PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 7 May 2015

(Extract from book 6)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Industry, and Minister for Energy and Resources	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade	The Hon. A. Somyurek, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Privileges Committee — Mr Drum, Ms Hartland, Mr Herbert, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Economy and Infrastructure References Committee — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

Environment and Planning Legislation Committee — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Environment and Planning References Committee — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

Legal and Social Issues Legislation Committee — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Legal and Social Issues References Committee — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

Joint committees

Accountability and Oversight Committee — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Elasmar, Mr Melhem and Mr Purcell. (*Assembly*): Mr Crisp, Mr Perera and Ms Ryall.

Electoral Matters Committee — (*Council*): Mr Dalidakis and Ms Patten. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish, and Ms Sheed.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson and Mr Wells.

Law Reform, Road and Community Safety Committee — (*Council*): Mr Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva. (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkenny and Mr Pesutto.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Resigned 25 February 2015
[2] Appointed 15 April 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

THURSDAY, 7 MAY 2015

Thursday, 7 May 2015

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

PAPERS

Laid on table by Acting Clerk:

Planning and Environment Act 1987 — A Notice of Approval of an amendment to the Victoria Planning Provisions — Amendment VC122.

BUSINESS OF THE HOUSE

Adjournment

Mr JENNINGS (Special Minister of State) — I move:

That the Council, at its rising, adjourn until 2.00 p.m. on Tuesday, 26 May 2015.

Motion agreed to.

MEMBERS STATEMENTS

Budget

Mr RICH-PHILLIPS (South Eastern Metropolitan) — What we saw this week was a typical Labor budget. In the lead-up to the election we heard the rhetoric from the Labor Party about responsible economic management. It said that in government it would commit to retaining the surpluses that had been accumulated by the previous government and that it would maintain the debt profile that had been accumulated by the previous government. What we have seen this week is quite different. We have seen the first budget of this Labor government reducing the surpluses of the state over the next four years by more than $4 billion, representing a clear broken promise from the commitment made by the then Leader of the Opposition and supported by his then shadow Treasurer, Tim Pallas.

We have seen more than $6.4 billion in infrastructure commitments wiped from the state's books. This government is reducing the state's expenditure on infrastructure programs. At a time when all Victorians recognise the need for enhanced state infrastructure we have a new government that is actually reducing the state capital spend. It is an extraordinary proposition for a new government coming to office to cut the state expenditure on major infrastructure programs. We are seeing already a blowout in expenditure. We are seeing growth in the wages bill — employee costs — for the state in 2015–16 of over 7 per cent.

This is what we saw in the previous decade with the last Labor government, a government which had expenditure growth rising faster than revenue growth — a completely unsustainable position. Through this first budget we are seeing that pattern being started again. We are going down the path of a budget which will be unsustainable. By the fourth year of this government it will be very clear to Victorians that we have a government in place which is not able to manage the state's finances in a prudent and efficient way.

Budget

Ms TIERNEY (Western Victoria) — What a great week for western Victoria! After years of uncertainty, and a bandaid fix by the previous government, the Andrews Labor government has provided confidence and certainty for over 200 workers at Avalon Airport. In a deal struck by Labor with Jetstar and Linfox, the Andrews government will contribute $12 million to shore up this important asset for western Victoria. Flights will be increased from five to seven per day, with two new destinations to be added in the near future.

The CEO of Avalon, Justin Giddings, said that staff burst into cheers and applause upon hearing the news, which was a welcome relief after so much uncertainty under the previous government. It is expected that employment at the airport will now grow once again, with new flights coming on line in the near future. This is what happens when businesses and workers know that they have a government that will stand by them and support them.

The good news continues, with the Premier and Minister for Public Transport announcing at the Waurn Ponds station that Labor will invest $257 million in new regional trains and local jobs. In this week's state budget there is funding for 21 new V/Locity carriages, which will carry an extra 1500 V/Line passengers every day. This investment also includes a maintenance and stabling yard at Waurn Ponds station, creating more than 100 jobs during construction and about 30 ongoing jobs. The new depot will provide training opportunities for students enrolled at TAFEs, giving apprentices in the manufacturing and engineering industry the hands-on experience that is so important.

These Labor government announcements are yet another boost for the confidence of Geelong and Western Victoria Region.

Christine Milne

Mr BARBER (Northern Metropolitan) — In my first speech to Parliament eight and half years ago I paid tribute to the considerable record of Christine Milne and how everything she had achieved had inspired me to be part of the growth of the Greens and to bring myself to this place. Anyone who has dealt with Christine Milne — many politicians from all parties have done that over a period of decades — knows that she is tough, that she is tough-minded, that she has a mind like a steel trap and that she is committed, passionate and relentless. I can assure all members here that her next move will be into the world of global green politics, certainly not into any kind of retirement.

Speaking on behalf of my party room, we are very pleased to see that the new federal Leader of the Greens is Victorian senator Richard Di Natale, and we are delighted to see him being backed up by two very able deputies in Larissa Waters and Scott Ludlam.

Bundoora United Football Club

Mr ONDARCHIE (Northern Metropolitan) — Recently I had the absolute pleasure of kicking off the season for Bundoora United Football Club, which plays the world game. It was a great opportunity to support one of the fastest growing soccer clubs in Melbourne's north. I congratulate Robert Namor, the president; Dominic Romeo, the vice-president; Vince Liuzzi, the secretary; and Tony Janakievski, the treasurer, as well as the committee, the coaches, the parents and the players.

The world game has really galvanised Melbourne's north, with people from so many different cultures and backgrounds loving the great sport of soccer, as we know it here. This week will see the Melbourne derby, with Melbourne City Football Club — one of the greatest football clubs ever to enter the Australian soccer climate — playing against the also-rans, Melbourne Victory Football Club. Melbourne City has been a great community club. I know Mr Dalidakis is a great supporter of the club, as are others. Melbourne City is doing wonderful work in building connections with the community.

There is no greater example of the world game's growth in the north than the work of Bundoora United Football Club. I congratulate the committee. I congratulate the volunteers who do such a wonderful job developing kids — both boys and girls — from the under-8s right through to seniors. This is a great time for Melbourne's north.

The PRESIDENT — Order! Mr Ondarchie almost incurred the wrath of the Chair with his remarks about Melbourne Victory. Go Victory!

Harpley estate, Werribee

Mr EIDEH (Western Metropolitan) — I was honoured to represent the Treasurer, the Honourable Tim Pallas, at the launch of Lend Lease's Harpley estate in Werribee on Sunday, 26 April. We were welcomed with an Aboriginal smoking ceremony and a dance and music performance, which was enjoyed by those present, including the mayor of Wyndham City Council, Cr Peter Maynard, and the general manager of Lend Lease in Victoria, Neil O'Connor. It was a great day for the 1300 people who attended. They were entertained with live music and dancing, free food trucks, fun and games for the children and a farmers market showcasing Werribee's local produce. The launch marked the completion of the $17 million first phase of infrastructure at Harpley. This phase of the development includes the delivery of 30 hectares of wetlands, a cultural adventure park, the upgrade of Black Forest Road and the first public land release.

