whilst at the same time saying one supports the removal of all discrimination, which the Greens certainly support. With those remarks, I note that the Greens are very happy to support this bill.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

CASINO AND GAMBLING LEGISLATION AMENDMENT BILL 2014

Committed.

Committee

Ms Pennicuik — Acting President, I draw your attention to the state of the house.

Quorum formed.

Clause 1

Mr BARBER (Northern Metropolitan) — The purpose of the Casino and Gambling Legislation Amendment Bill 2014 is to establish a system for the licensing, supervision and control of casinos with the aim of ensuring that the management and operation of casinos remains free from criminal influence or exploitation and that gaming in casinos is conducted honestly and promotes tourism, employment and economic development generally in the state. One would presume that the purposes of the Gambling Regulation Act 2003 — that is, to minimise harm caused by problem gambling and to accommodate those who gamble without harming themselves and others — should also apply, yet we have here a set of measures that are designed to make it extraordinarily difficult to implement measures that might do those things.

The minister may try to argue that the bill simply provides for compensation in the instance that those things happen, but this bill is all about money. We have been told that Crown Casino is going to get more and that the state will get more. No-one from the government has said where this magic money tree is going to take root, but it appears that it will be in the pockets of those who have real problems with controlling the amount of time and money that they lose when they find themselves in front of poker machines.

A number of steps have been taken, or were meant to have been taken, outside the strict mechanics of this bill and are supposedly necessary precursors to any such arrangement as this being struck, so as well as dealing with the content of the agreement in clause 8 — where it is inserted as a new schedule — I propose to ask some questions under clause 1 about the processes that have been gone through to get us to this point.

Along the way we have heard from members of the Labor Party that they went and conducted their own negotiation with Crown Casino and in return for that got what Labor claims is a further benefit to the state in terms of some opportunities for unemployed workers to go through some course or training establishment which Crown Casino operates. As it is not immediately obvious to me, as I sit here looking at the opposition benches, which Labor MP will be dealing with this bill in the committee stage, I suppose I will have to ask the minister, given that his government made some comment about this: what does the government understand about this training deal that the opposition claims to have brokered and which the government claims was already underway and delivered as part of its negotiations?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I do not propose to speak on behalf of the Labor Party — members of the Labor Party can speak for themselves — but suffice it to say that the government does not accept the characterisation made by Mr Barber. In the Treasurer's commentary on this matter he has been very clear about the importance of securing jobs and investment in Victoria and the benefits for tourism and about the discussions that have been had in relation to nurturing additional jobs at Crown Casino and all the associated businesses that sit within the broader complex.

Mr BARBER (Northern Metropolitan) — I had no doubt that the minister would rush to reassure me that the shield of probity under which this agreement was struck was adequate for the job, but then I read that, in return for their vote in this Parliament, members of the Labor Party have struck their own deal which does not form part of this bill. The government then came out and said, 'No, that was something that was going to be done anyway', so my question for the minister is: apart from the matters covered in clause 8, which inserts a new schedule 11 into the Casino (Management Agreement) Act 1993, have any other agreements been made between the government and Crown that are not written down in the bill in front of us?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The agreement that is before the house reflects the agreement between the government and Crown.

Mr BARBER (Northern Metropolitan) — That is a tautology. Has Crown promised anything that is not in this agreement but was part of the reasoning for the government deciding to bring this bill before the house?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — As Mr Barber would appreciate, negotiations of this type can canvass a range of matters, but the agreement before the house reflects very clearly the agreement reached between the government and Crown.

Mr BARBER (Northern Metropolitan) — So if it is not in this bill, there is no requirement for Crown to do it — for example, the claim made by the Labor Party that additional sweeteners are now being offered to it in return for its vote? That is the question.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I cannot speak on behalf of the Labor Party.

Mr BARBER (Northern Metropolitan) — Very well. What can the minister tell us about the status of the Victorian Commission for Gambling Regulation's (VCGR) necessary inquiries that go along with this bill and that are necessary for measures such as the licence extension to be put into place?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The VCGR became redundant when the coalition government merged Responsible Alcohol Victoria and the Victorian Commission for Gambling Regulation into the new Victorian Commission for Gambling and Liquor Regulation (VCGLR), which is now the combined regulator for liquor and gaming regulation.

I can advise Mr Barber that the Treasurer has written to the VCGLR. Obviously the correspondence from the Treasurer is subject to this bill passing and receiving royal assent. As an independent statutory authority and regulator, the commission will make its own inquiries and form its own view about the matters contained in this legislation and the matters pertaining to the change to the licence conditions that are attached in the 10th variation.

Mr BARBER (Northern Metropolitan) — Is the minister saying that the VCGLR has not commenced its processes and will not do that until this bill passes?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I understand that the VCGLR

is aware of the agreement that has been made, is aware that this bill has passed the Legislative Assembly and is aware that this bill will be debated during this sitting week and is therefore not only preparing itself and having appropriate discussions but also cognisant not to pre-empt the decision of the Parliament.

Mr BARBER (Northern Metropolitan) — I think most people would recognise that the decision of the government has in fact pre-empted the exercise of the VCGLR. It would be almost inconceivable to imagine that it would knock back a deal negotiated by the government and ratified by the Parliament if it had concerns about the way that deal could operate. What it means is that, as we stand here, if we want to know more about the position of Crown Casino with respect to the responsibilities of the VCGLR, the only thing we really have is the fifth review conducted by the VCGLR, which came out months ago. The content of that review deserves further scrutiny, particularly as we have the minister responsible at the table and as the VCGLR has something of a conflict, being the regulator responsible for both day-to-day casino monitoring and doing the periodic reviews, which in a way are reviews of its own decisions.

I have read the fifth review, and it seems to subtly shift the way responsible gambling is framed. It shifts it away from operator responsibility towards individual responsibility. The responsible gambling code belonging to Crown seems to be underpinned by a model of informed choice. As I said in my contribution to the second-reading speech, while it may be the view of pokie operators that there is nothing inherently addictive about their machines, it is clearly the view of others that machines can be addictive.

There is also a shift in language to 'gaming', not 'gambling', adopted by the VCGLR. Its inspectors are embedded at Crown. Its regulatory focus is not on responsible gambling but is instead on other issues, such as probity and exclusion of minors. This goes directly to the purposes of the principal act that we are amending. It is difficult to find examples where the VCGLR has looked at issues such as money laundering. For example, in its review it says:

> The risk of criminals seeking to launder money through, and conduct criminal business at, casinos remains real. Given the increasing scale and sophistication of money laundering operations, vigilance by casino operators, regulators and law enforcement agencies is required.
>
> The VCGLR has emphasised the need for vigilance by Crown Melbourne Ltd in its compliance with AML/CTF act requirements, and in particular, knowing its customers.

That is about as much as we know about efforts to avoid money laundering at Crown Casino — that the regulator has emphasised the problems. In a couple of other references it informs us that money laundering is an increasingly central and prominent element of organised crime and that other bodies such as the Australian Transaction Reports and Analysis Centre, which administers the commonwealth Anti-Money Laundering and Counter-Terrorism Financing Act 2006, may also have an interest. In short, there is no assessment that is available to us that says whether the code of conduct written by Crown to Crown's own philosophical bent or any of these other measures are in fact working in the real world.

When the government relies on gambling for revenue the regulator, whose periodic review seems to rely on a bit of its own data and a lot of Crown's data, cannot really function as an independent third party, particularly when it is operating in conflict with the government's wishes and seemingly in conflict with the act, or at least with the purposes of the act.

There is another matter I want to raise with the minister. It goes to the responsibilities of the VCGLR both pre and post this agreement being signed, or possibly ratified, but it is better that we address it here rather than in later clauses. In 2009 an article appeared in the *Sydney Morning Herald* as result of an indictment by Chinese authorities of one of their officials. The article was entitled 'Packer casinos linked to Macau bribes case'. It states:

> Two casinos partly controlled by the billionaire James Packer's Crown Ltd have been linked to a bribery and money laundering case in Macau.
>
> Prosecutors listed Crown Macau and the City of Dreams as among at least 10 'suspect projects' in an indictment against the former Macau public works minister Ao Man-long, Hong Kong and other Chinese media reports said.

To put it simply, a Chinese official was charged and subsequently jailed for receiving $100 million in suspect transactions.

Some of the transactions listed in the indictment mentioned Crown Macau and the City of Dreams. I am not aware of any further inquiry that has been made, either by the VCGR or the Australian Federal Police, as to whether the other side of this transaction, as listed in the Chinese authority's indictment, involved casinos in any way controlled by Crown Limited here in Australia. My question to the minister is: has the VCGR or the government made any inquiry in relation to these matters?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The VCGLR completed the fifth casino review last year and I released it publicly on 14 August. That review was the most extensive and comprehensive review into the casino licence undertaken since the casino has existed in Melbourne. The VCGLR made 10 recommendations. I am advised that the majority of those recommendations have been implemented or are well in hand to be implemented. The VCGLR found that the casino operator was a suitable entity to hold a casino licence and that it was complying with relevant statutory and commercial obligations. Noting that that review was conducted and released last year and that Mr Barber was referring to an overseas newspaper article from 2009, he can have confidence as a result of the casino review conducted by the VCGLR.

Mr BARBER (Northern Metropolitan) — That was not my question. My question was: since 2009 — before, during or after the fifth review — did the VCGR make inquiries in relation to the matters that have been canvassed not just in the media but in the Chinese courts leading to the conviction of one of China's own officials?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Without being too pedantic, the VCGR does not exist. The VCGLR, as the regulator, conducted the fifth casino review, which was released publicly in August last year. Newspaper articles about casinos are published on a frequent basis. The fifth casino review is the most comprehensive and detailed review undertaken since the casino has existed in Melbourne, and that review found that the casino operator remains a suitable entity to hold a casino licence.

Mr BARBER (Northern Metropolitan) — That is the minister's statement; I am putting it to the test. In the federal Parliament we have made the same inquiries of the Australian Federal Police, who had not responded one way or another when last I checked. I would find it surprising, or perhaps not so surprising, if the VCGLR had the wherewithal, resources or connections to make inquiries of the Chinese authorities — to fly people to the city of Macau and speak to government corruption busters and prosecutors and to examine court documents. It may be that the VCGLR has made these inquiries or it may have relied on the work of the Australian Federal Police or others in assuring itself, as the minister has now assured us twice, that there is no issue with Crown Casino, but I would like to give the minister one more opportunity to answer the question directly. Did the VCGLR make such inquiries? There is no reference to them in the fifth assessment. There is simply a bland assurance, and now we have heard a bland assurance from the minister.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The commission makes inquiries into a range of matters at its discretion. It responds to inquiries and follows leads and it works with federal agencies and similar regulators in other jurisdictions. It is an independent regulator that is appropriately resourced to discharge its statutory functions. That is what it is doing. I can only repeat that the fifth casino review was the most comprehensive and detailed review undertaken since the casino licence has existed in Victoria.

Mr BARBER (Northern Metropolitan) — The minister started to assure me that the VCGLR deals with other regulatory bodies in other jurisdictions. That was a step towards answering my question, but he has not answered it. He has just hinted that the VCGLR might, in doing its job, talk to regulators in other countries. I find it concerning that we cannot receive assurances on one particular aspect of the purposes of the act, but I think what we will do — depending on your wishes, Acting President — is move on to clause 8, which contains the schedule and about which I have my most detailed questions.

Clause agreed to; clauses 2 to 7 agreed to.

Clause 8

Mr BARBER (Northern Metropolitan) — Of the $500 million payment by Crown to the state, $250 million is to occur within seven days of this bill commencing and the new casino licence being given to Crown and the remaining $250 million on 1 July 2033. There will be up to $200 million more paid to the state in 2022 if Crown's gambling revenue increases. Is it not the case that bonus payments to the state are in conflict with the state's duty to properly regulate Crown in relation to curbing problem gambling?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I do not accept that proposition.

Mr BARBER (Northern Metropolitan) — The more people lose, the more the government earns its bonus for the state of Victoria, yet in other acts we have a responsibility for reducing problem gambling. How are these two not in conflict?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — To put it another way, Mr Barber is putting forth a proposition for which he has not established the facts.

Mr BARBER (Northern Metropolitan) — The minister is the minister for gaming, gambling and what have you. He has launched many anti-problem-gambling measures. Is he suggesting that a significant proportion of losses through poker machines do not come from problem gamblers?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government is pleased to be delivering on its election commitment from prior to the last election to rollout precommitment across the electronic gaming machine (EGM) network in Victoria, including at Crown Casino, and this agreement specifically references and notes that. As I have previously advised the house, the precommitment program is on track to be delivered by 1 December next year. The government believes that this and many other initiatives are encouraging and empowering responsible gambling in Victoria.

Mr BARBER (Northern Metropolitan) — Those are just words. The minister invited me to present some facts to back up my argument. They are that the more people lose at Crown Casino and the more the state gains in its coffers, the more problem gamblers will be affected. When I put forward a particular fact, the minister did not want to address it. We will come back to Crown Casino's loser loyalty program later — or Play Safe as it calls it; we will get into the detail of that.

Since one of the objectives of the principal act that we are amending is in fact to promote tourism, employment and economic development generally in the state, I ask the minister: as a result of all these extra hundreds of millions of dollars that are going to be lost — some of which will be transferred over to the state, and there is a bonus if people lose even more than we are projecting — what economic analysis of all these extra losses has the government conducted before deciding to sign this deal?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The increase in gaming to which I think Mr Barber is referring in his commentary is modest; it is a modest increase in the amount of product at the casino and a modest increase in the number of EGMs. Importantly the statewide cap on EGMs will be maintained. There are 128 machines that potentially will no longer be available in suburban clubs or pubs; they will be located at the casino. However, the statewide cap on the number of EGMs will be maintained, so every day as Victoria's population grows — and it is growing strongly now — the number of EGMs per capita declines.

Mr BARBER (Northern Metropolitan) — I will take that non-response as a statement from the minister that he did not do any economic analysis of the impact, but he has now raised a new topic. He says that the total number of poker machines in Victoria will not change because the cap stays the same. He referred to the number of machines in suburban pubs and clubs, but in fact the mechanism of this bill is to maintain the cap not just between pubs and clubs but also between city and country and per capita within a given region.

I ask the minister: is it not a possibility that Crown Casino will buy up some underutilised gaming machine entitlements? To put it simply, some poker machine that is sitting in the corner of some country pub somewhere doing hardly any business can be brought down to Crown, which runs it flat out around the clock. In that scenario, does the minister not think it is likely that there will be a significant increase in the amount of money lost to poker machines in Victoria?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I can only repeat my previous answer to Mr Barber. Over a sustained period we have seen the number of EGMs per capita decline, and with the coalition committed to maintaining the current cap of 30 000, that will continue.

