PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 16 September 2014

(Extract from book 13)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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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

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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.

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. P. R. HALL (to 17 March 2013)

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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
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Elasmar, Mr Nazih	Northern Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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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, 16 SEPTEMBER 2014

Tuesday, 16 September 2014

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

CONDOLENCES

John Albert Culpin

The PRESIDENT — Order! I advise the house of the death, on 2 September 2014, of Mr John Albert Culpin, a member of the Legislative Assembly for the electoral district of Glenroy from 1976 to 1985 and the electoral district of Broadmeadows from 1985 to 1988.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent on 9 September to:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014
Courts Legislation Miscellaneous Amendments Act 2014
Crimes Amendment (Abolition of Defensive Homicide) Act 2014
Gambling and Liquor Legislation Further Amendment Act 2014
Tobacco Amendment Act 2014
Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014.

QUESTIONS WITHOUT NOTICE

Hazelwood mine fire

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. Evidence presented by statistician Adrian Barnett to the Voices of the Valley group, and which was intended to be presented to the Hazelwood mine fire inquiry, shows that births, deaths and marriages records in Victoria show an increase in the number of deaths across four Latrobe Valley postcodes from February to June 2014. Given this evidence is not available, will the government — —

Honourable members interjecting.

Mr JENNINGS — I wrote it! In fact I wrote it very badly, it seems to me.

Honourable members interjecting.

An honourable member — You're not reading it well either.

Mr JENNINGS — I was reading it well until this bit. Given this appalling evidence, will the government reopen the inquiry?

Hon. D. M. DAVIS (Minister for Health) — The answer to the question is simply no, the inquiry has concluded. But a deeper explanation is that the board of inquiry, in its concluding period, wrote a letter to the Department of Health saying, 'This may require further analysis. Would you undertake that analysis, and would you include these matters in the long-term study?'. The Department of Health has done both. It will no doubt include that in the long-term study as that goes forward, but equally it is important to note that the data does not say what Mr Barnett said it says, nor does it say what the opposition has suggested it says.

What the data shows is a variable pattern across a number of postcode areas. It shows that most importantly in Morwell, the 3840 postcode area that was most impacted by the fire, in the February–March period the number of deaths actually fell. Let me read the time series for the chamber. This is actually very instructive. In 2009 — —

Mr Jennings — It is not very instructive. It is very selective.

Hon. D. M. DAVIS — This is not selective.

Mr Jennings — It is extremely selective.

Hon. D. M. DAVIS — It is not selective at all. Between 2009 and 2014, 41 was the number in 2009, 26 — —

Mr Jennings — Over what period?

Hon. D. M. DAVIS — That is for February to March. In 2010 there were 26; in 2011, 22; in 2012, 28; in 2013, 19; and in 2014, 22. The average across that period was 27.2. When I went to school 27 was a bigger number than 22, and the five-year average shows a 19 per cent fall in the number of deaths in that area.

This is actually quite important. It is important to understand that the particular individual who made these claims, Mr Barnett, is a well-known activist in many regards. He has given expert review advice to the Queensland Greens on the health effects of air pollution. It is important the community knows that he

has done work for political parties. He also has made a number of other statements around the countryside. Let me give you one here: on 20 June 2012 he said we needed smell-making devices on car exhausts, claiming if pollution smelt, it might make encourage policy changes to reduce exposure.

He is an individual who has been a hardline, left-wing activist. He is a climate change person. He wants to push the climate change barrow. What is more, he is a person who has clearly entered the political fray with misleading and inaccurate information. He has presented it in a certain way for political purposes. He, like the Greens and some Labor members, wants to close down coalmining in the Latrobe Valley. Let us pull no punches about what is going on here. It is a few hardline lefties out there trying to say that things are terrible and therefore we should close down coalmining. That is where it is all heading, and Mr Jennings knows that is where it is all heading.

This is important. It is important that scientific analysis be done dispassionately and scientifically. I can say the advice provided to me by my department does not support the analysis by this particular individual, this particular import who has come in to pontificate on a whole series of matters and who has his particular ideological views. Everyone is entitled to their particular ideological views. It is a free world.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — Don't worry, President, we are going to have quite a bit of this. I have a series of questions on this matter because in my view the minister's answer is inadequate. The reason the minister's answer is inadequate is that I referred to four postcodes in the Latrobe Valley that were affected by the mine fire over the period of February, March, April, May and June — that is, over five months. Has the minister got the analysis for those postcodes over the five months after the fire started?

Hon. D. M. DAVIS (Minister for Health) — I do have detailed analysis from the department, and this will be made public in due course.

Mr Jennings interjected.

Hon. D. M. DAVIS — I will tell you what it does not show. It does not show the contention of the said analyst or indeed what is suggested by your comments in media releases.

Mr Jennings — Table it.

Hon. D. M. DAVIS — I do not think I will need to table it; it is up on the web. The member will be able to have a look at it on the web. He will be able to go and look at it. The whole world can have a good look at it. He can have a Captain Cook.

Mr Jennings — If it is on the web, you're wrong.

Hon. D. M. DAVIS — I am informed it will be on the web today, so there you are. It was due to be on the web around this time this afternoon, so Mr Jennings will not have to wait very long in any event.

Looking at the two months in which the fire occurred, February and March, there was a decrease of 19 per cent.

Mr Jennings — That is two months.

Hon. D. M. DAVIS — There you are; that is right.

Mr Jennings — It is not five months.

Hon. D. M. DAVIS — Two months. That is when the fire was, in case the member did not realise that was the period when the fire was. If you look at the period — —

The PRESIDENT — Order! Thank you, Minister.

Kindergarten funding

Mrs PEULICH (South Eastern Metropolitan) — Happy birthday to Mrs Kronberg. My question without notice is to the Honourable Wendy Lovell, Minister for Children and Early Childhood Development, and I ask: can the minister update the house about any recent announcements that will benefit Victorian families and early childhood services in 2015?

The PRESIDENT — Order! I have been pre-empted; I was going to mention Mrs Kronberg's birthday — happy birthday!

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I am absolutely delighted to update the house on the progress made with the federal government around universal access to 15 hours of kindergarten for 2015. On 5 September the federal Assistant Minister for Education, Sussan Ley, announced that $406 million will be made available nationally towards the continuation of universal access to 15 hours of kindergarten next year. The Napthine government played a key role in securing this commitment from the commonwealth government, and this announcement comes after months of sustained advocacy from the Napthine government to the commonwealth.

The commonwealth's commitment to funding 5 hours of the 15 hours follows the Napthine government's announcement in the 2014–15 budget that we would honour our commitment to fund our full share of 10 of the 15 hours. This is a great result for Victorian families and a great result for the kindergarten sector. It would not have been possible without the leadership of Premier Napthine and without the support of kindergarten service providers, local government and Victorian families. I look forward to having further discussions with the commonwealth and receiving further clarification about the funding for Victorian kindergartens.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — Is the minister aware of any threats to the future of 15 hours of kindergarten in 2015?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — Yes, unfortunately we are aware of a threat to 15 hours of kindergarten being delivered in 2015, because as of last week we have entered a brand-new paradigm in Victorian politics. We now have a Leader of the Opposition in the Assembly, the person the Labor Party would put forward as Premier, who has said that if elected as Premier, he will not honour contracts. He will tear up contracts. The risk to the future of universal access to 15 hours of kindergarten in 2015 is that Daniel Andrews — or Dan Andrews or whatever he wants to call himself this week — may tear up that contract.

The PRESIDENT — Order!

Ms Mikakos interjected.

The PRESIDENT — Order! I trust that Ms Mikakos does not have any questions today if she is going to interject while I am on my feet.

I think the minister is drawing a very long bow. I think that is debating in terms of the supplementary question. I do not think there is any such suggestion on this agreement, and I regard that as debating.

Hon. D. M. Davis — On a point of order, President, as a point of clarification, the government is obviously very concerned about the prospect of contracts being ripped up. Once this longstanding principle has been breached, there is no knowing where it will end. I believe it is well within the minister's right to canvass the risk to contracts in all areas. Perhaps we could discuss this in a broader context.

Mrs Peulich — On the point of order, President, following the announcement by the Leader of the Opposition in the Assembly that he would tear up any signed contracts for the east–west link, we are in uncharted waters. The minister is in order to explore the threats to signed agreements with the commonwealth government, especially for something as important as universal access to 15 hours of kindergarten.

Mr Lenders — On the point of order, President, the issue raised by the minister is hypothetical. There is no contract.

The PRESIDENT — Order! My position on the point of order raised by Mr Davis remains the same. I believe the minister was debating, and I maintain my contention that it was a very long bow to draw in suggesting that the project agreement that has been relied on might be in peril. The question was framed in such a way that it also put a proposition that led to speculation by the minister rather than the minister exploring what is any sort of public knowledge of a different proposition from another political party, which also moves into areas that are fairly difficult in terms of question time.

Hazelwood mine fire

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. The minister may be aware that the Voices of the Valley group requested information from the Victorian Registry of Births, Deaths and Marriages some months ago and waited four months for it to be provided. It was finally provided the day after the inquiry report was handed down. The minister has been able to selectively use that same data in his media responses. When did the minister obtain that limited data that he referred to, and why did he not share it with the inquiry?

Hon. D. M. DAVIS (Minister for Health) — I do not accept the way the member has construed these matters. The fact is that I have had access to this data in recent days and had advice from various parts of my department concerning that advice. What is clear is that the advice is quite divergent from the statements made by the shadow Minister for Health.

Mr Jennings — Release it all!

Hon. D. M. DAVIS — It is up on the web, I am informed; I told you that just a moment ago. Mr Jennings knows how to use the internet by now. He can go and click on it, and the whole world can have a look. He should go and have a Captain Cook and analyse it every which way he wishes, but what is clear

is that the Morwell data — the area closest to the fire — shows in the months of the fire and immediately after the fire that the death rate fell. It went down; 27 is a bigger number than 22. That was the average over five years, and it was 22 this year.

I cannot be clearer than that. Does Mr Jennings want me to read it again for him? February to March 2009, 41; 2010, 26; 2011, 22; 2012, 28; 2013, 19; and 2014, 22. There are much greater numbers than 22 in that time series and an average over five years of 27. What is important here is that these are individual time periods and that there is natural variability in them in any event. The movements are not of sufficient size to actually draw conclusions of a causal nature. That is what I am informed of by officials who are knowledgeable on this.

Mr Jennings — Table the advice!

Hon. D. M. DAVIS — It is up on the web; go and have a look on the web.

There has been unhelpful commentary from people who have ideological axes to grind, like Mr Barnett, a person who has come out with a series of commentaries on this. He is well known for his involvement in a number of anti-coal demonstrations, such as with the Moreland Community Against the Tunnel Group. He is into anti-tunnel campaigning; he is into anti-car campaigning. He wants to put smell into the exhaust of cars so that people can smell it more clearly — although I thought it smelt in any event. He has particular views about coal; he has particular views about motorcars; he has particular views about tunnels; he has particular views about coal smoke. All of those lead in one direction. He is an ideologue, and he wants to stop coalmining, stop cars and stop tunnels. That is what he wants to do.

That is fine; he is entitled to his view. But everyone should understand that he has a view, and everyone should understand that we are not getting a dispassionate analysis by a scientist. What we are getting is an ideological view. He wants to close down coalmining in the valley. Along with a number of members in this chamber, that is what he wants to do. I can tell the house that the Liberal Party and The Nationals do not want to close down coalmining in the valley.

People were obviously impacted upon by the fire, and enormous sympathy flowed to people in and around Morwell from the whole of the Victorian community at that time. It was a terrible fire that had a significant impact and the government moved to set up a number of supports for the community. Mr Ronalds and others, like Minister Northe, worked very hard to support that community. What does not help is incorrect and ideological analyses put out by people who have ideological axes to grind. What Mr Barnett wants to do is close down coalmining in the valley. I know that that might not be what Mr Jennings wants to do, although I suspect his part of the Labor Party would like to do that — —

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I am not asking the minister to clean up the environment in the Latrobe Valley; I am asking him to come clean on health data. That is what I am asking him to do: come clean on health data. Can the minister tell us whether the government has made a conscious decision one way or the other to provide the information that is available — as the minister says it is available on the website, as he says it is available through the Victorian Registry of Births, Deaths and Marriages — to be independently assessed by the inquiry?

Hon. D. M. DAVIS (Minister for Health) — The inquiry? I think Mr Jennings means the board of inquiry that has concluded. The inquiry asked for two things. It asked the Department of Health to analyse the data — that is occurring and it is on the web. And it asked for a second thing. It asked that it be included as part of the long-term study, and it will be. We are doing exactly what the board of inquiry asked the Department of Health to do. It asked for two things: first, analyse the data, and that is occurring. Then it asked — —

Mr Jennings interjected.

Hon. D. M. DAVIS — Let me be quite clear. The board of inquiry asked for two things in written correspondence to the Department of Health. It asked for analysis of the data, and that is occurring. And it asked for this to be part of the long-term study, and it will be. The board of inquiry asked for two things, and they are both occurring. What is not helpful is for the shadow Minister for Health, Mr Jennings, and others to get out there and try to mislead the community and to carry on with incorrect information. Frankly, Mr Jennings is not a scientist and nor am I. I rely on advice in this area and I can say that I have relied on the advice in this area.

Ravenhall prison

Mr ELSBURY (Western Metropolitan) — My question is to my friend and colleague the Honourable

Edward O'Donohue. Can the Minister for Corrections update the house on the progress of the public-private partnership for the development of a new male prison at Ravenhall in my electorate of Western Metropolitan Region?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Mr Elsbury for his question and for his long-term interest, together with Mr Finn, in developing new infrastructure in Melbourne's west that generates local jobs. I was very pleased today, with the Treasurer, to announce that the coalition government has signed a contract with GEO Consortium to deliver the state's new medium security prison at Ravenhall in Melbourne's west. This is an essential step forward in the prison expansion program.

This $670 million capital investment in our prison system delivers the most cost-effective solution by engaging with the private sector. The consortium that is designing and building the prison will maintain and operate the prison over 25 years. As part of this investment, the government is making a contribution of $310 million to the project, which will be paid once the prison is constructed and ready for operation. This will provide an incentive for the project to be delivered on time and reduce the amount of private sector debt over the life of the project.

I am pleased to advise the house that, as a result of a thorough procurement process and extensive consultation with the private sector, the government is delivering a 1300-bed prison instead of 1000 beds for the same cost. Importantly, these 300 additional beds can be turned on at the discretion of the government if and when required to accommodate system growth. This is the type of outcome that can only be delivered by a coalition government.

Mr Tee — Can you lock the prison?

Hon. E. J. O'DONOHUE — Mr Tee interjects. This project, which is being delivered in such an innovative way, which is delivering additional capacity for the same cost, stands in stark contrast to Labor's botched Ararat prison project. We know that this is a prison Labor should have built. Three times, over three separate budget cycles, the then Treasurer, Mr Lenders, was told to commit to a new prison and failed to do so. This government is doing the responsible thing.

The Labor Party criticised the investment of this government in community safety infrastructure. Let us remind ourselves — —

Mr Tee interjected.

Hon. E. J. O'DONOHUE — Perhaps Mr Tee is advocating for the return of home detention, suspended sentences, weaker parole and other measures. Is that what you are advocating? Is that what the Labor Party's announcement is?

The PRESIDENT — Order! Mr O'Donohue! Mr Tee!

Hon. E. J. O'DONOHUE — Importantly this new prison will contain a 75-bed mental health unit, together with specialist mental health services for a further 100 prisoners at Ravenhall. Who was the last Premier to deliver forensic mental health beds to the male prison system? It was Jeff Kennett. In 11 long years not one single bed was delivered to the male prison system by the Labor Party.

This innovative new prison design and contract will deliver incentive payments for reducing reoffending across both the prisoner populations. This is an important announcement.

Hazelwood mine fire

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Not only has the minister said on ABC local radio and ABC TV that the number of deaths that occurred in Morwell during February and March 2014 was not unusual compared to previous years but he has said it again today. He has chosen to ignore a spike in the number of deaths that occurred in Traralgon during these months and a significant increase that occurred in Morwell during April, May and June after evacuated Morwell residents returned home. Can the minister confirm that there was a spike in Traralgon during that period of time and indeed that the death rate in Morwell increased significantly when those residents returned?

Hon. D. M. DAVIS (Minister for Health) — Let me respond to the member very directly again. The advice to me says there is no evidence that the data from the Victorian Registry of Births, Deaths and Marriages shows anything other than yearly variability. That is the advice to me by departmental officials.

Mr Jennings — By February–March?

Hon. D. M. DAVIS — This is the advice to me: there is no evidence that the data from the registry of births, deaths and marriages shows anything other than yearly variability.

Mr Jennings — I think you ought to go back and ask them.

Hon. D. M. DAVIS — I have asked them to give me thoughtful, expert advice. I submit to Mr Jennings that he is not an expert and nor am I. The information provided to me shows that we cannot draw the conclusions that have been made by a number of people publicly and that indeed the area — —

Mr Jennings — But you still rely upon experts.

Hon. D. M. DAVIS — I am relying on the advice to me. I repeat again for Mr Jennings: everyone would agree that Morwell was the area most impacted on by the fire. We have seen a fall in the number of deaths in February and March. If the member looks, he will see that during the February–June period over five years the figures were 86, 91, 67, 89, 64 and 88 for 2014.

If I can be quite clear, the 88 in the January–June period is not very far from the variability that saw 86 in 2009, 89 in 2012 and 91 in 2010 in the Morwell area, despite the population also modestly increasing through that period. So the information suggests to me that you cannot draw the conclusions that a number of people have sought to draw in the public domain. I think the conclusions that they have drawn are not thoughtful and not responsible. They have not done this in a sensible way; they have not done this with expert advice behind them.

It is true that a number of people who claim to be experts clearly have ideological axes to grind on this. It is very interesting. Mr Barnett is frequently featured in anti-coal, anti-fossil fuel and anti-east–west link media. He is well known for his particular views. I was struck when reading a statement by him, which I have here, in respect of heart disease and other matters. He said:

> … we would see health benefits in Australia if we were bold enough to implement policies that reduced traffic pollution. This could include 'stick' measures such as taxing diesel vehicles …

I do not know whether Mr Jennings is standing so close to Mr Barnett with his stick measures like taxing diesel vehicles. Is that what he is advocating? Is this the sort of advice he is taking? Diesel vehicles, coalmines, tunnels, cars — they are all in his sights. He is a person who has an ideological bent, and he is entitled to it. It is a free world. He should be able to put whatever view he wants. But no-one should be under any illusion: he is an ideologue, he is close to the Greens and he is driven by an ideological bent to get rid of cars, to close tunnels, to close coalmines and to tax diesel vehicles. I do not know whether Mr Jennings wants to draw himself very close to this individual. That is fine if he does.

What I have to say very significantly here is that I have sought analysis from the department. I have thought this through very clearly, and it is very clear from the data and the information provided to me that you cannot draw the conclusions that have been drawn by a number of people in recent days in the public domain. The data does not support those conclusions and the claims they have made publicly. What it does support is a sensible — —

The PRESIDENT — Order! Thank you, Minister.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — As you know, President, I have asked the minister three times whether he would make the relevant information available to the inquiry. He has refused to do so on three occasions. If the minister is so hell-bent on proving that Mr Barnett's analysis is wrong and that my assertions are wrong, then will he put the complete dataset over those four postcodes over the five-month period that is available from the registry of births, deaths and marriages on his website to prove that his position is correct and that I am incorrect?

Hon. D. M. DAVIS (Minister for Health) — I have done so. The material is up there.

Mr Jennings — No, you have not done so.

Hon. D. M. DAVIS — I have done so. I have what is now on the Net in front of me. It actually has all the data cells, and it has the analysis by the department. It is all up on the Net. It is already there. Mr Jennings can go and have a look for himself, if he wishes.

Mr Jennings — Where is it?

Hon. D. M. DAVIS — I am told it is there.

Mr Jennings — Where is it?

Hon. D. M. DAVIS — I am informed that it has been put on the Net this afternoon. I have it in front of me here, but it is also up on the Net.

Mr Jennings — I have looked on the health department website. Is it there?

Hon. D. M. DAVIS — Yes, it is.

Mr Jennings — Is it on the health department website?

Hon. D. M. DAVIS — I understand that is the case, yes. The Department of Health website is where the information has been put.

Mr Jennings — Live?

Hon. D. M. DAVIS — Very much live. So Mr Jennings can use the internet, go to Safari and have a look.

Mr Jennings — It is hardly on the front page.

Hon. D. M. DAVIS — What I would say is that it is irresponsible of Mr Jennings and others to make claims that are not substantiated by the evidence. There is natural variability in these particular numbers — of course there is — and that variability needs to be factored in.

World War I centenary

Mr D. R. J. O'BRIEN (Western Victoria) — My question is for the Minister for Veterans' Affairs, the Honourable Damian Drum, and I ask: could the minister inform the house about the Victorian students who will attend the centenary of Anzac Day in Gallipoli?

Hon. D. K. DRUM (Minister for Veterans' Affairs) — I want to thank Mr O'Brien for his question in relation to the centenary of the Anzac Gallipoli landing and the dawn service that is going to take place next year. Last Wednesday I had the opportunity, with the Premier, to announce that we are sending 80 Victorian students and 14 teacher chaperones to Gallipoli as representatives of Victoria, as part of a larger group from all of the states of Australia, to the dawn service at Gallipoli in 2015. Very proud parents and grandparents were in attendance as each of the children had their names read out and were presented with certificates. They will play a central part in the commemoration of the Gallipoli landing at the 2015 dawn service.

It is important to remember and commemorate the contribution, the service and the sacrifice of our soldiers over 100 years ago, and we understand that the 2015 Gallipoli dawn service will help these young students do just that. The government is committed to helping Victorian students engage with our Anzac history through these initiatives. The dawn service tour will help these students represent their families, their schools, their communities and their state, and it will also give them an opportunity to honour and keep alive the memory of the Anzacs and the contribution they made to Australia.

We think it will also give them an opportunity to experience and better understand the geography and the culture of the area in which the Anzacs fought and where many of them died. It will increase the opportunities they have to learn about and understand that period in Australian history as well as learning more about and considering the reality of war and comparing that to the opportunity of living in such a peaceful place as we have here in Australia at the moment. Bringing this knowledge back home will also be an integral part of this experience. The students will have the opportunity to bring their knowledge back home and to share that experience with their families, their friends, their school communities and the community in general. That is a very important part of it.

The dawn service tour is separate to but builds on the Premier's Spirit of Anzac Prize, which engages Victorian students in years 9 and 10 every year. With the Premier's Spirit of Anzac Prize, we have had over 2200 entries over the last 10 years, and to date 101 students have taken part.

This group of 80 students from right across the state has a whole range of connections to Gallipoli, many of them very strong family connections. Many of them have a strong interest in what took place not just at Gallipoli but right across many of the battlefields associated with World War I. We think this focus on young people throughout the centenary of the World War I will help take the commemorative services across the state to another level.

The Journey of Remembrance roadshow, which is currently touring around the state, combines theatre and video narrative. It is going to various schools and town halls to give everybody a firsthand experience of what it was like back in 1914 and 1915 when we went to war. This was supposed to be the war to end all wars. It was supposed to be the finish of it all, but we know now that that was not the case.

This is a great way we can build on the service and sacrifice of our soldiers. It is a great way we can pay due respect and give these students the opportunity of a lifetime. Many of these students will come back to be amazing ambassadors for this tour.

Hazelwood mine fire

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. I refer the minister to the board of inquiry into the Hazelwood fire, which finds on page 25 of its report that the very same departmental experts whom the minister is relying on to examine data and analysis today provided advice to residents that was delayed and inconsistent and exposed residents to levels of toxins which were too high according to international experts. What assurances can

the minister give the community here and now about the impact of exposure to unacceptably high levels of toxic matter from the fire?

Hon. D. M. DAVIS (Minister for Health) — The member should understand, having been in government himself, that at various points ministers rely on the advice of departmental experts and officials, and they do that in good faith.

Experts and officials are relied on by governments of all political colours over time. Whether it be the HIV lookback that was conducted in the period when Mr Andrews, the Leader of the Opposition in the Assembly, was Minister for Health, whether it be Jindi Cheese in my period as minister, whether it be Morwell, whether it be influenza preparation, whether it be Ebola preparation, ministers and governments are dependent on expert advice from their departments.

Those departments from time to time convene additional panels or seek support from experts externally — often university experts with particular narrow areas of expertise — and in those cases that additional advice is provided. I can indicate that in government we have relied on exactly the same officials and, as required, additional external advice as the previous government.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — My question to the minister was, given that the minister relies on that advice and the board of inquiry has said that the advice that was provided to the community was inadequate and led to many poor outcomes for the Latrobe Valley community, what actions is he taking to try to reassure the community that it can have confidence in his assessment and what his advisers are telling him? This is particularly in light of the fact that seven months after the fire the long-term health study has not even commenced and there is evidence on the public record that deaths may have occurred in the months following the fire.

Hon. D. M. DAVIS (Minister for Health) — I can tell the member what the government has done. It has convened a board of inquiry to give independent advice. There was a wide range of submissions to that inquiry. Eminent people like Mr Teague and Mr Catford and others have made significant points. The inquiry has come down with a set of recommendations quite recently, and the government has accepted all those recommendations and is steadily working to implement them.

When these events occur, governments and departments respond, and there are inevitably learnings to be gleaned from those processes. The board of inquiry's job was to look at this dispassionately, to take the evidence and to make suggestions and recommendations, and that is what it has done. The government has accepted all 12 recommendations — one only in principle, but overall all 12 — and it is working towards the implementation of all 12 recommendations.

Health infrastructure

Ms CROZIER (Southern Metropolitan) — My question is also to the Minister for Health, Mr Davis, and I ask: can the minister update the house on Victoria's health projects, in particular child-related health projects, and comment on any threats to the future of those projects?

The PRESIDENT — Order! Before I call on the minister, Mr Davis. I caution him about using the ripping up of agreements as a debating matter.