This new estate will create much-needed access to affordable housing, which is an issue most of us are becoming more aware of as our population grows, especially in the western suburbs. It will create new job opportunities during and after its development. It is a community where residents will have access to excellent public transport, direct freeway access, education services, health services and shopping, and they will find a balance of lifestyle and recreation. I congratulate Lend Lease, as well as the future residents of Harpley and all involved in this development, and I look forward to watching this wonderful new community in the west grow.

I also wish to thank Cale Hooker and Tom Bellchambers, two distinguished football players from the Essendon Football Club, who were in attendance and presented me with a most valuable gift of a guernsey which they had each signed. I thank Cale and Tom, as well as the Essendon Football Club, for that great surprise.

Anzac Day

Ms CROZIER (Southern Metropolitan) — Like many members in the house, I attended a number of Anzac services held in my electorate of Southern Metropolitan Region, and I would like to mention just a few of those. One was the Higgins Stonnington Anzac Centenary March, organised by the federal member for Higgins, Kelly O'Dwyer, who did a terrific job of

recognising the number of memorials in the electorate of Higgins. She also paid tribute to the many distinguished service men and women who served in the First World War. The march was attended by the Governor, the Honourable Alex Chernov; his wife, Elizabeth; the member for Higgins herself, Kelly O'Dwyer; the member for Malvern in the Assembly, Michael O'Brien; the mayor of Stonnington, Cr Melina Sehr; and Ted Baillieu, the Victorian Anzac Centenary Committee chair. It was also attended by Mr Dalidakis. I think he would agree that it was a terrific day. It was a very well-organised recognition of what happened in that district, and so many people turned out to march on that morning.

I also attended a number of other events in Caulfield, including on Anzac Day the RSL march and service together with David Southwick, the member for Caulfield in the Assembly, and Sue Pennicuik. I note her remarks about the Back to Gallipoli exhibition at the back of the Caulfield RSL commemorating the Gallipoli landing. I extend my congratulations to all involved.

Interest rates

Mr MULINO (Eastern Victoria) — I rise today to make a members statement in relation to the decision yesterday by the board of the Reserve Bank of Australia to reduce the cash rate from 2.25 per cent to 2 per cent, a historic low level. This decision was made in response to rapidly falling commodity prices and a number of other macro-economic trends. Low interest rates in Australia are currently supporting borrowing and spending across the economy. Borrowing and spending in the consumer sector is particularly important in the Victorian economy, as it is in the construction sector. In making its decision, the Reserve Bank noted that the inflation outlook affords an opportunity to further ease monetary policy in order to reinforce and strengthen household demand. It is worth noting this, because this also provides an opportunity to strengthen our economy's transition to new globally competitive high value-added sectors.

The direct impact of this decision will be that the cash rate will be lower. This will flow through the entire interest rate schedule and therefore reduce business investment costs in general. It will also put downward pressure on the currency, which will benefit all of Victoria's exporters. It is important to note this in the context of the budget that was released earlier this week, which includes among other things $508 million in the Premier's Jobs and Investment Panel, $200 million in the Future Industries Fund and $60 million in the Start Up fund. Those funds will directly assist our economy to transition to new high-tech, high value-added sectors and will be reinforced by recent macro-economic trends.

Fr Kevin Dillon

Mr RAMSAY (Western Victoria) — In my members statement today I would like to acknowledge Fr Kevin Dillon of St Mary's Catholic parish in Geelong and the work he is doing for families in the Geelong region affected by sexual abuse by the clergy. I attended a meeting in Geelong two weeks ago at which Fr Dillon launched Lifeboat Geelong, which provides pastoral care and compassion to victims of child abuse. I stood shoulder to shoulder with Frank Costa and my parliamentary colleague in the last Parliament, David O'Brien, to support Fr Dillon's initiative. While I am not a Catholic, I admire the work Fr Dillon is doing and the courage he has shown in aligning himself with victims of sexual abuse and adopting a basic Christian approach of care and concern about this issue which crosses all church borders.

He has taken a position at his professional peril, often being in conflict with the church hierarchy, of not trying to protect the church but instead compassionately protecting the victims. The church's legalistic approach to protecting its assets contrasts with Fr Dillon's pastoral care. I say to Fr Dillon that while the church is trying to isolate you and your good work, the 200 people who attended the Lifeboat Geelong launch are behind you, and it just goes to show how out of touch the Catholic Church hierarchy is with the grassroots concern for some of the church's most vulnerable.

St Kilda Mums

Ms FITZHERBERT (Southern Metropolitan) — I rise to speak about the work of St Kilda Mums, a volunteer-run, not-for-profit organisation in my electorate of Southern Metropolitan Region. I first had dealings with St Kilda Mums some years ago when I was on the board of the Royal Women's Hospital, and I have always been extremely impressed with what the organisation does. Despite the name, it works across Melbourne and has also extended its reach to country regions. There is a Geelong Mums and now a Eureka Mums in Ballarat, and I see that a contract has been signed very recently for a warehouse for its work in Ballarat, which is an excellent thing. What the volunteers do is rehome new and pre-loved babies and children's gear, including cots, high chairs, car seats, safety gates, linen and clothes. They are meticulous in their work in repairing and cleaning things that may come to them having been loved by somebody else.

St Kilda Mums was set up in 2009, and it was based on a really simple idea. Someone noticed that while there was a huge need for babies and children's gear, in particular in St Kilda where people went without the basics, there was perfectly good stuff being put out in hard rubbish. It seemed to make sense that items could be saved from landfill so that people who needed things could receive them. I should mention, though, that a lot of brand-new equipment, clothing and so on is also given out through St Kilda Mums. The group is extremely well run. I congratulate them on what they have achieved. They show what a small group of people can achieve when they notice a problem and set out to do something very practical about it.

Community College Gippsland

Ms BATH (Eastern Victoria) — Last week I had the absolute pleasure of receiving an invitation from the CEO of Community College Gippsland, Sue Geals, to attend the 2014 graduation ceremony. Community College Gippsland is a not-for-profit organisation, headed by Des Williams. I acknowledge the wonderful work by and contribution from staff and teachers at the college, and I congratulate the many graduates who received nationally accredited qualifications on the night. Community College Gippsland has campuses in Pakenham and Warragul, and it is looking to establish a campus in Leongatha.