Mr BARBER (Northern Metropolitan) — Again the minister declined to address my proposition, which is that while the number of machines in Victoria in total stays the same, a small number of machines — in the hundreds — move outside to inside Crown. The minister has no evidence or argument that says this will not lead to a significant increase in player loss because the machines will be worked harder in Crown. If the minister has access to that information, he should by all means share it with the Parliament. That is what we are here for: to learn whether these measures are good and meet the objectives of the minister's two acts.

The ACTING PRESIDENT (**Mr Melhem**) — Order! Does Mr Barber wish to clarify his question to the minister?

Mr BARBER (Northern Metropolitan) — My question to the minister was: would he like to clarify why it is that these new machines in Crown will not be worked a lot harder than in the locations from which they have come and that this will therefore lead to higher levels of player loss?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I will simply repeat what I have said previously. The change in gaming products at Crown is modest. When compared to the significant

expansion that Mr Lenders oversaw in 2009, the change in gaming product at the Melbourne casino is modest and the government is committed to maintaining the statewide cap of 30 000 EGMs.

Mr BARBER (Northern Metropolitan) — The government will get its money; we have heard about the $500 million in payments, including the $250 million that comes seven days after this bill commences. We do not know how much extra revenue Crown will get; no doubt it is very good at modelling it. However, the minister cannot tell us whether the people who advised him are any good at modelling the extra player loss or whether Crown shared the information with him. Certainly he is not going to share anything with the Parliament today. Never mind how many machines we are talking about, how much player loss is likely to occur as a result of the machines or the entitlements being moved from country and suburban areas to Crown Casino itself? The minister is simply not willing to tell the public whether he has done his job and assessed the likely extra player loss or to tell us what the number of machines is.

The ACTING PRESIDENT (**Mr Melhem**) — Order! I am not sure whether Mr Barber is asking me or the minister that question, but I will ask the minister to respond.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The change in gaming product at the casino is modest. There are a range of factors that can drive revenue at the casino, including the currency, the attractiveness of Crown to high rollers from overseas and major events that are taking place in Melbourne. There are a range of other factors that have an influence on the revenue and turnover not just of Crown but of all the businesses located within the precinct.

Mr BARBER (Northern Metropolitan) — This is one of the biggest series of non-answers I think I have ever had in a committee stage. I do not need the minister to keep reading me his talking points and material from his press releases — though it worked on the opposition. The committee stage is about scrutinising the detail of the bill. I ask — and this relates to a section of the clause in front of us — whether the minister can explain the difference between automated table games and poker machines.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — EGMs, as is generally understood, operate in clubs and pubs and at the casino. I think the notion of an EGM is well understood. Automated table games are exactly that — they are automated. This bill provides for an additional 50 seats, or positions, at those automated table games.

Mr BARBER (Northern Metropolitan) — Ninety of these gambling stations appear to be worth about $210 million over six years to the state government. They are a new gaming product with a guaranteed minimum tax rate. Can the minister tell me: what is the rationale behind locating so many of these machines in the non-VIP area at Crown?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — These additional terminals will be an adjunct to those that are currently present. All the automated table games are currently within the main component of the casino.

Mr BARBER (Northern Metropolitan) — It is just that we have heard a lot about how this measure is going to keep the casino competitive in regard to high rollers — the idea being that the so-called high rollers will roll in from overseas under a special deal. The fact that we are now competing with another one of Mr Packer's casinos in Sydney makes this a bit of a mug's game. In fact what we are seeing is that a lot of these machines will operate outside the so-called VIP areas. I do not know if that equates to high rollers or not.

The thing about these automated table games is that they require less staff than traditional table games. What some people might think of when they imagine a casino is a James Bond *Casino Royale*-type image. These machines will be in groups of up to 52, and compared to a situation where there is a dealer standing right there, this tends to undermine the objectives of the two acts that I keep coming back to — that is, the code of conduct of Crown Casino, which relies on staff recognising signs of problem gambling and notifying a supervisor.

Already we have 200 of these things in operation. There was an increase in tables in 2009 — from 350 up to 400 — that also allowed for 50 of these tables to be fully automated table games with up to 200 terminals. Has the minister investigated the impact of the previous implementation of automated table games?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I refer Mr Barber to my previous answer in relation to the fifth casino review.

Mr BARBER (Northern Metropolitan) — That is not an answer. I have asked whether the minister, with his responsibilities under the purposes of the casino act and the responsible gambling act, has made any

investigation into the impact that automated table games have had on problem gambling.

The ACTING PRESIDENT (**Mr Melhem**) — Order! I believe the minister has answered the question. Mr Barber might not like the answer, but I think that was the minister's answer.

Mr BARBER (Northern Metropolitan) — Has the minister investigated the impact of staffing reductions associated with having up to 52 automated or semi-automated terminals to one table on Crown's implementation of its responsible gambling code?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I have been to the casino and viewed the 24-hour monitoring of the casino by the VCGLR. I have read and digested the fifth casino review that Mr Barber and I have both referred to. I am confident that the VCGLR has the appropriate resources to undertake and discharge its regulatory functions.

Mr BARBER (Northern Metropolitan) — I have visited the casino, and I have read and digested the VCGLR's voluminous report on its five-yearly review, but what I am asking is whether the minister has done anything other than that, either in his responsibilities over time or in the lead-up to signing this deal, in bringing it here and telling us it is a good deal. So far he has been non-responsive on all of these questions, but we will keep asking questions and see whether he will warm up as we go.

New clause 21B of the agreement provides for a possible $100 million in bonus payments to the state if Crown's gambling revenue increases by a compound annual growth rate of 4 per cent between now and 2022 or $200 million if the increase is 4.7 per cent. I ask the minister: are these multimillion-dollar bonus payments in conflict with the state's duties under the acts he administers in relation to preventing harm from problem gambling?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I do not accept the premise of Mr Barber's question. I refer him to my answer about the drivers of revenue at Crown, which are many and varied.

Mr BARBER (Northern Metropolitan) — In relation to the removal of the supertax on commission-based play, what was the value of the supertax on commission-based play in the last three financial years?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am advised that it has been approximately $20 million per annum.

Mr BARBER (Northern Metropolitan) — Finally an answer to a question. Crown can take action against the state for compensation of up to $200 million per term — that is, a term of government — CPI indexed, if the government varies Crown's licence or makes taxation variations without Crown's consent.

Section 16 of the Casino Control Act 1991 gives the minister, or at least the commission, certain powers, including the power to foster responsible gambling in casinos in order to minimise harm caused by problem gambling and accommodate those who gamble without harming themselves or others. Is there any reason remaining for this provision to exist in relation to Crown if the government is now up for a massive compensation bill of hundreds of millions of dollars if the regulator or for that matter the minister or the Parliament tries to do exactly those things?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government has no further proposals before it to change the Casino Control Act.

Mr BARBER (Northern Metropolitan) — That does not answer my question. The government has an object to act to reduce gambling-related harm, and the regulator, the government of the day and the Parliament are now all well aware that they would be up for hundreds of millions of dollars of compensation to Crown if they tried to do that. That is a contradiction, is it not?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I do not accept Mr Barber's characterisation of the agreement. The agreement is specific as to what may give rise to potential compensation. The government will continue to pursue appropriate responsible gambling initiatives across Victoria.

Mr BARBER (Northern Metropolitan) — That might be the minister's view. Has he discussed this issue, this difficulty, with the VCGLR?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The Victorian Responsible Gambling Foundation is the entity that has been charged by this government to deliver responsible gambling education, treatment and services.

Mr BARBER (Northern Metropolitan) — I asked the minister whether he has discussed this with the VCGLR.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — My advice to Mr Barber is that it is not the VCGLR but the Victorian Responsible Gambling Foundation that has responsibility for the delivery of appropriate responsible gambling and treatment and education services and for research into these areas.

Mr BARBER (Northern Metropolitan) — I am referring to the statutory responsibility of the commission to foster responsible gambling to minimise harm caused by problem gambling and accommodate those who gamble without harming themselves or others.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The commission has been given the appropriate resources to discharge its statutory obligations.

Mr BARBER (Northern Metropolitan) — We are not getting any answers. As I said earlier, Crown can take action against the state for compensation of up to $200 million. I also said that the minister is giving away his powers to promote responsible gambling. The government would have to provide this compensation in advance if it were to prohibit smoking in Crown's VIP areas in order to protect Crown's staff from the effects of smoking or to limit problem gambling; reduce maximum bets in relation to unrestricted mode pokies — that is, reduce their number or restrict their operation; remove, restrict access to or restrict the operation of ATMs — there is currently a 50-metre exclusion zone for ATMs; introduce a mandatory precommitment regime other than Play Safe in all areas, unless all other states do the same; or introduce loyalty scheme changes unless other states do the same.

This is a list of measures that we know are effective in reducing player loss, and quite frankly Crown is terrified that these sorts of measures might be introduced by a future government. The reason it is terrified is that it knows as well as we do that these measures are effective and have been effective. That is why Crown has asked for a deal where any time the Parliament takes any of these actions alone and not in conjunction with the whole of the nation, Crown will be compensated. Therefore it is appropriate that we spend some time discussing with the minister these individual measures and his view of them — that is, whether he believes they are necessary or effective, or whether he believes that this Parliament, in signing Victoria up to this deal, may actually be making a bad set of choices for future parliaments.

The first compensation event relates to smoking. Can the minister tell us what the reduction in revenue was from poker machines in the non-VIP areas when the smoking bans were introduced, and to what degree problem gambling was reduced?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I do not have that figure in front of me. I am aware that there was a reduction across venues when the smoking ban was implemented. I make the point to Mr Barber that the vast majority of the Casino is smoke-free.

Mr BARBER (Northern Metropolitan) — The minister does not have the figure in front of him, and yet he is asking members to vote for a bill that provides that any reduction in Crown Casino's profits as a result of a future Parliament doing this thing will result in Crown being compensated. The minister has not analysed the impact this measure has had in the past, but he wants us to ensure Crown's profits in case this measure might be taken in the future.

That is financial irresponsibility, writ large. I find it absolutely stunning that a government that likes to hang its hat on responsible financial and budget management wants to sign us up to a blank cheque. The minister says that the relevant number, the number we might be up for in the future, is something he does not have at hand. Perhaps he left it in his coat that has gone to the drycleaners. But let us move on.

Is the minister aware of international research showing that smoking bans are one of the more effective policies to reduce problem gambling, given that the majority of problem gamblers are smokers?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am aware that when smoking was removed from gaming floors in Victoria there was a reduction in spend at gaming venues. I am also aware — and this information is publicly available — that the vast majority of Crown Casino is smoke-free.

Mr BARBER (Northern Metropolitan) — That was not my question. The minister has to listen to the words I am using when I ask a question. Is the minister aware of international research showing that smoking bans are one of the more effective policies to reduce problem gambling, given that the majority of problem gamblers are smokers? I am asking whether he has read the research. Is he aware of it?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am aware of literature on these issues, and for Mr Barber's information, the majority of the casino is smoke-free.

Mr BARBER (Northern Metropolitan) — Not in the VIP area. This is all being talked about from the point of view of these VIPs. I do not know what you have to do to become a VIP at Crown. It is all being talked about in terms of these high rollers. We have to do all these things so we can maintain competitiveness with other casinos that are also pursuing high rollers. I have my doubts about that.

I could ask the minister whether he is aware of literature that says smoking, including inhaling of second-hand smoke, causes cancer, but he has been fairly unresponsive up until now. I will ask the minister another question: did the minister consult with Quit Victoria in deciding that Crown gets compensation if this measure is ever implemented?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — As Mr Barber may be aware, when the smoking areas in the casino are gazetted they are gazetted by the Minister for Health, and he takes those matters into consideration.

Mr BARBER (Northern Metropolitan) — That was not my question. My question was whether the minister consulted with Quit before bringing a bill before this Parliament that requires the state of Victoria to give Crown compensation for not giving their employees cancer. Rather than asking my question over and over again and trying to pull these teeth out one by one, I am going to give the minister one chance to answer the question. Then I will move on in the interests of time.

Another one of the compensable events is the reduction in maximum bets. Does the minister have the view or is he aware of any literature that suggests that reducing maximum bet sizes will tend to reduce problem gambling?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am aware of literature about these matters. I am also aware of and took part in the debate in relation to Ms Hartland's bill that came before this place relatively recently.

Mr BARBER (Northern Metropolitan) — It is good that the minister is aware that there is a strong suggestion, including from bodies like the Australian Productivity Commission, that reducing maximum bet sizes will tend to reduce problem gambling. Unfortunately this bill says that we will have to pay a very high penalty if we want to introduce such a measure in Victoria.

Another compensable event relates to the unrestricted-mode pokies. I would like to raise this issue in conjunction with the question of money laundering. Does the minister have the view that unrestricted-mode poker machines, which accept $100 notes, put Crown Casino at risk of being used for money laundering for organised crime?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I note that the number of unrestricted EGMs that can operate in unrestricted mode is unchanged by this agreement, so there is no change to the current status quo. I again refer Mr Barber to the fifth casino review which, as he cited in one of his previous questions, canvassed some of these issues and the need for the regulator, the VCGLR, to work closely with other relevant agencies at a commonwealth level and with other jurisdictions. That is what the VCGLR does.

Mr BARBER (Northern Metropolitan) — The minister says that the number of unrestricted-mode machines will not change as a result of this bill. What will change is that if any future parliament tries to change the number of machines, a compensable event will be triggered and Crown can attempt to recover any lost profits from the state of Victoria. The law is changing in relation to unrestricted-mode machines; they are now listed as a compensable event.

The minister has referred many times tonight to the fifth review. The regulator said:

> The risk of criminals seeking to launder money through, and conduct criminal business at, casinos remains real. Given the increasing scale and sophistication of money laundering operations, vigilance by casino operators, regulators and law enforcement agencies is required.

I would like to know whether the minister believes, from the work he has done in deciding to sign on to this agreement, that reducing the ability of machines to accept large denomination notes would be one way of taking action to prevent money laundering.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Money laundering is a serious issue and vigilance is required, and that is what is expected from the Victorian government, from the regulator and from the casino operator. I note the finding of the fifth casino review that the casino operator is an appropriate entity to hold the casino licence.

Mr BARBER (Northern Metropolitan) — That is a non-answer. A simple measure to prevent money laundering would be to differentiate funds paid in from winnings. Would this trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Can I ask Mr Barber to repeat his question?

Mr BARBER (Northern Metropolitan) — The agreement that is in front of us creates a compensable event for unrestricted note pokies. It is not just about reducing the number; it is also about restricting the operation. A simple measure to prevent money laundering would be to differentiate funds paid in from winnings. The question I have asked is: would this trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am still not quite clear on the issue Mr Barber is describing, but let me say in perhaps a more general sense that money laundering is a very serious issue. It is something I know the VCGLR takes very seriously. I know it is something the casino operator takes seriously. There is a range of measures in place designed to address that issue, such as the surveillance of the gaming floors.