Hon. D. M. DAVIS (Minister for Health) — I know the chamber is very twitchy when it comes to ripping up contracts. Members on both sides of the chamber are aware that it is a very topical matter. Across the state people are nervous whenever they get near a contract lest Dan Andrews, the Leader of the Opposition in the Assembly, comes around and rips it up in front of them.

But what I can say — and I thank Ms Crozier for her question — is that the government has more than $4.5 billion worth of very large projects around the state. In country Victoria there are small ones and some very large ones — ones like the Bendigo Hospital agreement between Exemplar Health and the government. This is a huge contract. In fact I only have a part of it here; the full contract is as tall as a 6-foot man. It is an important contract because it lays out a concession on land and requirements for 25 years into the future. There is $630 million worth of building — new buildings, a new health service on one site and an integrated cancer service.

Exemplar Health and its partners — and Mr Drum knows them very well — are doing a magnificent job. But what confidence can they have? I have only got the front of the contract here. What would Daniel Andrews do with the contract at Bendigo? We know he wanted a smaller hospital. He was committed only to the small version of the hospital; he was not committed to the large version. I am nervous that if he were elected, he would rip up the contract on Bendigo and revert to the smaller version, which would mean moving the

integrated cancer centre across two sites and ferrying people backwards and forwards, as he and Jacinta Allan, the member for Bendigo East in the Assembly, wanted.

Honourable members interjecting.

Hon. D. M. DAVIS — They were not committed to the big hospital. I think there is a real risk that they will rip up the Exemplar contract, just like they said they will rip up the contract on the east–west link.

Mr Leane interjected.

Hon. D. M. DAVIS — Ms Lovell was with me as we inspected the Bendigo project and saw — —

The PRESIDENT — Order! Mr Leane!

Mr Leane — Chicken noises?

The PRESIDENT — Order! Certainly not. This is not a radio program; it is the Parliament of Victoria. People expect better of Mr Leane and all other members. The minister to continue and, as I said, not to draw a very long bow and debate the contract issue.

Hon. D. M. DAVIS — Many in this chamber will remember a point of contention between us and Labor on the Bendigo Hospital was the upscaling. We put more than $102 million of extra money in. We brought the cancer centre onto one site.

Mr Lenders — On a point of order, President, I put to you that the minister is debating. He says, 'Many in the chamber will remember a point of contention'. This is not an issue of government administration — the point of contention he was referring to was a debate leading up to the 2010 election. I put to you that points of contention in 2010 are not parts of government administration, nor are they part of the context. He was asked a question on government administration, and I ask you to ask him to stop debating.

Hon. D. M. DAVIS — On the point of order, President, I am about to describe the new cancer bunkers in the new hospital — very much part of my administration and under this contract — and the shape of those bunkers that are being built as we go forward.

The PRESIDENT — Order! I thank Mr Lenders for the point of order. I must say that I am a lot more comfortable with Mr Davis's answer as it is at this point. I take it that he is providing a context to where he has now indicated he is going to move, which was not entirely on the point of order but nevertheless did give us some guidance as to where he is going. As I said, I am a lot more comfortable with this than I was with the earlier debating matter in terms of the value of contracts.

Hon. D. M. DAVIS — The bunkers are large and magnificent, and there is growth scope for the future on those bunkers too. Again, that stands in stark contrast — as Ms Lovell, Mrs Millar and Mr Drum will understand — to Labor's plan, which was to have the bunkers and the rest of the cancer centre separated so that you would have to get a — —

Hon. D. K. Drum interjected.

Hon. D. M. DAVIS — That is right, by a large road. You would have to get an ambulance across, or you could hobble over, I suppose, but it was a long distance. We believe very much that these bunkers need to be located in an integrated cancer centre, a full cancer centre that gives the people of central and northern Victoria and Bendigo the quality of cancer service they deserve. I was very proud to be there inspecting the bunkers the other day with Mrs Millar and Ms Lovell and to actually see the progress that is being made there. No-one in Bendigo can be but struck by the enormous progress and by the size of the new hospital that is going up. That is in stark contrast to Labor's half-baked plan.

At the other end of the state we have signed a significant contract at Monash Children's. I can tell you that the Premier was very proud to be turning the first sod recently at Monash Children's — a $250 million hospital that Labor never built. It had 11 years to build it. It knew for nine years that it needed to be built and it did not do it. It never committed one zack of budget money to Monash. But I will tell you what: if it got elected, it could get this contract and tear it up tomorrow. I would fight against it, but members opposite would not.

Planning zone reform

Mrs KRONBERG (Eastern Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy. Will the minister inform the house of what actions the government has taken to bring policy certainty and consistency to residential development and inform the house of any risks to policy consistency?

The PRESIDENT — Order! I will call the Minister for Planning. Again I issue a caution in respect of speculative discussion on contracts going forward.

Hon. M. J. GUY (Minister for Planning) — Hello, President, and hello, everyone. It is a pleasure to be

answering a question from Mrs Kronberg, my very good friend. Can I say a special hello to Mr Melhem. It is nice to see you. How are you going? It is nice to see you in the chamber. No doubt you have been smiling away for the photographer.

Honourable members interjecting.

Hon. M. J. GUY — You can smile now — he is gone. I want to thank my good friend Mrs Kronberg, whose birthday it is today. What a wonderful question she has asked about a most important issue, particularly in relation to certainty of policy.

Mr Jennings interjected.

Hon. M. J. GUY — You are not the only thespian in the chamber, are you, Mr Jennings? I am sure there are a few others who have been practising.

Today I would like to inform the chamber of a very important decision. We have put in place the three reformed residential zones. This government has actually done it, as opposed to the previous government which talked about, committed to, reviewed, inquired into and promised but never did. I have brought in today the final structure for the new zones in the municipalities of Whitehorse, Mornington Peninsula, Cardinia, Whittlesea, Darebin, Ballarat, Southern Grampians, Ararat, Moorabool and of course the great city of Greater Shepparton. It is a pleasure to be able to bring this new zone structure into these local government areas to give them consistency of policy so they know that that is the residential zone process they will have for the indefinite future.

These three residential zones will allow these communities to grow with certainty into the future. They will not have anyone come in and tear up those zones — hypothetically — and try to create a whole bunch of uncertainty in the community and then try to start again. I quote from *Hansard* someone who has said in the past:

> … I have difficulty and struggle with the notion that … contracts are not binding.

I agree with that kind of comment; I also have difficulty if contracts are not binding. In this case I have difficulty knowing that zones are not binding. Who would say that contracts are not binding? The Leader of the Opposition and member for Mulgrave in the Assembly, Daniel Andrews, on 15 June 2005 in regard to ConnectEast. But I digress in noting that Mr Andrews also thinks you should not rip things up. He did not think it nine years ago.

I do not believe our new zone structure should be ripped up. I think communities should have that consistency and long-term certainty of policy. Anything else would be kind of like saying, 'Vote for the Crown bill because otherwise it would lose jobs' but then rip up contracts and lose 6000 jobs. That is the kind of uncertainty you would not expect, but who would do that? Daniel Andrews would do that. But I will not. We in this chamber will make sure that our zone structure is one that has certainty and consistency of policy, particularly in places like the city of Whitehorse, with great places like Mitcham, Blackburn and Ringwood, and the city of Manningham which has already approved the beautiful suburbs of Bulleen, Doncaster and Templestowe.

It is with great pleasure that I announce that those local government areas have had their residential zone changes approved, which will bring, once and for all, consistency and certainty of policy. The kind of consistency and certainty you would expect and want from any government will only be delivered by a Liberal-Nationals government.

Firefighter compensation

Ms HARTLAND (Western Metropolitan) — My question today is for the Assistant Treasurer in his role as the minister responsible for the Victorian WorkCover Authority. I have asked the minister in the past about firefighter cancer-related claims made to WorkCover under the firefighter assessment panel and how they compare to previous years. Unfortunately last time the minister's answer was quite ambiguous; he stated that approximately 27 claims had been made with 4 accepted. However, the minister did not state whether these are the number of claims that have been assessed by the panel or otherwise. I hope the minister can clarify this. My question is: how many firefighter claims for compensation were made and rejected by WorkCover in 2013–14, 2012–13 and in previous years?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Ms Hartland for the question. Further to my answer of a previous sitting week, I am advised, as I indicated to Ms Hartland at that time, that approximately 27 claims for professional firefighters have been received, and I can add to that and indicate that around 5 claims for volunteer firefighters have been received. As I indicated to Ms Hartland on the previous occasion, with respect to the 27 claims by the paid firefighters, 4 have been accepted, and to date 1 volunteer firefighter's claim has been rejected and 4 remain pending.

Supplementary question

Ms HARTLAND (Western Metropolitan) — The question I asked was how many firefighters' claims for compensation were rejected by WorkCover in 2013–14, 2012–13 and in previous years, not relating to the panel.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — Ms Hartland seeks that data by year. I do not have that data with me. I will take that question on notice and provide that data by calendar year to Ms Hartland in due course.

Mr Jennings — On a point of order, President, in answer to one of my questions the Minister for Health indicated that the information he said was available is on the website. I do not want to allow the minister to inadvertently mislead the house. I have sought that information. My office has sought that information during the course of question time and it cannot find it. If the minister can identify that location, it may remedy what might otherwise be an unintended incorrect statement made to the chamber.

Hon. D. M. Davis — On the point of order, President, I indicate that it is on the web. People have texted me during question time, and I know Mr Ronalds, for one, is looking at it as we speak.

The PRESIDENT — Order! I ask Mr Ronalds to provide the internet address to Mr Jennings.

FIRE SERVICES COMMISSIONER

Report 2013–14

Hon. M. J. GUY (Minister for Planning), by leave, presented report.

Laid on table.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2013–14

Hon. M. J. GUY (Minister for Planning), by leave, presented report.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 12 of 2014, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Acting Clerk:

Adult Parole Board of Victoria — Report, 2013–14.

Crown Land (Reserves) Act 1978 —

Minister's Order of 19 June 2014 giving approval to the granting of a licence at Maryvale and Narracan Preservation Reserves.

Minister's Order of 25 August 2014 giving approval to the granting of a lease at Camperdown Public Park.

Minister's Order of 4 September 2014 giving approval to the granting of a lease at Batman Park.

Minister's Order of 8 September 2014 giving approval to the granting of a lease at Fawkner Park.

Minister's Orders of 8 September 2014 giving approval to the granting of a lease and 10 September 2014 giving approval to the granting of a licence at Lakeside Stadium Reserve.

Commissioner for Law Enforcement Data Security — Report, 2013–14.

Docklands Studios Melbourne Pty Ltd — Report, 2013–14.

Energy Safe Victoria — Report, 2013–14.

Essential Services Commission — Report, 2013–14.

Film Victoria — Report, 2013–14.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2013–14.

Melbourne and Olympic Parks Trust — Report, 2013–14.

Metropolitan Fire and Emergency Services Board — Report, 2013–14.

Planning and Environment Act 1987 —

Amendment 121 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, pursuant to section 46D of the Act.

Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme — Amendment C104.

Bass Coast Planning Scheme — Amendments C131 and C144.

Boroondara Planning Scheme — Amendment C213.

Brimbank Planning Scheme, Maribyrnong Planning Scheme, Melbourne Planning Scheme, Melton Planning Scheme and Wyndham Planning Scheme — Amendment GC17.

Buloke Planning Scheme — Amendment C23.

Colac Otway Planning Scheme — Amendment C75.

East Gippsland Planning Scheme — Amendment C117.

Hobsons Bay Planning Scheme — Amendment C97.

Knox Planning Scheme — Amendment C121.

Southern Grampians Planning Scheme — Amendment C34.

Victoria Planning Provisions — Amendment VC120.

Whitehorse Planning Scheme — Amendment C165.

Racing Integrity Commissioner, Office of — Report, 2013–14.

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2014 and Summary of a Variation notified between 20 June 2014 and 12 September 2014.

Shrine of Remembrance Trustees — Minister's report of receipt of 2013–14 report.

State Sports Centres Trust — Report, 2013–14.

Statutory Rules under the following Acts of Parliament:

Coroners Act 2008 — No. 119.

Motor Car Traders Act 1986 — No. 120.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 110, 112, 120 and 121.

Terrorism (Community Protection) Act 2003 — Review of Counter-Terrorism Legislation Report, pursuant to section 38 of the Act.

Victoria Grants Commission — Report, 2013–14.

Victorian Curriculum and Assessment Authority — Report, 2013–14.

Victorian Inspectorate — Report, 2013–14, No. 2, pursuant to section 30Q of the Surveillance Devices Act 1999.

Victorian Institute of Teaching — Report, 2013–14.

Victorian Registration and Qualifications Authority — Report, 2013–14.

Victorian Small Business Commissioner, Office of — Report, 2013–14.

Victorian Veterans Council — Minister's report of receipt of 2013–14 report.

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

Consumer Affairs Legislation Amendment Act 2014 — sections 3, 4, 5, 6, 10, 12 and 21 and Part 8 — 3 November 2014 (*Gazette No. S304, 9 September 2014*).

Criminal Organisations Control and Other Acts Amendment Act 2014 — Part 7 — 2 September 2014 (*Gazette No. S295, 2 September 2014*).

Justice Legislation Amendment (Miscellaneous) Act 2013 — section 46 — 2 September 2014 (*Gazette No. S295, 2 September 2014*).

VICTORIAN REVIEW OF COUNTER-TERRORISM LEGISLATION

Report

Hon. E. J. O'DONOHUE (Minister for Crime Prevention), by leave, presented government response.

Laid on table.

CEMETERIES AND CREMATORIA AMENDMENT BILL 2014

Introduction and first reading

Hon. D. M. DAVIS (Minister for Health), by leave, introduced a bill for an act to amend the Cemeteries and Crematoria Act 2003 in relation to rights of interment and for other purposes.

Read first time; by leave, ordered to be read second time later this day.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notices given.

Mr D. R. J. O'BRIEN (Western Victoria) — I give notice that on Wednesday next I will make a statement on the report of the Family and Community Development Committee's inquiry into the handling of child abuse by religious and other organisations.

The PRESIDENT — Order! Mr O'Brien would be aware that he already has one listed for tomorrow. Is he replacing that?

Mr D. R. J. O'BRIEN — Mr Ramsay has given notice he will make a statement on the report that I had listed on the notice paper. This is to go on as well.

The PRESIDENT — Order! Mr O'Brien is withdrawing the one that is on the notice paper now and replacing it with the one he has just given notice of.

Mr D. R. J. O'BRIEN — Yes. Thank you, President.

BUSINESS OF THE HOUSE

General business

Mr LEANE (Eastern Metropolitan) — By leave, and on behalf of Mr Lenders, I move:

That precedence be given to the following general business on Wednesday, 17 September 2014:

(1) the notice of motion given this day by Mr Lenders in relation to TAFE enrolment and unemployment rates;

(2) the notice of motion given this day by Mr Lenders in relation to federal education funding;

(3) notice of motion 796 standing in the name of Ms Pennicuik to introduce the Prevention of Cruelty to Animals Amendment (Domestic Fowl and Pigs) and Food Amendment (Free-range Eggs) Bill 2014;

(4) notice of motion 832 standing in the name of Ms Hartland in relation to WorkCover claims for firefighters; and

(5) order of the day 11, motion noting the petition tabled on 5 August 2014 relating to steeplechase and hurdle racing in Victoria.

Motion agreed to.

MEMBERS STATEMENTS

Kindergarten funding

Ms MIKAKOS (Northern Metropolitan) — The Abbott federal government's short-term reprieve for 15 hours of kindergarten funding for 2015 is nothing more than a cynical move designed to take the heat off the Napthine government and its New South Wales and Queensland counterparts ahead of upcoming state elections, including Victoria's election in November. Kindergarten committees have been calling for certainty but what they have been given is exactly the opposite. There continues to be a great deal of uncertainty about the funding, including what Victoria's allocation will be, whether the funds will be for new buildings and most importantly whether the funding will continue beyond the 12 months.

In question time today the Minister for Children and Early Childhood Development, Ms Lovell, was unable to provide further details on any of these issues. This comes on top of her state budget this year failing to provide a single dollar for kindergarten infrastructure for 2014–15 and beyond. Minister Lovell has made this deal behind closed doors with her federal coalition colleagues knowing that kinders will have to fight for funding again next year, so her declaration of victory is absolutely premature.

On 15 September I, along with Labor's candidate for the Assembly seat of Burwood, Gavin Ryan, visited the Summerhill Park Kindergarten in Glen Iris to discuss the funding changes. I assure government members that the parents and staff remain anxious and see this as simply a short-term fix that gives them no certainty beyond 2015. Minister Lovell is more concerned with securing her future as minister than what is best for children in Victoria. Only an Andrews Labor government will stand up to Tony Abbott for the benefit of parents, staff and kindergarten hours.

Child Protection Week

Mrs COOTE (Southern Metropolitan) — I have great pleasure in talking in my 90-second statement this afternoon about last week, which most of the people in this place will know was Child Protection Week. The Minister for Community Services, Mary Wooldridge, officially launched Child Protection Week and praised the work of individuals and organisations in Victoria's youth and families sector.

I had the great opportunity of giving awards to people who work at the coalface — the child protection workers themselves. This was an extremely well run celebration of the work they do. As I said at the time, it was an opportunity to recognise and promote best practice, commitment and leadership amongst our wonderful and dedicated child protection staff. The awards provide an opportunity to shine a light on good work, and I congratulate the individuals for the jobs they have done so well. They are often challenged daily. They often sustain unjustified criticism in the media, and they undertake a job that most people do not care to think about. They have made hard judgements, and they draw upon their expertise and experience to make the right call in the best interests of Victoria's vulnerable children.

I commend all the youth workers in our state. They do an extraordinarily challenging job to the very best of their capacity, and I put on record my praise for the work they do.

Hazelwood mine fire

Ms HARTLAND (Western Metropolitan) — I had intended to make an another statement today, but the Minister for Health's answers on Morwell were so disgraceful that I felt I had to make this statement. I lived in Morwell for 17 years. My family is still there, and we lived near the open-cut mine, so I know all too well the health effects of that coalmine.

The Latrobe Valley has some of the highest rates of respiratory disease in normal times, let alone at the time of the fire. What I saw during that time was a total disregard for the local community. It was almost two weeks before government actually responded. I moved one of my nieces from Morwell to Lakes Entrance because she had a small baby and no capacity to be evacuated.

If the minister had real concern for the community, instead of using today to point-score he would have thought about their concerns. Instead all he wanted to do was yell and scream and not take these concerns seriously. I urge the health minister to sit down with the community of Morwell and go through their concerns, and I believe these concerns are real. Instead of point-scoring and denigrating them, I hope the minister for once listens to someone else and addresses these serious health concerns in Morwell.

Healthy Together Victoria

Mr RAMSAY (Western Victoria) — I would like to use my contribution in members statements today to reflect on the importance of preventative health care. For the last 10 months I have been consumed by my work on drug impacts on regional communities, but the rising incidence of obesity and diabetes is affecting our communities more than the menace of crystal meth.

I was reminded of the importance of fitness and good diet this morning as, with my parliamentary colleagues and staff from the Victorian Farmers Federation, we huffed and puffed around Treasury Gardens as part of the launch for the team from the National Centre for Farmer Health to run in the Melbourne Marathon in early October. The centre does good work in raising awareness and supporting farming families to maintain good physical and mental health.

Regional cities like Ararat which have high rates of obesity are engaging their communities. There the Ararat — Active City program complements the Napthine government's Healthy Together Victoria program. The television program *The Biggest Loser* has focused the community's attention on healthy, active living, but it is partnerships with government that will make the real difference. The Napthine government has invested $100 million in grassroots programs in 14 communities that will have a more lasting effect than *The Biggest Loser*.

Louise Staley, the Liberal candidate for the Assembly seat of Ripon, is a strong advocate for preventative health care, and she was with the Minister for Health, Mr Davis, and me last week and in previous weeks announcing funding for Ballarat Community Health, including the Sebastopol community health centre, and $3.7 million to consolidate primary and community health centres in Ararat. All these services are active in engaging communities in exercise and socialisation.

I congratulate the residents of Ararat and the Rural City of Ararat on the work they are doing in relation to dealing with preventative health care and leading the charge on a preventable problem.

Kajsa Ekis Ekman

Mr ELASMAR (Northern Metropolitan) — On Wednesday, 3 September, I was invited to meet with Swedish journalist and author, Kajsa Ekis Ekman, who spoke on the theme 'Surrogacy is child trafficking'. Ms Ekman is an international authority on the subject, and I learnt a lot from her presentation. I was impressed by her sincerity, knowledge and insight.

Alzheimer's disease

Mr ELASMAR — On Thursday, 4 September, I attended an important discussion session on boosting dementia research. The session was co-convened by two members of this house, Ms Crozier and Ms Mikakos, and I thank them both for organising that interesting event. Professor Colin Masters is leading a $200 million research project on Alzheimer's disease and hopes to find and halt the causes and progression of this frightening disease.

Austin Health prevention and recovery care service

Mr ELASMAR — On 11 September I attended the formal opening of the prevention and recovery care service located at an Austin Hospital site in Law Street, Heidelberg Heights. It is a 10-bed facility that will house short-term mental health patients who need

temporary respite before returning home to their families.

Australia Lebanon Chamber of Commerce & Industry

Mr ELASMAR — On Thursday, 11 September, I was honoured to attend a networking event organised by the Australia Lebanon Chamber of Commerce & Industry. The function was attended by many business representatives, and its major purpose was to generate jobs in Victoria. I congratulate the president and all the board members.

Transport initiatives

Ms CROZIER (Southern Metropolitan) — Last week the Leader of the Opposition in the Assembly said:

> Under Napthine, this level crossing at Toorak Road isn't going anywhere. Only Labor will remove the 50 worst.

I remind Daniel Andrews, who was described in an editorial in the *Herald Sun* of 14 September as 'an accident waiting to happen', that under the Napthine government 40 level crossings and grade separations have been completed, are under construction or are in the planning stages for removal. For example, in the electorate of Oakleigh the Murrumbeena Road and Koornang Road level crossings, which have been an issue for years, will now be finally removed as part of the Cranbourne-Pakenham rail corridor project. In contrast, Labor had 11 years in government and fixed only eight level crossings. Likewise, it spectacularly botched the myki ticketing system.

Since coming to office the coalition government has delivered an additional 10 000 bus, tram and train services each week across Victoria, and from 1 January 2015 zone 1 fares will apply across the entire metropolitan network, providing significant savings for commuters. Now the government is getting on with improving our road system by building the east–west link, a vital project that will transform Melbourne's road network, relieve traffic congestion and provide thousands of jobs. Large, necessary projects like this are only ever done under Liberal and coalition governments, whether that be the Thomson Dam, the city loop, the Tullamarine Freeway, the West Gate Bridge or CityLink.

Daniel Andrews, under the direction of left-leaning councils, is putting Victoria's infrastructure needs at risk. It was reported that his decision has horrified business and even his union mates were blindsided. His decision would send investment and jobs out of this state if he became Premier. His management style is not what will be best for Victorians. Victorians simply cannot risk voting for Daniel Andrews.

Health funding

Ms TIERNEY (Western Victoria) — Barely a week goes by without an article in one of the regional newspapers in my electorate of Western Victoria Region detailing the Napthine government's complete and utter failure to maintain a first-class health system in Victoria. Whether it is hospital waiting times, failure to provide the promised 800 hospital beds, crowded emergency departments or an ambulance service that constantly fails its own response time targets, the Napthine government has totally and utterly failed the people of Victoria.

On 10 September the residents of Geelong opened their newspapers to read the heading 'Ambos queue for 2 hours'. That was far from the first time the Geelong community had read headlines similar to this in the *Geelong Advertiser*. On the particular morning detailed in the article, seven ambulances were waiting outside the Geelong emergency department, including one forced to park across the road and another on a footpath. On that day, the longest waiting time for an ambulance was 117 minutes. That is totally unacceptable.

For more than three years the Napthine government has been putting Victorian lives at risk with its systematic failure of Victoria's health system. The Napthine government has ripped hundreds of millions of dollars out of the health system, broken its promise on extra hospital beds, treated ambulance paramedics in a disgraceful manner during pay negotiations and essentially sat on its hands while our health system has broken down. With less than three months until the state election, it is clear that the Napthine government simply does not have the ability or the desire to fix the complete mess it has created. Victorians do not deserve a substandard health system. Victorians deserve far better than this Napthine government.

Western suburbs

Mr FINN (Western Metropolitan) — I rise to congratulate the Footscray Bulldogs on making it into the VFL grand final next Sunday. I wish the Bulldogs all the very best for another win for Melbourne's West. Go doggies — woof, woof! Sadly, that is where the good news ends for Melbourne's western suburbs.

The Victorian Labor Party has again betrayed the people of the west. The Leader of the Opposition and

member for Mulgrave in the other place, Daniel Andrews, has lifted his middle digit in the direction of Melbourne's west and told motorists on the Calder Freeway, the Tullamarine Freeway and the West Gate Freeway that he does not care if they rot. By declaring that he, as a future Premier, would kill the east–west link, he has told those motorists that he does not care how long it takes them to get to work or to get home to see their families.

Daniel Andrews wants to condemn generations of western suburban residents to the gridlock they currently suffer, and without the east–west link it will undoubtedly get worse. Again Labor shows it does not give a stuff about Melbourne's west. Along with Mr Elsbury, last Sunday I was at the Western Region Football League grand final in Werribee. The white-hot anger towards Labor over this betrayal was palpable. Mr Andrews is about to find out that the people of the west loathe him as much as he detests them. Melbourne's west has had more than enough of Labor's neglect.

Nathalia schools

Ms LEWIS (Northern Victoria) — A small country town in northern Victoria has four schools operating under two systems to make one educational community. The four schools are St Mary of the Angels, St Francis Primary School, Nathalia Secondary College and Nathalia Primary School. The two systems are the Victorian government system and the Catholic system, and the educational community is Nathalia.