The college offers a wide range of subjects, from foundation studies and the Victorian certificate of applied learning to horticulture, child care, hairdressing and environmental studies. It is designed to cater for an increased demand for skilled workers in rural industries and deliver workplace-based and campus training across a wide range of specialisations. What impressed me the most about this evening was the care, love and attention from the college staff and the joy in the graduates' faces. I commend the work of this college to our house.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Reference

Mr JENNINGS (Special Minister of State) — I move:

> That pursuant to sessional order 6 this house requires the legal and social issues committee to inquire into, consider and report, no later than 31 May 2016, on the need for laws in Victoria to allow citizens to make informed decisions regarding their own end-of-life choices and, in particular, the committee should —
>
> (1) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life, including the role of palliative care;
>
> (2) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and overseas jurisdictions; and
>
> (3) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation.

Today I speak in support of this reference to the Standing Committee on Legal and Social Issues. I think the majority of Council members will support this motion which will enable the Parliament, the community, medical practitioners and other people who are concerned with the legal rights and opportunities of our citizens to make informed and appropriate decisions about end-of-life matters. It will also provide greater certainty and confidence to the loved ones, carers, medical professionals and others who assist people in their end-of-life experience. It will mean we are well armed with appropriate legislation to account for the medical condition, the emotional wellbeing and the comfort provided to people at the end of their lives.

This issue has recently been subject to consideration by the Legislative Council as a result of a motion moved by Ms Hartland. The motion that was debated some weeks ago was based on Ms Hartland's desire to have the government give a reference to the Victorian Law Reform Commission for consideration of these matters. If members of the Victorian community wish to know the various views of members of the Legislative Council, they would be well advised to look at the *Hansard* record of the contributions members made at that time. People will see there a wide range of views expressed by members of the Legislative Council. Those views are very respectful and mindful of the diversity of views within the Victorian community, and they were placed on the public record by members of this chamber in a very considered way.

That debate was one that reminded me again of the value of our democracy in bringing a broad cross-section of the community to this Parliament. On many occasions the contributions of the members of this Parliament can be an accurate measure of the diversity of views of members of our community. In these matters they can range from those who are supportive of an approach to end-of-life decision-making which may involve euthanasia being available within a jurisdiction to those who vehemently oppose the notion that euthanasia is appropriate within the framework of legislative statute in Victoria. Those

opposing the introduction of such laws will fight in a legislating sense and through advocacy. That is what happens in the construct of the Legislative Council, just as a diversity of views is expressed in the Victorian community generally.

In the debate generated a few weeks ago not only were philosophical viewpoints expressed by members of the chamber but it was evident that there was a diversity of views about the best way that the public discussion and consideration of these matters should be undertaken under the auspices of the Victorian Parliament. Some members of the chamber said a reference to the law reform commission is the best way to enable the evaluation of these issues through a legal framework. Their view is that a reference to the law reform commission may provide the appropriate scope of consultation, through calling expert witnesses and having some degree of community engagement. That would enable a series of recommendations by the law reform commission to come to government, and thereby to the Parliament, and new laws to be introduced to balance the expectations of the Parliament and the community.

Whilst that view was articulated by a number of members of the chamber, it was certainly not the exclusive view. In fact a contested view was expressed by other members of this chamber that parliamentary scrutiny may be more appropriate. That would allow members of Parliament to be participants in the consideration of these matters. Members of Parliament would be open to receiving the views of experts and laypeople — that is, best advice — about the way the breadth of our responsibility should be couched in public policy and reflected in the statutes of the Victorian Parliament.

Within that range of views the government has discussed this matter internally and considered its preferred way of dealing with these issues of public concern at this time. The government has formed the view that on balance its preferred model is that a reference be given to a committee of the Parliament to enable members of Parliament to engage in that inquiry, and so on behalf of the government I move this motion today.

I acknowledge that within the government itself there is a diversity of views on the philosophy and the appropriate legal framework to deal with end-of-life decisions. The government is prepared for its views to be examined and considered and to reflect on the diversity of views that come before the inquiry. The government participants on the committee referred to in this motion today will be prepared to fulsomely and appropriately acquit their responsibility, not only as members of the government but very importantly as members of the committee, to be open to a proper and full examination of these issues.

The government also reflected upon what, in its view, is the appropriate committee to undertake this work, because a reference to a parliamentary committee could have taken a number of forms. It could have been in the form of a reference to a joint investigatory committee. Some contributors to the debate today may suggest that a joint investigatory committee may be preferable to a committee of the upper house, and I acknowledge that a valid argument may be mounted for that choice. I volunteer to the Parliament that one of the prime objectives of the government is to provide scope for the greatest inclusion in the consideration of these matters in terms of the philosophical viewpoints that may be put by the parties and individuals across the spectrum of responses to this issue. It is the government's view that the best way to provide inclusion for that diversity of views is through an upper house committee, in this instance due to the make-up of the committee.

We had a rocky introduction to the appointment of members to upper house committees in this Parliament, but we ended up in a very good place in relation to reflecting proportional representation, or close to it, and an inclusive frame for the structure of upper house committees. In this Parliament those committees will comprise three members of the government, three members of the Liberal-Nationals coalition, one member of the Greens and one member from the minor parties on the crossbench — committees of eight.

All our committees in the upper house are constituted in that form, and that form, interestingly enough, in terms of not only the party considerations and structures of the upper house but individually, if members have a look at what I understand to be the philosophical views of members of cross-party lines within the committees, are fairly representative of the diversity of views within the community. Proponents of this matter being considered by a joint investigatory committee will not be able to satisfy the test of inclusion on the basis of party representation or necessarily at first flush be able to attest to the expressed philosophical viewpoints that may underpin the views of the individuals who make up the committee.

I know in this debate we will hear an alternative view to mine in relation to the appropriate committee structure, but I am an advocate on behalf of the government of the government's preferred model of engagement on this matter. This upper house committee, in our view, is the best forum to guarantee the inclusion of the various

vantage points across party lines and across the philosophical spectrum in relation to this issue. The government is confident that on balance it has chosen the best setting for this inquiry to take place.

I acknowledge the contribution of Ms Hartland in terms of her motion to refer the matter to the Victorian Law Reform Commission, which was debated in the upper house in the last sitting week. Before the debate on that was concluded Ms Patten raised an alternative structure and a recommendation to deal with these issues through a joint investigative committee. I acknowledge that the structure of the work that she had advocated for provided something of a template for the motion that I have moved today in terms of the breadth of issues that she sought to include in her reference to the joint investigative committee of the Parliament. I acknowledge not only Ms Hartland's work but Ms Patten's work and also the contribution of other members of this chamber that led to consideration of the motion that I have moved today on behalf of the government.

As complex and vexing as these issues may be, it is incumbent upon a modern Parliament that is responsive to the needs of its community to take on these issues and be prepared to engage in an active consideration of them. There are many thousands — it may be closer to millions — of Victorian citizens who are concerned about this issue, who desire to have a high degree of confidence about the legislative framework that enables appropriate end-of-life care and who would have an expectation that a modern Parliament would address these issues, be prepared to engage in an active consideration of them and would facilitate an active community conversation about them.