Mr BARBER (Northern Metropolitan) — I understand there are exclusion orders for criminals. Can the minister tell me how many criminals are currently excluded from the casino by order of the casino?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The number of people excluded from the casino can vary with the effluxion of time, and exclusions can be made by the operator or at the direction of the Chief Commissioner of Police. I am not quite clear on how this relates to clause 8 of the bill.

Mr BARBER (Northern Metropolitan) — We are talking about money laundering. We have been told many times tonight that as far as the regulator is concerned in its fifth review — the only document I have in front of me where the regulator has examined Crown Casino's current operations — it is all under control down there, everything is hunky-dory and everything is fine, and we should go ahead and give the licensee an extension and make some changes and exclude a number of compensable events. One of those relates to methods, including operational changes, not just the number of high-capacity machines.

It is pretty well established that exclusion orders — not just exclusion orders for criminals but also self-exclusion orders for gamblers — are one of the tools in the kit. I understand there are thousands of self-exclusion orders for individual gamblers. One only has to visit the casino to see that it is a rabbit warren with multiple entrances. I find it very hard to believe that Crown Casino's staff are effective in excluding all the people who need to be excluded, whether it be because they are people with gambling problems or people who might be criminals who should not be there, but that is fine.

I will ask another question. Did the minister consult with AUSTRAC, the federal government body that administers the Anti-Money Laundering and Counter-Terrorism Financing Act 2006, when making the decisions he has made in bringing the bill before us today?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I refer to my previous answer to Mr Barber regarding the regulator's relationships with similar organisations in other jurisdictions.

Mr BARBER (Northern Metropolitan) — Yes, no, maybe. I will move onto ATMs. There is a compensable event here. There is a trigger for the taxpayer to pay compensation to Crown if changes are made to ATM locations. This is something the Parliament has done in previous rounds. Has the government sought ATM data from the Crown Casino on ATMs that pairs up withdrawals to an account holder's capacity to spend big amounts of money?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government does not have access to people's personal bank accounts.

Mr BARBER (Northern Metropolitan) — I am talking about other jurisdictions where they note that making successive visits to ATMs, particularly, say, between 2.00 a.m. and 6.00 a.m., is a sign of problem gambling. Has the minister got any information before him before making the decision that the way ATMs are operating in and around the Crown Casino is occurring in a safe way and is not contributing to problem gambling?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I will say two things to Mr Barber. I repeat the previous answer about access to people's bank account details, and I note that there are no ATMs on the casino floor.

Mr BARBER (Northern Metropolitan) — No, we have a 50-metre exclusion zone.

Another one of the compensable events in the minister's deal with Crown, which he has his name at the top of for posterity, is in relation to mandatory precommitment other than Play Safe, including changes to Play Safe. This is the loser loyalty program that I referred to earlier. I understand that Play Safe is going to be fitted to all machines by the end of 2015. If the

government wants to bring in an alternative that is a better precommitment system, it will trigger a compensation event. Currently when a player reaches their precommitted time limit or spend limit on Play Safe the machine does not lock the player out. Instead it emits an audible tone and displays a written message explaining that the patron can no longer accrue membership points for the Crown Signature Club. My question is: when Play Safe becomes compulsory will it lock the player out if the player has reached their limit? Would a requirement to lock out the player trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — As I said before, the government is pleased that its precommitment system is on track to be rolled out across all electronic gaming machines, including at the casino, by 1 December next year. That precommitment system is designed to empower players to make choices and to be informed about their spend. It does not contemplate locking out players from a machine.

Mr BARBER (Northern Metropolitan) — I thank the minister for the answer. There was a second part to my question, which was: would a requirement to lock the player out trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — It may.

Mr BARBER (Northern Metropolitan) — Currently staff are not required to attend to a patron when they reach their time or spend limit. Would a new requirement to do so trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Mr Barber is proffering a hypothetical situation, and I am loathe to respond to a range of hypotheticals. I am pleased that the agreement specifically excludes the government's precommitment system that is on track to be delivered by 1 December next year.

Mr BARBER (Northern Metropolitan) — It is not a hypothetical situation. The minister has a bill before the house which says that certain trigger events could lead to up to $200 million of compensation being paid to Crown. I am asking him about the mechanics and the operation of his bill and what is covered by the words of the agreement that will now be attached to the act as a schedule. His earlier answer in relation to another aspect was that it may trigger compensation. Now he is saying that he does not want to do hypotheticals. Let me give him another one. Would any requirement for Crown to decouple Play Safe from Crown's loyalty scheme trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — It is the government's clear policy position to allow the coupling of the precommitment system and loyalty scheme to reduce any potential stigma associated with being a participant in the precommitment system. We want to encourage the take-up of the precommitment system in Victoria on a voluntary basis.

Mr BARBER (Northern Metropolitan) — I understand that is the policy now, but it might be this government's or another government's different policy in the future. That is not hypothetical; it is a very real policy. That is why I am asking the question, which the minister has declined to answer. Would such a requirement to decouple the two systems trigger a compensation event? The minister said in earlier answers that it may and in other answers that it is hypothetical. If he wants to say that he does not know, that is fine; that is an answer.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I make the point to Mr Barber that, as is clearly articulated in the agreement, a compensable event pursuant to the agreement is not triggered if the compensation is less than $1 million.

Sitting suspended 6.30 p.m. to 8.02 p.m.

Mr BARBER (Northern Metropolitan) — In relation to the provision of the bill that creates a trigger or potentially compensable event if any changes were to be made by law to the Crown Casino loyalty scheme — Crown Casino has a loyalty scheme known as the Crown Signature Club — the question for the minister is: if Crown is the only Casino in Victoria, why does it need a loyalty scheme?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — That is a commercial decision for Crown, but as Mr Barber would be aware, Crown operates a number of casinos around the world.

Mr BARBER (Northern Metropolitan) — It may very well be a commercial decision of Crown, but we are locking in legislation that we cannot make changes to with respect to the way it operates its loyalty scheme. I believe there is a conflict between a loyalty scheme that gives people privileges in return for increasing their gambling and the state's commitment to prevent gambling addiction, which this principal bill and others are meant to be addressing. My question to the minister is: if the VCGLR was to mandate that the biometric

data from the loyalty scheme be used to prevent problem gambling, will this trigger a compensation event?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am not aware that VCGLR collects any biometric data.

Mr BARBER (Northern Metropolitan) — I am talking about the data that Crown collects and if, for example, it was required to use the data it collects to identify people at risk of problem gambling and then to take proactive intervention. The minister would suggest that it is part of Crown Casino's responsible gambling provisions that it take proactive intervention measures. We can look at studies such as the Alfred Deakin Research Institute's *Working Paper No. 14 — How 'Responsible' is Crown Casino? What Crown Employees Say*. The working paper presented a set of interviews conducted with Crown employees showing that the employees had:

> … disappointing recognition of even these nine Crown code of conduct signs of problem gambling. It is these 'signs' that are intended to trigger staff reports to supervisors.

Basically even amongst the staff who are supposed to be able to recognise these signs there is very low recognition of the signs that someone is having problems with their gambling — for example, if they are communicating very little with anyone else, if they are continuing to gamble with the proceeds of large wins, if they are avoiding contact with others while gambling, if they are barely reacting to events around them, if they are gambling every day or if they are gambling for extended periods without a break. This study found that Crown Casino staff do not even have a high recognition of what they are meant to be looking for to try to prevent gambling harm.

If data from the loyalty scheme was required to be used to identify people who are suffering from gambling-related harm, would that become a sufficient change to the operation of the loyalty program that a compensable event would be triggered?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The issue Mr Barber raises is about the competency or otherwise of the staff at Crown Casino and their ability to detect players at the casino who may be gambling too much or have problems with their gambling. All staff are obliged to undertake responsible service of gaming training. As part of Crown's code of conduct, staff are required to be trained in ways to understand when players may have a problem. Of course, as Mr Barber would be aware, those codes of conduct are not part of this agreement.

Mr BARBER (Northern Metropolitan) — I was asking the minister something specific about changes to the so-called loyalty scheme, which is part of this agreement. The minister may be aware that in 2002, the then Minister for Gaming John Pandazopoulos introduced legislation that gave what was the Gambling Research Panel access to Crown's loyalty data for the purposes of research. An international expert, in the form of Focal Research, was commissioned to analyse the profile of the data, but a routine process of Crown sending data and the panel subjecting it to independent analysis never happened because the panel was abolished in 2004. I am asking if the minister himself, his government or the regulator have inquired into the matter of Crown's loyalty data. If so, what does it tell us about whether Crown can identify big gamblers who are showing signs of problem gambling?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I cannot comment on what a former gaming minister in a former government may have agreed to 12 years ago or decided 10 years ago in not referring information to or not proceeding with a panel. I think Mr Barber is a little confused about how responsible service of gambling operates. It is regulated through the codes of conduct, which do not form part of this agreement.

Mr BARBER (Northern Metropolitan) — I did not ask the minister to comment on what Minister Pandazopoulos did in law in 2002. It is a fact. I asked the minister whether he, his department or the regulator sought any access to Crown Casino's loyalty data in order to determine whether that data could be used to develop measures to recognise problem gambling and to prevent it.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Staff at Crown Casino are trained to recognise problem gambling. That was the preface to Mr Barber's initial question and this series of questions. All staff on the gaming floor are required to undertake RSG (responsible service of gambling) training in compliance with Crown's code of conduct.

Mr BARBER (Northern Metropolitan) — There is only one independent body that has ever looked at that as a proposition, and that is Deakin University's Alfred Deakin Research Institute in its *Working Paper No. 14*. It found that among these staff, who represent the minister's first line of defence when it comes to preventing gambling-related harm, there were very

poor and very low levels of recognition of the basic signs of someone experiencing gambling-related harm.

To wrap up, in relation to any information about bribes paid overseas to a foreign official, now convicted, the minister has told us tonight that he either does not know or does not care to know whether or not his department has attempted to access the information from Macau. He has told us that the fifth report of the Victorian Commission for Gambling and Liquor Regulation contains all we need to know and that we should be superconfident that it is superconfident and that any further inquiries the VCGLR does will be done after this vote, so we cannot even access that information.

In relation to a number of compensable compensation events set up in this legislation, the minister has told us that they may trigger compensation, that he does not know or that he thinks that is too hypothetical, even as he signs us up to provide $200 million of compensation to Crown per event. He has told us there is nothing wrong with the way things are being operated at Crown Casino; it is as good as anybody would ever expect. He has also told us, finally, that because his government does not want to implement any new problem gambling measures, he does not see a problem with signing this Parliament up — until 2050 — to pay compensation to Crown if any future government or Parliament may choose to implement such measures.

This is possibly the most extraordinary piece of legislation I have dealt with in eight years in this place. Basically the minister's response to all the issues I have raised has been dismissive. He has the Labor Party voting with him, which I think is absolutely unbelievable. Given that there is no immediate requirement to pass this legislation in this term of Parliament, we could just as easily have dealt with it in December but with the option to put all of these questions before a parliamentary committee, the members of which could have had access to all of the relevant documents, to the regulators, to those who negotiated the deal and to the modelling that goes with it, but the bill is going to be pushed through in an unholy rush.

It is very rare for the name of a human to appear in a piece of legislation, but the agreement being inserted as schedule 11 at the back of the Casino (Management Agreement) Act 1993 has Mr O'Donohue's name on it as a signatory to the deal, so I guess he has created his place in posterity. I certainly hope that I am around, or he is around, long enough to see further debate on this act, because some essential changes need to be made to it in order to protect people from the impacts of gambling-related harm.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Whilst Mr Barber did not proffer a question in his array of vague and unspecific assertions, I will make some response to the issues raised.

Mr Barber has misrepresented my answers to previous questions. His assertion that his reference to a newspaper article which appeared overseas more than 10 years ago is some sort of acknowledgement from me that I am not concerned about bribes paid overseas is patently wrong. In answering a series of questions from Mr Barber I said to him that the regulator, the casino and other associated entities with which the regulator deals both in an Australian context and a foreign context must be vigilant to stop illegal behaviour.

I did not say that the fifth casino review is all that we need to know. What I said on a number of occasions was that the independent regulator, the VCGLR, undertook the most comprehensive and extensive review of the casino licence since the casino has been in operation in Victoria. The finding of that investigation by the independent regulator was that Crown Casino, the casino operator, is an entity fit to hold the casino licence. I note that the unsubstantiated, vague assertions and allegations made by Mr Barber happened before the casino review. The independent regulator has undertaken a comprehensive and independent review of the casino's operations and has handed down its findings. Of course it is not all we need to know, but I have faith in the independent regulator, and I hope Mr Barber has faith in it too.

In his summing up Mr Barber also made a range of comments in relation to compensation and matters relating to responsible gambling. Although it has already been mentioned in the debate, it is worth reiterating that the agreement does not preclude matters such as statewide responsible gambling campaigns, changes to the code of conduct — about which Mr Barber seems to be confused — and the rollout of the voluntary precommitment regime.

I also note Mr Barber's misrepresentation of the timing of this legislation. The government has been very clear about this. The Treasurer could not have been more clear and transparent in his dealings on this matter. He provided initial advice by way of the midyear update late last year and further advice when the budget was tabled this year. When the agreement was reached, the Treasurer gave an extensive and detailed press conference. The bill was introduced in the Legislative Assembly and, after an adjournment, was debated and passed. As is normal practice, the bill was then introduced into this place and is now being debated.

Mr Barber may not like the fact that the Labor Party voted with the government on the division he called for previously, but let us not confuse Mr Barber's disappointment with the actions of the Labor Party with some incorrect assertion that the passage of this bill has been conducted in an unholy rush. This legislation has been debated in the normal course. To recap for Mr Barber, the amount of additional gaming product being introduced should this bill pass and should this agreement come into effect is modest — much less than that to which the Labor Party agreed back in 2009.

The government's view, and indeed the view of members of the opposition by their actions in voting with the government on the division on the second reading, is that this is a good deal for Victoria. This legislation provides some modest additional gaming product at Crown Casino and provides regulatory certainty for Crown for a period of time. I dismiss and reject Mr Barber's vague and wild generalisations. Throughout this committee stage I have been attempting to provide information particular to the questions Mr Barber has asked me.

Clause agreed to; clauses 9 to 11 agreed to.

Reported to the house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 34

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

Noes, 3

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

Question agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 17 September; motion of Hon. D. M. DAVIS (Minister for Health).

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. I indicate to the house at the outset that the Labor opposition will not be opposing this bill.

The main purpose of this bill is to amend the Confiscation Act 1997 to establish an unexplained wealth confiscation scheme in Victoria similar to those that exist in other Australian jurisdictions. Additionally, this bill amends a range of other acts with various objectives. It clarifies the jurisdiction of the Magistrates Court in relation to community correction orders under the Sentencing Act 1991. It increases protections for victims of stalking and other offences under the Personal Safety Intervention Orders Act 2010. It allows for disclosure of certain information to the Sentencing Advisory Council and the Judicial College of Victoria under the Judicial Proceedings Reports Act 1958. It also makes changes to the allocation of jurors under the Juries Act 2000. It allows for the Chief Commissioner of Police to respond to requests for information under the Road Safety Camera Commissioner Act 2011. It prohibits persons convicted of certain serious offences from holding licences under the Professional Boxing and Combat Sports Act 1985. It also makes consequential amendments to other acts following the abolition of the offence of defensive homicide.