This remarkable group of schools ensures that over 1000 children are educated in Nathalia, a town with a population of 1450. The senior students have access to around 50 Victorian certificate of education, vocational education and training, and Victorian certificate of applied learning subjects, including access to shared trade training facilities, with an extensive automotive workshop and catering facilities at St Mary of the Angels, and building and construction, and hairdressing facilities at Nathalia Secondary College. Community education programs also utilise the building and construction facilities at the secondary college. The variety of opportunities available to the young people of Nathalia and district ensure that they have the best possible choices for education and work. These opportunities have been made possible by the dedication and hard work of the teaching staff, who put the child at the centre of school planning.

Shire of Moira

Ms LEWIS — I would also like to briefly acknowledge the mayor, councillors and staff of the Moira shire for their contribution to the thriving multicultural area that is Moira shire. Encompassing the towns of Numurkah, Nathalia, Cobram and Yarrawonga, the shire provides a range of sporting, recreational, tourism, agricultural, viticultural, forestry, fishing and other business opportunities that underpin a great lifestyle for that rural community.

East–west link

Mr ELSBURY (Western Metropolitan) — The Leader of the Opposition in the Assembly, formerly known as Daniel Andrews, has betrayed the western suburbs of Melbourne with his announcement that if Labor wins the election, it will rip up contracts signed to deliver the east–west link, a vital missing link in the state's transport network. Far too many of us who live in the west know that one truck breaking down on the West Gate Bridge can have serious repercussions which effectively shut down access to the city, with traffic jams at times reaching Hoppers Crossing, Caroline Springs and Point Cook.

A returned Napthine Liberal-Nationals government will build the western section of this important road project. Labor members of Parliament, including Cesar Melhem and the lower house members for Williamstown and Footscray, Wade Noonan and Marsha Thomson respectively, collected signatures on petitions calling for the western section of the east–west link to be built. Their silence now is boggling.

I call on the Labor members who purport to be representatives of Melbourne's western suburbs to stand up to their clearly out-of-touch Labor leader, whether he be 'Daniel', 'Dan', 'Danny', 'D. A.' or 'D-Dawg', and to make him understand the importance of this second major river crossing to my constituents. I also call upon the councils across the west to stand with their communities and call for this vital link to be provided for the benefit of the people of Melbourne's west.

World War I centenary

Mr EIDEH (Western Metropolitan) — Last Sunday I attended a commemorative dinner hosted by the mayor of the Moonee Valley City Council, Cr Jan Chantry, and councillors to mark 100 years since the Essendon council gave a farewell dinner for our troops heading off to fight at Gallipoli. The afternoon was well attended, and I was joined by my parliamentary

colleague Ben Carroll, the member for Niddrie in the Assembly, as well as a former Speaker of the Legislative Assembly, the Honourable Judy Maddigan, in her capacity as chair of the Essendon Historical Society.

One hundred years ago, in 1914, our troops attended a farewell dinner hosted by the Essendon council to wish them well as they prepared to leave to fight at Gallipoli. A remembrance book was signed by these courageous men, and this book was presented by the 58th battalion to the Essendon Historical Society to be recorded and preserved.

I thank the Moonee Valley City Council for putting together a most dignified luncheon and presentation of a wonderful piece of history which reminds us of those who selflessly fought for us in World War I. I also thank Lieutenant Colonel Don Blanksby, who did a wonderful job throughout the day as MC, and Major General Cooke for his touching speech.

Member for Narre Warren South

Mrs PEULICH (South Eastern Metropolitan) — Recently I have had the opportunity of doing a number of listening posts across the city of Casey. This particular matter has been brought to my attention by a number of ratepayers and constituents, and it involves the Assembly electorates of Narre Warren North, Narre Warren South and Cranbourne. It is in relation to a flyer that has been letterboxed throughout that area with the slogan 'Local councils should spend our money on us'.

I was particularly interested in the fact that this was dropped in Narre Warren North and Narre Warren South when clearly the members of Parliament for those electorates do not live in the city of Casey. I thought it would have been a bit rich for them to expect that ratepayers' money in the city of Casey would be spent on them. I understand that Ms Judith Graley, the member for Narre Warren South in the Assembly, lives in the Mornington Peninsula shire, some 40 kilometres away, although she did promise to move into the area in 2006. It is now eight years later and she still has not fulfilled that promise. Likewise, Mr Donnellan, the member for Narre Warren South in the Assembly, has not moved into the area.

In this particular flyer Ms Graley uses her office address as an authorising and return address. It is marked postage paid. She makes criticism of the 'Napthine and Abbott governments' planned tax increases'. Clearly it is a political document. If it is outside the parliamentary guidelines, she should repay it forthwith, and if it is within the guidelines, it is an absolutely blatant example of hypocrisy and double standards where she is expecting other people — —

Mr Leane — On a point of order, Acting President, under the standing orders a member can only make accusations against a sitting member of either chamber through a substantive motion. This is a 90-second statement.

Hon. E. J. O'Donohue — On the point of order, Acting President, Mrs Peulich was not making accusations; she was merely bringing to the house's attention material that has been distributed by a member of the other place and calling into question whether it is within the guidelines.

Mrs PEULICH — On the point of order, Acting President, I did want to draw the attention of the house to this flyer. My observations are that it has been generated and paid for by the Department of Parliamentary Services. If that is the case, I am asking for that to be looked into. Clearly I believe that it is outside the guidelines and should be repaid. If it is within the guidelines, then it is an example of blatant hypocrisy.

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I must admit that with the amount of noise that was coming from Mr Leane I was not able to hear all of Mrs Peulich's contribution clearly. I will take the advice of the Acting Clerk, and we will look at *Hansard*. I will defer the decision to the President.

Mrs PEULICH — Further on the point of order, Acting President, that was one member. The other member has distributed the same pamphlet, and I ask that an investigation be undertaken to establish whether that member is also in breach of the parliamentary guidelines

The ACTING PRESIDENT (**Mr Ramsay**) — Order! I am not sure that is a point of order, but I will refer the matter to the President for a ruling.

Hazelwood mine fire

Mr SCHEFFER (Eastern Victoria) — Last Friday's ABC *Statewide* revelation that new data shows a rise in deaths around Morwell during the Hazelwood mine fire is a further cause for sorrow in a community that has suffered much since the February disaster. Expert examination of the data has found that the number of deaths during the time of the fires could be as high as 11.

I commend the work of Voices of the Valley for bringing the community together and documenting the

experiences of those affected. Spokespersons Wendy Farmer and Ron Ipsen said that Voices of the Valley members followed up local stories of deaths during the weeks of the fire in February. When they checked them against death notices they found that there were sudden and unexpected deaths of people aged 50 years and upwards. They mapped what happened and obtained confirming data from the Victorian Registry of Births, Deaths and Marriages, which curiously came a day after the inquiry was concluded. The data was passed on to the Department of Health and the coroner.

An independent analyst, Adrian Barnett, said there was an unusual number of deaths at the time and that the data should be examined. The health department said the rate of deaths in Morwell during the fires is the same as for the previous five years. The shadow Minister for Health, Mr Jennings, has very reasonably asked that the inquiry be reopened. It is extraordinary that the Minister for Health refuses to reopen the inquiry so that the data can be independently reviewed, and it is outrageous that the minister wildly denigrates Mr Barnett's bona fides, accusing him of wanting to close down the coal industry in Gippsland.

Labor Party ice action plan

Ms PULFORD (Western Victoria) — I express my strong support for Victorian Labor's recently announced ice action plan. Strong policy in this area is especially important in light of the parliamentary Law Reform, Drugs and Crime Prevention Committee's report on its inquiry into the supply and use of methamphetamines, particularly ice, in Victoria. This report has reaffirmed for all Victorians that which we suspected — that we are dealing with a sinister and damaging substance that is highly addictive.

As a representative of many regional communities, I was particularly distressed, if not surprised, by the findings as they relate to regional Victoria. Members of the Central Grampians Drug Action Taskforce have been particularly active in lobbying for action to tackle drugs, including the ice epidemic in this state, and I commend them on their efforts. Each member of this group is a tireless advocate for their cause. They have praised the inquiry's acknowledgement that the harm caused by ice goes well beyond the user and that a cross-community response is therefore required.

The report also reinforces the fact that there is a lack of treatment services in regional and rural areas. The Central Grampians Drug Action Taskforce has particularly stressed the significance of maintaining anonymity in small and often close-knit areas, the lack of specialists working in such areas and the lack of general treatment and support services on offer.

The Labor Party ice action plan will address these issues by establishing an ice action task force, which will deliver an ice action plan within the first 100 days of an Andrews Labor government provide $15 million for new drug buses across the state and conduct a variety of public education programs to increase awareness across the state.

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2014

Second reading

Debate resumed from 20 August; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Ms MIKAKOS (Northern Metropolitan) — I am pleased to rise today to speak on the Family Violence Protection Amendment Bill 2014. Labor will not oppose this bill. I understand that the government foreshadowed earlier today that it will move some house amendments, and I am sure Mrs Coote will be speaking to those shortly. We have seen a copy of those amendments, which were circulated in an email just a few hours ago, and we will not be opposing them either. I will come to that a little later in my contribution.

Family violence is a national emergency in our nation; it is our no. 1 law and order issue. The facts are quite shocking. Three-quarters of all assaults against women happen in the home, and half of all Australian women will experience physical or sexual violence in their lifetime. Research shows the profound and long-term toll it takes on women's health, families, children, communities and society in general. The impact on women who experience violence is devastating and immeasurable, and research indicates that the cost of this violence to the Victorian community is approximately $3.4 billion annually.

VicHealth research found that intimate partner violence is the leading contributor to preventable death, illness and disability in Victorian women aged 15 to 44 years. Intimate partner violence alone contributes more to depression, anxiety and other mental health issues in this cohort of Victorian women than any other risk factor and is the leading cause of women and children entering the homeless service system.

Family violence can affect anyone in the community, regardless of gender, age, location, socioeconomic

background, health status, culture, sexual identity, ability, ethnicity or religion. While family violence can be perpetrated by any member of a family against another member, it is more likely to be perpetrated by men against women and children. Victoria Police statistics show reporting of family violence-related offences continues to rise. During 2013–14, 65 393 family violence incidents were reported to Victoria Police, an 8 per cent increase on the year before. In the same period police issued 17 101 family violence intervention orders and family violence safety notices, an increase of 10.3 per cent.

These are quite staggering statistics, and I have also noted on other occasions when discussing child protection matters that family violence is a significant factor in the removal of children for their own safety. In child protection issues the impact of family violence is wideranging. It has a significant impact, as I said, on families and in particular on women and children, who tend to be the victims.

For these reasons I was very proud to be at the ALP state conference on 17 May, when Dan Andrews, the Leader of the Opposition, announced that a Labor government he would lead would establish Australia's first royal commission into family violence. The announcement received broad endorsement across the service sector and in the community. I am also very proud that Labor has a dedicated shadow minister for prevention of family violence, Ms Danielle Green, the member for Yan Yean in the Assembly, and it has announced that if elected, this portfolio will transfer to government and a family violence unit will operate out of the Department of Premier and Cabinet.

Labor has also given a commitment that there will be further announcements prior to the election. To date those additional announcements have included, for example, a trial of duress alarms and CCTV for victims with active intervention orders, a safety audit of magistrates courts that deal with family violence matters and a reinstatement to the Coroners Court of the family violence deaths review. These are all important announcements, but I think Labor's proposed wideranging royal commission into family violence is going to be a landmark event for our state and our nation. The learnings that will come out of that royal commission will be of value to other jurisdictions as well.

I want to come to the bill before us. The bill's amendments to the Family Violence Protection Act 2008 do a number of things, including enabling family violence safety notices to be issued outside of court hours, enabling certain interim family violence intervention orders to become final orders without a further court hearing and allowing for the publication of reports about family violence charges and convictions without obtaining an order. The default commencement date of the bill is 18 September 2015, and according to the bill's explanatory memorandum this is to ensure that justice agencies have sufficient time to complete all the implementation activities associated with these changes. We have some concerns with this bill, particularly the amendments to interim orders, but as I said at the outset, I note that the government has foreshadowed some amendments which will go some way towards alleviating some of our concerns.

By way of background, Labor introduced the stand-alone Family Violence Protection Act in 2008 to provide a targeted and cohesive response to the issue of family violence, and at that time it was groundbreaking legislation. It provided a comprehensive definition of family violence, extended the definition of a family member, broadened the use of holding powers, introduced an enhanced system of family violence intervention orders, changed the way evidence was given in court, gave police greater search and seizure powers and strengthened the provisions for the protection of children. It also established a regime that provided protection outside of court hours by creating a family violence safety notice that could be issued by police for a 72-hour period, giving police a tool to provide immediate protection when responding to an incident outside of court hours.

That new act followed several years of extensive consultation. In particular, the Victorian Law Reform Commission was asked to review family violence laws, and this involved an assessment of after-hours protection for victims. The Victorian Law Reform Commission recommended that the Magistrates Court should implement a system that allowed for interim intervention orders to be made after hours, rather than the existing practice of police completing a complaint form and seeking a warrant to arrest the alleged perpetrator. Whilst the Victorian Law Reform Commission did not recommend police-made orders, it stated:

> If the Magistrates Court is unable to provide quick and efficient access to intervention orders after hours, the government should consider giving police officers the power to make short-term intervention orders.

Following the review, Victoria became the first state in Australia to have family violence safety notices, and they commenced in December 2008. The police-issued family violence safety notices also commenced as a trial. There was hesitation and some resistance to the change. At the time there were concerns about vesting

this new power with police. Even the then shadow Attorney-General, Robert Clark, suggested during debate on 20 August 2008 that:

> … it would probably be better if a workable system of on-the-spot applications to a magistrate could be put in place rather than applications being issued simply by authorisation within the police force …

That is why there were safeguards accompanying the use of the power, including the system only being available outside of court sitting hours, a check on the attending officer's actions by requiring the notice to be made via application to a sergeant of police and the notices acting as a summons to the earliest return date of the Magistrates Court — in other words, within 72 hours. In practice, the issuing of a family violence safety notice is for situations where a police officer believes that until an application for a protection order can be decided by the court, a notice is necessary to ensure safety, to protect a child or to preserve property. When police issue such a notice they may attach certain conditions to it, including conditions that exclude someone from attending his or her home.

An evaluation of the trial of the family violence safety notices showed that they were an effective tool for police responding to after-hours family violence incidents, led to increased safety for victims and held perpetrators accountable for their behaviour. The data revealed that in a 15-month period police issued 3909 family violence safety notices, and in 84 per cent of cases the alleged perpetrators were removed from the home. Following the evaluation of the trial in 2010, family violence safety notices have remained a permanent fixture and an important tool for police in responding to family violence incidents.

There has been a significant shift in community attitudes to family violence, which have been evolving over the past decade. It is now accepted among the majority of community members that family violence is unacceptable and abhorrent. Victoria Police has been successful in bringing about significant cultural change within its ranks, so that family violence has gone from just being referred to as 'a domestic' to being treated as the crime it is. I take this opportunity to acknowledge the leadership roles that past and current chief commissioners of police have played in this, both Chief Commissioner Ken Lay, who currently is in the role, and also a previous occupant of that position, Christine Nixon. Going back to when Labor was in government, she was really at the forefront in talking about this issue, putting it on the police radar, so to speak, and really making it a priority for Victoria Police. It has taken a number of years for that significant cultural change to take hold, and it is important that Victoria Police members treat this crime with the seriousness that it deserves. Police command and the Police Association of Victoria have acknowledged the revolution within Victoria Police and have deemed family violence the no. 1 law and order issue facing Victorians. It is to its credit that the Police Association also has taken a very strong position on this issue.

It is appropriate that laws continue to be monitored, accessed and updated to reflect community attitudes. The Police Association has called for legislative changes to empower police members to issue family violence safety notices to protect victims 24 hours a day, 7 days a week. Opposition members agree that the time has come to remove the safety net to recognise the positive work that our police members are doing to protect women and children, and therefore we wholeheartedly support this proposed new section.

The government argues that extending to five working days, up from 120 hours, the time frame for the first mention before the court following a family violence safety notice being issued will allow longer protection for victims and more time for victims to take advice and make decisions before attending court. Opposition members are not opposing this element of the bill, but we suggest that the government's true motivation for the extension is that the government has failed to manage increasing court delays. Labor believes that a sensitive and effective response by police and the courts can be the difference between a family violence victim who endures years of harm and intimidation and a victim who is able to recover from the crime and live a safe and fulfilling life.

Coming to the amendments to the interim order provisions, I note that the bill introduces the ability for the court to attach a finalisation condition to an interim order, having the effect of the interim order becoming a final order if the respondent does not challenge the order within 28 days of being personally served with it. A finalisation condition will be ordered where the court, police and affected family agree that it is appropriate. It is therefore not intended to apply to offenders over whom court oversight should be maintained — that is, people with a history of dangerous behaviour. The condition cannot be included in cases where the respondent is a child, has a cognitive impairment or where the condition would be inconsistent with a family law order. It would be useful if the government reiterated that and gave us some assurances about it.

The opposition is of the view that this bill is a short cut. It is more about demand management and less about enhancing the threefold purpose of the Family Violence Protection Act 2008 — that is, to maximise safety for women and children, prevent and reduce family violence, and promote the accountability of perpetrators.

In 2013 the family violence stakeholders — consisting of the Federation of Community Legal Centres Victoria, the Domestic Violence Resource Centre Victoria, the Women's Legal Service Victoria, Domestic Violence Victoria, No to Violence, Women with Disabilities Victoria, the Aboriginal Family Violence Legal and Prevention Service Victoria, the InTouch Multicultural Centre against Family Violence and the Council to Homeless Persons — made a detailed submission to the Department of Justice regarding the proposal to streamline the family violence intervention order system. The joint submission of those groups strongly opposed finalisation conditions.

It is apparent that the government has attempted to address some of these concerns in the drafting of the bill. However, significant concerns remain, particularly as to whether there will be opportunities missed for risk assessment of women and children. All too often we hear stories from women, including from Rosie Batty, who were unaware of the real danger they were in. Another concern that remains is whether there will be reduced perpetrator accountability if perpetrators are not forced to front court when a final order is made. Interaction with the justice system can often be the motivation for a perpetrator to get help and deal with their offending behaviour.

Astoundingly, the government failed to ask the very stakeholders whose concerns it has attempted to accommodate in the drafting of this bill. It was only after the bill was released that the problems were pointed out, and then the government belatedly undertook consultation and had discussions. What we have now is a desperate government frantically back-peddling from an avoidable position. The result is the 11th hour amendments that the government will be bringing to the house today. The opposition is of the view that a last-minute negotiated outcome as a result of the government's failure to do its due diligence in advance is not how to make good laws. However, as the amendments offer some improvements and provide increased comfort to the sector, the opposition will not be opposing them.

Labor understands that preventing and responding to family violence requires the government to form a meaningful partnership with members of the community sector, not to shut them out by thinking that the government knows better than they do.

I also wish to point out that the bill deals with the issue of publication of family violence criminal proceedings. Currently under the act there is a prohibition on publishing reports about intervention orders or proceedings if that is likely to lead to the identification of individuals protected by an order or involved in a proceeding unless there are no children involved and the court makes a publication order. This bill proposes to allow an adult victim to publish content where there has been a charge or conviction for a contravention of a family violence safety notice or a family violence intervention order or for an offence which contributed to the making of the family violence safety notice or the family violence intervention order. As the bill provides that such publication can only occur with the consent of the adult victim, the opposition does not oppose this measure.

In conclusion, Labor takes the view that family violence is a national emergency. It is an issue that needs urgent attention. It is the no. 1 law and order issue facing our state and our nation at the moment. For these reasons, we are supportive of any legislation that is designed to address this issue. I point out, as I said earlier, that the bill could have been strengthened at the outset if the government had undertaken timely consultation with the sector — with those people who have the expertise around these issues. I look forward to Mrs Coote explaining the government's amendments shortly, but from what we have seen to date, Labor will not be opposing the bill or the amendments.

Ms HARTLAND (Western Metropolitan) — I rise to speak on behalf of the Greens on the Family Violence Protection Amendment Bill 2014. This bill aims to reform the family violence intervention order system by extending the family violence safety notice regime and introducing finalisation conditions on interim orders. It also reforms the publication restrictions that apply in relation to family violence intervention orders.

It is clear that we need to respond to the challenge of vastly increased demands on the family violence intervention order system. Instead of boosting funding, the government has elected to cut court procedures. This shortcut could undermine safety. If I were in government, this would not be the first bill I would bring forward to address the scourge of family violence across Victoria. In fact there are a number of problematic aspects to this bill. In respect of police-issued family violence safety notices, these provide access to protection for family violence victims

and their children outside court hours. Extending the issuing of these notices to during court hours was questioned by family violence groups as providing limited benefit and failing to significantly reduce court demand.

We are concerned about the introduction of the finalisation conditions on interim orders, otherwise known as self-executing orders, particularly when this is explicitly against the recommendations made by family violence groups in submissions last year. Under the current arrangements an interim order is put in place and then a court hearing on finalisation occurs, which creates opportunities to enhance consistency, monitor compliance and ensure the undertaking of a sound risk assessment and risk management process. Without the two-stage process this might be missed. I am concerned that the arrangements in this bill require women to consent to a finalisation clause in the midst of a court case without guaranteeing access to legal advice from duty lawyers to make that decision. Women may not understand what they are agreeing to, and thus true consent is questionable.

I note that in response to the introduction of this bill an alliance of family violence groups proposed several amendments to the bill. I received amendments from the government at 12 o'clock today. I want to talk a little bit about this because in the past there was an occasion when I supplied amendments very late to the chamber and I was roundly criticised for doing that. These are government amendments. They only reached us at 12 o'clock today and we began debating this bill at 3 o'clock. I do not think that is acceptable.

I understand that the government has agreed to the amendments or found suitable alternative amendments to address the concerns raised by a number of family violence groups. However, I am concerned about what I discovered from discussions with these groups today — that is, they had been promised that they would be notified when these amendments were made, but this did not take place. I am glad that the government has finally decided to listen to these groups, but it is a shame that it has only occurred in the context of significant media scrutiny of this issue and the forthcoming election. Given that the government has agreed to amend this bill on the proviso that funding is provided so women can access legal advice on the finalisation of interim orders as provided for in this bill, the Greens will not oppose it. But I will be asking questions on the issue of funding during the committee stage.

I have to say that it is very disappointing that this bill has been brought into the chamber at this very late date. The government has had four years to act and to improve the safety of the justice system for women who experience family violence. It is not like this is suddenly a new issue — we have known about it for decades — yet the government waits until the second-last sitting week of this Parliament to introduce this bill into the upper house.

The government professes to be a law and order government, yet it has failed to do anything much to reform the justice system in relation to the worst law and order issue it has faced over the course of this Parliament — that is, violence against women. Sometimes I think this is because the violence is behind closed doors, but in the last year we have seen horrendous cases in which family violence has moved onto the street and has become heartbreakingly public.

In the last budget family violence got a piecemeal funding allocation, and only after it was the target of outrage did the government grant a further $30 million. Even that is inadequate for the work that is required.

I will read into the record part of a press release from the Domestic Violence Resource Centre Victoria that I received today. It is headed 'No more deaths', and it is about this critical issue of funding. Referring to Dr Chris Atmore, senior policy adviser, it states:

> She said that it was critical that community legal centres were further resourced to be able to provide legal advice to victims.
>
> 'At the moment, our lawyers are funded to provide legal help at court for victims at the final order stage of the process, not when they first come in seeking a temporary order. If women are to genuinely consent to a finalisation condition, it is crucial that they get legal advice to help them make that decision.'
>
> The federation estimates the cost of providing this additional advice at $1.2 million.

If it is going to keep women safe, that is not very much money at all.

Dr Atmore said it was important to view the increase in demands on the family violence intervention order system as a sign of success in efforts over the last decade to provide an integrated response to victims and perpetrators of family violence. What we need is a commensurate increase in resourcing. This has to include support workers and lawyers in every court and at every stage of the process. We all know that family violence affects all sections of our community. It does not relate to class or to education levels; all women can be subjected to violence — psychological, physical or financial. We have to deal with this issue, and I am hoping the government sees fit to fund the community

legal centres that do this work and make sure that women can be safe.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to be speaking in the debate on the Family Violence Protection Amendment Bill 2014, which was introduced in the Assembly by the Attorney-General, Robert Clark. I put on the record my praise and admiration for the work the Attorney-General has done and led on behalf of the coalition government on a whole-of-government approach to family violence. I also mention the work of the Minister for Community Services, Mary Wooldridge, and I will speak about some of the achievements of the coalition government.

I thank Ms Mikakos and Ms Hartland for their contributions. We all understand the depth of the problem this bill goes to. It goes beyond politics in so many ways. There are areas around the edges of this bill where perhaps we do not agree so wholeheartedly, but family violence is something that touches us all. I look around this chamber and around Parliament House and I suspect that there are people in this building with friends, family members, colleagues or constituents who have been victims of family violence. As such, we all know just how damaging it can be. Ms Mikakos mentioned statistics around the shocking ramifications it has for young children. One in three children see family violence, and we have to think about how that perpetuates itself into the future.

As was brought up in the debate before, until very recently family violence was thought of as something that happened behind closed doors and not something the rest of us, much less the police, had to consider. It is always interesting to talk about figures around reporting. You hear it described as a bad thing because the numbers have gone up. I take a very different view. This chamber has heard me speak on mandatory reporting of child abuse and about the overwhelming reports that were received when mandatory reporting was introduced by the Kennett government. It was not that child abuse was on the increase, but rather that for the first time people had confidence that something would be done about it. That is what we are facing today.

It is very important to understand what the coalition government has done in its almost four years in government. We released Victoria's first family violence whole-of-government action plan in October 2012 — *Victoria's Action Plan to Address Violence Against Women and Children 2012–15*. It said that everybody had a responsibility to act. It put the responsibility fairly and squarely on the total community. This government has strengthened and integrated service systems to better support women and children who experience family violence and sexual assault. We have led Australia in creating policies to address family violence. With the commonwealth government we have established the national Foundation to Prevent Violence Against Women and their Children through a $6.4 million investment to support early intervention and prevention of family violence.