The motion I have moved is not overly prescriptive in terms of what the legislative framework may be. It is inclusive of a range of approaches to medical care and rights being afforded to patients, their loved ones and carers, and to the medical profession that supports them. Indeed it is open-ended in that regard, although it is acknowledged that there is an expectation that recommendations for legislative reform will come out of this inquiry.

I put on the record that my colleagues in the Legislative Assembly the Premier and the Minister for Health have both made clear that during the life of the inquiry they intend to look at at least a couple of issues that relate to the scope of this inquiry. One of these is a program by which appropriate improvements to palliative care services may be provided through the health portfolio, and my colleague the Minister for Health is very determined to try to build the Victorian health system's capacity to provide, if possible, a responsive, appropriate home-based palliative care model. She is going to be an active participant in looking at the ways in which those models can be better rolled out in the Victorian community and how they may be funded now and into the future.

That will be an active piece of work that the Minister for Health will engage in in the interim and with the consideration of the committee's inquiry. I know the Premier has, for a number of years, been a keen proponent of having additional armoury in the Medical Treatments Act 1988 to deal with advanced care directives to cater for changing circumstances affecting the trajectory of and prognosis for a medical condition but that it be couched in a way that is flexible enough to account for new forms of illness and impairment that may deteriorate a patient's quality of life. In fact the Premier has been an active proponent of these sorts of reforms for a number of years. It would be the intention of the government to develop, in a no-regrets fashion, that model of care as a base minimum for the work that may come through the recommendations of this inquiry.

I make it clear to the house that two pieces of work will be undertaken in parallel which we believe will give a no-regrets basis to the work of this inquiry and may in part satisfy some of the expectations that come through the inquiry. I do not want to limit where the inquiry may end up, but I indicate the clear policy intention of the government to move in that regard during the life of this inquiry so that no-one can be under any misapprehension that if the government does take any action in that interim period, it will not be at the expense of the full consideration of the inquiry.

The government has acknowledged the scope and importance of this issue within the Parliament and the community. It acknowledges the contribution of members who have got us to this stage of the debate. It acknowledges the diversity of views on the subject within the Parliament and the community. It hopes the inquiry will be acquitted in the spirit in which it has been commissioned, which is to acquit its responsibility on behalf of the Parliament and the community in a proper, respectful and inclusive way that does the best to establish a legislative framework, models of care and an ability for our citizens to be empowered into the future through the terms of reference I am recommending to the chamber today. On behalf of the government, I wholeheartedly support the motion.

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased today to contribute to the debate on Mr Jennings's motion in relation to a reference

requiring the Standing Committee on Legal and Social Issues to inquire into the need for laws in Victoria to allow citizens to make informed decisions regarding their own end-of-life choices. This follows on from what, as the Leader of the Government has said, was a very thoughtful, constructive and engaged debate led by Ms Hartland in this place in the last sitting week.

Members of the government may not characterise it in this way, but my one disappointment with that debate was that I do not believe members of the government entered into it in the full spirit of debate, in that it was the first debate I have ever been involved in during which the members of a party did not at any stage give any indication of their support or non-support of the motion being debated. Of course they indicated some support or otherwise in relation to the issue, but not of the motion. What we could see through that in trying to understand the government's tactics and approach is perhaps characterised by what the Leader of the Government has just said — that is, the government had not yet determined its preferred approach.

We have come back a couple of weeks later and now the government has clearly determined its preferred approach. Instead of what may be characterised as supporting the motion we debated last time, it has put forward this alternative approach as an option. While it was an excellent debate, I was disappointed that the government had not yet planned and determined how it wanted to tackle this issue. It extended the debate until the end of the day so the motion was not put to a final vote, and subsequently the government has come back. That being said, it is good that we at least have a mechanism to take this issue forward and are having a debate on this motion.

The only other thing I would mention is that while we are still working through the processes of the way the parties in this place work, it would have been helpful to have some more time in relation to the motion itself. This is a very substantial and complex issue, and some further notice — other than since Monday night when we first saw this motion — would have been helpful for members to have time to prepare for their contributions to this debate. However, given that this was canvassed — and really it was a subset of this issue that was canvassed — in a different form in the last sitting week, we are prepared to engage in the debate today, because it is an important one to pursue and is an opportunity to have this resolved.

I am pleased to say that members of the coalition — that is, the Liberal Party and The Nationals — will continue to have a free vote on this issue. The value of that decision was reflected in the contributions that were made in this chamber last time. A wide variety of views are held by the coalition on this issue, as there are a wide variety of views held by the broader community. The contributions of members from all sides, but particularly from the coalition, highlighted that breadth of views. The fact that members were able to say how they were going to vote on the motion and the fact that there was a wide variety of views supported the approach of the Liberal and Nationals parties to a free vote.

Last sitting week, during my contribution to the narrower motion, which included a request to the Attorney-General to refer the issue of euthanasia to the Victorian Law Reform Commission, I said:

> … I believe it is important that we have some up-to-date, thoughtful consideration of this matter in the Victorian context.

I still very much stand by that view. While I was very happy to support and encourage the Attorney-General to refer this issue to the law reform commission, I am also prepared to support a parliamentary committee undertaking this work. Over successive parliaments we have seen excellent work from the parliamentary committees on a range of different issues. The stand-out that is of course front of our minds is the work that was done by the Family and Community Development Committee and its *Betrayal of Trust* report. The committee was chaired by Ms Crozier and was made up of members from this place and the other place. There have been many profound committee references over the years from the Parliament, but that will go down as one of the most significant pieces of work that has been done by a parliamentary committee of the Victorian Parliament.

Given that — and I have expressed this view before and will now express it in this place — my preference would be that the Family and Community Development Committee also be given this reference. It has proven its capacity to undertake matters in a sensitive way, to consult widely, to engage with the community and to come back with thoughtful recommendations. It is not that I do not believe there is that capacity in the Standing Committee on Legal and Social Issues; I am sure that if this motion is passed it will do an excellent job under the newly elected leadership of Mr O'Donohue and its members from this house who will all bring commitment and a thoughtful approach to it. However, it is my preference that a joint committee undertake this reference. It has the track record.

As we establish a routine or characteristic that defines the upper house committees, it is also important that we see this as an opportunity to undertake a combination of

short-term and medium-term references on the issues and the legislation of the day, as well as broader issues significant to the broader community. If an upper house committee undertakes this reference, it must be resourced for this reference and for any other work that this chamber asks of it.

There have been ongoing discussions with the government about additional resourcing of committees, and we have commitments from the government on that. We would like that landed so that we have the evidence of that additional resourcing for the upper house committees, whether that is in relation to this reference or any other references. We particularly need an understanding that if this motion were to pass, then the committee would clearly be undertaking other references as well, while acknowledging that this is a substantial reference that will require some significant work.