In respect of the issue of unexplained wealth laws, I point out that unexplained wealth laws currently exist in all Australian jurisdictions other than Victoria and the ACT. These laws require persons who are reasonably suspected of criminal activity or of owning unlawfully acquired property to explain how they came by their wealth. This bill proposes to bring Victoria into line with other jurisdictions and to prevent criminals from taking advantage of an existing gap in Victorian law.

In effect the bill reverses the existing burden of proof in relation to wealth that is suspected of being the proceeds of crime. Currently law enforcement officials must trace wealth to its source in order to establish its unlawful origin. Under this bill, once reasonable suspicion has been established the holder of wealth will be required to prove its lawful origin on the balance of probabilities. Once the court is satisfied of reasonable

suspicion, it can put in place an unexplained wealth restraining order, in effect preventing the accused from disposing of the assets under suspicion. Allowance will be made for reasonable living and business expenses. If the property's lawful origin cannot be established, it will be forfeited to the state once the restraining order has been in place for at least six months. Where Victoria assists the commonwealth in the investigation of criminal assets, Victoria, along with other states, will be able to share in the proceeds recovered.

I point out that in the federal arena for many years the Australian Taxation Office has had similar provisions in relation to unexplained wealth. Tax officials have been able to audit people on the basis of their assets and the income they have declared to tax authorities and, where there is a clear discrepancy between the two, to pursue them for tax evasion. It is important that we have in Victoria a regime under which the state is able to pursue people involved in organised crime who have been able to amass unexplained wealth through their illegal activities.

Coming to the issue of community correction orders, the bill specifies the maximum period of community correction orders for single and multiple offences. The current maximum period is two years for a single offence or multiple offences founded on the same facts. The new maximum periods that can be set by the Magistrates Court will be two years in respect of one offence, four years in respect of two offences and five years in respect of three or more offences. If the court imposes a community correction order and a prison sentence the total term imposed must not exceed five years.

The bill also establishes a new offence of assaulting a registered health practitioner — this includes GPs, nurses, midwives, pharmacists, physiotherapists and psychologists — in the course of providing care or treatment. The maximum penalty for this offence is six months imprisonment. The offender must have known that, or been reckless as to whether, the victim was a registered health practitioner, but they do not have to have known the status of the health practitioner's registration. The offence is not location specific, which means that practitioners performing off-site work will be covered as long as the assault occurs in the course of their work.

In this respect it is greatly concerning that in recent years we have had many occasions where paramedics or nurses going about their work have been assaulted, usually by individuals affected by alcohol or other drugs. It is important that, no matter what a person's work or working environment entails, they are provided with a safe environment. Mr Jennings, as the shadow Minister for Health, has expressed concerns in the past about the issue of health practitioners and in particular nurses in our hospitals being assaulted in the course of their employment. We need to ensure that hospitals are safe environments both for staff working there and for patients attending for medical care.

The bill also addresses stalking and related offences. The bill allows the Dispute Settlement Centre of Victoria to request documents from the Magistrates Court relating to a personal safety intervention order for the purpose of determining whether the matter is suitable for mediation. Many matters go before the Dispute Settlement Centre of Victoria every year. The nature of the matters that might be in dispute can be varied. In some cases they could relate to neighbourhood-type disputes, including barking dogs or fences being placed in the incorrect location or needing to be replaced. It is quite tragic that we sometimes see things that we would regard as minor in nature escalate to the point where neighbours are not civil to each other. We have even had a homicide occur recently as well as other serious assaults arising out of what have been quite minor neighbourhood disputes.

It is important that the Dispute Settlement Centre of Victoria is adequately resourced to enable community members to come together to attempt to mediate their disputes as much as possible. However, in some cases where there has been a history of stalking or an intervention order has been put in place it is important that that documentation is made available to the Dispute Settlement Centre of Victoria so that it can assess the suitability of the dispute before it and then be able to mediate it. Unfortunately there will be some situations where the safety of the individuals involved will be called into question. In those circumstances it will not be possible for the centre to be involved.

In respect of the part of the bill that relates to reports of judicial proceedings, under the current law it is prohibited to publish particulars of a matter that may lead to the identification of an alleged victim of a sexual offence. The bill seeks to create an exception to this prohibition in relation to disclosure of information by courts to the Judicial College of Victoria or the Sentencing Advisory Council and vice versa to allow these bodies to carry out their statutory functions. Both of these bodies were established by the Labor government. I am very proud of the fact that the Judicial College of Victoria was put in place. I think it has performed a very important role in terms of keeping our judicial officers informed and up to date with changes to the law. The college has also been quite

significant in respect of representing community attitudes.

In a similar way, the Sentencing Advisory Council has had an opportunity to provide significant advice to government over the years around sentencing practices and also to conduct research around community attitudes relating to sentencing. That body has also played a significant role over the years. I take this opportunity to commend these two organisations on the important work they have performed.

In respect of the issue of jurors, the bill makes clear that a juror who has been required to stand aside by the Crown must not be empanelled on the jury in that trial but must be returned to the jury pool and may be reallocated to and empanelled on another trial.

The bill also sets out a new function for the road safety camera commissioner to provide information to the public about the road safety camera system in response to requests for information by a person or body. We note that there has been quite a bit of controversy over these matters in recent times where people have contested the accuracy of speed cameras. It is important that members of the public are able to access information in order that they might question the veracity of the infringement with which they have been issued.

The bill also makes some changes that relate to boxing and combat sports licences. This is an omnibus bill which has a lot of different provisions within it. In this respect the bill will prohibit persons who have been convicted of an offence carrying a prison term of up to 10 years from being issued with a licence or having a licence renewed as a promoter, matchmaker, referee, judge, trainer or timekeeper in relation to professional boxing or combat sports contests in Victoria. Presumably that change is intended to ensure that only people of reputable character are involved in these particular sporting activities.

Finally, the bill makes consequential amendments to a number of acts following the abolition of the offence of defensive homicide and the consequent abolition of the common-law doctrines of aiding, abetting and related concepts. A number of amendments in this bill affect other legislation that the government has only just passed through the Parliament — and even some bills that are currently before it — so it is rather odd that there is such a range of miscellaneous amendments contained within this omnibus bill.

Coming back to the key part of the bill relating to confiscation, I want to make it clear that Labor wants to ensure that people who make a fortune or accumulate unexplained wealth through serious criminal activity will not be able to keep that wealth. We are therefore supportive of efforts to confiscate the proceeds of crime. In fact in government we initiated a raft of changes that related to this area. I recall going to an event as parliamentary secretary in the justice portfolio many years ago where I had an opportunity to present an angle grinder to the State Emergency Service (SES) that had been stolen through organised criminal activity by a group that was involved in raiding warehouses and a number of other places, including in my own electorate. The SES was able to use that piece of equipment for good work rather than to acquire ill-gotten wealth.

We have seen a number of changes over the years that have been about cracking down on organised criminal activity. One of the best ways we can do that is to take away the incentive to participate in criminal activity in the first place. If people involved in drug trafficking or other serious organised criminal activity understand that they will not profit from that criminal activity and have some nervousness about whether they will be able to retain their ill-gotten wealth, then hopefully they will think twice about participating in that criminal activity altogether. Certainly they should lose the wealth they have accumulated at the cost of the community.

We know that drug trafficking in particular wreaks enormous havoc in our community. We are seeing that with the ice epidemic currently being faced by our community, with so many people becoming addicted to this terrible drug over a short period of time. I know it is having an impact on the child protection system, as parents are becoming addicted to this drug and are therefore unable to keep their children — they are neglecting their children — and the state is having to intervene in those situations. It is also having an impact on family violence and in so many other ways in our community.

It is important that the tools are there for the police and the courts to tackle these crimes effectively. We on the Labor side are concerned about the lack of resources that have been made available to tackle crime effectively, including the kinds of offences that allow criminals to accumulate vast amounts of wealth in the first place. We believe it is important that our police and our courts are adequately resourced to be able to tackle these very serious issues. We are also concerned that we have an exploding prison population and a court system in crisis. If we are going to have a true tackling of crime, including serious crime, then all of these issues need to be adequately addressed.

With those words I indicate that Labor does not oppose this bill. There are some very sensible provisions in the bill that we are supportive of, but as I have pointed out, there is a raft of miscellaneous amendments in this bill that relate to fixing up legislation that has only just passed through the Parliament. It is important that there is not sloppy drafting but that these issues are looked at when bills come into the house and that we try to get these things right in the first place.

Mr D. R. J. O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution to debate on the Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014. It is an omnibus bill, as Ms Mikakos put it, but it contains a number of important provisions. I thank Ms Mikakos for indicating the opposition's support of the bill. Indeed, in relation to the substantive matter of the bill, the unexplained wealth scheme, if I heard her correctly, she indicated her support for the bill.

This is an important bill. With the introduction of this bill the government is taking another step to support the protection of the community and ensure that those who seek to engage in nefarious activities, including ones that lead to unexplained wealth — particularly drug trafficking, as identified by Ms Mikakos — do not reap the benefits of those ill-gotten gains. In fact, this bill provides a procedure for the state to be better able to recoup monetary wealth that has been stolen — although, of course, some of the consequences of such activity extend far beyond the financial penalties that are taken by the state for victims of crime; they also extend to the non-financial or human costs of crime, particularly organised crime. This was established very well through the inquiry touched upon by Ms Mikakos in relation to the scourge of ice, which was chaired by my colleague in Western Victoria Region, Mr Simon Ramsay, along with other members of Parliament.

The bulk of Ms Mikakos's contribution, which related to the terms of the bill, I can wholeheartedly agree with, and I commend her for that. It was similar to the summation of the bill contained in the second-reading speech. I do, however, need to disagree with some of her concluding remarks in relation to the government's commitments, in a legislative sense, to protect the community. I must also place some matters squarely on the record to contradict Ms Mikakos's suggestion that there has been a lack of commitment from the government.

One of the key priorities that this government took to the election — and which it has defended and continues to defend in its time in office — is its commitment to law and order. We have seen belated attempts from Mr Pakula in particular in relation to giving juries a say on sentencing and other attempts to seize back some of the initiative. This government has recognised the failure of the previous government to properly protect the community in relation to these law and order issues, which are very important to community safety, and has provided a suite of policies — which does cost money. I heard Ms Mikakos talk about police and investigations. This government committed to providing 1700 police officers and 940 protective service officers (PSOs). That is a commitment that takes a budgetary allocation, but it is a necessary commitment in the circumstances in which we find ourselves.

In recent months there has been a new dimension to the issue of law and order in terms of the threat of international terrorism. That is obviously of great concern to all Victorians. I take this opportunity to commend all Victorian police officers, including the two who were recently injured, and all the PSOs who protect us as democratically elected MPs and the staff at the Parliament, and indeed all the Victorians who use our railway stations where PSOs are stationed.

The government has also provided significant resources — and for this I commend the Minister for Community Services in particular but also the Premier and the Deputy Premier — in relation to another scourge, and that is violence in the home, or what is called domestic violence or family violence. Domestic violence is unacceptable violence against women and children in the home. Minister Wooldridge in particular has taken great leadership on this issue, again with a significant commitment. This is a large commitment, not only in a financial sense but also across the whole of government, including, as the Minister for Crime Prevention said today in question time, in relation to his very important crime prevention portfolio. These matters have been canvassed. Again, it is important to remind ourselves that we have made a choice in relation to financial security that allows us to provide reliable funding through these budget provisions to support our very important justice system.

I will turn briefly to some important aspects of the bill — I will not cover the whole bill — including, firstly, the unexplained wealth provisions. As Ms Mikakos has said, there are already mechanisms in the Confiscation Act 1997 for the confiscation of property where the prosecution can establish that it was derived from a criminal offence. However, it has been the case that these schemes can be avoided by persons who are able to hide the source of their criminal wealth, particularly those involved in organised crime who can hide their wealth by a variety of means, such as placing

the wealth in the hands of a person who is at a distance from the actual offending or by the intermingling or mixing of proceeds of lawful and unlawful activity. These tactics can frustrate any attempt by law enforcement officers to link criminal wealth with criminal offending, and one of the key provisions in the unexplained wealth scheme that is introduced under this bill places the burden of proof on the owner of property to show that his or her property was lawfully acquired. The prosecution will not be required to link the property to the particular criminal activity.

Reversing the onus of proof is not a step taken lightly. It is done in relation to serious criminal activity, and there are two ways in which the restraint of property can be sought. The first allows for the restraint of some or all of the property of a person suspected on reasonable grounds to have engaged in serious criminal activity as defined, and the second allows for the restraint of specific property suspected not to have been lawfully acquired. Then, with this reverse onus, it will be up to the person whose property has been restrained to explain how the property was lawfully acquired; otherwise that property will be forfeited to the state. There are safeguards contained in the bill. An unexplained wealth restraining order can be made only against a person suspected of engaging in serious criminal activity or of owning property not lawfully acquired, so a significant threshold must be met before a person is compelled to explain the origin of his or her wealth.

The law will also allow the court to authorise reasonable living expenses and legitimate business payments to be made out of the restrained property until it is determined whether or not the property was lawfully acquired, and family members and others who can demonstrate that they would suffer undue hardship from the forfeiture will be able to apply to the court for a payment from the forfeited assets as relief from that forfeiture.

I turn now to some of the other important provisions. As I have said, I will not go through them all. Those of particular interest include the amendments to the Juries Act 2000, which provide that a potential juror who has been required to stand aside by the Crown must not be empanelled on the jury, must then return to the jury pool and may be selected to a panel in another trial. This change addresses current inconsistencies of practice, clarifying the appropriate procedure and improving the potential juror's existence.

There are amendments to the Personal Safety Intervention Orders Act 2010 that have been well canvassed by Ms Mikakos, particularly the cooperation from the Dispute Settlement Centre of Victoria in relation to matters suitable for mediation. There are also changes to the Road Safety Camera Commissioner Act 2011, which will clarify that the commissioner may provide information about the road safety camera system to members of the public who approach the commissioner's office.

Mention has been made of the changes to community correction orders, which have been a significant reform of this government and of which I am personally immensely proud. The previous regime has been a source of much inconsistency, and these reforms further clarify the changes, as have been summarised by Ms Mikakos.

I am also particularly proud of the offences introduced in relation to assaults on health practitioners. These provisions cover a range of important health practitioners, including registered general practitioners, nurses, midwives, dentists, pharmacists, physiotherapists and psychologists. The changes include offences that occur where health practitioners conduct their work at home. That is a particularly commendable reform.