We have established and further expanded the adolescent family violence program, which is an intensive program for teenagers who use violence in the home. We have increased perpetrator accountability by passing legislation to provide for jail sentences of up to five years for perpetrators of violence who contravene intervention orders, strengthened the management of the parole system for sex offenders and introduced legislation to ensure that perpetrators are not able to hide behind their crimes, by allowing for the reporting of breached family intervention orders and for victims to speak out.

The contributions from the opposition parties have been largely in support of this, and I thank the Labor Party for working well with the Attorney-General and his office to look at the amendments, which I am going to circulate.

Government amendments circulated for Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) by Mrs Coote pursuant to standing orders.

Mrs COOTE — The amendments were prepared with bipartisan support because this is such an important issue. They relate largely to intervention orders, and I will come back to the details of that later.

Ms Mikakos brought up the royal commission that the Labor Party has promised. That will be a waste of tens of millions of dollars and put any action or reform on hold. There is a very clear example, and that is the very good report entitled *Betrayal of Trust*, which was the work of the parliamentary tripartisan Family and Community Development Committee. It cost $2 million to achieve such enormous national and international results. If you have a look at the federal royal commission, you will see that so far $480 million has been spent, with an extension of $100 million and more. The reality is that the money could so easily have been put towards the victims themselves. I believe a royal commission into family violence would be a misdirected use of hundreds of thousands of dollars.

I remind the chamber of some of the funding the coalition government has put in. It has invested more than $90 million in both 2012–13 and 2013–14 and over $100 million in 2014–15 to prevent and respond to family violence. It has put money into so many areas. Time forbids me from speaking about them all, aside from saying that the government has not only introduced legislation into this Parliament which has been successful but has also put in money to back up the legislation and the programs.

The bill amends the Family Violence Protection Act 2008; it extends the operation of family violence safety notices; it establishes a new process for interim family violence intervention orders (FVIOs); and it allows publication by the adult victim, or another person with their consent, of a report about contravention of a family violence safety notice or a family violence intervention order.

I turn to the background to the family violence safety notice reforms. The family violence safety notice is a temporary notice issued by the police to protect a person, and any children, from a family member who is using violence. A police officer can apply to another officer who is a sergeant for a family violence safety notice.

The bill will extend the family violence safety notice system in two ways — it will allow family violence safety notices to be issued at any time, and will require the mention date to be within five working days of the respondent being served with the family violence safety notice. The bill will also allow a police officer to apply to a sergeant for a family violence safety notice. That will mean that family violence safety notices can be issued 24 hours a day, 7 days a week, and not just when a court is not open.

That brings me to the first amendment. Clarification was sought about what ‘working day’ means. The first government amendment is to clause 3 lines 11 to 13 and clarifies that ‘working day’ in relation to a court, means a day other than a Saturday, a Sunday or a day appointed as a public holiday under the Public Holidays Act 1993.

The interim order reform is something that Ms Mikakos is particularly interested in. The government has gone into a lot of detail with the opposition to work out some of the house amendments I just circulated, which deal largely with clause 8. The relevant part refers to clause 8, page 6, after line 13. The amendment, which has been circulated to everyone, talks about whether the affected family member has obtained legal advice; whether the giving or service of the interim order and the giving of the explanation of the interim order under section 57(1) will enable the particular affected family member and respondent to sufficiently understand the matters set out in section 57(1); and the existence of factors making it desirable that the particular respondent attend a hearing for the final order. I hope that ameliorates the concerns of Ms Mikakos and the Labor Party.

I will talk about the interim order reform. An interim family violence intervention order is a temporary order that protects a person, and any children, from a family member who is using violence. An interim order is often made on the application of police or a protected person in the absence of the respondent and becomes binding when it is served on that respondent or when it is continuing the protection put in place by a police-issued family violence safety notice. A court may make an interim order where a FVIO application has been made and the protected person needs immediate protection before the application can be determined by the court, and under the current process if an interim order is made, the matter returns to the court for a final determination of the FVIO application.

What does this bill do? It establishes a new process for some interim orders to become final FVIOs without a further court hearing. This can occur when the court includes a finalisation condition in an interim order. A finalisation condition will result in an interim order automatically becoming a final order 28 days after the interim order is served on the respondent, unless one of the following occurs within that period: the respondent contests the FVIO application; the protected person seeks to withdraw the FVIO application; an application is made to vary or revoke the interim order; or the court varies the interim order on its own motion. If any of these occur, the matter will return to the court for final determination of the FVIO application. Generally the interim order will continue until this occurs.

That is what we have been dealing with here. There is much more in this bill. I have only 4 minutes left to make my contribution to the debate and my issue is about where to conclude on what is a very important and quite technical bill. As I have said, Ms Mikakos painted some of the historical aspects, and the government has worked constructively with the opposition to work out the government amendments. I move that the minister is going to — —

Ms Mikakos interjected.

Mrs COOTE — I foreshadow that the amendments will be moved later in this debate, and I imagine they will be agreed upon.

I thank everybody who has spoken on the bill to date. I thank the opposition parties for their cooperation in what is a very important area. I frankly believe that the children of Victoria and the Victorian community will be in a safer place going forward. I too would like to commend the police and the Chief Commissioner of Police, Mr Lay. He has done an extraordinary job in being at the forefront of family violence prevention and its importance for Victoria. He and his whole police force need to be commended for their work.

In an earlier contribution today I spoke about child protection workers, who see family violence first hand, and all the people who in their jobs deal with this very important, difficult and challenging area. I put on the record my praise for the work they do and my commendation for the work that they will continue to do. I hope the bill gives them some clarity and gives our community a greater sense of what the frameworks are and how important this is. Once again, I commend the Attorney-General for an excellent bill. I have much pleasure in wishing it all the best.

Mr ELASMAR (Northern Metropolitan) — I rise to add my voice to the contributions made in this house to the debate on the Family Violence Protection Amendment Bill 2014. As previously stated by my colleague Ms Mikakos, we are not opposing the bill. In her contribution Ms Mikakos spoke about a lot of the issues in the bill, so I will try to be brief.

The bill inserts two new offences in relation to the sexual abuse of children: failure by a person in authority to protect a child from sexual abuse, and failure to disclose a sexual offence committed against a child under 16 years. It is fair to say that the evidence that came out of the investigations of this Parliament into the sexual abuse of children deeply shocked the community. We were deeply shocked by the evidence given at those hearings, and I sympathise with all the committee members who had to hear the horrendously cruel and soul-destroying evidence from victims who came forward so the truth could be heard at last.

As a deeply committed Christian I was raised to believe the holy church was sacred and the clergy who ran institutions in the name of God were motivated by good works. Unfortunately the many religious orders of priests and nuns who do marvellous and selfless good works have been tainted. It is incumbent on Parliament to institute legislation to make the protection of children paramount to all other considerations. Family violence is on the rise. This we know. Spousal abuse has become almost commonplace. It probably always existed but it was generally thought to be a systemic problem of the under-educated. We know today that this is not true and that family violence reaches across all strata within our society — from labourers to scientists, teachers and doctors.

However, the bill specifically targets the responsibility of adults to report the abuse of children and specifies what appropriate action should be taken by an adult when child sexual abuse becomes known. It is no longer an option to walk away from or close one's eyes to criminal acts perpetrated against defenceless children. The penalty contained in the legislation is five years imprisonment for adults found guilty by our law courts of failing to report the sexual abuse of children. Again I indicate we are not opposing the bill.

Mrs MILLAR (Northern Victoria) — I stand to make a brief contribution to the debate in relation to the Family Violence Protection Amendment Bill 2014. Family violence is most commonly, but we need to note not exclusively, committed against women and children and is one of the most serious and horrific challenges facing our society. There are few of us untouched by the events of this year. I will not recount them, but for many of us it is a great challenge to move past the horrific details of some of the crimes that have been committed in the state of Victoria this year in relation to family violence. Every person, but especially every child, lost to Victoria through family violence weighs heavily on our hearts and incites us to do more to protect others.

In her contribution Mrs Coote reflected on this government's whole-of-government approach, which has been very significant in tackling family violence. I especially note the leadership of our Premier, Dr Denis Napthine, and the very significant roles played by Attorney-General Robert Clark, Minister Mary Wooldridge and Mrs Coote in relation to some of these achievements. I will not talk about all of them, but I would like to touch on a number of significant initiatives which have occurred in my electorate of Northern Victoria Region.

On 30 July I joined Mary Wooldridge in Bendigo for the turning of the sod of a new multidisciplinary centre for victims of sexual assault. This is a very significant centre for Bendigo, bringing together Victoria Police, child protection services and specialised counselling on one site to ensure that victims of family violence can have their needs met without having to go from centre to centre. The building of this multidisciplinary centre acknowledges that the current facilities are not able to meet current demand. This significant investment will support victims of family violence not only in Bendigo but throughout the whole of the central Victorian region.

I was also pleased to join the Premier, Minister Lovell and Minister Drum for the announcement of $3 million of funding to build a new home for the Annie North refuge in Bendigo to replace the current facility. The Premier noted on this occasion that the Annie North facilities are no longer able to meet the current demand in Bendigo and the wider region. Annie North is well recognised as a place of hope and dignity which supports those victims — women and children — fleeing family violence.

Family violence is not just a law enforcement matter. To effect change it must be about changing thinking, behaviour and mindsets. As others have done, I pay tribute to the work of the White Ribbon initiative, which we will again be participating in on 25 November this year. The White Ribbon initiative has had a significant impact on changing the thinking, behaviour and mindsets of many in the Victorian community. However, we acknowledge that there is still a long way to go.

As a member of the Macedon Ranges community safety committee I would like to note the very significant role played by our inspector, Ryan Irwin, and his police officers in the Macedon Ranges for their very strong commitment to tackling family violence and giving it the utmost priority in our community. There are many police officers across Victoria who likewise have a strong commitment. I have often been spoken to by these officers about their wanting greater tools with which to tackle family violence, such as the provisions which lie before us in the bill today.

The bill amends the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010. It strengthens the family violence safety notice (FVSN) regime, ensuring the early consideration of risk factors, and reduces the need for unnecessary multiple hearings, which are so stressful for victims. The reforms strengthen perpetrator accountability by providing the victim with the opportunity to speak publicly about their experiences and have the perpetrator's details made public. These are amendments that many police officers who deal with this on a day-to-day basis have been calling for. The bill extends the operation of family violence safety notices and enables some family violence intervention orders (FVIOs) to become final orders, with the need for a further hearing.

Others have spoken at length about this bill, so I do not intend to reiterate all the relevant provisions. However, I wish to particularly note a number of the enhanced powers, including amendments to the family violence safety notice provisions which extend the ability of police to issue FVSNs to 24 hours a day, 7 days per week, instead of the current limiting arrangements that operate only outside court hours. This is a very important enhancement of this temporary protection, which applies ahead of the issuing of a family violence intervention order.

Another important amendment is the extension of the time limit for the first court appearance. Currently a mention date for the first court appearance must fall within 120 hours of the issuing of the family violence safety notice, but this has been extended to five working days. The house amendments before us today include some further information around this definition, but five working days is a much more workable time limit.

The bill also sets out a process for some interim orders to become final family violence intervention orders. This will occur when the court includes a finalisation condition in the interim order. The finalisation condition will then result in an interim order becoming a final order after 28 days unless certain actions are taken, including a court varying the interim order, the respondent contesting the FVIO application, the protected person seeking to withdraw the FVIO application or an application being made to vary or revoke the order. Where applicable — and it does not apply in every case — this provision reduces the number of court appearances needed, thereby reducing stress on victims and cutting costs and workloads for the courts.

In my time in this role I have had many discussions about family violence, particularly with police officers whose case loads involve a significant number of family violence cases. Many of these police officers have called for a strengthening of the provisions concerning family violence safety notices and intervention orders. The amendments contained in this bill deliver these greater protective powers.

In short, this bill delivers improved victim safety and reduces stress to victims caused by further court hearings. It holds perpetrators to account as never before, and it delivers stronger and more effective justice responses. As I noted earlier, neither this nor any other bill can deliver everything we need in tackling family violence. That will require a whole-of-government and a whole-of-community approach. However, the bill takes a huge step towards improving victim safety and delivering more effective tools to address incidents of family violence strongly and quickly.

As Mrs Coote has done today, I pay tribute to all those who work with the victims of family violence. Theirs is a difficult and challenging role, but I am ever grateful for the contribution they make and the commitment they bring to their roles. For the reasons outlined today I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms MIKAKOS (Northern Metropolitan) — It would be easier if we did this on clause 1, and I will address the house amendments when the minister moves them later in the committee stage. I understand there is an expectation from the family violence sector that the operation of finalisation orders will be evaluated after two years. Given that this is not contained in the bill or in the house amendments that have been circulated, I ask the minister to provide that commitment to the committee and provide an assurance that an independent evaluation will be conducted that will involve consultation with the sector as to the particulars of that evaluation after the two years have elapsed.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank Ms Mikakos for her question. I can confirm that an undertaking has been provided to stakeholders that an evaluation will be undertaken after two years. I therefore give the committee that undertaking as well.

Ms HARTLAND (Western Metropolitan) — My question is also on clause 1, but before I go to that I was interested to hear that Mrs Coote said there had been good cooperation with the opposition. We were not approached at any time regarding these amendments, and we received them at 12 o'clock today. We knew of their existence only because the No More Deaths group approached us and informed us of the amendments.

My particular question is around the issue of funding. The stakeholder groups have made it quite clear that for them to be able to do this work they need an additional $1.2 million to assist the legal centres. Is there any guarantee they will actually receive that increased funding?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I can advise Ms Hartland that future funding will be considered as part of the budgetary process.

Ms HARTLAND (Western Metropolitan) — The stakeholder groups have made it really clear that if this bill is successful, they need an assurance of funding. If we are saying 'in future budgets', that is not until next year, which is several months away. They need some assurances that the funding will be in the budget. I do not think what we are talking about is an extreme amount of money. It is $1.2 million. If the government is serious about family violence, it should be funding the legal centres to make sure they can actually do the work that is provided for in this bill.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I can only repeat my previous answer.

Ms HARTLAND (Western Metropolitan) — I take that to mean there is no commitment from the government to actually ensure that the work this bill requires is done by providing funding for the legal centres so that they can assist women who need a great deal of assistance in attempting to flee family violence.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — That is not what I said. Future funding will be considered as part of the budgetary process.

Clause agreed to; clause 2 agreed to.

Clause 3

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

1. Clause 3, lines 11 to 13, omit all words and expressions on these lines and insert —

'***working day***, in relation to a court, means a day other than a Saturday, a Sunday or a day appointed as a public holiday under the **Public Holidays Act 1993**.".'.

Ms MIKAKOS (Northern Metropolitan) — I will treat these amendments as a group and speak to amendment 1 along with all the other amendments the government has foreshadowed. As I indicated earlier, Labor is not opposed to this amendment or any of the amendments that Mr O'Donohue will be moving today.

I want to correct the record and state that the Labor opposition only saw these amendments around midday today. Mrs Coote might be a little confused with the next bill, where there has been a greater degree of discussion between the opposition and the government. Certainly we have seen the media release on this bill

put out by the Federation of Community Legal Centres. We see that the sector is supportive of these changes, and we too are supportive of these changes. Essentially the amendments are in line with the issues that have been raised by stakeholders.

As I said earlier, it is astounding that the government failed to consult adequately with the sector and the experts during the drafting phase. These issues and the house amendments could have been avoided if this had happened in the first place. We have a situation here where the government has to fix the bill after it has been introduced — at the 11th hour — with these house amendments. It is really a sign of the government back-pedalling from what was an avoidable position in the first place.

We take the view that negotiating a last-minute outcome because the government failed to do its due diligence work in the first place is not a good way to make laws. We think that consultation should have occurred in the initial phase. Nevertheless, the amendments offer some improvements to the situation as it currently stands. They provide increased comfort to the sector, and for this reason we will not be opposing them.

Ms HARTLAND (Western Metropolitan) — I will also speak to the amendments as a group rather than individually. We also support them, but we are extremely disappointed that the negotiations and consultation did not occur during the drafting stage of the bill. I would like to ask the minister why that did not occur, because quite clearly the consultation with the stakeholder groups has improved the bill. It would have been a much better process to have done that during the drafting stage rather than in the last few weeks.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am advised that there was consultation in the early stage of the development of this legislation and that there has been subsequent consultation. The government welcomes the support of the Greens and Labor for these amendments.

Amendment agreed to; amended clause agreed to; clauses 4 to 7 agreed to.

Clause 8

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr O'Donohue has several proposed amendments to clause 8. Some are stand-alone amendments and others are consequential amendments.

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

2. Clause 8, line 25, omit "may" and insert "must".

Amendment agreed to.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I move the following amendments standing in my name:

3. Clause 8, lines 26 to 28, omit all words and expressions on these lines and insert —

"(a) whether there is a history of family violence;

(b) the existence of recognised family violence risk factors;".

4. Clause 8, line 29, omit "(b)" and insert "(c)".

5. Clause 8, page 6, after line 8 insert —

"3 Criminal proceedings.".

6. Clause 8, page 6, line 9, omit "(c)" and insert "(d)".

7. Clause 8, page 6, line 13, omit "condition." and insert "condition;".

8. Clause 8, page 6, after line 13 insert —

"() whether the affected family member has obtained legal advice;

() whether the giving or service of the interim order and the giving of the explanation of the interim order under section 57(1) will enable the particular affected family member and respondent to sufficiently understand the matters set out in section 57(1);

() the existence of factors making it desirable that the particular respondent attend a hearing for the final order.".

Amendments agreed to; amended clause agreed to; clauses 9 to 28 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT (SUCCESSION AND SURROGACY) BILL 2014

Second reading

Debate resumed from 20 August; motion of Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation).

Ms MIKAKOS (Northern Metropolitan) — I rise to speak on the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014. Since the bill was introduced in the house and the Labor opposition has had the opportunity to circulate proposed amendments to the other parties, the shadow Attorney-General has had a number of discussions with the government regarding the perceived deficiencies in this bill. I am pleased that the government has indicated to the opposition that it will be moving house amendments to this bill which address some of the concerns the opposition has. In anticipation of the house amendments being moved by the government, as they were circulated to me at about midday today, I indicate to the house that the Labor opposition will be supporting the government's house amendments and therefore will not be opposing this bill.

The bill amends the Administration and Probate Act 1958, creating new eligibility requirements for family provision claims against an estate. Several other amendments are made affecting the administration of estates, the payment of debts of an estate and court-authorised will applications. The bill also amends the Status of Children Act 1974 to allow the registration of a surrogate birth if a parentage order is made by an interstate court.

With respect to the family provision claims, I note that the bill amends section 90 of the Administration and Probate Act 1958 to create specific eligibility requirements for a person making a family provision claim against a deceased's estate. The bill as it currently stands creates new classes of people who are eligible to apply for family provision. The first five of those are a spouse or domestic partner of the deceased; a child, including an adopted child of the deceased who at the time of the deceased's death was under 18 years of age or is a full-time student between 18 and 25 years of age or has a disability; a stepchild or child of a domestic partner under the same criteria as for children; a person treated as a natural child of the deceased for a substantial period under the same criteria as for children; or a former spouse or domestic partner who would have been able to commence divorce and/or spousal maintenance proceedings at the time of the deceased's death.

A further six classes of people are eligible subject to a requirement that the court be satisfied of whole or partial dependency on the deceased at the time of death. I point out that as the bill currently stands these classes are: a child or stepchild who is not under 18 years of age and not a full-time student between 18 and 25 years of age nor disabled; a person treated as a natural child not under 18 years of age and not a full-time student between 18 and 25 years of age nor disabled; a registered caring partner; a grandchild; a spouse or domestic partner of a child of the deceased if the child dies within one year of the deceased's death; and a member of the deceased's household or someone who had been and would have been likely to again become a member of the deceased's household.

In determining dependency the court must disregard any means-tested government benefits the applicant has received or for which the applicant is eligible. With respect to all categories of eligible applicants the court must not make an order for family provision unless also satisfied that the deceased had a moral duty to provide for the applicant's proper maintenance and support and that the will or relevant intestacy provisions failed to make adequate provision for the applicant. The factors a court must take into account when determining the amount of a family provision order include the degree of moral duty owed by the deceased to the applicant, the degree of failure to make adequate provision in the estate and the degree of dependence in the case of the categories I indicated earlier, listed in clause 3(2), paragraphs (f) to (k) under the definition of an 'eligible person'. The court must also have regard to the will itself, as well as any evidence of the deceased's reasoning and intentions in relation to the lack of provision.

Another new feature the bill introduces is release of rights agreements. A person, referred to as the releaser, who may be eligible for family provision will be able to enter into a release of rights agreement with a testator during the testator's lifetime, with the result that the releaser surrenders any right to apply for family provision after the testator's death. The bill requires that a releaser obtain independent legal advice before entering into a release of rights agreement.

The bill makes amendments with respect to the debts and liabilities of an insolvent estate so that these will be dealt with in accordance with the rules of bankruptcy. In the case of a solvent estate, unless a contrary intention is expressed in the will, the costs of the deceased's funeral, testamentary and administration

expenses and any debts and liabilities of the state must be paid out of real and personal property in a specific order: firstly, using any property specifically appropriated for payment of debt liability; secondly, using the residuary estate; and, thirdly, using specific gifts.

The bill amends the law in relation to small estates so that money and personal property valued up to $25 000 as indexed can be transferred without requiring the production of a grant of representation. An executor of an estate valued at up to $100 000 as indexed will be able to seek aid from the registrar of probates or a registrar of the Magistrates Court. In respect of authorised wills, the bill amends the Wills Act 1997 so that applications under section 21 of that act no longer require leave of the court. Section 21 allows the making of a court-authorised will for a person who lacks testamentary capacity.

In respect of surrogacy, the bill amends the Status of Children Act 1974 so that a child born under a surrogacy arrangement will no longer be presumed to be the child of the surrogate and will be recognised as the child of the commissioning parents. Key definitions and registration processes are being changed in order to allow for recognition of surrogacy arrangements taking place in other states and territories. The Births, Deaths and Marriages Registration Act 1996 is being amended to ensure that the commissioning parents can obtain a birth certificate for a child of a surrogacy arrangement. Once a surrogacy parentage order has been made the registrar will be required to amend the birth registration, naming the commissioning parents as the child's parents.

In terms of the views stakeholders have expressed about this bill, the Law Institute of Victoria has expressed very strong opposition to the family provision amendments, saying that the amendments go far beyond what the Victorian Law Reform Commission recommended. In its view the eligibility requirements are too strict and will leave most adult children unable to contest a will because they are not dependents at the time of the testator's death. Testators will too easily be able to avoid responsibility for their adult children, stepchildren and grandchildren.

The law institute has given four examples of adult children who would be disadvantaged by the bill. For example, a farmer with three daughters and one son leaves his property to his son, making no provision for his daughters. Those daughters will have no right to make a claim unless they were financially dependent at the time of death. Another example the law institute has given is that of a 19-year-old youth living away from home and unemployed. He will not be able to make a claim because he is not financially dependent on his parents although he cannot get a job.

Another example the law institute has given is that of an adult child living with her grandmother as her mother has mental health issues. The mother dies but does not leave any provision for the child. As she was not dependent on her mother at the time of death the daughter is not eligible to make a claim for family provision. The final example relates to an adult woman who is not financially dependent on her father when he dies, leaving the majority of his estate to a charity. Shortly after his death she is diagnosed with Parkinson's disease and is unable to work. She would be unable to make a claim for family provision as she was not wholly or partially dependent on him at the date of his death.

Because these quite significant concerns were expressed to us and to the government, we took the view that the bill went too far in taking away the rights of adult family members who might have good reason to contest a will. There may be situations where a child or an in-law has been vindictively or neglectfully cut out because of someone exercising influence over the testator shortly before their death. Alternative proceedings relating to undue influence and the capacity of a testators can be much more costly and take up a lot more of the court's time.

At present a court can only grant a family provision claim where it is satisfied that a will does not make adequate provision for a person's proper maintenance and support. This is an appropriate safeguard against the misuse of family provision by people with little or no connection to the deceased. The requirement of dependency is therefore unnecessary as well as unjust, and as the Law Institute of Victoria has pointed out, there are situations where a family member might not strictly be a dependent but where family provision is still appropriate because of the needs of that family member and the responsibility of the testator to make provision for them.

It seems as though the Napthine government prefers to force adult children, in terms of the original guise of this bill, to rely on government benefits or sink into poverty rather than seek reasonable provision from a parent's estate. The release of rights agreements go against the spirit of family provision. Even with independent legal advice as a requirement, the government underestimates the influence that family members can exert on someone to sign away their rights to seek basic provision. For these reasons and because of the very significant concerns that the law

institute expressed to members of Parliament, to the Labor opposition and to the government, as I indicated at the outset, Labor had originally intended to amend this bill. However, we will now not be proceeding with the foreshadowed amendments that I had circulated to the other parties because we have since been advised that the government has agreed to certain house amendments that address some of the concerns we have with this bill.

I make the point that it is not the role of Labor as an opposition party to completely rewrite the bill and fix up all the problems with the legislation, but I believe that there has been a degree of goodwill shown by the government in its negotiations, in working with the law institute and with the shadow Attorney-General in trying to reach a better position and achieve a better outcome in terms of this legislation going forward.

I commend Martin Pakula, the member for Lyndhurst in the Assembly and shadow Attorney-General, in achieving some good outcomes in getting the government to agree to a number of house amendments, which I will speak to later when the government formally moves them. At this time I am speaking hypothetically about amendments which have been circulated but which have not yet been formally moved, and I thank the Acting President for his indulgence in allowing me to do so. The amendments, as I understand it, relate to four key issues: the removal of the dependency test for children, the removal of the time of death requirement, the removal of the release of rights provisions and some issues around a transitional amendments.