It was also good to hear from the Leader of the Government in relation to the other work that is being undertaken in parallel. I have to say that there has been bipartisan support for the issues around palliative care and a recognition of the importance of that not only for older Victorians and their families but for everyone. The coalition government has a good track record in this area — and I am proud of that. Significant increases in funding were provided, and there was a palliative care policy to guide action for investment.

The Victorian Auditor-General has recently reviewed and reported on palliative care. In that report he referred to the then Department of Health and Human Services review and policy of 2004. Mr Davis as the then Minister for Health updated that significantly in 2011 with the Department of Health's *Strengthening Palliative Care — Policy and Strategic Directions 2011–2015*. As a result significant work has flowed in expanding the availability of community-based palliative care services, particularly in rural and regional Victoria and in the outer metropolitan areas of Melbourne. They include expansion of counselling services at statewide specialist bereavement services, supporting very special kids and funding training for paediatric palliative care positions, registrars and volunteers.

I was very pleased to read in the Auditor-General's comments:

> I found that palliative care in Victoria is delivered by skilled and dedicated staff who specialise in caring for people with a terminal illness. Indeed, Victoria has a strong palliative care sector and DHHS has set a clear and ambitious agenda for what remains a relatively new area of health provision.

We have all read many Auditor-General reports, and I must say that is quite a glowing commentary in relation to the provision of services. As expected the report identifies further opportunities. I think the combination of work being done by the government and this committee in looking at the legal aspects of things like palliative care and advanced care directives, as well as the broader issue of euthanasia, will make a very valuable contribution to the thinking of this Parliament in relation to where the laws need to go.

On a personal level I will be supporting the motion. My preference would have been, as I have said, for this matter to be referred to the Family and Community Development Committee, a respected and capable joint committee, so that both houses — the whole of this Parliament — could have a commitment and buy-in in relation to these issues. However, I support the referral of this motion, and I support the resources being provided to the committee so that the work can be done. I support the committee undertaking the work to do so, as we know it will, with an open ear, care, compassion, interest, understanding and engagement on what can be very difficult issues but issues that are vital for us to debate and engage with to make sure that we have the right laws and policies in place for all Victorians in relation to these issues.

Ms HARTLAND (Western Metropolitan) — I will not speak for very long on this motion because over the last eight years I have put forward my views on a number of occasions in attempting to both bring forward a private member's bill and on several occasions motions for referral of these matters to the Victorian Law Reform Commission or a parliamentary committee. It is very pleasing for me to see finally a reference to a committee and that the Andrews government has been prepared to allow both the Parliament and the community to discuss, debate and inquire into what are extremely complex issues.

I take up the point made by Ms Wooldridge about resources. This is going to be a complex inquiry, and the committee will need resources. We can look at the excellent work that was done on the *Betrayal of Trust* inquiry, which proved that this Parliament can do extraordinary work on extremely complex issues. I believe this committee can do that as long as it has the resources that are required.

I am happy to withdraw my motion for a referral to the Victorian Law Reform Commission because I do not think it matters whose name is on this motion. What matters is that we are actually dealing with it, and that is incredibly important.

I would like to say a few things at this stage because it has been eight years of campaigning inside and outside the Parliament for dying with dignity legislation — or even just a discussion. Now we are beginning with the discussion, which is entirely appropriate. Firstly, I would like to thank especially my state colleagues who have supported me in these campaigns over the last eight years, as well as my federal colleagues and those in other states who have pursued these issues as well.

I particularly want to thank Peter Short, who in the last months of his life dedicated precious time he should have been able to spend with his family to pushing forth the issue of why he should as a competent adult be allowed to choose the time of his dying. My thanks go to the Dying with Dignity Victoria organisation and to Neil Francis, a campaigner I have worked with. I also thank Gavin Jennings. Negotiating our way through this issue has not been easy, and I want to acknowledge the work that Mr Jennings has done behind the scenes. Thanks go to Mary Wooldridge as well. She has clearly supported this referral and clearly identified that this should not be a party-political issue because it is far too important for us to be bogged down in politics. I greatly appreciate that.

On a very personal note, I have pursued this issue over the last eight years because I think every competent adult should have the right to decide when they will die and how they will die. Personally I might fight it to the absolute last minute because I am known to be quite stubborn, and that may be the attitude I take, but I want to know that I have the choice. As a competent adult I think I should have that choice. Therefore I am very pleased to support this motion, because it is time that the community be allowed to have the conversation about a complex issue but one that I believe members of the community want to support. They want to understand how it would work, and they want to know the kinds of restrictions and borders we put around these incredibly complex issues.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise to speak on this motion, but unlike others before me, I find it difficult to agree to any motion that relates to what I call the 'e' word' — euthanasia. Whilst everyone has danced around the issue, to be fair, this is about another stealthy way of reviewing euthanasia. We have just heard from Ms Hartland, whom I greatly respect in terms of her view on this matter. One thing she has not wavered from is her commitment to the issue of euthanasia. Despite the fact that the motion before the house does not mention euthanasia, we heard references in the debate like, 'I have been seeking for eight years to get this to a committee', and the use of the words 'dying with dignity', 'the right to die' and 'choice'.

As I have expressed in previous contributions to debates in this Parliament, I can say as a former police officer that there are few things worse than witnessing people dying. The preciousness with which life has to be cherished should not be determined by politicians who decide through legislation or otherwise that you are destined to die. Early this morning I was thinking about this debate and I searched the Hansard database to see if anyone had made reference to the Bali Nine.

I note that Dr Carling-Jenkins — I have always known her as Rachel, and Dr Rachel would be better — was the only member who made reference to the two men who were executed in Indonesia. The view that she held, like me, was that the method by which those two were executed was abysmal. Yet here we are in this Parliament — and this is the paradox that I find — on the one hand saying it was terrible that those two men were executed, and there was widespread condemnation, and on the other hand saying that Parliament will now provide people with an option for the state to determine whether or not someone is going to die. I cannot subscribe to that.

Mr Dalidakis interjected.

Mr DALLA-RIVA — Mr Dalidakis may have different views, and I accept that, but whatever way it is done I believe life is precious. No matter what period of the cycle of life you are in, whether before birth, during birth, as a baby, as a young child, as an adult, or even in your senior years, I do not think it is appropriate for any government or any individual to determine that your life should end. I just cannot see it working. As I said, I have seen people who have suicided, people who have taken their own lives, and I used to look at them and think, 'Why did you do it?'. Things are not that bad that there are not methods to assist people to deal with their problems at the time, and I acknowledge there are also mental health issues and other things that people deal with. But for Parliament to start looking at euthanasia through a motion like this is wrong.