Also commendable are amendments to the Professional Boxing and Combat Sports Act 1985. I wish to conclude my contribution by commenting on the amendments to this act, having been referred to rather cheekily during question time by the Minister for Sport and Recreation, Damian Drum, as the father of a boy, Edward, who was successful in the under-21-kilogram division in the recent Pan Pacific jujitsu championship competition. This is a sport I had not much to do with prior to recent years, and I have had a wonderful time pursuing it with three of my children. I should commend my other son, Sam, who also did very well but did not receive a medal, and indeed all the participants at the 2014 Pan Pacific Championship. It is a sport that is professionally carried out, and it is very good for health and fitness.

I commend the Peter de Been school in Torquay and all the other parents and competitors. I also commend Hugh Delahunty, the member for Lowan in the Legislative Assembly, who is retiring in this Parliament. As the then Minister for Sport and Recreation he initiated the substantive changes to the definition of a prohibited person in the Professional Boxing and Combat Sports Act that came into effect on 7 November last year. This bill will close a gap to bring in commonwealth offences, which is an important matter this bill addresses.

With those few remarks, I commend the bill to the house, and I again commend the Attorney-General for his diligent work in this important area.

Ms PENNICUIK (Southern Metropolitan) — The Justice Legislation Amendment (Confiscation and Other Matters) Bill 2014 is an omnibus bill that amends nine acts of Parliament. The major part of the bill — in fact two-thirds of the bill, or 47 of its 72 clauses — is made up of amendments to the Confiscation Act 1997. That is the main purpose of this bill, and I will return shortly to that purpose.

The other third of the bill — around 25 of its clauses — is made up of amendments to eight other acts. Some of those amendments are supportable, and some are questionable. The issue is similar to what was raised by Ms Mikakos — that is, at this stage, on the third-last day of this Parliament, why is this bill, an omnibus bill that makes miscellaneous amendments to eight acts and substantial amendments to one act, being presented to us when we have not seen other bills that I would have thought were of much more urgency for the people of Victoria?

The main purpose of the bill is to amend the Confiscation Act. It expands the regime for the confiscation of so-called unexplained wealth that is not acquired by lawful means and lowers the threshold for the application of a restraining order. It was only recently that members were debating legislation that made amendments to the confiscation scheme to lower the threshold for the confiscation of assets from those convicted of criminal offences. This bill lowers that threshold even further and applies the confiscation scheme to persons who are just suspected of being involved in criminal activity but who have not been convicted of criminal activity, let alone criminal activity that is tied to their unexplained wealth.

Notwithstanding the government's and opposition's support of this particular provision, there are dangers associated with it that I will be exploring. I make the point also that we have only just recently made changes to the confiscation regime, which really have not been tested for any length of time. I would have thought that we would wait until those particular changes, which were made only very recently, had been shown to either work or not work.

In the normal course of events I would have attempted to have this bill referred to a standing committee for further inquiry and report. It is not really practical at this time in the parliamentary timetable to do that, because the committee would not be able to report back during this particular session of Parliament.

The amendments to the Confiscation Act, which establish or expand the scheme for the confiscation of unexplained wealth — that is, the property of a person which the person cannot explain the lawful acquisition of. Two tests will be applied to that. The first relates to the applicant for a restraining order, which would provide that the property could not be disposed of or otherwise dealt with unless by way of what was specified in the order or by a person specified in the order. That can be applied where there is a reasonable suspicion that the subject of the order has engaged in serious criminal activity. The person does not have to have been convicted of any serious criminal activity; there just has to be a reasonable suspicion.

Criminal activity is defined as conduct that constitutes one or more of a range of serious offences that are generally punishable by at least five years imprisonment and are of a nature that is intended to generate or conceal criminal wealth. Under clause 7 of the bill that would include sex work, forgery, homicide, theft, extortion, violence, or the production or dissemination of child pornography. The total value of the property sought to be restrained must be at least $50 000. A property located outside Victoria can be restrained if the serious criminal activity a person is suspected to have been involved in occurred when the person was in Victoria.

There are dangers with this provision, as pointed out by Liberty Victoria. Firstly, the threshold of serious criminal activity is very low. Criminal activity previously meant an applicable offence involving two or more offenders and substantial planning and organisation, and that the activity formed part of systemic criminal activity and had the purpose of obtaining profit, gain, power or influence under section 4 of the Criminal Organisation Control Act 2012. That really is the definition of being involved in some sort of organised crime, to which both Ms Mikakos and Mr O'Brien referred. In fact it was this previous regime that was about deterring organised crime; the bill before the house does not actually do that — it can apply to any person who is suspected of being involved in criminal activity. We need to be clear that the bill does not just target organised crime. It targets any person who is suspected, not convicted, of being involved in criminal activity.

As I said, recent amendments to the act now define serious criminal activity as an offence punishable by at least five years imprisonment, which is a significant reduction of the threshold already in the bill we debated here not long ago. Liberty Victoria also states that the lower threshold means an unexplained wealth restraining order is likely to be imposed for offences

punishable by five years imprisonment and offences not related to the activities of criminal organisations. The imposition of an unexplained wealth restraining order should, as a minimum, be limited to offences relating to offending by criminal organisations rather than those indictable offences proposed in the bill.

The second test will be that the applicant for the order holds a suspicion based on reasonable grounds that the property sought to be restrained was not lawfully acquired. This can apply to property of any value, but it must be located in Victoria. Once a restraining order is in place the person whose property has been restrained or a third party can apply to the court that made the order for the exclusion to demonstrate that the property was lawfully acquired on the balance of the probabilities. To show this it will be necessary to prove that the consideration provided for it was lawfully acquired. People suspected of criminal activity would have to prove their assets were obtained by legitimate means. It changes the onus in place under the current law, which requires authorities to prove the link between a criminal's assets and their illegal activity. We are reversing the onus of proof. We are also lowering the threshold of suspicion; a person does not have to have been convicted.

There are dangers in doing this because people can be accused of being suspected of something and find themselves caught up in this, but there is also the issue of other people who have an interest in the property that may be restrained. Affected family members can apply for relief to the court, but, as Liberty Victoria also states, it will be particularly difficult for persons under 18 years and also for other categories of people to do so. The bill presupposes that family members who are affected by such orders have the capacity to make applications to the court, and the practicability of making an application is unclear in terms of procedure and outcomes. Moreover, the threshold for applicants seeking an unexplained wealth restraining order, which is reasonable grounds or a reasonable suspicion that the owner has engaged in serious criminal activity, is far lower in comparison to the burden of proof for a person seeking to exclude the property from an unexplained wealth restraining order, which is information or evidence that supports the lawful acquisition. While the Greens do not support organised criminal activity and do support the confiscation of assets where it is proved that they are related to criminal activity for which someone has been convicted, it is dangerous to go down the road we are travelling along, where people need to be only suspected of criminal activity and are not involved in organised crime.

The Scrutiny of Acts and Regulations Committee also made some comments about this bill. In fact it observed that all other Australian schemes, other than those in Tasmania and the one put forward by this bill, reduce the risk that lawfully acquired gifts or bequests will be incorrectly forfeited to the state by permitting the court to exclude property from the scheme if either the court is satisfied that it is not reasonably possible for the person to establish that a component of his or her wealth was lawfully acquired or that the person had acted in good faith. These other jurisdictions also permit a court to refuse to make an order if it is satisfied that making the order is not in the public interest, and the court can exclude bequeathed property from the scheme. It could be very difficult for people to prove the legality of bequests, particularly if they were made a long time ago. In any case, to prove the lawful acquisition of property owned by the person bequeathing it would be almost impossible. The proof of even a lawful acquisition of a property could be difficult after periods of time have expired because most people do not necessarily keep that sort of documentation for many years.

A similar scheme was introduced in New South Wales in 2010. As the second-reading speech makes clear, there are similar regimes across Australia, but, as I have mentioned, they contain more safeguards against abuse of the system than this bill does. The Greens in New South Wales also opposed that legislation, making the point that we need to crack down on organised crime but we should not be sacrificing rights such as being considered innocent until proven guilty. They also made the point that I have made, which is that the laws we already have are adequate. We recently changed them. We should wait to see how those changes work before we bring in even more changes which will make them more dangerous. Under this legislation a person under suspicion does not need to be convicted of any crime in order for a court to impose such an unexplained wealth order. The Greens have concerns about expanding this regime, particularly as it was only recently expanded. We have concerns with regard to this main part of the bill.

The bill makes some other amendments. It amends the Criminal Organisations Control and Other Acts Amendment Act 2014 in relation to special hearings under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 in the Children's Court such that the Director of Public Prosecutions may appeal against an order made under the Crimes (Mental Impairment and Fitness to be Tried) Act for the unconditional release of a person. That is probably a reasonable amendment to that act.

The bill amends the Judicial Proceedings Reports Act 1958 to make clear that the act does not prevent the disclosure of information made for the purposes of enabling the Sentencing Advisory Council and the Judicial College of Victoria to carry out their statutory functions in relation to the publication of relevant information and statistics about sentences in certain sexual offences. That is also probably a good amendment.

The bill amends the Juries Act 2000 in relation to potential jurors stood aside by the Crown in criminal courts such that such a juror must be returned to the pool and must not be empanelled on that trial but can be empanelled on another trial. I understand that that is just codification of something that already occurs.

The bill amends the Personal Safety Intervention Orders Act 2010 to allow for sharing of information between the Magistrates Court and the Dispute Settlement Centre of Victoria. Again, that is probably a good amendment. It amends the Road Safety Camera Commissioner Act 2011 to provide the commissioner with an additional function to provide advice about the system in response to a request for information from a person or body. We support more information coming from such bodies. I know my colleague Mr Barber has his issues with the road safety camera commissioner, but I will not go into those here.

One of the more substantial of the many amendments this bill makes is to the Sentencing Act 1991 to permit the Magistrates Court to impose a single aggregate community correction order (CCO) or multiple CCOs in respect of multiple offences with a total period of up to five years, and to make a statute law revision amendment to update terminology in the Sentencing Act.

Currently under the act the maximum period for which a CCO can be imposed by the Magistrates Court is two years for a single offence or offences founded on the same facts. This bill amends the act to set out new maximum lengths for CCOs that Magistrates Court may impose in different circumstances. It provides that the period of a CCO may not exceed two years for one offence, four years in respect of two offences and five years in respect of three or more offences. Cumulative CCOs made by the Magistrates Court in respect of multiple offences committed at the same time must not exceed five years in total. For example, if the Magistrates Court is sentencing an offender for five offences and makes a 12-month CCO in respect of each of these offences, cumulatively the CCOs will add up to a period of five years, which will be equal to the five-year limit set by the new section.

While the Greens are supportive of an increase in the use of community correction orders, particularly for non-serious violent offenders — it is better for the offender and for society that people who are not a danger to the community serve CCOs rather than being incarcerated — we have our issues with the regime of community correction orders that was put in place by this government. I outlined those concerns at great length when that happened, so I will not repeat them. Briefly, however, the regime is not flexible enough. There is a requirement that certain conditions have to apply where we would have said it would be better to make community correction orders more flexible and allow magistrates to tailor them to fit the circumstances of the offender before them. I think we moved amendments to that effect at the time but they were not accepted.

I agree somewhat with remarks made in the other place by the shadow Attorney-General, the member for Lyndhurst, that this legislation is perhaps making up for the lack of sentencing options that are now before the courts. This government has gone down the road of abolishing suspended sentences, which we opposed, and abolishing home detention, which we also opposed. Certain offences, offenders and circumstances suit those sentencing options. Now the courts do not have those options. Without the options of home detention or suspended sentences, people are being given prison sentences when they should not be. The government obviously does not want to admit that it has made a big mistake, so it is bringing in this particular regime.

My main comment on that is that this has just been plopped into this omnibus bill to be debated in the last sitting week of Parliament but it needs more discussion and scrutiny by the Parliament as to how it will actually work. The Greens would rather see more sentencing options reinstated in the courts.

The bill amends the Summary Offences Act 1966 to create a new offence of assaulting a registered health practitioner in the course of providing care or treatment, with a maximum penalty of six months imprisonment. At present such an assault would be covered by the law of common assault and attract a maximum penalty of three months imprisonment or 15 penalty units. 'Registered health practitioner' includes nurses, psychologists, midwives, dentists, pharmacists and physiotherapists. The penalty would apply whether or not these health practitioners were performing their duties, and it covers incidents that occur on hospital premises.

While the Greens abhor assaults on health practitioners, we would prefer to see more preventive measures such

as those outlined by the Australian Nursing and Midwifery Federation. I think I mentioned this in Parliament in relation to a recent bill. The nurses' 10-point plan to address violence in health facilities, and hospitals in particular, includes the health department developing baseline standards for security in hospitals; risk assessments for all patients admitted to emergency; patient care plans that set clear behaviour standards; streamlined reporting systems from the health department; hospital designs to minimise violence; training for nurses in responses; standardised security responses to aggression and violence in hospitals; workers in all healthcare settings to be included; and the empowerment of staff to report incidents.

Given what the government says the purpose of this bill is, increasing the penalty from three to six months is not going to be as effective as actually implementing preventive measures so that health professionals in our hospitals are not assaulted at all. That is the more important measure that should be put in place by the government rather than this small increase in the maximum penalty for such assaults. We could go to the length of mentioning all sorts of other workers who may be assaulted during the course of their work. Assault is bad for any person, whether it occurs in the course of their work or not. I am not sure that going down the track of naming certain types of workers as opposed to other workers or other people in the community is necessarily the right thing to do.

I have made the point before that the vast majority of assaults recorded in crime statistics in fact occur in the home. That is what we should be looking at. I know there are moves to pay more attention to this, but a lot more work needs to be done in this area.

There is a technical amendment to the Professional Boxing and Combat Sports Act 1985 such that a person who is convicted of an offence and sentenced to a term of 10 years or more is prohibited from holding a licence under the act. My personal view is that boxing should be banned, and I agree with the Australian Medical Association on that point. I think a so-called sport the aim of which is to render your opponent unconscious is not really a sport and is just sanctioned violence.

There are also consequential amendments to the Confiscation Act 1997 and the Drugs, Poisons and Controlled Substances Act 1981 regarding the abolition of the offence of defensive homicide, which of course the Greens opposed.

I would also like to make the point that the Auditor-General examined the operation of the asset confiscation scheme in 2013 and concluded as follows:

> The scheme is not operating as efficiently or as effectively as it should. Its ability to deprive people of the proceeds of crime, and to deter and disrupt further criminal activity, is hampered by weaknesses in the way that assets are identified for confiscation, and by how the scheme is governed.
>
> Victoria Police plays a critical role in the scheme as it is responsible for identifying assets … However, it is not maximising opportunities to identify such assets related to profit-motivated, serious and organised crime.
>
> Its asset confiscation functions are undermined by a failure to make the most of its investigative tools, by a lack of effective planning and by capacity and capability weaknesses. Its current focus on victims of crime work does not directly or demonstrably contribute to the scheme's objectives and diverts it from focusing on profit-motivated crime.