Of course government members will speak to these amendments when they have an opportunity to do so, but because we have seen the circulated government amendments and the shadow Attorney-General has had an opportunity to review them, we will be supporting them. We think they are in keeping with the negotiations that have been undertaken in good faith between the parties to try to improve what was originally a nasty piece of legislation with significant problems. With those words, I indicate again to the house that Labor will not be opposing the bill and will be supporting the house amendments.

Ms PENNICUIK (Southern Metropolitan) — The Justice Legislation Amendment (Succession and Surrogacy) Bill 2014 amends five acts. It amends the Administration and Probate Act 1958, the Wills Act 1997 and the Trustee Companies Act 1984 with regard to succession law and makes a minor amendment to the Status of Children Act 1974 and the Births, Deaths and Marriages Registration Act 1996 with regard to surrogacy and the registration of a child. That particular amendment enables the commissioning parents of a child born as a result of a surrogacy arrangement to obtain an order for registration on the surrogate birth register where they have obtained a corresponding parentage order in another Australian state or territory recognising them as the parents of the child.

The amendments also set out criteria that must be satisfied before the Supreme Court or the County Court may make a registration order, including that the order is in the best interests of the child and that the commissioning parents did not enter into an arrangement to avoid Victoria's surrogacy and assisted reproductive treatment legislation. In that respect the bill makes a rather minor amendment, although the issue of surrogacy remains complex with differing views and considerations in the community. That is a small part of the bill. The bill basically deals with succession legislation, and I again make the point that I am not quite sure why two completely different topics are dealt with in one piece of legislation.

In regard to the amendments which deal with succession law, the explanatory memorandum to the bill states:

> The aim of the bill is to ensure that Victorian succession laws operate justly, fairly and in accordance with community expectations in relation to the way that property is dealt with after a person dies.

But as Ms Mikakos pointed out, we have also been approached by many in the legal profession who deal with succession laws, and the Law Institute of Victoria has been very strong in its condemnation of the original version of the bill. It says the bill does exactly the opposite of what the explanatory memorandum claims it does. Many concerned members of the legal community — barristers, solicitors and the law institute — contacted us to inform us that this bill will create injustice and make Victoria's laws on succession the harshest in the country. One barrister said the bill would take Victoria back 100 years.

The main problem with the bill is the introduction of a dependency test into the Administration and Probate Act 1958, as set out in clause 5, whereby a court may not make a family provision order for a person who is left out of a will or did not receive an amount they believe they were entitled to unless that eligible person was wholly or partly dependent on the deceased for their proper maintenance and support at the time of the deceased's death. It is a very narrow window for any eligible person to make a claim on a will. The effect of this test will be to cut some adult children out of estates and allow testators to avoid parental responsibility. In

the view of many who contacted us, it would also give a green light to predators and groomers who prey on the elderly and could influence them to change their wills to disadvantage their adult children.

In addition, the Law Institute of Victoria stated in a media release:

> Many wills are not up to date, and may not accurately reflect the testator's current intentions or the state of family affairs at the time of the will-maker's death.

Legal experts have said that this legislation drags Victoria back to the 1890s, when men left their wives and children destitute and bequeathed their estates to their mistresses. The law changed and said that the right of testamentary freedom is not sacrosanct and we must not allow for economic and social injustice, but some of the amendments in this bill would do just that. They would harm vulnerable people who may otherwise have meritorious claims to bring forward. The Attorney-General will not provide any justification for this reform that has any basis in reality. He claimed in effect that the law is currently uncertain and that too many dubious claims are being made, but many of the experts who approached us, including the law institute, said that this is simply not true.

In reality it is already difficult to challenge a will. It is difficult to contest a will on the basis that the testator did not have the mental capacity to make the will. You need contemporary medical evidence to say that the will-maker did not have the mental capacity at the time of making their will, and it is very difficult to obtain. It is also very difficult to challenge a will on the basis of undue influence from a person preying on the testator, because any undue influence is usually done behind the scenes and the legal test is already very strict. Also, there are a number of criteria that have to be satisfied before a court will make a maintenance order for someone contesting a will. It is difficult to see why there is any need for the bill at all.

I am advised that at the moment few cases which involve challenging a will go to trial. Most of these matters are settled before going to court, according to the legal experts who contacted us about this bill. The Victorian Law Reform Commission said in its review of succession laws that the extent of the problem of opportunistic claims was unclear, but it certainly did not recommend the changes put forward in this bill. The Attorney-General claims that the bill acts on and implements the recommendations of the law reform commission, but legal experts say that the commission did not recommend the introduction of this dependency test. Only 1 of the 46 submissions received by the commission recommended introducing a threshold dependency test. The law institute also referred to the law reform commission's report recommendations and said it recommended the New South Wales test for eligibility.

Ms Mikakos went through some examples of what could happen in terms of how the bill would operate in practice. One would be where an adult woman is not financially dependent on her father when he dies, leaving the majority of his estate to charity. Shortly after his death she is diagnosed with a disease and is unable to work. She would be unable to make a claim for family provision as she was not wholly or partly dependent on him at the date of his death.

I would also like to refer to some of the points made by the law institute in a letter written by its CEO to the Attorney-General and copied to me and to the shadow Attorney-General, Mr Pakula, the member for Lyndhurst in the Assembly. Amongst other things, the law institute says:

> We are extremely concerned that after detailed and extensive consultation the Attorney-General has chosen to ignore the recommendations of the VLRC and are now proposing reforms that fail to meet the original purpose.
>
> …
>
> > The bill restricts the classes of eligible person who can seek relief under the family provisions. The effect of clause 3 definition for eligible person, when combined with clause 5 (new91(2)(b)), means that a child, and the other classes of potentially eligible persons, must be wholly or partly dependent on the deceased for their proper maintenance and support at the time of the deceased's death.

It goes on to say:

> There is no evidence that such a restrictive change to the current law in Victoria is justified or required to reduce or eliminate opportunistic claims. We are highly concerned that this change will unduly limit eligible claimants and will disadvantage many meritorious claimants. It will be likely to create a great deal of injustice, contrary to the objectives of family provision laws and one of the three primary terms of reference for the Victorian Law Reform Commission's inquiry, which was to ensure that Victorian laws operate justly, fairly and in accordance with community expectations in relation to the way property is dealt with after a person dies.

In its submission to the law reform commission's review of succession laws the law institute acknowledged that the current laws allow for opportunistic claims but it did not reach consensus on limiting those claims. It says the law reform commission recommended that:

> … Victoria should replace its 'responsibility' test for eligibility to make a family provision claim with a test based

> on the New South Wales test for eligibility, but extended to include stepchildren.

The law institute also says that it:

> … is also concerned that the new bill fails to grasp the nature of will making. Our members report that it is not uncommon for older will-makers to find themselves in disagreements with family members who are acting as primary caregivers, with the result that the will-maker does not make provision for them in the will, even though the will-maker would be considered to have a responsibility to do so.

The law institute's submission to us was fulsome and comprehensive. As I mentioned, several other legal practitioners in the area have made strong submissions to us regarding issues with the bill.

This bill was meant to be debated in the Parliament in the last sitting week. At that time I circulated amendments to the government and opposition parties. Ms Mikakos circulated similar amendments, with one or two minor differences. One would have to say that our amendments were about 90 per cent similar. Today we have received amendments that the government intends to move to the bill. The first time I saw those amendments was at lunchtime today. I learnt that they are the result of negotiations between the parties. There may have been negotiations between the Attorney-General and the shadow Attorney-General but I certainly was not included in those negotiations.

As I said, I have only just seen the government's amendments. I have looked at them and compared them with my amendments. I do not believe the government's amendments go far enough. There will still be issues with the bill if only the government's amendments are passed. That is not to say that I would not support the majority of those amendments, as they will ameliorate some of the worst aspects of the bill. I consider that the bill is in need of further amendment along the lines of the suggestions made to me by legal practitioners working in this area and by the Law Institute of Victoria. The government's amendments do not go that far.

Here we are in our second-last sitting week. We have before us a bill that has created quite a lot of controversy among members of the relevant section of the community — those who have intimate knowledge of this particular area of the law — and today we have had amendments circulated by the government. I consider that this bill needs to be referred to the Legal and Social Issues Legislation Committee for inquiry and report. Committee members can meet with representatives of the law institute and the other barristers and solicitors who have written to us and they can inquire into the efficacy of the government's amendments. The report could come back to this house in the next sitting week and the bill could still go through.

One of the reasons for referring the bill to the committee is that then the process becomes open and public, rather than negotiations being conducted behind closed doors. Those negotiations have resulted in something that I consider to be a less than perfect outcome. Also, there is absolutely no urgency attached to this bill. Its commencement date is 1 July 2015, if not before.

The government has some 22 bills before the lower house. Members would have to be querying why some bills, such as this one, are considered to be more urgent than, for example, the IBAC bill — which I hear was introduced just this morning — and the bill to expunge criminal convictions for homosexual activity under previous legislation, which would of course be a very good thing. Members would have to wonder why the Parliament is receiving that legislation at 5 minutes to midnight, as it were, while members are debating legislation for which there is no urgency and about which there is a lot of controversy. In the committee stage I will be moving my amendments to the bill.

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

Government amendments circulated for Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) by Mr D. R. J. O'Brien pursuant to standing orders.

Mr D. R. J. O'BRIEN (Western Victoria) — I wish to pick up what I term the Peter Hall doctrine and commence with what we can agree on across the chamber. I note that Ms Mikakos and I, who do not necessarily agree on everything, will agree that in relation to the amendments and the process that has been gone through there has been a degree of goodwill between the government and the opposition. This goodwill has occurred not only in relation to the amendments to the wording of the bill that were suggested by the opposition — and also in spirit the similar amendments that have been put up by the Greens — but also in relation to the stakeholders who had made submissions to the government, including stakeholders who had made submissions to me. We agree that this is an instance of the Parliament working to better the wording of legislation to give effect to its intent without unnecessarily burdening those who may be affected by particular provisions of the bill and who have raised genuine concerns.

I note Ms Mikakos praised the work of the shadow Attorney-General, the member for Lyndhurst in the other place. I take nothing away from that, but I would also like to praise the work of the Attorney-General and the Department of Justice and to praise the Attorney-General's staff, who have fielded various requests through me in relation to the amendments. This is an important area of law and an important piece of legislation. Now that the bill has in the main the support of the opposition and the stakeholders who had raised concerns, as far as I am advised, it ought to receive the commendation of the house and a speedy passage.

It is incumbent upon me to refer to the importance of this bill, particularly in terms of the areas of law that relate to succession and surrogacy. These are two very important areas of law — they relate to family legal relations, in particular, and the relationships between parents and children. Therefore they are matters that need to be regulated by the common law and the statute law in a way that can minimise conflicts in families. Law in this area should also seek to bring greater harmonisation. In saying that, I am reminded of the famous quote to the effect that death is not the end; there is always litigation.

Ms Pennicuik interjected.

Mr D. R. J. O'BRIEN — No, that was Spike Milligan. Spike Milligan said, 'I told you I was ill.'. Mark Twain said, 'No real estate is permanently valuable but the grave'. Then the fellow American writer Ambrose Bierce said famously, 'Death is not the end. There remains the litigation over the estate'.

As someone who has been a practitioner and who also has a farm that is next door to the graves of seven generations of my ancestors, I can understand these things. It is the spot where I know I will end up. It has been a constant reminder that farms can be built up and litigated away. They can be earnt in a lifetime, but in the society in which we live they can also be lost through litigation amongst a family — not through litigation that is part of our recent family story.

Returning to the bill, this is an important area and the government has taken the time to include the recommendations of the Victorian Law Reform Commission. The succession laws report, which was tabled in Parliament on 15 October 2013, was the first stage of the reform of Victorian succession laws.

In relation to surrogacy, the bill will close the gap in the law that prevents parents from being named on a child's birth certificate if the child was conceived under a surrogacy arrangement in another state or territory. The surrogacy arrangements also relate only to the birth registration for Australian arrangements, and do not deal with overseas or commercial surrogacy. The Victorian prohibition on commercial surrogacy is maintained, and we note the offence in section 44 of the Assisted Reproductive Treatment Act 2008.

In relation to the succession law amendments, the introduction of third-party family maintenance claims (TFMs) has been intended to preserve a balance of interests, principally the testator's intentions, and this bill seeks to give greater emphasis to that. It also takes into account the needs of certain persons to, on occasion, make application to court for provision out of a deceased's estate. This area developed in the early 20th century. Since about 1997, with the introduction of the TFM provisions, any person has been able to make a claim so long as they could demonstrate that the deceased owed them a responsibility. This has been widely criticised, with many asserting that it is now too easy to challenge a will, and people can make opportunistic claims on estates.

There is another concern this bill tackles, which it did in its original form, and this is maintained in the amended form. From my discussions with practitioners I know they are comfortable with this provision and accept that there was an issue in this area. The costs presently in relation to a dispute about an estate when it comes before the court are sometimes awarded out of the estate. This means that a person with a weak case may be encouraged to make a claim because they know it is unlikely that costs will be awarded against them, even when they fail. The bill seeks to address that arrangement by referring to costs orders. Ultimately this is obviously in the discretion of the court, but where the unsuccessful party would usually be ordered to pay those costs, all things being equal, they will now be made to do so.

I turn to the key provisions in relation to the family amendments. The bill aims to limit the use of the family provision laws, which allow the court to order a departure from a deceased's will or from intestacy rules. Presently any person can make claim to challenge a will under the family provisions of the Administration and Probate Act 1958 simply by showing that the deceased owed them a responsibility. The bill aims to restrict the potential applicants who can make a claim on a deceased's estate by inserting a list of eligible persons.

It is in this regard that there has been some stakeholder interest. I received a very helpful submission; it was a representation from a well-known Warrnambool firm,

Maddens Lawyers, which I have worked with over the years. I wish to compliment them on their legal work. Also, barrister Rick Wells took the time to set out his concerns with the bill as originally proposed, and he indicated that he supported a lot of the overall intention of the bill. There is sometimes a question when lawyers who work in the area make submissions that they might be protecting their own pockets, but that was not the case with the genuine concerns raised by these practitioners. What we have now introduced in the house amendments is as a result also of the discussions with the other parties and all stakeholders. The amendments will still reflect the court's intention, but they will pick up some of the cases that it has been said would have been overly harshly excluded by the original proposed provisions.

With that in mind, the amendments will modify the bill in respect of the family provision claims to remove the dependency requirement for adult children who wish to contest their parent's will, so that a child of the deceased is always eligible to make an application to the court. Those amendments will be discussed in the committee stage, so I do not need to say too much more on them now except to again thank those stakeholders who provided submissions and to note that the amendments are quite short and discrete. They are principally to clause 5, which will alter those eligibility requirements.

To ensure that the intention of the bill is preserved, there is a corresponding amendment, amendment 4, which the minister will discuss in committee. It inserts into clause 5:

> "(c) in the case of an eligible person referred to in paragraph (f) or (g) of the definition of ***eligible person***, the degree to which the eligible person is not capable, by reasonable means, of providing adequately for the eligible person's proper maintenance and support …

This will sit in relation to the amount of provision to be made under clause 5 of the bill. It will provide the necessary balance so that where there are opportunities to claim, the court will also be able to give effect to the testator's intention.

Whilst we are removing the requirement of dependency, the house amendments will insert a new requirement that when determining the amount of provision to be made from the will, the court must consider the degree to which that person is not capable by reasonable means of providing adequately for their proper maintenance and support. This is intended to limit claims by adult children who are not in circumstances of financial hardship. This meets the genuine concerns of the stakeholders, and I again thank them for the time they have taken. I endorse what Ms Mikakos said about the spirit of cooperation.

Under the current version of the bill some categories of eligible persons, such as grandchildren of the deceased, are required to show dependency on the deceased at the time of death. The house amendments will remove this temporal requirement because a risk was identified that, if interpreted narrowly, dependency would need to be shown at the exact date of death. This would be difficult to show in certain cases — for example, where the deceased had spent their last days in hospital or care or had been staying temporarily with a relative before their death. The revised provision is intended to ensure that dependency need only be shown to exist at or near the time of death.

Under the current version of the bill a person may waive their right to make a family provision claim against a person's estate by signing a release of rights agreement after obtaining independent legal advice. There were differing views from various stakeholders as to whether court approval should be required for a release of rights agreement. As a result of the government's negotiations and in order to secure the passage of the bill with its important reforms, the house amendments will remove this section. They will also modify the transitional provisions. The new provisions only affect applications made in respect of the estate of a person who died after the commencement of the bill. I commend Rick Wells for bringing this suggested amendment to the government's attention, and I commend the Attorney-General's staff and the Attorney-General himself for taking into consideration the valuable improvement made by such small but important amendments to the bill.

I turn to some other provisions of the bill, particularly in relation to surrogacy arrangements. This has also been discussed by Ms Mikakos and Ms Pennicuik in their contributions. In relation to the present situation, a surrogacy arrangement is an arrangement, agreement or understanding, whether formal or informal, under which a woman agrees with another person to become or try to become pregnant with the intention that a child who is born as a result of the pregnancy is to be treated not as her child but as the child of another person; with the intention of transferring custody or guardianship of a child born as result of the pregnancy to another person or persons; or with the intention that the right to care for a child born as a result of the pregnancy be permanently surrendered to another person or persons.

In Victoria the child's intended parents under a surrogacy arrangement are referred to as the commissioning parents. Parentage can be transferred

from a surrogate mother to the commissioning parents by court order, which is called a substitute parenting order in Victoria and a parentage order in most other states and territories. In Victoria surrogacy arrangements and substitute parentage orders are regulated by the Status of Children Act 1974 and the Assisted Reproductive Treatment Act 2008. Presently all Australian states and territories except the Northern Territory have legislation that permits commissioning parents to obtain a parentage order naming them as a child's legal parents, provided that certain criteria are met.

As I said, all states and territories except the Northern Territory have similar minimum requirements that a surrogacy arrangement must meet in order for a court to make a parentage order. They include that the arrangement is entered into preconception; that the parents undergo counselling and receive legal advice, which is an important step in this delicate area of legislation and family arrangements; that the arrangement is non-commercial; that the surrogate mother and her partner consent to the making of the parentage order; and that the child is living with the commissioning parents at the time of the application or hearing of the order.

Currently if a child is conceived under a surrogacy arrangement in another state or territory but born in Victoria, the child's surrogate mother and her partner, if any, will be named as the child's parents on the Victorian birth register and the child's birth certificate. At present the only way for a child's commissioning parents to be named on the birth register instead of the surrogate parents is for the commissioning parents to obtain a Victorian substitute parentage order. However, they cannot obtain such an order because the orders are only available if the child was conceived as a result of a procedure carried out in Victoria, as set out in section 20(1)(a) of the Victorian Status of Children Act 1974. This problem exists where the commissioning parents have obtained a parentage order from an interstate court naming them as the child's legal parents. The Victorian government is aware that at least one Victorian couple has been unable to be named on a child's birth certificate because of this gap in the law.

I am pleased that the bill will resolve this problem. Part 6 of the bill will allow the commissioning parents of a child conceived interstate under a surrogacy arrangement but born in Victoria to apply to the Victorian Supreme Court for an order known as a registration order directing the registrar of births, deaths and marriages to name the child's parents on the Victorian birth register. This will enable the commissioning parents to obtain a birth certificate for the child naming them rather than the surrogate mother and her partner as the child's parents.

The details in relation to this aspect are well set out in the explanatory memorandum to the bill. I note that this provision is not opposed by the opposition, and I again thank its members for their contributions. I confirm that the bill does not relate to cases that have recently been reported in the media, including one involving a Western Australian couple and a Thai surrogate mother. Victoria and all other Australian states and the Australian Capital Territory prohibit commercial surrogacy arrangements. This bill deals with the birth registration of a child born in Victoria under an Australian surrogacy arrangement where the child was conceived in another Australian state or territory.

This can be an area of much concern to those affected. I personally know a number of people who had great difficulty having children, and certain arrangements that are properly registered can provide parents with that joy of raising children. However, the legal relationships need to be carefully considered, as they have been with this bill. With those words, I commend the bill to the house.

Motion agreed to.

Read second time.

Referral to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

> That the Justice Legislation Amendment (Succession and Surrogacy) Bill 2014 be referred to the Legal and Social Issues Legislation Committee for inquiry, consideration and report by 14 October 2014.

I move this, I think 57th, referral of a bill to the Legal and Social Issues Legislation Committee because, as I mentioned in the second-reading debate, the changes in the bill have been described as radical. They will leave Victoria's succession laws out of step with those of the rest of the country and make some unduly restrictive changes to the eligibility of family members to challenge a will. From looking at the amendments that have been negotiated by the ALP and the government, I am not convinced that they go far enough to remove that potential for injustice and unfairness with regard to succession laws in Victoria. The Greens have been advised by the Law Institute of Victoria and by, as I mentioned, legal practitioners who work in the area who have written to us with their concerns. They have outlined the sorts of amendments they would like to see, and they are not the amendments the government is putting forward.

May I also say that the government's amendments arrived only this morning. I know the Clerk and table office staff are trying to get their heads around how the amendments will be handled in committee, and I am not sure that we are necessarily quite there. I do not think that is a good way to legislate.

I have made the point many times, and I will make it again, that where there is legislation that is complex and has raised controversy and concern in the community, in any other Parliament that legislation would go to a legislation committee for consideration in a public and open manner and then go back to the Parliament with or without amendment. It is regrettable that that principle has not been followed in the term of this Parliament.

The only bills that have been referred to the standing legislation committees that were established in the previous Parliament have been Greens' private members bills and one government bill, the Wills Amendment (International Wills) Bill 2011 — funnily enough, on the same sort of subject we are on now. Nobody had any idea of why that bill went to that committee. There was no controversy over the bill. It was a mystery as to why it went to committee.

Conversely, the bills to establish the Independent Broad-based Anti-corruption Commission, with all its faults and flaws, were denied referral to a committee. That would have been a good thing and perhaps would have averted the problems with IBAC that have been pointed out by me, by members of the opposition, by members of the community and by the IBAC Commissioner himself. Perhaps we are going to see amending bills that will try to fix those problems. There has also been a raft of sentencing bills that should have been referred for inquiry, including the two that will be before us this sitting week.

I feel this bill is being rushed through this parliamentary sitting. It could have waited until after the dinner break, giving us more time to consider how my amendments and the government's amendments could work together, time to establish the running sheet and to allow us to at least look over the legislation. The next two bills we will be debating do not have amendments and will not have a committee stage. They could be passed, and then we would not have this unedifying rush to pass a bill that could affect pretty well anyone in the community at any time. That is how important it is, and that is why it needs to go to the committee for consideration. There is absolutely no urgency with this bill, so the government cannot use that as an argument to not accept a referral.

Ms MIKAKOS (Northern Metropolitan) — Labor will not be supporting Ms Pennicuik's referral motion. I agree that there has been a dearth of referral motions of legislation to upper house committees over the past four years. Labor has put this matter on the record on a number of occasions, but in this case the delay proposed by Ms Pennicuik is unnecessary.

As I indicated to the house earlier, the Labor opposition has been negotiating with the government in good faith to improve the bill, and we believe that some significant improvements have been achieved. In addition, I understand that the government has been consulting with the Law Institute of Victoria about these proposed changes and that the law institute is supportive of them, so I encourage the Greens to have discussions with the institute around these matters.

The point I make to Ms Pennicuik is that a bird in the hand is worth two in the bush. Labor takes the view that some significant improvements have been made to the legislation of which members of the legal profession will be supportive. They may not support all aspects of the bill, but we have negotiated some significant improvements which will be carried by a majority of the members of the house. Ms Pennicuik is wanting to proceed with amendments that are doomed to fail. The Greens party is being a bit petulant here, and its main complaint seems to be that it has not been included in discussions and negotiations around improving the legislation. If that is the major gripe and it is just about doing a sooky la-la, then it is a waste of time.

We have achieved some good improvements to the legislation. The Greens need to reconsider whether they are going to proceed with all their amendments today, because we have managed to achieve what we think is a reasonably good outcome for the community as a whole.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government will be opposing Ms Pennicuik's referral motion. I refer Ms Pennicuik to the statement of compatibility, which refers members to the Victorian Law Reform Commission 2013 *Succession Law Report*. There is a great deal of work that sits behind this legislation. I also note the point made by Ms Mikakos that the government has continued to consult with stakeholders in recent weeks and that there has been a discussion between the opposition and the government about these amendments. For that reason and many others we will be opposing this referral motion.

I have a couple of other points to make to Ms Pennicuik. Ms Pennicuik said that she only received

the amendments at lunchtime today and has not had the opportunity to discuss them. I was here to discuss them with Ms Pennicuik during and after question time. Of course Ms Pennicuik did not turn up for question time today, so that is regrettable. Ms Pennicuik also talked about the wills bill, and I note the glowing endorsement by Nicola Roxon, the former Labor federal Attorney-General, who endorsed the work of the committee in relation to the wills bill.

To build on the point made by Ms Mikakos, there has been a degree of community debate and discussion about this legislation since it was introduced into the Parliament. There has been a great deal of dialogue between relevant stakeholders and a number of sensible amendments have been agreed between the opposition and the government. I reject Ms Pennicuik's assertion that this is not a good way to legislate. In fact this demonstrates the Parliament working cooperatively and constructively to improve legislation to reach appropriate compromise and change, and for those reasons the government will be opposing the motion moved by Ms Pennicuik.

Ms PENNICUIK (Southern Metropolitan) — Of course I am disappointed that the opposition will not be supporting the referral motion in principle. Ms Mikakos made some very unkind remarks suggesting that somehow, in pursuing the referral of the legislation to the committee, I had ulterior motives that were nothing to do with the legislation. I assure Ms Mikakos the only reason I have moved the motion is that I am concerned that only the amendments of the Greens and the government are left standing, as she has withdrawn her amendments. My view is that the government's amendments do not go far enough.

I have looked at the bill in detail. I understand what the amendments do. Whether or not there have been lots of negotiations and discussions between the other parties, the fact remains that they have not arrived at an agreement to amend certain parts of the bill, which I feel and have been advised needs to be done. Mr O'Donohue went with the old chestnut that the Victorian Law Reform Commission had looked at this issue in detail. Indeed it has, but the commission and others made the point very clearly that the bill did not follow its recommendations.