As a representative of the people of Eastern Metropolitan Region I will not support that. I will not support the motion. I will stand up for the vast majority of the people in the region that I represent. I know that emails and letters will come, but the vast majority of people whom I represent do not believe in the issue of euthanasia being determined by Parliament and by a few people in this chamber. It is a wrong motion and one that I will not support. I was going to abstain from the vote on the motion, until I heard the contribution by

Ms Hartland, which laid bare the intent of the motion for those listening to the debate. Regardless of the words that may have been applied by Mr Jennings, as colourful and flowery as they were in terms of dancing around the issue, the real issue is euthanasia. In my own heart, as a conscience vote, I cannot support that, by whatever method it is applied, and therefore I will not be supporting the motion in the way it has been presented.

Dr CARLING-JENKINS (Western Metropolitan) — I would like to thank Mr Jennings for moving this motion and for his introductory comments around a desire for an inclusive debate on end-of-life care. Recent end-of-life debates in this house have focused solely upon euthanasia and assisted suicide. Various opinions aside, such debate is not central to the provision of care for the dying, and never will be. I believe this motion allows for a more comprehensive debate on end-of-life issues, and I commend that.

I respect Mr Dalla-Riva's opposition to euthanasia and I agree with his views and with his hesitation in that regard. I also hold human life to be of infinite value. My support for this motion is motivated by my view that human life is precious and it is the government's responsibility to enhance services at end of life, not to shy away from it. I do not believe this motion is about euthanasia but that it is, as it states, about end-of-life choices, and I appreciate the motion's careful wording.

The first term of reference to the Standing Committee on Legal and Social Issues is around assessing the practices currently being utilised within the medical community to assist a person to exercise their preference for the way they want to manage their end of life, including the role of palliative care. As I have said in previous contributions, palliative care is not something that is widely available to people in Victoria. In fact less than 50 per cent of Victorians have access to adequate palliative care.

The second part of the motion proposes a review of the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian states and territories and in overseas jurisdictions. This will include looking at the role of advanced care directives, which provide autonomy and choice to all people.

I would also like to direct the attention of members, as did Ms Wooldridge, to the Victorian Auditor-General's report on palliative care, which should serve as a guide and reference to the committee. I commend the government for its commitment to improving services and access in this area. To date the development of palliative care services has been painfully slow and, as I said earlier, partial — not being available to all people. However, I acknowledge Ms Wooldridge's point about the expansion over the past term of the coalition government, and I thank the government for its support and for continuing to look into the area of palliative care.

I also would like to reflect on the point about models of care needed at end of life. Many suggest that the way forward is a framework that favours and enables home care as a default setting through the integration of palliative care services into a more holistic approach to not only terminal illness but also chronic illness and pain management. I commend this view. There are many social and economic gains in providing care at home, and these need to be fully considered by the committee.

Advanced care directives need to be thoroughly examined. I note that South Australia recently reformed its advanced care directives after extensive public consultation. Advanced care directives also play into the whole question of capacity and patient choice, which cuts across all aspects of the discussion of end-of-life care. I commend the recent discussions in South Australia for consideration by this committee.

As I have on several occasions in this house, I would like to bring up the issue of elder abuse, particularly of the infirm elderly. This is a significant public safety issue that demands action. The committee would do well to consider elder abuse awareness training being part of medical training for those who work with the elderly at the end-of-life stage, for example, and more broadly. I would also encourage the committee to engage with organisations such as Seniors Rights Victoria, which does excellent work in this space.

The third point in the motion containing the terms of reference proposed to be given to the committee is to consider what type of legislative change may be required, including an examination of any federal laws which may impact such legislation.

My only concern with this motion is around the report being due no later than 31 May 2016. I question whether this will provide sufficient time for such a broad range of views to be taken into account by the committee. I would again agree with opposition comments around the concern related to the resourcing of this committee. I urge the government to enable sufficient resources to be given to the committee so that it may take its time to consider all evidence and all submissions.

Again I would like to stress that this motion allows for a comprehensive debate on end-of-life care issues which is not restricted to euthanasia but is broadened to looking at palliative care, advanced care directives and what the community wants to say. That is really important. This is something that we can debate and talk about for a long time, but it is time to open up this matter and ask the community for its views and to invite its submissions. That is what this committee will be able to do. I believe it is not far-fetched to hope that the committee's deliberations will help form the direction for end-of-life care in Victoria for the next 20 years. It could also provide significant input and guidance for a national debate. I therefore believe that, if this motion passes, we are entrusting a huge and grave responsibility to this committee, and I would encourage its members to take that seriously and with due consideration.

I will be supporting this motion. I clearly do not support euthanasia, but I support opening up this inquiry into end-of-life care. I support having a forum for an inclusive debate, and I support having a forum that will look into models of care. I agreed with Ms Hartland when she said these are extremely complex issues which must be given due consideration. I believe that a committee of parliamentarians will give this matter due consideration. In terms of the broader issues, I believe this is not just a philosophical discussion, even though we enjoy our philosophical debates in this area; I believe this is a practical discussion, and it is time that we had it in Victoria.

Mr FINN (Western Metropolitan) — As I said in speaking on Ms Hartland's motion a few weeks ago, I support an inquiry into end-of-life matters. I support an inquiry which will shine a light into areas that to this point have been largely in darkness. I support an inquiry which will bring understanding into an area which has been to this point oblique, to say the very least. I do not support people lingering in agony.

I think it is safe to say we all have a vested interest in this debate. Every single one of us will be departing this planet at some stage or another, and we all have an interest in ensuring that that can be done in the best way possible. It is my very strong view that everybody is entitled to have a dignified death — everybody. That does not mean that I believe bumping people off is dignified; I am not a big fan of euthanasia, but this debate is not about euthanasia. This debate is about how we examine the euthanasia issue and other end-of-life issues such as palliative care. That is why I very strongly support an inquiry. However — a very dangerous word, I know — I cannot support this motion, because I believe this motion is directing this inquiry to the wrong place.

What we need to do with this inquiry more than anything else is to do it properly. I am sure Ms Hartland would agree that we need to do it properly. I find myself in the extraordinary position — it is not necessarily that extraordinary — where Ms Patten and I are as one, because I very strongly support passing this reference to a joint parliamentary committee. I believe a joint parliamentary committee has the capacity to examine this reference properly.

We heard from the Leader of the Government about — I am not sure exactly what he said, but it was something about resources. I do not dislike the Leader of the Government, as much as that may be a career killer for him, and I am loath to say I distrust him, but I am very wary of any politician who stands up and says, 'Trust me. I'm here to help'. From what I gather, Mr Jennings has attempted to do that this morning. If he had come in here and said, 'This is what the government is going to give this upper house committee to enable the investigation to go ahead in a proper and fulsome manner', then I would be far more open to supporting this motion, but he did not do that. He said, 'I'm going to try and I'll get back to you'. Until such time as he gets back to us, I will not support this motion, because I believe this matter should be considered by a committee with the capacity, the resources and the people needed to give it the level of importance it should have.