The Auditor-General found that the scheme was not operating properly because it was not operating properly, not because the legislation was deficient.

As I have pointed out, there are many dangers to the lowering of the threshold and the removal of the presumption of innocence in this bill, which we do not feel are needed. We feel there should be time to see how the recently amended law works before we further amend this regime in the Parliament.

House divided on motion:

Ayes, 35

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

Noes, 3

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

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CRIMES AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2014

Second reading

Debate resumed from 18 September; motion of Hon. D. K. DRUM (Minister for Sport and Recreation).

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Crimes Amendment (Sexual Offences and Other Matters) Bill 2014, and I indicate to the house that Labor will not be opposing the bill. The bill makes changes to sexual offence laws, including amending and updating rape and sexual assault laws. It clarifies elements of sexual offences against children, it removes prosecution time limits for certain child sexual offences, it adapts the law to deal with sexting between young people and it creates offences for the distribution of intimate images.

Turning to the issue of rape and sexual assault offences, the bill amends the Crimes Act 1958 and makes changes to the drafting of the offences of rape, rape by compelling sexual penetration, sexual assault, sexual assault by compelling sexual touching, assault with intent to commit a sexual offence and threat to commit a sexual offence.

Sexual offence laws are complex and can be confusing to apply. The redraft of these offences aims to use updated language that is designed to be clearer for juries to understand. I understand these changes were informed by a Department of Justice consultation paper and submissions received by the department. The consultation paper put out by the Department of Justice identified the main problems with the current laws, presented proposals and asked questions regarding this reform. The department had the opportunity to invite submissions from organisations and members of the public in order to obtain advice as to how the laws could be improved. I understand the Attorney-General has had this advice since the end of last year. We have received these changes by virtue of the bill in the Parliament — a bit late, but I guess better late than never. It is important that we get some clarity around these issues to ensure that the law can operate with clarity and be as effective as possible in protecting the community and in particular protecting children.

I also understand that the Department of Justice prepared a summary paper on the law on rape and provided a short summary of options for reform. There were many opportunities for input into the changes proposed in this bill. The bill repeals the current section in the Crimes Act 1958 that contains the meaning of consent and inserts a new section which lists the circumstances — but these are not limited — in which a person is taken to have not consented to an act, including submitting to the act out of fear, the person being asleep or unconscious or the person being so affected by drugs or alcohol as to be incapable of consenting.

I understand that views about these changes have been put forward by the Federation of Community Legal Centres and a number of organisations that deal with victims of family violence, with a range of views being expressed. Some welcome these changes, others welcome the changes but have concerns about the lack of detail and examples and what this might mean for juries in understanding the new meaning of consent, particularly as it relates to jury instructions. We think it is important that the laws are closely monitored once in operation to ensure that they meet the stated desired outcomes of this bill.

The bill also makes a number of changes in respect of the removal of mandatory jury directions. The bill removes the mandatory requirement for jury directions on consent and on the accused's reasonable belief. These directions were designed to formalise good practice and ensure that juries were provided with consistent and appropriate information about the legal standard of consent. This entailed a judge giving directions to the jury in order to inform it on matters such as the fact that inactivity or silence does not indicate consent under Victorian law. It is important that juries in these important criminal trials are adequately informed about the law. I understand that there will still be capacity for the prosecution or the defence to request a direction. Under the Jury Directions Act 2013 a judge is required to give a direction if this would be necessary to avoid a substantial miscarriage of justice. It will be important for us to monitor the impact of the removal of mandatory jury directions on the stated outcomes of achieving greater clarity in the law and better understood and more effective law.

The bill also relates to course of conduct offences. The bill proposes to allow the prosecution to file a course of conduct charge where the case involves multiple incidents of sexual offending against the same complainant. This removes the need for a complainant to provide details about separate incidents of abuse, as is currently required to make out a charge of persistent sexual abuse of a child under the age of 16. This is particularly important because through the *Betrayal of Trust* report and the royal commission into institutional child abuse, and as we hear more reports of child sexual

abuse, we have gained a better understanding of the nature of the reporting of sexual abuse and of the difficulty for children coming forward and reporting these matters. We know that it can take many years for victims to report abuse that happened as a child, and given the passage of time it is understandable that they may have forgotten particular details of dates and details of each incident of abuse that may have occurred.

It is important that the passage of time is not allowed to enable perpetrators to get away with their crime. The ability to have charges relating to a series of offences — course of conduct charges — where there have been multiple incidents of sexual offending against the same complainant should now be able to assist in making the case to establish beyond a reasonable doubt that sexual abuse was perpetrated against children.

Course of conduct offences will be available in relation to other types of offences involving high-volume separate offences as well, such as money laundering; they will not just relate to child sex offences. It is, however, really in respect of child sex offences in particular that I think this reform is significant. As I have already pointed out, in recent years many adults have come forward with their stories of abuse as children, and I commend them for the great courage they have shown in coming forward and reporting that sexual abuse of which they were victims. I hope the Royal Commission into Institutional Responses to Child Sexual Abuse, which is under way at the moment, will lead to significant and lasting reforms in terms of how we address this abuse through the criminal law and provide redress and other responses to those who have been victims of historical abuse and also inform governments, religious organisations and other institutions in society on how they can put preventive measures in place to ensure that we prevent such abuse from occurring in future.

In this respect I note also a concern in relation to other legislation that is before the Parliament at the moment dealing with recommendations that came from the *Betrayal of Trust* report. It is disappointing that the government has chosen not to proceed this week with a bill that relates to other recommendations — 12.1 and 16.1 — of the *Betrayal of Trust* report. These recommendations were about ensuring that we could put arrangements in place with our schools through our education system — —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Ondarchie**) — Order! The level of ambient noise, particularly to the right of the Chair, is not acceptable.

Ms MIKAKOS — It is disappointing that this bill, which would have implemented some significant recommendations of the *Betrayal of Trust* report — to put in place better mechanisms in our education system — is not going to be proceeded with during the course of this final sitting week of the Parliament.

Coming back to this bill, I note that it also removes some outdated provisions. It removes time limitations that currently prevent the prosecution of certain sexual offences committed against children prior to 1991. As I have indicated to the house already, we now have a greater understanding of reporting of historical child sex crimes, and it is therefore no longer appropriate to have time limits on such legal proceedings. This bill will remove a redundant exception to sexual offences committed against a child under 16 where the accused is married to the child, as it is no longer possible for someone under the age of 16 to be married.

The bill also makes some changes relating to sexting. Currently any sexually explicit depiction of a person under 18 is potentially child pornography. In recent years we have seen the phenomenon, with the emergence of very advanced telephones that can also take photographs, of particularly teenagers engaging in the practice of taking sexually explicit photographs of themselves and sending those via their telephones to other teenagers. In December 2013 the parliamentary Law Reform Committee's report on the inquiry into sexting recommended that the government introduce legislation to amend child pornography offence laws to provide defences for accused young persons engaged in sexting. This is because we had had a situation where young people were falling foul of the law, which was having serious ramifications for their future employment, by engaging in these practices.

The bill creates exceptions to child pornography offences for minors if the explicit images do not depict an act that is a criminal offence. Exceptions only apply to minors, which is inconsistent with the recommendation that came from the sexting inquiry, which suggested the exception be available to people not more than two years older than the minor who is the subject of the child pornography.

Finally, the bill also provides a new offence covering instances of intentional distribution of an intimate image without the consent of the person in the image, where that distribution is contrary to community standards of acceptable conduct. A further offence is

proposed by the bill covering threats to distribute an intimate image of someone that would be contrary to community standards. The bill provides guidance on determining the application of community standards of acceptable conduct, and the court must consider such matters as the context in which the image was captured and distributed, the degree to which a person's privacy is affected by the distribution and so on.

In conclusion, we do not oppose this bill. We believe that as legislators we should ensure that the law is continually updated and reflects community expectations. For our laws to be effective they need to be clear and to reflect community attitudes. We do not oppose this bill; in fact I am pleased it will pass with some significant changes. As legislators we of course all abhor crimes against children and vulnerable people, and it is important we have laws in place that will protect them.

Debate adjourned on motion of Mr D. R. J. O'BRIEN (Western Victoria).

Debate adjourned until later this day.

SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014

Instruction to committee

Ms PULFORD (Western Victoria) — I move:

That it be an instruction to the committee that they have power to consider new clauses to amend the Equal Opportunity Act 2010 to provide for the inclusion of expunged homosexual conviction in the list of attributes on the basis of which discrimination is prohibited.

Motion agreed to.

Committed.

Committee

Clause 1

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I am happy to postpone consideration of Ms Pulford's amendment 1 on procedural grounds. I call on Ms Pulford to move amendment 2 to clause 1.

Ms PULFORD (Western Victoria) — I move:

2. Clause 1, page 2, line 2, after "expunged" insert "on the basis that it is generally accepted that consensual sex of a homosexual nature between adults should never have been a crime".

As I indicated in the second-reading debate, this amendment seeks to provide a recognition that consensual sex of a homosexual nature between adults should never have been a crime. It is my intention to speak very briefly in committee on this occasion. This legislation has been considered in both chambers today, which has been quite unusual. There has been some extensive discussion around a number of amendments that were moved in the Legislative Assembly by my colleague Martin Foley, the member for Albert Park, following discussions with the Attorney-General and the very useful assistance of the Office of the Chief Parliamentary Counsel until reasonably late into the evening.

It is my intention to move these amendments so that the bill that is being debated in this house reflects exactly the bill that has been debated and now passed with amendments in the Legislative Assembly. As I indicated in the second-reading debate, Labor's amendments seek to do a number of things, including to broaden the scope of the bill somewhat and to recognise that by passing this legislation tonight we will be righting a wrong that should never have occurred.

Business interrupted pursuant to sessional orders.

Sitting extended on motion of Hon. D. M. DAVIS (Minister for Health).

Hon. D. M. DAVIS (Minister for Health) — The government will support this amendment and will do so with great enthusiasm. I note the process that has been gone through in the Legislative Assembly and the discussions that have occurred between parties in that house. The government and non-government parties are appreciative of the support today of the Office of the Chief Parliamentary Counsel and of the Attorney-General's office and staff. Staff of the Department of Justice have worked very hard on this matter to sort out the technical details to ensure that these proposed amendments are in order. The government certainly will support these amendments.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting Ms Pulford's amendment 2, which adds an additional phrase to the purposes clause of the bill and points out that sex of a homosexual nature between adults should never have been a crime, which is a position the Greens hold very clearly, as do the majority of people in the community. For those reasons, we wholeheartedly support that addition.

Amendment agreed to; amended clause agreed to: clause 2 agreed to.

Clause 3

Ms PULFORD (Western Victoria) — I move:

3. Clause 3, after line 8 insert —

"***applicant*** means —

(a) a person referred to in section 105B(1) who may make an application under that subsection; or

(b) if a person referred to in section 105B(1) is unable to make an application under that subsection because of a disability within the meaning of the **Equal Opportunity Act 2010**, the person's litigation guardian or guardian with the meaning of the **Guardianship and Administration Act 1986**; or

(c) a person referred to in section 105B(2) who may make an application under that subsection in respect of an entitled person who is deceased;".

4. Clause 3, after line 10 insert —

"***appropriate representative***, of a person who was convicted of a historical homosexual offence and is deceased, means —

(a) if the person, immediately before death had a spouse or domestic partner — the spouse or domestic partner of the person; or

(b) if the person immediately before death did not have a spouse or domestic partner or if the spouse or domestic partner is not available — a son or daughter of the person of or over the age of 18 years; or

(c) if a spouse, domestic partner, son or daughter is not available — a parent of the person; or

(d) if a spouse, domestic partner, son, daughter or parent is not available — a sibling of the person of or over the age of 18 years;

(e) if a spouse, domestic partner, son, daughter, parent or sibling is not available — a person named in the will of the person as an executor; or

(f) if a spouse, domestic partner, son, daughter, parent, sibling or executor is not available — a person who, immediately before the death, was a personal representative of the person;

(g) if a spouse, domestic partner, son, daughter, parent, sibling, executor or personal representative is not available — a person determined to be the appropriate representative under subsection (3);".

5. Clause 3, page 4, after line 5 insert —

"***domestic partner***, of an entitled person who is deceased, means —

(a) a person who was at the date of death of the entitled person in a registered domestic relationship with the entitled person; or

(b) an adult person to whom the entitled person was not married but with whom the entitled person was in a relationship as a couple where one or each of them provided personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they were living under the same roof, but does not include a person who provided domestic support and personal care to the entitled person —

(i) for fee or reward; or

(ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

entitled person means —

(a) a person referred to in section 105B(1); or

(b) a person who was convicted of a historical homosexual offence and is deceased;".

6. Clause 3, page 6, after line 4 insert —

"(2) For the purposes of the definition of ***domestic partner*** in subsection (1) —

(a) ***registered domestic relationship*** has the same meaning as in the **Relationships Act 2008**; and

(b) in determining whether persons who were not in a registered domestic relationship were domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and

(c) a person was not a domestic partner of another person only because they were co-tenants.

(3) For the purposes of paragraph (g) of the definition of ***appropriate representative***, a person is the appropriate representative if the Secretary determines that the person should be taken to be the appropriate representative of the deceased person because of the closeness of the person's relationship with the deceased person immediately before his or her death.".

7. Clause 3, page 6, line 5, omit "(2)" and insert "(4)".

8. Clause 3, page 6, after line 25 insert —

"(2) In addition, an appropriate representative of a person who was convicted of a historical homosexual offence and is deceased may apply to the Secretary for the person's conviction to be expunged.".

9. Clause 3, page 6, line 26, omit "(2)" and insert "(3)".

10. Clause 3, page 6, line 31, after "applicant" insert " is an entitled person who is not deceased but".

11. Clause 3, page 7, line 12, omit "(3)" and insert "(4)".

12. Clause 3, page 7, line 14, omit "applicant" and insert "entitled person".

13. Clause 3, page 7, line 15, omit "applicant" and insert "entitled person".

14. Clause 3, page 7, line 20, omit "applicant" and insert "entitled person".

15. Clause 3, page 7, line 21, omit "applicant" and insert "entitled person".

16. Clause 3, page 7, line 27, omit "applicant" and insert "entitled person".

17. Clause 3, page 8, line 2, omit "applicant" and insert "entitled person".

18. Clause 3, page 8, line 8, omit "(4)" and insert "(5)".

19. Clause 3, page 8, line 11, omit "applicant" and insert "entitled person".

20. Clause 3, page 8, line 21, omit "(5)" and insert "(6)".

21. Clause 3, page 8, line 28, omit "(6)" and insert "(7)".

22. Clause 3, page 9, line 13, omit "105B(5)" and insert "105B(6)".

23. Clause 3, page 9, line 32, omit "105B(5)" and insert "105B(6)".

24. Clause 3, page 10, line 25, omit "105B(4)(b)" and insert "105B(5)(b)".

25. Clause 3, page 11, line 13, omit "105B(5)" and insert "105B(6)".

26. Clause 3, page 12, line 25, omit "applicant" and insert "entitled person".

27. Clause 3, page 12, line 26, omit "applicant" and insert "entitled person".

28. Clause 3, page 12, line 29, omit "applicant" and insert "entitled person".

29. Clause 3, page 13, line 2, omit "applicant at the time of making" and insert "entitled person at the time of the making of".