I am not moving a motion to refer the issue; I am moving a motion to refer the bill. This referral is about the provisions in the bill that make amendments to the acts with regard to succession laws. I acknowledge that the Victorian Law Reform Commission did a report on the issues, but the bill did not follow that report so that is not what this referral motion is about. I commend my motion to the house.

House divided on motion:

Ayes, 3

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

Noes, 36

Atkinson, Mr	Lovell, Ms
Coote, Mrs	Melhem, Mr
Crozier, Ms	Mikakos, Ms
Dalla-Riva, Mr	Millar, Mrs
Darveniza, Ms (*Teller*)	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	Tierney, Ms

Motion negatived.

Committed.

Committee

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

Leave granted.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr O'Donohue and Ms Pennicuik have proposed separate sets of amendments to this bill, some of which are identical or relate to the same parts of the bill. It is the committee's practice that when there are identical amendments or when there are competing amendments to the same part of a bill, a minister's amendments take precedence over those of a member of another party. Therefore I will call the minister first in those cases.

Clauses 1 and 2 agreed to.

Clause 3

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I call Ms Pennicuik to move her amendment 1, which is a test for her amendment 2.

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 3, lines 10 to 31, omit all words and expressions on these lines.

It is often the case that amendments are consequential. This amendment, which is to remove the definition of 'disability' from clause 3(2), is actually consequential to further amendments. My substantial amendments are not contained in this amendment. My amendment 2 makes another consequential change, and that foreshadows amendments 4 to 12. Those amendments take out the qualifying statements with regard to eligible persons. In any case, I have moved my amendment 1, which foreshadows amendments to the definition of 'eligible person' under clause 3.

Ms MIKAKOS (Northern Metropolitan) — I indicate to the committee that Labor will be opposing this amendment and all of Ms Pennicuik's amendments to the bill. As I indicated to the house earlier, we have undertaken an exercise in goodwill in trying to negotiate with the government a better outcome for this bill. As I understand it, the Law Institute of Victoria has also been involved in consultations and is supportive of the government's amendments.

However, as we have heard from the Acting President, we now have the absurd situation of the Greens proceeding with amendments — not with this amendment but with other amendments — that duplicate amendments put forward by the government. The Greens should have at least withdrawn those amendments. They should have reflected on the much better outcome we have achieved on behalf of the Victorian public in terms of the legislation going forward than would have been the case if we had not had those discussions.

We are appreciative of the government's willingness to negotiate with us. I take this opportunity to congratulate Martin Pakula, the shadow Attorney-General and member for Lyndhurst in the Assembly, on getting a good outcome for Victorians. He will be a tremendous Attorney-General in the future.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government will oppose the amendment moved by Ms Pennicuik, which is part of a series of amendments proposed to allow automatic eligibility to make a family provision claim by children. The government's amendments will allow children to make these claims.

Ms PENNICUIK (Southern Metropolitan) — I still wish to proceed with this amendment, which amends clause 3 and the definition of eligible persons. I take the point of Ms Mikakos that the ALP is well within its rights to support or not support my amendments. I understand that some amendments to clause 5 are identical to the government's amendments. I have marked those up on the bill and will support them. However, I do not believe those amendments go far enough because they do not make the amendments to clause 3 that my amendments make to clause 3 with regard to the definition of eligible persons. Therefore I will proceed with the amendment.

Committee divided on amendment:

Ayes, 3

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

Noes, 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.
Davis, Mr D.	O'Brien, Mr D. R. J. (*Teller*)
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	Tierney, Ms (*Teller*)

Amendment negatived.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Ms Pennicuik will move her amendment 3 to clause 3, which is a test for her amendments 4 to 12 and 14.

Ms PENNICUIK (Southern Metropolitan) — I move:

3. Clause 3, page 4, lines 6 to 7, omit "deceased who, at the time of the deceased's death, was — " and insert "deceased;".

This amends clause 3 in that it removes the phrase in clause 3(b):

… deceased who, at the time of the deceased's death …

In terms of the child of the deceased, including a child adopted by the deceased at the time of the deceased's death, the amendment removes the qualification that at the time of the deceased's death there had to be some qualifying criteria with regard to a child, a stepchild or

a person who was treated as a natural child under the act. Because amendment 3 is also a test for amendments 4 to 12 and amendment 14, which is a consequential amendment renumbering clauses, it also removes the qualifying phrases on the child, the stepchild or the person who was treated as a natural child from being under 18 years of age, a full-time student between 18 years and 25 years or a child with a disability. The amendment removes those qualifying phrases from those eligible persons as described in clause 3.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government does not support Ms Pennicuik's amendment, which is a test for multiple other amendments. In relation to clause 3, those categories of child are defined by their age, status as a student or disability. At the time of death their age and status must be linked to a point in time. Therefore, the amendment is not supported.

In relation to amendment 9, under the government's proposed amendments adult children who are not full-time students up to the age of 25 and do not have a disability would have different considerations applied at the making of an order. The distinctions in clause 3(f) and (g) of the definition of an eligible person are necessary, and therefore this amendment is not supported.

The other amendments that are tested by Ms Pennicuik's amendment 3 are unnecessary in light of the government's position and the support of the opposition. Therefore, the amendment, which tests a number of other amendments, is not supported.

Committee divided on amendment:

Ayes, 3

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

Noes, 35

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

Amendment negatived.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Is Ms Pennicuik proceeding with her amendments 13 and 15 to clause 3?

Ms PENNICUIK (Southern Metropolitan) — Could I ask a question about this clause in the bill?

The ACTING PRESIDENT (**Mr Elasmar**) — You may.

Ms PENNICUIK — Paragraph (j) in this clause, on page 5 of the bill, says that the meaning of 'eligible person' includes:

> a spouse or domestic partner of a child of the deceased (including a stepchild or a person referred to in paragraph (d) or (g)) if the child of the deceased dies within one year of the deceased's death …

What is the rationale for that period of 1 year, as opposed to 6 months or 10 years?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I am advised that that time frame was arrived at to remedy a problem raised by the case law.

Ms PENNICUIK (Southern Metropolitan) — Acting President, I am not sure whether you thought that was a proper answer. What is the problem raised by the case law?

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — It fixes the situation where a child dies before he or she can bring a claim.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Ms PENNICUIK (Southern Metropolitan) — Just before the dinner break the minister mentioned a problem with the case law and I asked him to clarify what that problem was.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Elasmar**) — Order!

Ms PENNICUIK — Yes, it is difficult to speak while there are conversations going on. The minister provided an answer but I indicated to him after we broke for dinner that I had not quite heard it. I wonder if he could repeat the answer he gave regarding paragraph (j) of clause 3.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Just to clarify the question and my answer, the one-year time limit is intended to provide a narrow window during which a son-in-law or

daughter-in-law, whether a spouse or de facto of a child, can bring a family provision claim in place of their partner in the unusual circumstance where their partner dies before they themselves can bring the claim they are entitled to bring. This time limit is not intended to create a right for sons or daughters-in-law to challenge their parents-in-law's estate in every case. If a person wishes to leave part of their estate to their son or daughter-in-law, they are free to do so in their will. This criterion was included in the bill to address a circumstance where this fact scenario arose before the Supreme Court of Victoria and eligibility was questioned.

Honourable members interjecting.

Ms PENNICUIK (Southern Metropolitan) — Again I am finding it difficult to hear the minister due to the conversations taking place nearby. It is important that I can hear what the minister is saying so that we do not have a protracted committee stage.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I agree. I ask those members to come to order. I think you have all got the message, thank you very much. Would Ms Pennicuik like to move her amendment or does she have further questions?

Ms PENNICUIK (Southern Metropolitan) — Again, I did not catch the whole answer. Could I just ask for further clarification? I suppose the question is about the time period of one year as opposed to two years or a shorter or slightly longer time. I would like to know why that time period is stipulated, because it impacts on my amendments.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I will repeat the last part of my answer in case Ms Pennicuik did not hear it. This criterion was included in the bill to address a circumstance where this fact scenario arose before the Supreme Court of Victoria and eligibility was questioned.

Ms PENNICUIK (Southern Metropolitan) — I take the minister's response in good faith. I am not entirely convinced about this clause at all in terms of the one-year period but I accept what the minister says, although I find it a little confusing. I will therefore not proceed with my amendment 13.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Would Ms Pennicuik like to move her amendment 15 to clause 3?

Ms PENNICUIK (Southern Metropolitan) — I move:

15. Clause 3, page 5, lines 32 to 34, omit "and would have been likely in the near future, had the deceased not died, to again become".

My amendment is to paragraph (k) of clause 3(2) which defines an eligible person as:

> a person who, at the time of the deceased's death, is (or had been in the past and would have been likely in the near future, had the deceased not died, to again become) a member of the household of which the deceased was also a member …

My amendment would remove the phrase 'and would have been likely in the near future, had the deceased not died, to again become'. The clause would then read:

> a person who, at the time of the deceased's death, is (or had been in the past) a member of the household of which the deceased was also a member …

I propose to remove from this clause the qualification which refers to what may or may not have been going to happen in the future.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — The government does not support Ms Pennicuik's amendment. As suggested by Ms Pennicuik, this phrase allows a person who would likely rejoin a household to bring a family provision claim, and the government does not support that position.

Committee divided on amendment:

Ayes, 3

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

Noes, 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.
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 (*Teller*)	Scheffer, Mr (*Teller*)
Kronberg, Mrs	Somyurek, Mr
Leane, Mr	Tarlamis, Mr
Lenders, Mr	Tee, Mr
Lewis, Ms	Tierney, Ms

Amendment negatived.

Clause agreed to; clause 4 agreed to.

Clause 5

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr O'Donohue's amendment 1 is a test for his amendment 8 involving the omission of clause 10. These proposed amendments are identical to Ms Pennicuik's amendments 16 and 26.

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

1. Clause 5, lines 31 to 33, omit "and has not entered into a release of rights agreement under section 99B".

Ms PENNICUIK (Southern Metropolitan) — This amendment is a test for my amendments 16 and 26, so I will support it because Mr O'Donohue's amendments 1 and 8 are identical to my amendments.

Amendment agreed to.

The ACTING PRESIDENT (Mr Elasmar) — Order! I call Mr O'Donohue to move his amendment 2, which is a test for his amendments 6 and 7.

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

2. Clause 5, page 7, line 2, omit "(f)" and insert "(h)".

Ms PENNICUIK (Southern Metropolitan) — I think it would be helpful for the committee if the minister described what the amendment does.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — Currently clause 5 contains a requirement that certain applicants, including an adult child of the deceased, must show that they were dependent on the deceased in order for the court to make a family provision order in the person's favour. Amendment 2 amends the threshold requirement in the new section 91(2) for some categories of applicant to show dependency on the deceased. It removes the categories in paragraphs (f) and (g) of the new definition of 'eligible person' which essentially refer to an adult child of the deceased and an adult who thought they were the child of the deceased. The dependency requirement in new section 91(2) will apply only to a registered caring partner, a grandchild, a daughter-in-law or son-in-law or a dependent household member of the deceased. This means that a child of the deceased is always eligible to apply for family provision as of right without the need to show dependency.

Amendment agreed to.

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

3. Clause 5, page 7, lines 6 to 7, omit "at the time of the deceased's death".

For the information of the committee, the intent of the amendment is as follows. Under the current clause 5 some categories of eligible person — for example, a grandchild of the deceased — are subject to a requirement that they show dependency on the deceased at the time of the deceased's death. Amendment 3 changes the dependency requirement to remove the requirement that the applicant was dependent at the time of the deceased's death. This change means that where the deceased was in hospital or care for the last days of their life, the applicant can still make an application.

Amendment agreed to.

The ACTING PRESIDENT (**Mr Elasmar**) — Order! I call Mr O'Donohue to move his amendment 4, which is a test for his amendment 5.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — By leave, I move amendment 4 with the minor addition of 'c' in the empty bracket. It now reads:

4. Clause 5, page 8, after line 5 insert —

> "(c) in the case of an eligible person referred to in paragraph (f) or (g) of the definition of ***eligible person***, the degree to which the eligible person is not capable, by reasonable means, of providing adequately for the eligible person's proper maintenance and support; and".

Under the current clause 5, an adult child must show dependency on the deceased in order to make an application for family provision. This amendment exempts an adult child from the dependency requirement. Amendment 4 inserts a new requirement that, when considering whether to make a family provision order or the quantum of that order for an adult child of the deceased, the court must consider the degree to which the adult child is not capable, by reasonable means, of providing adequately for their own proper maintenance and support. This additional requirement will apply only to a child of the deceased who is not under the age of 18 nor a full-time student between the age of 18 and 25 nor suffering from a disability. This requirement is intended to signal to the community that where adult children of the deceased are able to adequately provide for themselves it may not be appropriate to disturb the distribution of the deceased's estate.

Amendment agreed to; amended clause agreed to; clauses 6 to 9 agreed to.

Clause 10

The ACTING PRESIDENT (**Mr Elasmar**) — Order! Mr O'Donohue and Ms Pennicuik each proposed the omission of this clause. The omission was tested by Mr O'Donohue in his amendment 1.

Clause negatived.

Clauses 11 to 26 agreed to.

Clause 27

Hon. E. J. O'DONOHUE (Minister for Crime Prevention) — I move:

9. Clause 27, lines 26 to 33, omit all words and expressions on these lines and insert —

"The amendments made to Part IV of this Act by Part 2 of the **Justice Legislation Amendment (Succession and Surrogacy) Act 2014** apply in respect of the estate of any person who dies on or after the commencement of Part 2 of that Act.".

Clause 27 of the bill contains the transitional provisions. At present the bill states that the new family provision regime will not affect any application filed before the commencement of the bill. This means that where a person dies before the commencement of the bill but no application is filed before the commencement date, the new family provision regime will apply to that person's estate. Amendment 9 changes the transitional provision so that the new family provision arrangements will only apply to the estate of a person who dies after the commencement of this bill.

Amendment agreed to; amended clause agreed to; clauses 28 to 52 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

TRANSFER OF LAND AMENDMENT BILL 2014

Second reading

Debate resumed from 21 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the opportunity to make a contribution to the debate on the Transfer of Land Amendment Bill 2014, which I think is reasonably uncontroversial in its scope. It provides for the phasing out of paper certificates of title and the transition to electronic conveyancing. The paper certificates are of course very important, because they are evidence of home ownership and of any mortgages or caveats or other dealings in relation to property. But they are at one level costly to maintain and to store, and there are issues in terms of when they are lost, damaged or destroyed and need to be replaced. It is appropriate that we start the process of moving from paper certificates. The opposition does not have any concerns with that, save for those that people have raised with it in relation to consultation. There is a wish by industry that these changes be implemented in a manner which is not hasty so that everyone has an opportunity to change their practices and their support systems in order to make these changes.

The second issue the bill addresses is trying to align paper conveyancing with electronic conveyancing. At the moment transfer of land can occur electronically or through the exchange of documents. There is, however, an inconsistency in terms of the way these two systems operate — there are differences in terms of certification or identification — and this creates a degree of complexity. This bill seeks to address this. It is worth noting too that electronic conveyancing was introduced by the former government in 2007, and this state really became a national leader at that stage. Nationally electronic commencing did not occur for another five or so years, until 2013. Again, paper conveyancing will be phased out as electronic conveyancing becomes the norm. The issues stakeholders have raised with the opposition go to speed and making sure that people have enough opportunity to correct their systems so they do not fall behind.

The third aspect of the bill that I will briefly touch on is in relation to mortgagees and in particular mortgage fraud. What happens at the moment is that if an institution — usually a bank — is defrauded in relation to a mortgage, then the bank is able to claim against a state fund. This bill does two things in relation to that, and the opposition does not have any concerns with those two changes.

Firstly, the bill requires that the bank act in a way that is reasonable or take some reasonable steps to protect against being defrauded. I think that is entirely appropriate. Secondly, as well as taking reasonable steps to verify the authority and identity of the mortgagor, if at the end of the day the financial institution is defrauded, then there is a limit on the compensation that can be claimed. Notwithstanding the fact that the bank has taken reasonable steps to verify the authority and identity of the mortgagor, if the bank is defrauded, it can still claim against the state fund but it is limited as to how much it can claim. That limit is the value of the principal plus the interest at the bank-accepted bills rate. That seems to be a common-sense way forward.

I want to conclude by again emphasising the issue in relation to stakeholders. When the opposition approached stakeholders they identified concerns about the way in which the bill was developed. The second-reading speech addresses the issue of consultation and says that a number of implementation issues were raised and that the registrar of titles will work with stakeholders to address these implementation issues and ensure that appropriate lead times are provided as the changes to the Transfer of Land Act 1958 are implemented. Certainly that concern has been echoed widely by the industry.

This government has a terrible track record when it comes to engagement and consultation. It is a government that operates behind closed doors. I hope it will heed the advice on this occasion. I am comforted by the fact that it has set out its aspirations in the second-reading speech, and I only hope that on this occasion it will deliver on those aspirations. However, it is a reasonably simple bill, and the opposition will not oppose it.

Mr BARBER (Northern Metropolitan) — There are now several dozen bills on the notice paper in addition to two very important ones that have been added today. In the interests of getting on and dealing with that legislation, I do not propose to spend any amount of time going over the provisions of this bill, the Transfer of Land Amendment Bill 2014. I think they are adequately described in the materials that accompany the bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Transfer of Land Amendment Bill 2014. For the first time in a long time, it is a pleasure to follow Mr Barber's contribution. This bill typifies the government's approach to sensible policy reform that helps people go about their lives without unreasonable burden from the government. These changes all allow for a more efficient and accurate planning system, with electronic conveyancing meaning that people do not have to worry about the old-school conveyancing systems. Electronic conveyancing is a great example of the power of the market to come up with novel solutions to problems. As a government we need to foster innovations and update our laws to reflect efficient business strategies.

Mr Barber interjected.

Mr ONDARCHIE — I am hopeful that through Mr Barber's interjections he will be learning about efficiency in government.

It also makes a lot of sense that this bill moves to stop abuses to liability claims where a fraudulent mortgage is registered through no fault of the mortgagee. I could go through the elements of the bill again, but I concur with both Mr Tee and Mr Barber tonight in terms of getting this through efficiently. I commend the bill to the house.

Mrs MILLAR (Northern Victoria) — In the spirit of my colleagues I am pleased to make a very brief contribution in relation to the Transfer of Land Amendment Bill 2014, a bill which introduces a number of small but significant changes to the conveyancing process in Victoria. Purchasing a house is generally the largest transaction most Victorians will enter into during the course of their lifetime, and each year many Victorians take the step of becoming landowners. Hopefully with this week's introduction of further reductions in stamp duty for first home owners even more Victorians will be enabled to become landowners in this state in the coming year.

I am very pleased to speak in support of this bill, which makes a number of significant changes to ensure that conveyancing will be simpler. It is yet another bill which is cutting red tape and ensuring that Victoria is open for business. I am pleased to commend this bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

SENTENCING AMENDMENT (EMERGENCY WORKERS) BILL 2014

Second reading

Debate resumed from 21 August; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr TEE (Eastern Metropolitan) — It is great that this bill has come before the house as speedily as it has. The opposition does not oppose the Sentencing Amendment (Emergency Workers) Bill 2014. It is our view that the bill will not achieve an enormous amount, and it is not without some concerns and trepidation that we approach it. This is again an opportunity to highlight the work that is done by our emergency workers. In the government's usual kind of clunky, clumsy way, the bill attempts to show solidarity with or support for the community by supporting our emergency workers, who are indeed well regarded by the community. But the truth is that, as with most things the government does, this clumsy attempt would be reasonably ineffectual.

Mr D. R. J. O'Brien interjected.

Mr TEE — I pick up that objection. If you want to look at the disaster this government has had when it comes to issues of violence and of crime, you only have to look at the track record of this government when it comes to crime.

Mr D. R. J. O'Brien — Are you serious about that?

Mr TEE — Absolutely. Members of this government should hang their heads in shame. Under this government crimes against the person are up by 32 per cent — 32 per cent, imagine that.

Mr D. R. J. O'Brien interjected.

Mr TEE — I take up that interjection, the suggestion being that somehow this is a good thing — as those opposite yell out — and it is a sign of success that crimes against the person have gone up by 32 per cent. If that is how they measure success, I point out that that is not the measure out there in the community. It is not a measure of success when crime against property, crime against the person, drug offences, other crime and total crime are all going up under your watch. That is this government's record, that is its legacy, and that is what it is taking to the people. After nearly four years Victoria is less safe than it was when this government was elected. In Victoria it is more dangerous to be on the streets now than when those opposite were elected. They have a Victoria where, instead of catching criminals, police are guarding our prisoners.

Mr D. R. J. O'Brien interjected.

Mr TEE — No. What I am saying is if you had police on the beat, where they should be, you would have less crime because you would have a greater deterrence. Instead, there is no police presence because the police are all at police lockups babysitting, feeding and looking after prisoners.

Ms Crozier interjected.

Mr TEE — Ms Crozier says that is not true, that that is not the evidence. The evidence given by the Chief Commissioner of Police to the Public Accounts and Estimates Committee (PAEC) hearing was that police are spending their time looking after prisoners in police cells. That is the evidence of the police force itself; that is not coming from the opposition. Those opposite can criticise it all they like. That is what members of the police force are saying. If members opposite do not accept the evidence of the police at the PAEC hearing, they should go and have a talk to them. But that is what they are telling the public; that is what the public is hearing. Let me tell members opposite that it would not resonate particularly well out there in the community if the public heard them criticising and talking down what the police are saying.

The community has a fair degree of respect for our emergency service workers. They have a fair degree of respect for our ambulance paramedics, and they see the way that this government has treated the people we rely on when we are at our most vulnerable, whether it is nurses, ambulance paramedics, firefighters or police. When our house is under threat, when there is a fire next door, we rely — —

Mr Finn interjected.

Mr TEE — They are there for us, Mr Finn, but this government is not there for them. This government is not there for our emergency service workers.

The bill is a clunky, terrible attempt by the government to pretend to be doing something. It knows that its complete disregard of our emergency workers is coming back to roost, because it has no credibility when it comes to the community.

Ms Crozier — You are just so out of touch.

Mr TEE — Ms Crozier talks about being out of touch. I remind her that for crime against the person there is a 32 per cent increase, and for crimes against property, it is 6.2 per cent.

Ms Crozier — Emergency workers are seeing this as action.

Mr TEE — Our emergency workers are the ones who have to deal with these realities. The emergency workers are the ones who have to manage the escalating crime that has come under this government's watch. Our streets are not safe, and our police officers are sitting in police cells instead of being out on the beat. We do not oppose this bill, nor do we do what I am sure those opposite will do — that is, romanticise what they are doing, putting some kind of gloss over what they are doing and putting on the soft lens in terms of what this bill will achieve. This bill will not achieve the kinds of glossy things they are going to talk about. This bill will not make our streets safer, this bill will not make sure that our ambulance paramedics get a fair return or are safer when they go to a hospital emergency department.

Mr Finn — On a point of order, Acting President, whilst Mr Tee has made the odd reference to some provisions of the bill, he seems to be straying into areas that are not related to this bill in any way, shape or form. On the grounds of relevance, I ask you to bring him back to the bill.

Mr TEE — On the point of order, Acting President, the second-reading speech of the bill is very clear. It talks about the bill providing statutory sentences, or sentences for offences against emergency workers on duty.

The ACTING PRESIDENT (**Mr Eideh**) — Order! As Mr Tee is the lead speaker, and this is important legislation, he should stick to the bill.

Mr Finn interjected.

Mr TEE — You do not want to hear what is happening out in the real world. Do not try to quieten me down. Do not try to stop me from putting on the record exactly what your government is doing out there — whether it is to emergency workers or to Victorian families.

Mr Finn — How about talking about the bill?

Mr TEE — I am talking about the bill. Because of this government's inaction, the bill requires special measures to try to keep our emergency service workers safe. It is about ambulance paramedics not getting beaten up when they go to a hospital due to the level of crime that is being generated because of this government's inaction. This government has ripped over $100 million from the police force. This government has failed — after how many years now? — to resolve the pay dispute with ambulance officers, and it has overseen an 18 per cent increase in crime across the state. It has introduced this bill as some sort of a pretence that it is actually tough on crime or that it actually cares about our emergency service workers.

Frankly, it just does not wash. It does not pass any test of credibility or logic, and it is not going to wash out there. It is not going to make any difference because people out there know the government does not care about nurses. It does not care about the police force. It does not care about ambulance paramedics, otherwise it would have sorted out the issue with the ambulance paramedics years ago. It would have made sure that they had a decent wage to take home so that they could feed, clothe and look after their families.

Mr Finn — On a point of order, Acting President, once again on the grounds of relevance. You may care to point out to me and perhaps to the house how Mr Tee is being relevant by referring to a wages dispute which has absolutely nothing at all to do with the bill we are discussing tonight.

Mr TEE — On the point of order, Acting President, the bill is quite broad in terms of emergency workers, the role that they play and the protections that are given to them. Quite clearly part of the bill goes to the entitlements of emergency workers.

The ACTING PRESIDENT (**Mr Eideh**) — Order! Mr Tee to continue on the bill.

Mr TEE — Our concern with the bill is that we are not convinced it is going to make an enormous difference to the crime wave that has beset the community as a result of this government's inaction. We are not convinced there will be more arrests, as many of the assaults directed towards our ambulance paramedics, in particular, are from people who are affected by drugs, alcohol or mental illness. We are not convinced that the provisions of this bill are going to make any difference to our emergency service workers on the ground.

As I said, we do not oppose the bill because, unlike those opposite, we support our emergency workers. We hear regularly of assaults on our police officers. We hear regularly of assaults against our emergency workers in hospitals, against nurses and doctors and against paramedics. It is very clear that violence in emergency departments is under-reported. It is unconscionable. It is very difficult for police to make an arrest when they are guarding prisoners in cells, prisoners who should not be there. It is very difficult to

have anything implemented when police are not on the beat, stopping crime. Instead they have one hand tied behind their backs because the government ripped $100 million out of their budget. It is very difficult for the government to have any credibility in this space when it has acted the way it has in relation to our emergency service workers.