Is there anything more important this Parliament can consider? This is not a question of tax policy or which road to build; this is about who lives and who dies. If we get it wrong, people who do not want to die will die. We have seen that happen overseas. We need to get this right. We need a joint parliamentary committee to examine this matter. The upper house committee system — we have all experienced it over the past four years — is not up to the task. It does not have the capacity to do this job. If we want people to die with dignity, if we want people to have choice in their treatment at the end of their lives, we need to do this properly. If we do this in a half-cocked manner, any recommendation of the upper house committee will be suspect. People will be able to say, 'The inquiry was not as fulsome as it could have been. If you were fair dinkum about this, you would have sent it to a parliamentary committee'.

On that basis I will move an amendment to this motion. I move:

> That the words 'sessional order 6 this house requires the legal and social issues committee' be omitted with the view of

inserting in their place 'section 33 of the Parliamentary Committees Act 2003 this house requires the Family and Community Development Committee'.

This amendment opposes passing this matter to the upper house Standing Committee on Legal and Social Issues. As I say, I do not believe it has the capacity to conduct this inquiry, which is not a reflection on the members of the committee. This is a huge reference and an extraordinarily important one. It needs a committee which is fully resourced and has the capacity and the gravitas to handle this properly. As I say, I am fully supportive of the position Ms Patten put to this house just a few weeks ago.

Lives will be in the balance if we legislate on this matter, and I think there will be an attempt to do that at some stage. I believe we will have a debate on euthanasia in this Parliament before too long, and I am ready for that, but I will be more ready for it after this committee concludes its deliberations. Having heard the contribution of Dr Carling-Jenkins, she is absolutely spot-on in saying that the end of March next year seems a bit too soon. This is a major reference — they do not get much bigger than this — and it would be wrong to rush it, probably in much the same way as the government has tried to rush this motion through this week, which I do not greatly appreciate. I think it is an indication that the government has not given this the degree of thought it should have. We need to reconsider the end date, but the members of the committee can consider that when the time comes. I am sure come March next year the committee will be requesting an extension, and we certainly should be able to grant that.

I commend the amendment to the house. I repeat that we must do this properly. This cannot be done in a half-hearted manner or in a way that is not properly supported or resourced by this Parliament. While I agree that it is a matter that must be examined, if it cannot be examined properly, it should not be examined at all; we should put it off until such time as we can examine it properly. Maybe Mr Jennings will come in here in a few weeks time and say, 'I have spoken to the Treasurer' — or the Premier or whoever Mr Jennings speaks to, perhaps both — 'and I have found the resources for this committee'. At that point I would be very open to this motion. But until such time as Mr Jennings gives us a firm guarantee that he has the money to do the job, I will not support the motion. I ask the house to support this amendment so we can do this properly. We have a responsibility as members of Parliament to do so. If we do not refer this matter to the Family and Community Development Committee, we will have failed as we will not be considering this properly.

I ask members to take this on board. I know government members will probably vote as a block, so I direct my comments to other members of the house and ask them to take their responsibilities very seriously on a matter which could not possibly be more serious. I ask members to support this amendment. If the amendment is defeated, I will be voting against the motion.

Ms PATTEN (Northern Metropolitan) — I speak in support of the motion. In the few short months since my election to this place I did not imagine that I would be standing in this place in agreeance with Dr Carling-Jenkins and Mr Finn, although I am probably not in total agreeance. But this goes to the basis of this motion, which is that in this place we probably agree on end-of-life decisions 80 per cent of the time. We want people to have that autonomy and not suffer at end of life. We want people to be able to make those decisions, whether it is about palliative care or advance directives. Most of us in this house are probably in agreeance with a lot of it, although we may not all be in the same place. But we want better palliative care in this state, and we want adults to be able to make decisions about their end of life — about what pain they want to go through.

I, like Ms Hartland, would like to thank Peter Short for his work in getting us to this stage, and I regret that he died before he heard that we are going to have this debate in Victoria, a debate that I believe the Parliament and the community are ready to have. That is exhibited very well when Dr Carling-Jenkins and I can be in agreement on this motion and that we are covering all aspects of end of life.

I also commend the work of Ms Hartland in getting us to this place. She has been working on this issue for a very long time. I am happy that finally we are going to have the debate, and I think the community is very ready for this debate. The communications I have had with those in favour of voluntary euthanasia or dying with dignity and those who are opposed to it indicate that everyone wants this debate now. It will be a very good debate. I hope it will be a very respectful debate. No doubt it will be a very intense investigation and we will need resources, because a lot of people have a lot of views on this position.

This motion allows us to look at the very broad end-of-life questions that no doubt we all will be facing at some stage in the future. I spoke more about my views and my party's views on this issue a couple of weeks ago, so I finish this contribution by saying I support the motion.

Mrs PEULICH (South Eastern Metropolitan) — I do not wish to enter into the detail of the topic, being assisted dying. I covered that in the debate on Ms Hartland's motion in the last sitting week. That followed an extensive debate in 2008, which was preceded by the all-party Social Development Committee inquiry in the late 1980s that recommended against assisted dying. I must say that I find it extraordinary that anyone could be elected to Parliament without having given full and thorough consideration to this issue. I cannot believe that could happen. What issues go to the core of our being other than issues of life and death? For members to state that they need an all-party inquiry to enlighten them on issues that are fundamental to our being is extraordinary.

An honourable member interjected.

Mrs PEULICH — Then you are in the wrong place. What did you come in here for? We have had the debate. We have had far too many debates. The problem is that people do not like the answers. Let me say that the likelihood of these debates being respectful is not favourable. How can a debate that discusses issues of life and death, the state's involvement in issues of life and death and the establishment of a regime where people can be popped off, including a regime that might see hundreds of people popped off accidentally, as occurred in Holland — this came to light following a five-year audit of the regime — be respectful? I say, 'Come off your tree!'. A respectful debate about popping people off?

I fully endorse the comments of Mr Dalla-Riva about the entire community being outraged over the execution of the two Bali drug smugglers, and yet we want to institute a regime in which the state sanctions death. I suspect the government probably does not want the debate either. However, Labor does have some election obligations to its constituency. It promised to consider some issues in relation to dying, and the government feels it must honour that promise.

The government is proposing a reference to a committee where, if you look at the composition of that committee, the likely outcomes will be very conservative. If someone asked me, 'How many votes are swinging on this issue as a result of any inquiry that might be tabled?', I would be surprised if there were any, or at most there would be maybe two, three or four votes. It does not matter what a parliamentary committee inquiry might table, I will never vote for the state having a role in popping people off — in assisted dying. For me, it is an irreconcilable fact. I would suspect that the overwhelming majority of members in this house, whether they believe in assisted dying or not, would also not be swingers on this issue, and having a long and protracted debate is not going to add additional insights that will change how members vote on this issue.