30. Clause 3, page 13, line 12, omit "applicant" and insert "entitled person".

31. Clause 3, page 13, line 26, omit "applicant" and insert "entitled person".

Amendments 3 to 31 are a reflection of the Labor Party's desire to amend this legislation so that posthumous application for expungement of historical convictions can be allowed.

Among the many issues discussed in the debate about this matter in the Legislative Assembly was how best to give effect to these changes. The provisions in these amendments are the same as those in the Coroners Act 2008 regarding senior next of kin. We believe this will enable the partners or children of deceased individuals who were convicted of such offences and who are eligible to apply to do so on behalf of their deceased loved one. This clause also provides arrangements for legal guardians.

I believe these amendments are also acceptable to the government. It was important to the opposition that even those who are no longer with us who were in the terrible situation of having to bear a conviction for so many decades should be able to have their record corrected after their passing.

Ms PENNICUIK (Southern Metropolitan) — Once again, the Greens will support these amendments, which allow for the senior next of kin or domestic partners of a person who has lived with a conviction to have that conviction posthumously expunged. As I mentioned during the second-reading debate, I wrote to the Attorney-General on 23 September requesting that he bring forward such an amendment to the bill before it was debated in the Legislative Council, because I was concerned that in coming to the Council in this last week the bill may be held up with amendments. I had already asked the Attorney-General to arrange for these amendments to the bill to be brought in.

The time that has passed since the decriminalisation of homosexuality almost 34 years ago means that an awful lot of people who have passed away in the intervening 30-something years will have been affected by this issue. It is of great concern and distress to their loved ones that those records still remain, so the amended bill will give the opportunity to have their convictions expunged not only to persons still living but also to persons who had those convictions in the past and have since passed away. That is very important not only for that person's record but also for the happiness of their relatives and loved ones.

While I am fully supportive of these amendments, I want to take the opportunity to repeat that in the letter I wrote to the Attorney-General I asked him to implement other recommendations of the Human

Rights Law Centre's report, including recommendation 3 and recommendation 4, which was that an amendment such as was made in the UK regarding this issue should also be made in Victoria. The amendment in the UK allowed that not only were convictions expunged but also fines, warnings and other reprimands that had been applied and would still be on people's records.

The minister mentioned earlier that the Attorney-General's office and his staff have been very involved. The Attorney-General knew that I wrote to ask him to include that amendment. I think it is a shame that the Attorney-General did not take the opportunity to include the change, because while convictions may be expunged, those types of warnings, reprimands and fines — summary offence fines, for example — may still remain on people's records.

I said in my contribution to the second-reading debate that this scheme needs to be closely monitored. If amendments are needed to make the law work better, they should be introduced quickly. I suggest the issue I have just discussed will probably turn out to be an amendment to this legislation that is needed. I hope the minister at the table will be able to give some sort of assurance that that may occur in the not-too-distant future.

Hon. D. M. DAVIS (Minister for Health) — I am pleased to indicate that the government will strongly support these amendments. As with the earlier amendments, there have been significant discussions between the parties today, and I understand that the involvement of the Office of Chief Parliamentary Counsel, the Attorney-General's office, the Attorney-General and indeed Department of Justice staff has seen these amendments carefully worked through and checked to ensure they are able to be safely implemented.

What I would say to Ms Pennicuik's point is that 1981 is indeed a long time ago. I remember 1981.

An honourable member interjected.

Hon. D. M. DAVIS — Indeed. In fact my predecessor as the member for East Yarra Province, Haddon Storey, was the Attorney-General who introduced legislation to decriminalise homosexuality. I take the opportunity to pay tribute to Haddon's groundbreaking work at that time. In a sense, this legislation is completing some of that work. For that reason alone, I am very pleased to make these comments today.

I can indicate to Ms Pennicuik that the government will carefully review the act that is passed and its functioning, and the government is not opposed to taking further steps as they are seen to be required. However, it is important to put on the record that this is groundbreaking legislation that will right a historical wrong and in a very broad sense provide a strong signal about the community's views on these matters. Things that ought not to have been crimes in time past now can be expunged in a way that will lead to a greater fairness.

Amendment 3, which I understand is being moved with all the other amendments to clause 3, will be supported by the government. The posthumous expungement process will have some of the same tests in it as the expungement process itself. These amendments deal with the task of putting appropriate representatives forward to advocate for that expungement. I know the Attorney-General's department has been closely involved in ensuring that this is a structured approach so that competing views are not put through and competing matters are not put forward. I believe it is a good way forward, and consequently the government will support it.

Amendments agreed to; amended clause agreed to; clause 4 agreed to.

Part heading preceding clause 5

Ms PULFORD (Western Victoria) — I move:

32. Part heading preceding clause 5, omit "**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1998**" and insert "**OTHER ACTS**".

This simply seeks to change a heading to give effect to those matters we have already discussed.

Ms PENNICUIK (Southern Metropolitan) — I support the amendment.

Hon. D. M. DAVIS (Minister for Health) — The government also supports the amendment.

Amendment agreed to; amended part heading agreed to.

New division heading preceding clause 5

Ms PULFORD (Western Victoria) — I move:

33. Page 25, after line 2 insert the following heading —

"**Division 1 — Amendment of Victorian Civil and Administrative Tribunal Act 1998**".

This is also changing a heading. I think it is a self-explanatory amendment.

Ms PENNICUIK (Southern Metropolitan) — The Greens support the change to the heading.

Hon. D. M. DAVIS (Minister for Health) — The government supports this change.

Amendment agreed to; new division heading agreed to; clause 5 agreed to.

New division heading following clause 5

Ms PULFORD (Western Victoria) — I move:

34. Page 27, after line 12 insert the following heading —

"**Division 2 — Amendment of Equal Opportunity Act 2010**".

This introduces the heading under which the amendments to the Equal Opportunity Act 2010 will sit within the amended bill. This is the second substantive question that the Labor Party was keen to see addressed through its amendments to the bill. What we are seeking to do with the Equal Opportunity Act is create a new attribute of having an expunged homosexual conviction and in doing so make discrimination against somebody who has such an expunged conviction unlawful. This is an important part of completely and conclusively righting this wrong. I commend this amendment to the committee.

Ms PENNICUIK (Southern Metropolitan) — The Greens support the new division heading inserted by amendment 34.

Hon. D. M. DAVIS (Minister for Health) — The government will support amendment 34 in recognition of the amendment to the Equal Opportunity Act 2010. This is an important measure that will lead to a clear position that ensures that discrimination cannot occur.

Amendment agreed to; new division heading agreed to.

New clauses

Ms PULFORD (Western Victoria) — I move:

35. Insert the following new clauses to follow clause 5 and heading proposed by amendment 33—

'AA Definitions

In section 4(1) of the **Equal Opportunity Act 2010** insert the following definition —

"***expunged homosexual conviction*** means an ***expunged conviction*** within the meaning of Part 8 of the **Sentencing Act 1991**;".

BB Attributes

After section 6(p) of the **Equal Opportunity Act 2010** insert —

"(pa) an expunged homosexual conviction;".'.

This is the amendment that gives effect to the changes to the Equal Opportunity Act that I foreshadowed a moment ago, so I will not speak to it any further other than to express Labor's appreciation to all parties, including the government, for giving full consideration to our amendments to this legislation.

This is a really important issue. It is an all-too-rare occurrence that we get to consider legislation in this way, so I would like to place on the record our appreciation to parliamentary counsel and the clerks for assisting us to do this.

Ms PENNICUIK (Southern Metropolitan) — The Greens fully support amendment 35 moved by Ms Pulford, which will insert two new clauses into the bill. The new clauses will add expunged homosexual convictions within the meaning of part 8 of the Sentencing Act 1991 as an attribute under the Equal Opportunity Act 2010 such that it will be illegal to discriminate against a person based on an expunged homosexual conviction. This is a good amendment, and the Greens are pleased to support it.

I again foreshadow that in the next Parliament the Greens will seek to introduce amendments to the Equal Opportunity Act 2010 to remove the exemption for religious organisations for discrimination against persons based on certain attributes, including sex, sexuality, marital status and parental status. This exemption has remained part of the Equal Opportunity Act under both this government and the previous government. Having said that, this is a great amendment and we support it.

Hon. D. M. DAVIS (Minister for Health) — The government supports this amendment. It will insert in the Equal Opportunity Act 2010 the following definition:

expunged homosexual conviction means an ***expunged conviction*** within the meaning of Part 8 of the **Sentencing Act 1991** —

and a further set of attributes attached. Again these are agreed amendments between the parties. This is a good outcome.

New clauses agreed to; clause 6 agreed to.

Long title

Ms PULFORD (Western Victoria) — I move:

1. Long title, after "**1998**" insert "and the **Equal Opportunity Act 2010**".

This amendment changes the long title of the bill to reflect the changes being made to the Equal Opportunity Act 2010.

Ms PENNICUIK (Southern Metropolitan) — The Greens will support the change to the long title of the bill.

Hon. D. M. DAVIS (Minister for Health) — Due to the negotiations between the parties, the agreed position is the alteration of the long title, and the government will support this amendment.

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Report adopted.

Ordered to be read third time later this day.

SENTENCING AMENDMENT (HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT) BILL 2014

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. D. M. DAVIS (Minister for Health).

The PRESIDENT — Order! I will just explain to members that the difficulty we have is that we do not have all the papers here from the Assembly that we need for our proceedings, including the statement of compatibility and the second-reading speech. It is likely that when this matter comes before the house tomorrow I will give a ruling in terms of determining that for all intents and purposes this is an identical bill to one we have debated today, so there is no concern about the passage of the legislation. However, as we do not have some of the material we need to accept the bill on this occasion, and consideration of it will be delayed until tomorrow.

ADJOURNMENT

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

That the house do now adjourn.

Ann Nichol House

Ms MIKAKOS (Northern Metropolitan) — The matter I wish to raise is for the Minister for Ageing. It relates to the contradictory comments made by the Assistant Treasurer and the Minister for Ageing today in question time regarding Ann Nichol House. As members would be aware, Ann Nichol House is a not-for-profit aged-care facility that was built on Crown land in Portarlington with funds raised largely by the North Bellarine community. For the past 12 months the government has been aware of the community's concern over Bellarine Community Health's announcement that it was planning to sell Ann Nichol House.

By way of background, on 25 March, in response to an adjournment matter raised by the member for Bellarine in the other place, the Minister for Environment and Climate Change, Ryan Smith, advised that the Crown land was on the Department of Health's asset register and it was therefore up to the Minister for Ageing to determine its future. The next day, in response to a question I asked, the Minister for Ageing advised me that he had only recently become aware that Bellarine Community Health wished to sell its ownership of that site.

In July the Minister for Environment and Climate Change made an order revoking the temporary reservations over the site but refused to explain what that meant. In August the Minister for Ageing apparently met with Ann Nichol and other community representatives, yet he did not inform them — —

Hon. D. M. Davis — Not apparently. I indicated to you that I did.

Ms MIKAKOS — Yes, the minister did meet with Ann Nichol and other community representatives, but the point I make is that the minister did not inform them that your department was facilitating the sale of the land to Bellarine Community Health so that it could be sold freehold to a private provider.

On 18 September the Assistant Treasurer approved the sale of this Crown land to Bellarine Community Health for $1.6 million. The very next day Bellarine Community Health resolved to sell the property freehold to Arcare Aged Care, a private aged-care

provider. In question time today the Minister for Ageing claimed that this sale was all about expanding aged-care capacity on the Bellarine Peninsula, which is not true. The reality is that Bellarine Community Health has closed 40 beds at the Coorabin Hostel in Point Lonsdale and sold these beds to Arcare. Any extension of beds at Ann Nichol House would simply be taking the community back to what was there before the sale of Coorabin. I ask the minister to confirm whether his department — —

Hon. D. M. Davis — On a point of order, President, the member has accused me of getting the situation wrong in some way. I said there would be an expansion, and in fact there will be an expansion. The number will be 40 greater — —

The PRESIDENT — Order! Both the minister and I know that that is not a point of order. The minister will have the opportunity to respond to the adjournment matter, and I am sure we will hear that line of argument yet again. That would be the most appropriate time to lead that information.

Ms MIKAKOS — The minister will have an opportunity to respond shortly, and it is important that he reflect on the situation and the facts of the matter. I call on the minister to confirm whether his department first began discussions with the Bellarine Community Health board, assuring its members that it would be able to buy the Crown land on which Ann Nichol House sits, in March of this year. The minister failed to indicate a date earlier today. I give him an opportunity now to confirm whether he first became aware of this in March of this year.

Sunbury municipality

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Local Government. It concerns the decision of residents of the city of Hume to allow Sunbury to set up its own municipal council and the subsequent campaign by the Hume City Council to circumvent the will of its residents — not just residents in Sunbury but right across the city of Hume. The council is now throwing around all sorts of figures, which I suggest might have best been used before the vote, in an attempt to confuse people and to upset the setting up of this new council. Victorian Labor is sitting on the fence, but it is clear what will happen under a Labor government if we look at the Labor-controlled Hume council. The only way Sunbury will leave Hume is with the re-election of the Napthine government.

There was a meeting a couple of weeks ago that I understand was largely stacked by Australian Services Union members and staff of the council, who were enticed there by the offer of a free meal. It was a very lively meeting held in Broadmeadows, as I understand it, to discuss the future of Sunbury. There were a couple of Sunbury councillors there, Cr Jack Medcraft and Cr Jack Ogilvie, and, as you would expect of those two councillors, they stood up for the people of Sunbury. As a result of that meeting I understand that they have been charged by the council and called into disciplinary proceedings, and they have been the subject of considerable vilification on the part of the council. It seems to me that the council is persecuting these two councillors, Cr Ogilvie and Cr Medcraft, for doing what they are paid and elected to do — that is, to represent the people of Sunbury. This seems to me to be grossly unfair and against the grain of what local government is all about.

I ask the minister to investigate what sort of campaign the Hume council is running, if indeed it is running a campaign of vilification and persecution of these two Sunbury councillors, and if it is found that a campaign of this nature is being run, to direct his office to take the appropriate action. This is not something that I believe is fair or reasonable, nor should it be tolerated by anybody. When one considers the overwhelming vote of the people of Sunbury, and indeed of Hume, to set up the new municipality, it seems reasonable to me that the City of Hume should accept that decision.