We do not oppose the bill, but I point to the appalling record of the government and the devastation that it has caused in Victorian streets.

Mr D. R. J. O'BRIEN (Western Victoria) — It is a pleasure to make a contribution to the debate on the Sentencing Amendment (Emergency Workers) Bill 2014. It is important to remind the house of the actual bill that we are speaking on tonight because one would not be able to glean that from the contribution we just heard. Mr Tee seemed to want to bring in all sorts of rhetoric related to policy which was in fact wrong. I cannot let his comments stand on the record without saying they are wrong in almost every respect. He did not direct any of his comments to the provisions of the bill, except when he belatedly conceded that it was important to protect our emergency workers. It is important that I briefly remind Mr Tee and other members of the house what the bill actually does.

Mr Finn — I don't think he'd actually read it.

Mr D. R. J. O'BRIEN — I do not think he had either. It would not be the first time that Mr Tee made a clumsy and clunky contribution. I want to do what Mr Elasmar advised me to do — and what Mr Tee ought to have done — which is to remind the house of the purpose of the bill. The second-reading speech sets it out very clearly. The reforms introduced by this bill are designed to improve sentencing processes and outcomes in Victoria.

The philosophical difference between our government and the previous government is very clear. We are prepared to have the courage of our convictions and to stand up and introduce stronger penalties for violent offences across the community. I am proud to say that the key reform introduced by this bill is stronger penalties for people convicted of violent offences against emergency workers who are in the course of performing their duties.

The purpose of the bill, as stated in the second-reading speech, is to recognise the very special role played by Victoria's emergency workers and the need to ensure that they receive the full protection of the law when treating, caring for and protecting Victorians in times of emergency.

Mr Finn — Hear, hear!

Mr D. R. J. O'BRIEN — From his encouraging remarks I take it that that is something Mr Finn and other members of the house seek to recognise.

It is important to focus on the nature of the work of emergency services workers in Victoria. Firstly, there are a large number of emergency services workers and they come from all walks of life. They provide services that largely are unseen by many Victorians when things are going well or are being cared for. But when there is a fire in this state, emergency services workers will not run away from it; instead they run towards the fire. These workers include people from the Country Fire Authority (CFA), the Metropolitan Fire Brigade (MFB) and the Department of Environment and Primary Industries (DEPI), together with other volunteer and career firefighters. The emergency workers exercise their courage and put their lives at risk, as they have done time and again.

One is reminded of the dedication of all emergency services workers but particularly those involved in firefighting when, as a member of Parliament, you have the honour and privilege of handing over fire trucks or opening new stations. It is certainly the greatest honour and privilege I have experienced as a member of Parliament. The coalition government has made a significant commitment in western Victoria alone by investing in fire stations. I will be opening three stations in my local community this weekend — at Gazette, Burn Brae and the important training facility at Penshurst. Over past weekends the member for Lowan in the Assembly, Mr Delahunty, has opened stations at Werrap, Pimpinio, Antwerp, Woorak and Yanac. He was joined by The Nationals candidate for Lowan, Ms Kealy. The government has committed $125 million over the past three years to fulfil its commitment to build and upgrade 250 fire stations across the state by November. I am sure all members of Parliament, including Mr Ondarchie and The Nationals candidate for the Assembly electorate of Ripon, Scott Turner, will contribute in that regard.

I now turn to the bill, having put those matters raised by Mr Tee to rest. I am sure members on all sides of Parliament respect and honour the role that emergency services workers play in our community. That is why when they are threatened or assaulted while they are performing their duties it is an outrageous offence which is repugnant to the values that we all hold and to the notions of volunteerism, mateship or, if you like, the Australian values of caring for those in times of need. This government has shown the courage to implement reforms, but they are not just being implemented in this

bill. This bill builds on other reforms which have created some controversy and debate in the legal community and even in this house.

The bill introduces a baseline sentence for the murder of an emergency worker on duty, a most egregious crime but a crime witnessed throughout the history of this state. The coalition government has brought in a regime of baseline sentences, which has been opposed or criticised by some but which can now be adapted to cover the important offence set out in part 3 of the bill. Mr Tee almost conceded that this will or ought to make things better, but in his clunky and somewhat churlish contribution he did not do so.

A baseline sentence is not a minimum or a mandatory sentence. Rather, it is the expected median sentence for the baseline offence taking into account sentences imposed under the baseline sentencing framework. Judges are not required to impose a baseline sentence. However, they must act compatibly with Parliament's intention that the baseline sentence become the median sentence for the relevant offence. While this is a regime that provides for careful consideration of the Parliament's intention, there are issues of the separation of powers and the notion of judicial discretion. It is not an easy area in which to legislate because we must respect the independence of the judiciary. Nevertheless, I stand proudly by the careful process followed by the Attorney-General in crafting the policies in relation to baseline sentencing which led to the drafting of the legislation. Through that process the Attorney-General and the government have led the debate on respect for law and order, which will make our community safer.

Yes, there is sometimes going to be increased reporting of some offences. Yes, there is an ice scourge in our community that is manifesting itself in violence and aggression towards emergency workers, particularly in hospitals, but also towards police and emergency services in general. This has not been seen to the same degree with other drugs, egregious as they may be to the individual. We saw that in the report recently tabled by my colleague Mr Ramsay and parliamentary colleagues from all sides of the chamber. I commend them on undertaking such an important piece of work. I also confirm that the government has been quick to respond to that report.

With the scourge of assaults on emergency workers there is a need for a legislative response. The bill sets a baseline sentence of 30 years imprisonment for the murder of an emergency worker on duty. That is the expected median sentence that ought to be imposed over time for such an egregious crime — I will say it again, the murder of an emergency worker on duty. That is the intentional killing of an emergency worker on duty as murder is defined. I am very proud to stand behind that reform. If it is possible to put a thought into the mind of an aggressive person, I hope this sentence will engender a greater respect for the law when that person is contemplating such an egregious murder so as to prevent even one of these egregious murders.

New assault offences are set out in part 4 of the bill, which introduces a range of assault offences against emergency workers and extends a number of existing offences. The bill extends the existing assault offence in the Crimes Act 1958 to cover assaults or threats to assault an emergency worker on duty or a person lawfully assisting an emergency worker on duty. The offence also deals with persons who resist or intentionally obstruct an emergency worker on duty or a person lawfully assisting an emergency work on duty. This offence will carry a maximum penalty of five years imprisonment. The bill also creates the new summary offence of assaulting, resisting, obstructing, hindering or delaying an emergency worker on duty or a person lawfully assisting an emergency worker on duty, and this offence is punishable by 60 penalty units or imprisonment for a period of up to six months. Again a range of regimes is being introduced to deal with a range of conduct that goes across this absolutely unacceptable behaviour.

In relation to the statutory minimum for violent offences against an emergency worker under part 2 of the bill, it is important to note some of the penalties for those offences, which include intentionally causing serious injury in circumstances of gross violence — another reform this government has been keen to target — alcohol-fuelled violence or any violence be it in the home or be it on the street. It is unacceptable, and a maximum penalty of 20 years imprisonment will apply for these offences, with a statutory minimum of a 5-year non-parole period. For recklessly causing serious injury in circumstances of gross violence, as defined in section 15B of the Sentencing Act 1991, the penalty is 15 years with a 5-year non-parole period. For intentionally causing serious injury, as defined in section 16 of the principal act, the penalty is 20 years with a 3-year non-parole period. For recklessly causing serious injury, as defined in section 17, the penalty is 15 years with a 2-year non-parole period. For intentionally causing injury, as defined in section 18, the penalty is 10 years with 6 months imprisonment; and for recklessly causing injury, also as defined in section 18, the penalty is 5 years or 6 months imprisonment. This is the suite of minimum sentences in relation to violent offences against emergency workers.

I mentioned the role that CFA volunteers and MFB volunteers and career officers play, but we also need to remember that the definition of 'emergency worker' is wide enough to cover the whole range of emergency services workers who provide such a valuable service to this community one that ought not be the domain of party politics in a petty way. Obviously there will be serious issues of debate, but something we all agree on is the role they fulfil; and this bill helps to protect that.

The range that is defined — and I should put it on record because its breadth demonstrates the breadth of the work — includes police and protective services officers (PSOs). We have seen the role the 940 PSOs have played in relation to our police. Once the assurance that you can be safe on public transport again is provided to a greater degree — and it will not always be perfect but there is that consciousness that PSOs provide safety — there can be greater utilisation of our public transport and greater safety in numbers for law-abiding communities.

Paramedics are also engaged to provide emergency treatment of people at a hospital. I have mentioned that in relation to ice, but the dedication of all our paramedics and hospital workers is something that ought not be the subject of assaults. I have also mentioned the DEPI and emergency responses in relation to their employee duties. The definition includes employees of the Metropolitan Fire Brigade, the CFA, the Victoria State Emergency Service and volunteer emergency workers — for example, lifesavers acting at the request of Life Saving Victoria or a volunteer auxiliary worker appointed by the CFA. The definition also includes persons who, although not members or employees of a particular organisation, may be required to respond to an emergency. This includes persons who are engaged by a government agency to perform work in relation to a particular emergency.

It is with some comments about the important breadth of the bill that I wish to complete my contribution. There are also amendments in part 5 relating to community correction orders. They have been set out and well covered in the second-reading speech. I wish to place on record again my gratitude to emergency workers on a personal note. I have had to use the services of some emergency workers for my own family in recent months for various emergencies, and I am eternally grateful for their dedication and professionalism. They can certainly put party politics aside when they have to deal with what they have to deal with, and I urge all members of this house to do the same. I commend the department and the minister for their work, and I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The Sentencing Amendment (Emergency Workers) Bill 2014 is one of a suite of bills the government has introduced into this Parliament that bring the concepts of baseline sentencing, minimum sentencing or mandatory sentencing into the sentencing regime in Victoria. This bill will amend the Sentencing Act 1991 and the Crimes Act 1958 to provide for statutory minimum custodial sentences for certain offences committed against emergency workers, including intentionally or recklessly causing injury, gross violence, intentionally causing serious injury, or recklessly causing serious injury, or intentionally or recklessly causing injury, in which case the court must not impose a term of imprisonment of less than six months. All of these statutory minimums will apply unless a special reason exists under section 10A of the Sentencing Act.

This bill will apply to a wide range of emergency workers, including police and protective services officers, staff of Ambulance Victoria, and persons engaged in hospitals, such as nurses, doctors and other hospital staff who are supporting the provision of emergency treatment to patients in a hospital. That is an interesting definition, because I am not sure if that means it only covers staff in the emergency section of a hospital.

This bill will also cover members of the Metropolitan Fire Brigade, the Country Fire Authority (CFA), casual firefighters within the meaning of the CFA act, voluntary auxiliary workers, persons employed by the Department of Environment and Primary Industries, particularly when engaged in assisting with fighting fires, and volunteer emergency workers within the meaning of the Emergency Management Act 2013. The bill covers a wide range of emergency workers or people who are engaged in or are called to respond to emergencies.

At the outset, people who respond to emergencies, or emergency services workers as defined in the bill, often have an extremely difficult job and are faced at times with aggressive and violent behaviour and very difficult and traumatic circumstances if they are being called to an accident, fire, natural disaster of some sort or an altercation involving violent behaviour. Sometimes an incident may be drug or alcohol fuelled, and the Greens fully agree that emergency services workers should be safe. There are also issues around depression and even post-traumatic stress disorder that emergency services workers might have to deal with given the nature of their work. Of course their service is to be commended.

Any of the offences I read out before that are committed against emergency services workers are of course appalling. However, in acknowledging that, the important work that emergency workers do, the risks they often face and our belief that they should not be subject to any abuse, assaults or hindering of their work, I believe this legislation is not the answer. The Greens do not support mandatory sentencing and have not supported it in any of the other legislation that has been brought to this Parliament.

Even the Drugs and Crime Prevention Committee's report on its 2011 inquiry into violence and security arrangements in Victorian hospitals, and in particular emergency departments, only made one legislative recommendation. Recommendation 5 at page x of the report states:

> The committee recommends that a specific offence of assaulting, obstructing, hindering or delaying a hospital or health worker or a licensed security guard or emergency worker in the execution or performance of their duties be considered in Victoria.

While this bill introduces such an offence, it goes far beyond that with the introduction of statutory minimum sentencing for certain offences against emergency workers and a baseline sentence for the murder of an emergency worker.

The Attorney-General has not shown that there is a problem with penalties for offences against emergency workers. If there is, it is best handled — as I have mentioned previously in Parliament with regard to other baseline sentencing bills — by pursuing options that exist, such as increasing judicial expertise in the criminal matters, sentencing and offences against emergency workers. Judicial education through the Judicial College of Victoria is an important means of increasing judicial expertise and thus promoting consistency in sentencing.

As I have also mentioned before, the Court of Appeal provides a role in allowing a sentence which is deemed to be inadequate to be appealed, and that often happens. It sets a new precedent for sentencing of the particular offence that was appealed, which has happened on many occasions. It is worth going back to the purposes outlined in part 1 of the Sentencing Act, which are to promote consistency of approach in the sentencing of offenders, to provide fair procedures for imposing sentences, to prevent crime and promote respect for the law by:

> (i) providing for sentences that are intended to deter the offender or other persons from committing offences of the same or a similar character; and
>
> (ii) providing for sentences that facilitate the rehabilitation of offenders; and
>
> (iii) providing for sentences that allow the court to denounce the type of conduct in which the offender engaged; and
>
> (iv) ensuring that offenders are only punished to the extent justified by —
>
> (A) the nature and gravity of their offences; and
>
> (B) their culpability and degree of responsibility for their offences; and
>
> (C) the presence of any aggravating or mitigating factor concerning the offender and of any other relevant circumstances …

Other purposes of the act include to promote public understanding of sentencing practices and procedures; to provide sentencing principles to be applied by courts in sentencing offenders and for special categories of offender; to set out the objectives of various sentencing and other orders to ensure that victims of crime receive adequate compensation and restitution; to provide a framework for the setting of maximum penalties; to vary the penalties and to generally reform the sentencing laws of Victoria.

The Sentencing Act is broad, comprehensive and all-encompassing in its purposes. Given that we have had a suite of bills — we have this bill and another one to come later this week — introducing mandatory minimum or baseline sentencing into the Sentencing Act, we now have a situation where it is difficult for the courts to reconcile the purposes of the act with the changes that have been made to sentencing regimes by these bills.

I draw the attention of members again to section 1(d)(iv) of the Sentencing Act, which says that one of the purposes of that act is to ensure that offenders are only punished to the extent justified by the nature and gravity of their offences, their culpability and degree of responsibility for their offences, and the presence of any aggravating or mitigating factors concerning the offender and any other relevant circumstances. Any court that is presented with gross violence, reckless behaviour or intentionally violent behaviour against an emergency worker would take that into account as an aggravating factor. The court would already do that, and no evidence has been shown by the government that the courts are not doing that. Of course the court would take into account if an ambulance officer was assaulted during the course of their work, and I am sure it would count that as an aggravating factor against the defendant.

There is support amongst emergency workers for this legislation because they want to feel safe, and I agree that they need to feel safe, but this is not the way to make emergency workers safe. When we look at the many recommendations made by the committee in its inquiry into violence and security arrangements in Victorian hospitals they include, for example, ensuring that there are specialist, trained security staff in all hospitals, CCTV cameras, purpose-built rooms for isolating or assessing violent or potentially violent persons and effective duress alarms. I note that the Australian Nursing and Midwifery Federation has just recently been calling for these types of measures. That is the way to keep emergency workers safe in hospitals because we want to prevent assaults against emergency workers, be they workers in a hospital, ambulance paramedics, police and protective services officers, firefighters from the Metropolitan Fire Brigade or the CFA, or the other emergency workers covered by the bill.

It would also seem that the government should be doing more to tackle drug and alcohol-fuelled violence; more to assist with the increasing incidence of mental illness in the community; properly resourcing the courts' support services and programs; investing more in justice reinvestment initiatives; and managing behaviour change programs. All that would prevent violence in the community and violence that, because of their work, emergency workers may come into contact with in those circumstances.

There is no evidence that mandatory sentencing works, and in fact there is a lot of work coming out to suggest that it does not work. Even as early as August 2008 the Sentencing Advisory Council said in the conclusion of its research on mandatory sentencing:

> There is, in any case, ample evidence that suggests that mandatory sentencing can and will be circumvented by lawyers, judges and juries both by accepted mechanisms (such as plea bargaining) and by less visible means. The outcome of this avoidance is to jeopardise seriously another central aim of mandatory sentencing; that is, to ensure that proportionate and consistent sentences are imposed. Even if this circumvention, both formal and informal, could be addressed, imposing a prescribed sanction or range of sanctions for offences (which invariably encompass a broad range of behaviours) guarantees only a very superficial, artificial consistency and one that trades its subtlety for simplicity.

These are the sorts of points I have made before with regard to mandatory sentencing. It does not allow the courts to take into account the full range of circumstances that are before them, and while there may be an average sentence imposed and an average non-parole period imposed for some offences that some people may not agree with, the fact is that the range of sentences could be quite a bit lower than the average, and of course where there is egregious behaviour and aggravating circumstances there will be a range that is way above the average. I looked at some of the sentences with regard to the types of offences the government has been targeting with this suite of legislation. You will find that that range does go above the mandatory minimum sentence the government is wanting to put in place.

We know that the Law Institute of Victoria, the Victorian Bar Council and Liberty Victoria — august bodies which deal with the criminal justice system every day and are involved in the criminal justice system all the time — do not support mandatory sentencing, or baseline sentencing either, for the reasons I have outlined. It is not that they do not have compassion for people who have been assaulted and their families, nor that they are not outraged by that sort of behaviour, but the courts already have enough tools to deal with the circumstances before them and to impose the right sentence. If a mistake is made, the Court of Appeal is there to deal with that.

The bill also makes some changes to community correction orders (CCOs) by amending section 44 of the Sentencing Act 1991. We have had some concerns regarding those proposed amendments whereby changes will be made such that community correction orders can be imposed with longer sentences. At the moment the maximum is a three-month sentence, and that is being increased to two years.

We have had some feedback from the Federation of Community Legal Centres with regard to those changes. The federation is concerned that the courts may opt for an offender to go straight from jail to a CCO. It believes that it would be better to restore parole and ensure that parole is properly assessed, supervised and managed rather than having offenders put on CCOs on direct release from jail. Of course we are not talking about serious, violent offenders here, which is evident just by way of the types of sentences that differ between three months and two years. We are not dealing with high-end offenders here; we are dealing with offenders that the Sentencing Act in its purpose section wants to see rehabilitated.

The bill before us makes these changes to community correction orders, which the federation has concerns with, and it introduces baseline, minimum sentencing, for which we do not feel there is any need, notwithstanding that we, along with the rest of the community, abhor any violent or abusive behaviour or assault towards emergency workers. The answer to that

is to bring in preventive measures, not only in hospitals where ambulance workers and health workers may be affected by such behaviour but also across the community.

We are not doing enough in terms of restricting the availability of alcohol and the clustering of licensed venues, which was identified as an issue by a Victorian parliamentary committee a long time ago. All we have seen since then is an explosion of the availability of alcohol, both in the time it is available and in the places it is available. We have an issue with alcohol. Mr David O'Brien was talking about ice before, but I note that the Law Reform, Drugs and Crime Prevention Committee itself said that the problem of ice was dwarfed by the problem of alcohol. These are the sorts of preventive measures that are best employed.

It is best to maintain the separation of powers between the executive and the judiciary and to trust the courts to take into account all the circumstances of the cases before them. The Greens will not be supporting this bill.

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the Sentencing Amendment (Emergency Workers) Bill 2014. The essential element of this bill is the introduction of provisions into the Sentencing Act 1991 that require sentencing courts to impose a statutory term of imprisonment for adult offenders who are convicted of particular offences against emergency services workers.

Police, firefighters, State Emergency Service workers, ambulance personnel and nurses and doctors who work in our hospital emergency departments are amongst the bravest and, in my view, the most heroic people, placing their own safety at risk each time they perform their duties. It is unconscionable to any normal thinking person that emergency services workers can expect to be assaulted for protecting, defending or medically treating members of the community. They are attacked for trying to help alcohol-affected or drug-affected people and, in the case of police, for protecting our lives and our properties from increasingly violent thefts.

Home invasions and drive-by shootings are becoming more commonplace. Young people are becoming substantially more aggressive, and we see this every week on the news. The Melbourne nightclub scene is a horrific battleground of mainly male adolescents who take out their mindless anger and hostility on each other. Parents are fearful for their sons and daughters, who start out their evenings having a good time but end up in hospital casualty wards alongside police who are also injured in the melee.

The bill introduces stronger penalties for violent offences against on-duty emergency workers. As previously stated by my colleague Mr Tee, we do not oppose the bill. While I understand the complexities of putting legislation together and the consultative process with the legal fraternity and other stakeholders, it is a pity the bill could not have been introduced as a priority three years ago. There are some who say the bill does not go far enough in relation to minimum sentences, which are five years for intentionally or recklessly causing serious injury in circumstances of gross violence, three years for intentionally causing serious injury, two years for recklessly causing serious injury and six months for intentionally or recklessly causing injury.

The bill also introduces a 30-year baseline sentence for the murder of an emergency services worker on duty. The bill, however, provides flexibility in its 'special reasons' provision for offenders aged between 18 and 21 found guilty of causing serious injury to an emergency worker. A court may impose a sentence other than the prescribed minimum if it believes there is a reasonable prospect of rehabilitation of the young offender.

The community expects our emergency services personnel to protect us in dangerous circumstances, so it is right and proper that they are afforded justice when they have been injured in the performance of their duties.

Ms CROZIER (Southern Metropolitan) — I am pleased to be able to rise this evening and speak on the Sentencing Amendment (Emergency Workers) Bill 2014. I note that the Greens do not support this bill, but members of the Labor opposition do, and I am pleased that they do because it is an important piece of legislation that has been, I would suggest, quite a long time coming. At the outset I commend those involved in its formulation.

The bill delivers on the coalition government's commitment to introduce higher sentences for offenders who injure or seriously injure emergency workers on duty. We have just heard from Mr David O'Brien, who went through various elements of the bill and highlighted an array of emergency workers to whom this bill will apply. I concur with the comments he made on behalf of the government in relation to what this bill will do to protect those workers.

The bill amends the Sentencing Act 1991, the Crimes Act 1958 and the Children, Youth and Families Act 2005. As I said, it delivers on the government's commitment to introduce stronger sentences for

offences against emergency workers. This is in line with community expectation, and for some time community expectation has been that emergency workers in the course of their duties should be protected from aggression and acts of violence. When I worked in the health system there were times when I was attacked. I have had various pieces of equipment thrown at me, and I have been scratched and spat at. In the course of one's duty that can happen on occasion, but when we are talking about increased rates of — —

An honourable member interjected.

Ms CROZIER — It did happen when going through various demonstration lines, Mr Finn.

Mr Lenders interjected.

Ms CROZIER — On demonstration lines we have been abused verbally too. However, I will get back to this important bill because I do not want to digress further. We are talking about serious crimes against emergency workers. I note that Mr Lenders and Mrs Coote, also members of the Southern Metropolitan Region which I represent, are in the house tonight. I point this out because the Victoria Police memorial is sited in Kings Domain gardens, which is in our electorate. The memorial was opened in 2002 and stands as a dedication to and constant reminder of the service provided by those brave men and women who have been killed in the line of duty.

That is at the extreme end of what we are talking about tonight — those dreadful circumstances where policemen and women are killed in the line of duty. Clearly those offenders need to be punished for those murders, and this bill puts in place steps to ensure that people who commit such acts are rightfully convicted and receive the maximum sentence. As I said, the bill provides for the imposition of increased sentences for offenders who injure, seriously injure or murder an emergency worker on duty. These reforms will bring sentences for offences against emergency workers on duty in line with community expectations. That is exactly what the government is attempting to do, and this bill addresses those concerns.

A news article published a few days ago outlined the story of a patient at the Monash Medical Centre who was believed to have been affected by the drug ice. He was so violent that four security guards could not control him, and police were called to attend that incident. We know there are increasing episodes of very violent crime due to drugs and alcohol, and ice in particular. I commend the Drugs and Crime Prevention Committee on its report into methamphetamine use. The report was recently tabled in Parliament, and it highlights the effects of this drug.

We know the numbers of those using ice are increasing. Mr Tee, in his contribution, said that this government has done nothing and the crime statistics have gone up. I thought his contribution was absolutely ridiculous because it did not take into account those situations we are talking about tonight — the very violent acts that happen on our streets. We know that ice is a significant problem, and I commend in particular Minister Wooldridge and others who are looking at and dealing with this issue and who are looking at measures to support the community to combat the growing epidemic of ice.

Returning to the bill and the comments I made at the outset of my contribution to the debate, these reforms are necessary to improve sentencing processes. I note that the Australian Medical Association wrote to the former Attorney-General in 2007 requesting a review of the penalties applicable under a number of provisions of the Crimes Act 1958, with a view to increasing their severity, where the relevant offence is committed against a health professional. A letter from the then Attorney-General, Mr Hulls, talked about the violence against health professionals as:

> … something that the Victorian government takes very seriously as it harms not only the individuals involved, but the health system as a whole, and consequently the community and all Victorians

I absolutely concur with that. His letter did not go on to say that yes, he would act on this issue. It says:

> The government has decided that there is some scope to clarify the existing law relating to acts of violence against the person.

The former government did not do very much. That is in direct contrast with what our government is doing. We are acting on this issue. Health workers know we are acting on this and they are very pleased with the actions of the government. In terms of what we have done, again I would like to commend those who put this bill together.

In conclusion, this legislation sends a strong message to the community that violence and aggression against health workers is not acceptable. This legislation reinforces the government's commitment to ensuring the safety and security of health workers. I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Sentencing Amendment (Emergency Workers) Bill 2014, which Labor will not be opposing.