Association of Neighbourhood Houses and Learning Centres

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to Mary Wooldridge in her role as the Minister for Community Services. The Association of Neighbourhood Houses and Learning Centres (ANHLC) has worked on a petition that it hoped would be tabled in the Assembly before the last sitting week of this Parliament, which is this week. The ANHLC calls for a number of things, and I will go through the petition. It calls on the government to:

1. increase funding for the neighbourhood house sector that delivers a clearer alignment between investment and community need;

2. establish an annual growth for funding up to five emerging neighbourhood houses in communities that demonstrate a need through increased funding for the 16 neighbourhood house networks across Victoria;

3. invest in strengthening community governance through increased funding for the 16 neighbourhood house networks across Victoria.

About 40 000 copies of this petition were sent out to neighbourhood houses in postcard form, and thousands upon thousands of signatures have been added. Unfortunately, the petition could not be tabled in the Assembly due to the way it has been formatted. Therefore the CEO of ANHLC has written to all MLAs asking them to forward any filled petitions directly to the office of Minister Wooldridge.

The action I seek from the minister is that she acknowledge to the CEO of the association that her office has received the petition and also that she respond to the three requests in the petition.

Kalianna School Bendigo

Mrs MILLAR (Northern Victoria) — The matter I raise tonight is for the Minister for Education, the Honourable Martin Dixon, and it concerns a call for funding to upgrade the Kalianna School Bendigo, a unique school that brings an innovative and best practice approach to special needs education. Recently I visited Kalianna together with Liberal candidates for Bendigo Greg Bickley and Michael Langdon to discuss the school's needs. I know that my parliamentary colleague Minister Wendy Lovell has also visited the school and joins with Michael and Greg in calling on Minister Dixon and the Premier to consider the needs of this school.

I acknowledge the work of the wonderful teachers at Kalianna special school, including principal Peter Bush and assistant principal Kirshy McAinch, and the tireless efforts of the parents and wider school community in raising the school's needs. While the government has provided the school with additional maintenance funding of $496 599 over the past two years to make good three buildings at the school in need of critical maintenance works following an independent condition audit of every government school, the school remains in need of significant redevelopment to ensure that purpose-built educational spaces can be constructed to ensure that children at this school have access to the best possible facilities.

In 2009, under Labor, Kalianna was considered to have received enough maintenance funding to be totally rebuilt or renovated. This was despite the school having inadequate doors. They were too heavy for some of the children to open and they did not provide ease of use for students in wheelchairs. Labor's current response that some funds for planning would be made available would unnecessarily delay any upgrade — and we all know that Labor members are quite happy to tear up plans and contracts when it suits them.

I call on Minister Dixon to visit this school and respond to the request of Greg Bickley and Michael Langdon on behalf of the school community for funding to meet this excellent school's needs.

Stanley planning application

Ms LEWIS (Northern Victoria) — The issue I raise tonight is for the Minister for Planning. It relates to the small rural community of Stanley in north-eastern Victoria. Stanley is 297 kilometres or approximately 3.5 hours drive from Melbourne. A planning application was lodged with the local council, and the council's planning officer recommended that a permit be issued. However, the council decision was delayed as some information in relation to the application had to be ascertained. The applicant sought a ruling from the Victorian Civil and Administrative Tribunal (VCAT) on the grounds that the council was taking too long to make its decision.

As part of its process, VCAT asked the council what decision would have been made if VCAT intervention had not been sought. The council determined seven to nil that it would have refused the permit. Consequently, VCAT has set a hearing date for 1 to 3 December in King Street, Melbourne. At least 30 to 35 members of the Stanley community would like to participate in the VCAT hearing, either as witnesses or as community supporters opposing the planning application.

To support the Stanley community, members of the local council wrote to VCAT seeking to have the hearing held in Wangaratta. Wangaratta is listed on the VCAT website as a place where VCAT hearings can take place, but VCAT has denied the request. This means that for members of the Stanley community to participate in the VCAT hearing they will have to travel to Melbourne — a 7-hour round trip — to have their views and evidence heard. Many of the community members who wish to appear as witnesses will be able to give their evidence in 10 to 15 minutes, certainly less than half an hour. Forcing people to take a 7-hour trip as well as give up a full day of work is not providing fair access to justice. The reality is that many of the people who wish to participate will not be able to do so due to the distance they would have to travel, the expense of accommodation in Melbourne if they need to attend more than one day of the hearing, difficulties arranging child care or school pick-up and drop-off arrangements and work commitments.

The simple solution of holding at least one day of the hearing in Wangaratta has been denied, and with this denial the rights of the people of the Stanley community have been significantly diminished. This is

not right. VCAT is supposed to be readily available to all members of the Victorian community no matter where they live or what their circumstances.

My request to the minister is that he undertake urgent discussions with VCAT to ensure that resources are available to allow suitable arrangements to be put in place to enable the residents of Stanley to participate in this hearing, preferably by holding at least one day of the hearing in Wangaratta. The people of rural and regional Victoria are not second-class citizens and must be given the same access to justice as Victorians who live in metropolitan Melbourne.

Princes Highway, Colac

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Roads, the Honourable Terry Mulder. The action I seek from the minister has some urgency but it has some significant challenges. The biggest challenge facing the minister is for the Colac Otway Shire Council to make a decision — not just any decision, but one on the preferred option for a heavy vehicle bypass for Colac.

Procrastination on this issue dates back to when my grandfather was the mayor of the Colac shire in the 1930s. Ironically this Sunday we will celebrate the departure of the first convoy of troops for overseas service in World War I, and my grandfather was one of those on the ship HMAT *Orvieto.* It was not the stress of war he preferred to talk about but more his frustration about the lack of decision making at the local government level even then in the deliberations over the bypass.

Moving on to 2014, the duplication of the $220 million joint-funded section of the highway from Geelong to Winchelsea is nearing completion. The $362 million joint-funded section of the highway from Winchelsea to Colac is now being planned, with the commitment of the federal and state governments of $12 million for VicRoads to do the planning and acquisition designs for the duplication for travel through the town's centre.

The reason I raise this matter is that the duplication of road designs that are available for public comment have no provision for an alternative heavy truck route or a bypass, but have all traffic on Princes Highway west being funnelled into a narrow busy retail precinct of Murray Street, Colac. The Colac Otway Shire Council has been debating for decades a preferred bypass option, and whether it should be to the north, across the lake, to the south, through the industrial precinct or even through the established side streets. The latest bypass committee convened by the shire was abandoned due to a lack of consensus. While Colac dithers on a bypass option, the councils of towns on the $263 million joint-funded duplicated Western Highway, like Beaufort and Ararat, have been active in seeking feasibility financing and working closely with VicRoads to prepare their bypass options as the highway upgrades draw near.

Colac Otway shire needs help to make a decision, and with the appointment of a new chief executive officer and a sense of urgency, with my request for the minister's department to help guide the council to a decision. The will of the Colac community is to have a decision made so the Colac region can plan for its future. The action I seek is for the minister or his representative to meet with the Colac Otway Shire Council with the intention of progressing a bypass option that complements the highway upgrade and duplication of Princes Highway west.

Responses

Hon. D. M. DAVIS (Minister for Health) — I have written responses to adjournment matters raised by Mr Ramsay on 5 February; Ms Tierney on 26 March; Mr Leane on 29 May; Mr Lenders on 29 May; Ms Darveniza on 11 June; Mr Melhem on 11 June; Ms Pulford on 11 June; Ms Tierney on 24 June; Mr Eideh, Ms Mikakos and Ms Tierney on 25 June; Ms Lewis on 26 June; Mr Ronalds on 5 August; Ms Mikakos on 6 August and 7 August; Ms Pulford on 20 August; Mrs Coote, Mr Leane and Mr Somyurek on 2 September; Ms Darveniza, Mr Tee and Ms Tierney on 3 September; Mr Tarlamis on 4 September; Ms Lewis and Ms Tierney on 16 September; and Mr Ramsay on 17 September.

I also have six matters raised tonight for the attention of ministers, one by Ms Mikakos for my attention as Minister for Ageing. Ms Mikakos has indicated that she believes that the Assistant Treasurer and I have given contradictory explanations. That is quite incorrect. There is no inconsistency whatsoever. The only inconsistency on aged care on the Bellarine Peninsula is Labor's inconsistency and its failure to properly fund Bellarine Community Health over a decade.

Ms Mikakos — On a point of order, President, I have asked the minister for a specific action on my adjournment matter which related to advising me of the date on which he first became aware of the matters relating to Bellarine Community Health wanting to acquire the Crown land on which this aged-care facility is located. The minister is now seeking to debate the matter. This is a matter of government administration,

and he is seeking to debate what he sees as Labor's position, which may or may not be accurate.

The PRESIDENT — Order! I agree with the minister; there is no point of order. The problem I have in instructing the minister as to my thoughts on where his answer should go on this occasion is that Ms Mikakos's adjournment item was put in a way that invited debate. It was framed on the basis of a number of assertions, and from my viewpoint the minister is challenging some of those assertions. I think he is quite entitled to do so, given that that is the way the member framed the adjournment matter. There is no point of order, and in this instance I think the minister is within his rights to pursue the line of response that he is taking.

Hon. D. M. DAVIS — As I indicated, the matters that Ms Mikakos raised were riddled with commentary and a series of assertions which are simply incorrect. The government has been determined to get the best outcome for the people on the Bellarine Peninsula and is responding to requests from Bellarine Community Health. This will see an expansion in the capacity of what is currently available on the Bellarine Peninsula. That is an important fact. It is important that there is additional capacity.

Bellarine Community Health has made a set of decisions. The government obviously supports Bellarine Community Health in its various endeavours on the Bellarine Peninsula. Importantly, the government has indicated it will financially support Bellarine Community Health with recent announcements of Rural Capital Support Fund grants.

It is concerning that the Labor Party now appears to have targeted Bellarine Community Health and that it is making assertions around the peninsula. Ms Neville, the member for Bellarine in the Assembly, is in the thick of this; she is up to her neck in it. She is indicating that she is going to target Bellarine Community Health.

Ms Mikakos — On a point of order, President, I again draw your attention to the fact that the minister is debating this matter. He is now seeking to attack a member in the other place and is making things up. He should not be debating the matter. I have asked him a specific question around the date on which he became aware of this matter relating to Bellarine Community Health, and he has not addressed that issue at all.

The PRESIDENT — Order! I accept that when the minister starts to discuss other members it is a matter of debate. I do not take a view on whether or not the minister is accurate in his commentary, but clearly on both sides this is a matter of some conjecture. Therefore, I do not think the minister is trying to mislead the house in any way. I think the position he is putting is just a different viewpoint to what appears to be the viewpoint of Ms Mikakos and some of her colleagues. If the minister intends to dispatch this matter tonight, it would be useful if he were able to address the substance of the adjournment item. I ask him to do that if that is possible.

Mr Leane — On a point of order, President, before the previous point of order the minister made some accusations against a member in the other house. The only way he can do that under standing orders is through a substantive motion.

The PRESIDENT — Order! I do not accept that they were accusations as such. He was disputing what a member in the other house had been saying on this particular issue, and he was taking issue with her position on that matter. In that context again, given the way the adjournment item was framed by Ms Mikakos, I think the minister is within his rights to put an alternative point of view to what Ms Mikakos put in her adjournment item. To some extent this represents a matter of some debate, which I am uncomfortable with in the context of the adjournment debate itself because it should be more a matter of responding to the questions that are asked. As I said, however, my problem here is the way in which the adjournment matter was framed with a number of assertions and propositions. If the minister were to simply accept those, move on and provide a black-and-white answer as Ms Mikakos wants, in effect he would allow the record to stand with those assertions. Clearly he does not accept those assertions. From my point of view he is entitled to dispute them.

The minister made reference to a member in another place, but in that context I do not think he is reflecting on the member. I think he is simply disputing the position that the member has taken. That is a very different thing in terms of the requirement for a substantive motion in relation to criticism of a member in another place. As I indicated, it would be helpful if the minister were able to address the substance of Ms Mikakos's adjournment matter.

Hon. D. M. DAVIS — I will be brief, in view of the hour. It is clear that the government has responded to local community views on Bellarine Community Health, and Bellarine Community Health is seeking a better outcome for aged care on the Bellarine Peninsula. It is also clear that Labor has a plan to target Bellarine Community Health. It will strip it of funding, and it will cut services to people on the Bellarine Peninsula who

rely on them. The government is about building up those services — —

Ms Mikakos — On a point of order, President, the minister is a serial offender in ignoring your guidance. You have suggested to the minister that he come to the question that I asked of him. He said he would be brief and come to the point, and then he sought yet again to attack the opposition. This is about government administration. It is not about the opposition. I ask the minister to answer the question: did he know about this in March of this year?

The PRESIDENT — Order! That is not a point of order, and members are not to add supplementary questions in the adjournment debate. I concur with the member nonetheless that the minister is debating the matter, and that is beyond my tolerance at this point.

Hon. D. M. DAVIS — As I said, I have concerns about Labor's plan, but I will move to the next point.

Mr Finn raised with me a matter for the Minister for Local Government, Mr Bull, concerning the city of Hume and a meeting at which there was a large number of people from the City of Hume itself — as I understand it, employees of the City of Hume — who, as he indicated, stacked the meeting. I had heard about this myself, and I have heard that people were shocked by the number of City of Hume employees present at that meeting. I am not sure whether they were there under direction or whether they were there of their own free will.

Mr Finn — Got a free feed.

Hon. D. M. DAVIS — I simply do not know, but I will refer this matter to the Minister for Local Government for appropriate investigation or action as he sees fit. I note that there were some at the meeting — Cr Ogilvie and others — who were prepared to advocate for the position of the residents.

Mr Leane raised a matter for the attention of the Minister for Community Services, Ms Wooldridge, concerning neighbourhood houses and learning centres and calls for their increased funding exercised through petitions and postcards. I am sure the minister is aware of these calls and will respond to them, and I will pass this matter on to her.

Mrs Millar raised a matter for the Minister for Education, Mr Dixon, concerning Kalianna School Bendigo. This is an important matter in her electorate, and I will certainly refer the matter to the Minister for Education for his attention.

Ms Lewis raised a matter about Stanley for the Minister for Planning, Mr Guy, and I will refer that matter to the minister.

Mr Ramsay raised a matter for the attention of the Minister for Roads, Mr Mulder, concerning bypasses, particularly from Geelong to Winchelsea. He also referred to a number of federal and state funding commitments, public comment made about alternative bypass routes and Colac Otway Shire Council's discussion of alternative routes. He drew a comparison between decisions made by shires in the Beaufort area and towards Horsham that had been very active in marking out the route for their road upgrades, and he suggested that a similar approach may be adopted by the Colac Otway shire. He asked the minister to meet with the Colac Otway shire, and I will pass his request to the minister, who is of course very knowledgeable about that particular area.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10.58 p.m.