I am certain that everyone in this house and Victorians across the state would all agree that emergency services workers play an invaluable role in our communities, and I acknowledge them all for their self-sacrificing work. They include police officers, the Melbourne Fire Brigade, the Country Fire Authority, ambulance officers, healthcare workers, including but not exclusive to doctors and nurses, Victoria State Emergency Service members and all contractors and volunteers as defined within the Emergency Management Act 1986 who selflessly volunteer during emergencies.

This bill introduces statutory minimum sentences for offenders who are convicted of violent offences against emergency workers who are on duty. It provides a baseline statutory minimum sentence of 30 years for the murder of an emergency worker. The bill also enacts new summary assault offences against emergency workers on duty. This summary assault offence will empower Victorian courts to impose a sentence of imprisonment of up to two years and a community correction order as the sentence. We on this this side of the house believe this bill is very important, as every Victorian is entitled to feel safe and protected at work, and emergency service workers are certainly no different.

Each year Victorians across the state proudly wear a blue ribbon to remember and honour police officers who have been killed in the line of duty. The objective of the Blue Ribbon Foundation is:

> … to encourage the public of Victoria to remember the sacrifice of officers who have fallen in the line of duty and to show all serving members of Victoria Police that their work and commitment is valued by a caring community.

This bill not only gives justice to the 157 honourable officers who have tragically lost their lives while on duty but to their families whose lives changed forever at the hands of those who committed such horrendous offences.

On another point, there is a continuing problem faced by the state's nurses, doctors, paramedics and other allied health workers in emergency departments across the state. This issue was referred to by the shadow minister for emergency services, the member for Williamstown in the Assembly, when he was quoted by Henrietta Cook in the *Age* of 8 August in an article headed 'One in three mental health workers attacked: report'. The article outlines that in the past 12 months one in three Victorian mental health workers were physically assaulted. A total of 83 per cent of mental health workers were victims of violence or abuse in their workplace, with 81 per cent verbally assaulted, 34 per cent physically attacked, 14 per cent racially attacked, and 7 per cent being victims of sexual harassment. This is an extremely disconcerting issue and it is inexcusable. These workers, like all others, must feel safe in their workplace, and factors such as an increase in demand for mental health services being met with inadequate staffing levels and cuts to services is leaving these workers facing volatile conditions.

While this bill seeks to penalise those who commit such offences, the government must ensure that it is doing all it can to offer the necessary funding and support to these workers to reduce the violence happening in the first place. The opposition does not oppose the bill.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I conclude the second-reading debate by responding to some of the matters raised, and I thank the opposition for supporting this legislation. I want to correct some of the factual errors made by Mr Tee. In his contribution he talked about police babysitting prisoners, and he cited some material that was produced many months ago. I want to update the house and advise Mr Tee and other members that as a result of the government's investment in the corrections system the number of prisoners in police cells has been trending down for a considerable period. Indeed tonight I understand that the number of people in police cells is somewhere in the mid-100s. We have seen a significant reduction, from over 300 people in police cells in November last year to now the mid-100s, and, as I said, that number is trending down.

That number is also reflected by the capacity in the corrections system. It is true that there were some real capacity challenges following the parole reforms instituted by this government, which were prompted by tragedies that we are aware of. But again as a result of the investment this government has made in the corrections system, we have seen hundreds of new beds being added to the prison system. What that also means now is that the prison system is operating at well below the 95 per cent capacity level that is recommended and is generally adopted around jurisdictions in Australia. We have significantly fewer prisoners in police cells — the number is trending down — and we have greater capacity in the prison system, which is now operating at a level significantly below the 95 per cent generally accepted threshold.

I wanted to correct those factual errors made by Mr Tee. He is big on rhetoric, but short on knowledge. That is probably not surprising when Mr Tee has shown little interest in the corrections system, as indeed has the shadow Minister for Corrections, the member for Lyndhurst in the other place. He has been the shadow minister for the best part of nine months and he has

visited just two correctional facilities, two prisons, in Victoria. I encourage Mr Tee to get out and have a look at some of the investments that have been made in our corrections system and to take Mr Pakula with him. I think they would find it most interesting and most enlightening in relation to the reforms that have been implemented by this government.

I want to touch briefly on the comments made by Ms Pennicuik. It is regrettable that the Greens are opposed to this legislation, which is an important community safety initiative for emergency service workers. It is regrettable that we cannot have the full support of all members of the chamber for this important legislation. It says much about the priorities of the Greens.

Ms Pennicuik said that more needs to be invested in behavioural change programs. Ms Pennicuik may not have read the detail, but a significant proportion of the government's $84.1 million four-year parole reform package, which was delivered in this year's budget, is for programs for prisoners so that they do the necessary programs while in prison. Importantly, now they will not be considered for parole until they have done the appropriate behavioural change programs.

Ms Pennicuik made a reference to restoring parole. That is exactly what this government has done. We have legislated that community safety be the top priority of the Adult Parole Board of Victoria in making decisions about parole, we have toughened parole significantly, and we have put into the adult parole board the investment that Labor should have put in years ago. We have significantly enhanced, strengthened and toughened the parole system. When Ms Pennicuik says that we need to restore parole, I am not quite sure what she is talking about. Is she talking about weakening the parole system or going back to the parole system we had before these reforms were instituted by the government?

Ms Pennicuik was contradictory in her remarks. On the one hand she said that the Greens are opposed to the baseline sentences that are introduced by this legislation because they do not give the courts the flexibility they should have. She then went on to criticise the reforms to the community correction order that are being implemented by the bill. Those reforms increase the flexibility of the courts when determining the appropriate sentence and the appropriate form of penalty for a convicted criminal. Ms Pennicuik was absolutely contradictory in her arguments.

To conclude, it is most regrettable that the Greens will vote against this legislation and, as the lead speaker for the opposition, Mr Tee has demonstrated just how little Labor Party members understand the corrections system, how little they understand community safety and how out of touch they are with community sentiment on these issues.

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.
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 (*Teller*)	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; by leave, proceeded to third reading.

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, 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.
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 (*Teller*)
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 (*Teller*)
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

Introduction and first reading

Received from Assembly.

Read first time for Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) on motion of Hon. D. M. Davis.

CEMETERIES AND CREMATORIA AMENDMENT BILL 2014

Statement of compatibility

Hon. D. M. DAVIS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

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

Overview of bill

The bill amends the Cemeteries and Crematoria Act 2003 (the act) to provide cemetery trusts with new powers to manage the cremated human remains of deceased veterans and their family members. Specifically, where a veteran's cremated remains are interred at a cemetery pursuant to a limited (25 year) tenure right of interment, the cemetery trust responsible for managing that cemetery will be empowered, upon the expiry of 25 years, to convert the right of interment to a perpetual right and either leave the veteran's cremated remains undisturbed in perpetuity or reinter the remains at a location suitable for perpetual interment. Where a veteran's cremated remains are interred together with or in the vicinity 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 interment.

Human rights issues

For the avoidance of doubt, the following rights are examined for their relevance to the bill.

The right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The clauses of the bill which allow for the removal and reinterment of cremated remains may be considered relevant to this right. For the reasons that follow, these clauses do not allow for any unlawful or arbitrary interference with privacy.

Cemetery trusts may only remove and reinter cremated remains in accordance with the act, an objective of which is to ensure that human remains are treated with dignity and respect[1]. A cemetery trust will be required to take reasonable steps to notify the holder of a limited tenure right of interment that the right is due to expire before cremated remains can be removed and reinterred.

Cremated remains will only be removed and reinterred if it is appropriate in the circumstances to do so. The bill also allows for interred cremated remains to be left undisturbed in perpetuity.

Protection of families and children

Section 17(1) of the charter act provides that families are the fundamental group unit of society and are entitled to be protected by society and the state. The bill promotes and enhances this right by allowing for the cremated remains of deceased veterans to be reinterred with the remains of their deceased family members.

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. D. M. DAVIS (Minister for Health).

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

That the bill be now read a second time.

Incorporated speech as follows:

The proposed changes to the Cemeteries and Crematoria Act 2003 are relatively small; however, they represent a significant change in the way we as a community recognise, honour and manage the limited tenure cremated remains of our deceased veterans and their families.

These changes will provide cemetery trusts with the power to convert these limited tenure rights of interment to permanent tenure where no one can be found to take responsibility for their ongoing care. It will also give cemetery trusts the power to put in place a memorial for the veteran.

I have proposed these changes because the Victorian government recognises the contribution of our veterans and their families. These changes will remove any doubt about how limited tenure cremated remains of veterans and their families will be treated in the future in Victoria. I believe it is

[1] Section 2A(a) of the act.

particularly fitting to pay tribute to our veterans both past and present at this time as our nation pauses to consider the momentous and terrible events of the First World War, and in some small way honour and commemorate the memories of those who have put themselves in harm's way to protect our way of life.

I commend the bill to the house.

Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Mr Leane.

Debate adjourned until Tuesday, 30 September.

ADJOURNMENT

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

That the house do now adjourn.

Ann Nichol House

Ms PULFORD (Western Victoria) — The matter I wish to raise on the adjournment this evening is for the attention of the Minister for Health. The action I seek from the minister is for him to work with the Minister for Environment and Climate Change to review the legal issues involved in the proposed sale of Ann Nichol House. This is something that will be of interest to both ministers, no doubt, given that it is situated on Crown land located in Portarlington.

Residents across the Bellarine Peninsula have been concerned by the proposed sale by Bellarine Community Health of Ann Nichol House to a private provider. Ann Nichol House is the last of the non-profit aged-care facilities in the area, and indeed has a history that includes a great financial contribution raised by the local community. In 1993 the Crown land was temporarily reserved for health and social welfare purposes. The state government effectively gave the use of the land to the North Bellarine Hostel for the Aged Inc. to enable the building of Ann Nichol House on the site. It has a long and significant history in the community. Ann Nichol House has provided affordable, high-quality care for people in the area for many years now. People are rightly concerned — indeed shocked — at the proposed sale of this important community asset.

There are some issues around the legal status of the sale in relation to the Crown land, which my colleague Lisa Neville, the member for Bellarine in another place, has raised with the Minister for Environment and Climate Change. The order made in July 2014 removed the health and social welfare purposes in relation to the use of the land, which it would appear would enable the asset to be sold to the highest bidder, or to anyone seeking to develop the land for any purpose. There are many questions that need to be addressed in relation to this. It is essential that the Minister for Health urgently reviews the legal issues around the proposed sale, and does so in the context of the Crown land site on which it has been built. Obviously the Minister for Environment and Climate Change has a different responsibility and a different interest, but the Minister for Health's responsibility in this matter is around the ongoing provision of aged-care services for people in this community.

Early childhood facilities

Mrs MILLAR (Northern Victoria) — My adjournment matter tonight is for my friend and colleague the Minister for Children and Early Childhood Development, Wendy Lovell. I am aware that the minister is highly committed to the children of this state, and in particular to the ability of preschool children to learn, develop their potential and thrive — given the opportunity to so do — with input and investment in their preschool education. I was with the minister on the day the federal government announced its decision to support the additional 5 hours of kindergarten education. I know that no-one worked harder for that outcome nor advocated more effectively for the preschool children of Victoria and for communities right around Australia than Minister Lovell, and the outcome is in no small measure due to her advocacy and work.

I invite the minister to visit Gisborne to view the growth of that town, which has led to calls from both the community and Macedon Ranges Shire Council for a new early learning centre incorporating not only kindergarten but also maternal and child health services. Many in the local community are aware that the council initially proposed building a new early childhood centre on UL Daly Reserve — a small but precious parkland in Gisborne valued by locals. Like many in the community, I was deeply troubled by this proposal, and have called on the Minister for Planning, Mr Guy, recently in relation to planning protection for the Macedon Ranges, including the important site at UL Daly Reserve. The council has now suggested an alternative site for the early learning centre in Robertson Road, Gisborne. I call on Minister Lovell to view this alternative site in terms of its suitability and potential for the location of a new centre.

Together with the Liberal candidate for Macedon, Donna Petrovich, I am aware that Gisborne's early childhood education needs are increasing and that a further commitment is needed to work towards meeting these needs. Minister Lovell visited the Macedon

Ranges last week, announcing very welcome additional funds of $38 000 for four Macedon Ranges kindergartens and a further $20 000 for three kindergartens in Daylesford. I invite Minister Lovell to visit Gisborne and see for herself what may be needed to meet that very family-focused town's needs into the future.

Country Fire Authority Warrnambool brigade

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Police and Emergency Services. It is in relation to the Country Fire Authority (CFA) Warrnambool brigade. A little over four years ago the Brumby government allocated a firefighting pumper to the specially customised Warrnambool fire station to assist in firefighting in the south-west region. This type of pumper is essential for fighting high-rise fires, and more than $100 000 was spent upgrading the Warrnambool fire station to accommodate the pumper. However, there has been talk around Warrnambool for some time now that the pumper spends very little time located there. I believe it is currently sitting in the Cranbourne fire station. As I said, four years ago Labor funded the pumper to be stationed in Warrnambool, and the member for South-West Coast — now the Premier — said that the aerial pumper was long overdue for the south-west.

With this in mind, it is hard to understand why the aerial pumper spends most of its time in stations outside the south-west. The action I seek is for the minister to provide me with information on the stations where this pumper has been located for significant periods, and indeed whether the reason the pumper is not located at Warrnambool is the cuts this government has made to the CFA and other emergency services. I ask the minister to also provide a time line as to the proper allocation of the aerial pumper at the Warrnambool CFA station.

Moreland security cameras

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter this evening is for Edward O'Donohue in his capacity as Minister for Crime Prevention. It is associated with the inaction of Moreland City Council in terms of installing the CCTV cameras for which it was awarded funding by this government. I am dismayed to see the inaction of the Moreland council. In early 2013 — February, I think — a grant of $250 000 was awarded for the installation of nine CCTV cameras on Sydney Road, Brunswick. That was on the recommendation of Victoria Police, which identified it as a black spot. This is the road, we all remember, where tragically Jill Meagher was abducted and killed in late 2012. The CCTV vision in this case provided crucial evidence to help police find Adrian Bayley, a man with an extensive history of sexual abuse of women. He was taken off the street because of this very technology, which was installed in a retail outlet.

The people marched. They called for safety for women in that area — and I support their cause. But as it stands, the Moreland council has fully installed only two of the nine CCTV cameras, and even those cameras are not connected to a power source and so are not in use. The government acted quickly and provided the funding.

My history teacher taught me that those who do not learn the lessons of history are doomed to repeat it. It seems that the leadership of the Moreland City Council is willing to run the increased risk that these types of attacks will occur again, and that the perpetrators will not be answerable to the law if they do. The ratepayers at Moreland City Council deserve better value for money than this, and they need to have a good look at the leadership of the council under Moreland mayor, Cr Lambros Tapinos. He should either get fair dinkum or get out. This is a man who is wasting thousands of dollars of ratepayers money taking the government to court over the east–west link, yet he is unwilling to spend money that has been freely given to the council by the Napthine government. This is about Labor Party politics over people.

Cr Oscar Yildiz, who is a Labor member, has opposed his own council spending this money on the east–west link case and has said time and again that the council should be getting back to the fundamentals of what it is paid to do. Because he went to visit Jill Meagher's husband, Tom, in Ireland, I know that Cr Yildiz supports the installation of the cameras.

Where are they, Moreland? The Moreland City Council must act on installing the CCTV cameras promised under the grant in order to restore community faith in the council and to make Moreland a much safer place. The coalition is going about building a safer Victoria. Why will Moreland not get its act together? What disappoints me more than anything is that other members in the northern metropolitan area, such as Ms Mikakos, have been silent on this. I ask the minister to investigate why the Moreland council will not get its act together and install these cameras.

Merbein P–10 College

Ms LEWIS (Northern Victoria) — The matter I address is for the Minister for Education and relates to

the Merbein P–10 College. In 2009 a process was commenced to create the Merbein P–10 school from the four existing Merbein schools, on the site of the former Merbein Secondary College. In conjunction with this amalgamation, a two-stage process to redevelop the buildings on the site was established.

A master plan was developed and stage 1 of the building works was completed in mid-2012. This gave the school three new learning centres — for P–4, 5–8 and 9–10 — but left in place a 1960s-era block, the gym, some Mod 5 portables and an ancient technology block. Stage 2 required the demolition of the 1960s block and the technology block and the construction of a new administration and resource centre and technology, science and canteen blocks. Unfortunately stage 2 has not eventuated and the school is operating some classes in the old buildings and portables. Two of the Mod 5 portables are central to the operation of the school — one is the school library and the other is used for the school's highly successful flexible learning options program for students in danger of disengaging from school.

The importance of the school library resource centre should not need to be emphasised. It is a core component of the school's operation and a vital resource for all staff and students. The flexible learning options, or FLO, centre provides a safe haven for students with a range of problems and difficulties. Students are able to spend varying periods of time away from mainstream classes, working in very small groups or individually on programs tailored to meet their specific learning needs. Approximately 20 students have been participants in the FLO program, which is being widely recognised as highly successful.

The most outstanding and telling piece of data indicating the success of the program relates to school attendance. On average the students attending the FLO centre in 2014 have increased their attendance by 169 per cent. Four students have transitioned to TAFE programs and three students have transitioned back into full-time mainstream classes and are on track to successfully complete year 10 at the end of this year. The program is clearly directly benefiting the students who participate and is also providing benefits to other students throughout the school. This is most noticeable in the calmer classrooms for teachers and students to work in. The Mod 5 portables being used for the FLO program and the library have required considerable expenditure by the school to fit them out for these special purpose uses.

Unfortunately there has been no progress with stage 2 of the school master plan. However, earlier this year the school was given a heads-up that its Mod 5 portables would be removed from the school early in term 4. This means that two significant school activities, the library resource centre and the FLO program, will have to be relocated into the 1960s-era building — a building that was designated for demolition in 2009, has been infested with white ants and is well and truly past its use-by date.

The situation is not satisfactory, nor is it in the best interests of the students at Merbein P–10. I therefore request the Minister for Education to provide me with an assurance that these crucial Mod 5 portables remain in place at Merbein P–10 school until stage 2 of the master plan is completed and they become redundant to the school's needs.

Local government councillor conduct

Mrs PEULICH (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Local Government. It is not different — it is actually quite similar — to some of the matters that were raised by Mr Ondarchie in relation to the conduct of some local councils, especially as we approach a state election. What has been raised with me about a broad range of councils is the manner in which ratepayer resources are hijacked, often to mount a case, very much a state campaign, on issues that do not reflect the views of the ratepayers or the electorate.

It is often highly politicised. I must say that I have often been asked the question, 'When have we allowed local governments to become the outposts of Trades Hall or the Labor Party?'. I am thinking of those who have banded together to oppose the east–west link and spend a lot of ratepayer money on court challenges, but there are other examples. One is of where a mayor recently sent out a letter to a part of the municipality attributing a particular initiative to his council colleague who just happens to be a Labor candidate. I know the Local Government Act 1989 provides, under section 3E, for councils to advocate on behalf of the best interests of their local community. But at the same time, under section 76B, which is headed 'Primary principle of councillor conduct', there is a requirement for councillors to act with integrity and in particular to impartially exercise his or her responsibilities in the interests of the local community.

Back under the Labor government a couple of documents were produced to provide guidance and advice to councillors, on the one hand, about being aware of conflicts of interest, and on the other hand, to inform them about the dangers of showing apprehended bias when dealing with planning matters. It is now time

for the Minister for Local Government to work with his office as well as the peak bodies, such as the Municipal Association of Victoria, and other relevant stakeholders in a very narrow time frame to produce a document that provides some guidance to councillors about what their responsibilities are and to make sure that there is a more appropriate balance between their role of advocating for a community and at the same time impartially exercising the role that they have been elected to, to make sure that they are not hijacking ratepayer resources in order to back a political campaign on views or issues that may not be shared by the broader electorate.

It is long overdue. A lot of money is being wasted and many people in Victoria can point to many examples of where the right balance is not being struck. I would urge the Minister for Local Government to bring forward a document of that nature to local government at the earliest possible opportunity before things descend even further and more ratepayers money is wasted.

Disability services

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Community Services. The matter I raise relates to the inconsistent advice received by Epping resident Laurie Walton on behalf of his daughter, Tamara, who requires assistance through the department's statewide equipment program (SWEP) in order to afford a new wheelchair.

Tamara, who has cerebral palsy, is cared for around the clock by her parents, Laurie and Gwenda. I am advised that Tamara's current wheelchair has been assessed as unsafe by Chemtronics, which is the company responsible for servicing any equipment delivered through the SWEP program, and it has advised that it should be replaced as soon as possible for safety reasons. I am advised by Tamara's father, Laurie, that a new wheelchair costs in the vicinity of $20 000. I understand that an application was made to the SWEP program on 9 November 2013 via Tamara's occupational therapist at Plenty Valley Community Health. They were advised by SWEP that it would contribute almost $8000 towards Tamara's new wheelchair.

Laurie and Gwenda then submitted an application for gap funding for the rest of the funds through the request for additional support program, otherwise known as the RAS program. Tamara's occupational therapist at Plenty Valley Community Health was advised by the department in March 2014 to call back at the start of the next financial year as there was no funding available under this program for the rest of 2013–14. I understand Tamara's occupational therapist rang the department on 1 July, only to be advised that no decision had been made for additional supports and to call again in a few weeks. Again, this advice was followed up, and when Tamara's occupational therapist rang the department again, she was advised that there was no funding available.

The last piece of advice Laurie and Gwenda received from the Department of Human Services was an email on 29 August advising them that the RAS program for 2014–15 had yet to be commenced — that is, two months into the financial year the program had yet to commence.

All this time Tamara has been left using an unsafe wheelchair. The minister would be well aware that even if funding is confirmed, it will take a further period of time for a wheelchair to be built to Tamara's specifications. This uncertainty is causing Tamara and her parents a great deal of stress and anxiety. I call on the minister to provide Laurie and Gwenda Walton and their daughter, Tamara, with some certainty about the availability of funds via the RAS program to ensure that Tamara receives the wheelchair she so desperately needs.

Manufacturing employment

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Manufacturing, David Hodgett, and it concerns DENSO Automotive Systems Australia, a car parts manufacturer in Croydon which has flagged that it may be winding down its operations to only 10 per cent of its workforce as early as next March. The DENSO factory has operated in this part of town since, I believe, 1989 and the average length of service of its employees is 12 years. Unfortunately, with Holden, Ford and Toyota ceasing manufacturing in Australia, DENSO will be a victim of their demise.

The manufacturing minister has been publicly quoted as having said that it sounds disappointing and his thoughts go to the workers. I would suggest that these workers do not particularly want the manufacturing minister's sympathy. These workers want to be able to work in their industry in their part of town and not be forced to leave their families and move either interstate or to another part of the state to chase their type of specialised work. The action I seek from the minister is that he save his sympathy and do something to attract manufacturing to this part of town so these workers will have ongoing jobs to go to into the future.

The PRESIDENT — Order! I will allow that adjournment matter to stand because we are, frankly, near the end of the session, but under normal circumstances the proposition Mr Leane put as to what the minister should do is not a sufficient action in response to the matter he raised. It was a bit too close to a setpiece speech in that sense. I also thought Mr Ondarchie's contribution was a setpiece speech in part, notwithstanding that the subject matter was quite important.

Mr Leane — So was mine.

The PRESIDENT — Indeed the matter was important, but I thought the request to the minister was too broad for what we expect in the adjournment debate as a rule.

Responses

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I have written responses to adjournment matters raised by Ms Tierney on 7 May 2013, Ms Mikakos on 13 November 2013, Ms Hartland on 4 February this year, Mr Lenders on 6 May and 7 August, Mr David O'Brien on 8 May and 26 June, Mr Ronalds on 25 June and 20 August, Mrs Coote on 5 August and 19 August, Mr Leane on 6 August and Ms Tierney again on 21 August.

Ms Pulford raised a matter for the attention of the Minister for Health, Mr Davis, seeking that he work with the Minister for Environment and Climate Change regarding Ann Nichol House. I am advised that Mr Davis has previously met with Ann Nichol House and is continuing to work with the facility, but I will refer that matter to the minister.

Mrs Millar raised a matter for the Minister for Children and Early Childhood Development, and I will refer that matter to Ms Lovell.

Ms Tierney raised a matter for the Minister for Police and Emergency Services, Mr Wells, regarding the location of a Country Fire Authority pumper around Warrnambool, and I will refer that matter to the minister.

Ms Lewis raised a matter for the Minister for Education regarding Merbein P–10 College, and I will refer that matter to Mr Dixon.

Mrs Peulich raised a matter for the Minister for Local Government, and I will refer that matter to Mr Bull.

Ms Mikakos raised a matter for the Minister for Community Services regarding access to the statewide equipment program and a request for additional support, and I will refer that matter to Ms Wooldridge.

Mr Leane raised a matter for the Minister for Manufacturing, David Hodgett, and, noting the comments of the President regarding the broad action sought, I will refer that matter to Mr Hodgett.

Mr Ondarchie raised a matter for me in my capacity as Minister for Crime Prevention. I can confirm for Mr Ondarchie that the government offered Moreland City Council $250 000 to install CCTV cameras along Sydney Road, Brunswick, in May 2013, on advice from Victoria Police. The council agreed at its 12 June 2013 council meeting that it would accept the funding. However, it took council until 6 February 2014 to submit a project proposal to the Department of Justice. Council initially committed to have the CCTV infrastructure installed by 30 June. Regrettably, the project remains incomplete.

I can advise Mr Ondarchie that the mayor, Cr Lambros Tapinos, wrote to me on 16 July and stated that the first camera would be installed within a week. Yet here we are in mid-September with a number of cameras still to be installed and none as yet activated. I have previously expressed my disappointment to the council at its continued delays. This is a very important community safety matter and, as Mr Ondarchie outlined in his contribution, the background to this is one of great tragedy. I call on Moreland City Council to act quickly to see this important community safety infrastructure installed and operational as soon as possible.

The PRESIDENT — Order! The house stands adjourned.

House adjourned at 10.29 p.m.