In addition, a reference on these matters to a committee will rip this Parliament and the community apart. At the moment we have a regime that assists people in the management of their pain as they enter the end stages of their life. I have talked before about my own father's experience going through palliative care, which was accelerated once terminal restlessness set in. I see no reason to go down the track of revisiting issues where the capacity of bringing about further legislative change is, hopefully, unlikely. This motion is certainly not going to be swinging my vote.

The other thing is that if you want to get behind some sort of legislative reform with a consensus view, you have to involve both houses of Parliament, not just a single chamber. In the past — and this has happened in other Western parliaments — detailed policy work on issues that are too complex for a clear party position are often referred to all-party committees involving both chambers, because that is how you build consensus. If you end up tabling a report that has bipartisan support, notwithstanding mitigating factors such as conscience votes, there is more likelihood of making progress. But no, the government has decided to put this parliamentary committee reference motion only to the upper house legislative committee system. I still hold the view that the upper house committee system should predominately focus on reviewing operations and looking at accountability issues, rather than doing new policy work.

I will not support a referral to the committee. I argued against that position in the first instance. There is nothing a committee report will do that will essentially change my view on assisted dying. All of the other reforms can be done by departments. All of the other changes in relation to how specific programs are managed — for example, whether we have enough palliative care funding — can be easily done without going through a protracted all-party inquiry. It is the wrong chamber and the wrong reference. It will not swing any votes. It will rip the community apart, and it will substantially change the relationships in this chamber. We had the debate on physician-assisted dying when we considered the Medical Treatment (Physician Assisted Dying) Bill 2008 sponsored by Ms Hartland. Essentially the Greens want people who have even experiential pain to have the freedom to decide to pop themselves off. But they do not want to do it themselves; they want the state to do it. After that

debate the relationships in this chamber took a long while to heal.

Mr Finn said he wants this inquiry to get the right outcome. I am not sure what he means by that and what additional information could be presented to that inquiry to change his mind.

Mr Finn — Nothing.

Mrs PEULICH — Nothing, which is like me. I would suspect that would be the case for every single member of Parliament in the upper house and the lower house, bar the exception of two or three members who claim that they have not considered these issues. I cannot see how a person can be elected to Parliament without having some informed and considered thinking on these vital issues.

I oppose the referral. It is in the wrong chamber. If the motion is passed, the government will rue the day. The community and the Parliament do not need it. The referral is not going to swing any votes. Upper house MPs serve constituencies of some 500 000 people, and that is only counting people who are on the electoral rolls. MPs have two staff members and they shoulder substantial responsibilities, and yet they are being asked to carry an inordinate workload which is trying to replicate a Senate-style committee system that our upper house is not equipped to do. That is not because of the capacity of the members, but because of the resourcing and structure of our system. With those few words, I am anguished whether or not to vote for Mr Finn's amendment because ultimately I will vote against a referral of this motion to a committee.

Mr JENNINGS (Special Minister of State) — I thank members for their contributions. The test that Mrs Peulich set was that it would be impossible for the chamber or a parliamentary inquiry to consider these matters in a respectful way, I think that by and large we achieved that today. There was very little example of members taking pot shots at one and other. Mr Finn spoke against elements of my motion and the best he did was to damn me with faint praise. He did not raise anything other than his concern about the amount of resources allocated to upper house committees to adequately acquit their responsibilities. I did not literally use the phrase 'trust me'. In fact I did not talk about resources at all today, but I have made previous undertakings about resources, and I stand by them.

Mr Finn — What are they?

Mr JENNINGS — I have made it very clear to the chamber that I am working with the Presiding Officers to shift the resource available from the streamlining of the number of joint investigatory committees and use that now surplus resource to support the upper house committees. I have had productive conversations with the Presiding Officers.

Mr Finn interjected.

Mr JENNINGS — Mr Finn, I am confident and happy to be measured by it. I am not using the phrase 'trust me'. I am happy to be measured by the undertaking and to see whether the brief I am hoping the upper house committee will have will result in work that is fulsome and comprehensive. I hope it acquits what is needed to be done to address the range of views and meet the expectations of members of this chamber to be able to incorporate better policies and programs and hopefully a better legislative framework to maximise what Ms Patten said in her contribution — that is, that already on perhaps 80 per cent of circumstances in our community there may be wholehearted agreement across the chamber about the best ways that we can alleviate pain and suffering and restore dignity to end-of-life decisions.

Hopefully we can provide greater confidence in our community for self-determination in the way that a citizen lives their entire life, including at the end of it. That may be a space where there can be an extraordinarily high degree of agreement. Even though Mr Finn spoke against various elements of my proposal, he started his contribution by wholeheartedly extolling the virtues of the view that every citizen should have the right to die in a dignified way. I agree with him wholeheartedly. That is the spirit in which I enter into this discussion. We may have some different views about how a right may be exercised at a certain point. We will reserve our right to argue our case and to consider those merits, but if there is an extreme line on that particular element, a coincidence of concern is shared by the vast majority of members of this chamber. That is based on the balance of their life experiences that have led them to this place and what they are trying to seek from here.

I think we will pass the test. It may be very challenging for us, but I am confident that it is within the wit and wherewithal of the parliamentary committee, with the resources that will be allocated to support its work, to acquit the responsibility and to rise up to meet the expectations of not only the chamber but also and most importantly the Victorian community about the appropriate way that these matters are dealt with in the future. On that basis I continue to support the motion. I oppose Mr Finn's amendment for the reasons I have outlined. I hope to receive majority support in opposing

Mr Finn's amendment and supporting the substantive motion.

House divided on amendment:

Ayes, 14

Bath, Ms (*Teller*)	Lovell, Ms
Carling-Jenkins, Dr	Morris, Mr
Crozier, Ms	O'Donohue, Mr
Davis, Mr	Ondarchie, Mr (*Teller*)
Drum, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms

Noes, 23

Atkinson, Mr	Mikakos, Ms
Barber, Mr	Mulino, Mr (*Teller*)
Bourman, Mr	Patten, Ms
Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms (*Teller*)	Pulford, Ms
Eideh, Mr	Shing, Ms
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Springle, Ms
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Young, Mr
Melhem, Mr	

Amendment negatived.

The PRESIDENT — Order! I take this opportunity to explain my vote from the Chair in terms of being opposed to the amendment. It was based on the workloads of the committees as they are at the moment. I am concerned that the committee that was proposed in the amendment already has two inquiries, while the substantive proposition does not involve that same workload. I am, as President and in managing the committees, quite concerned about the workloads of these committees. I am concerned about resourcing them and I am particularly concerned about the workload for MPs. I am not sure that some MPs necessarily appreciate just how much work is going to be involved in some of these inquiries, and this one in particular I think is going to be a very substantial inquiry which will require significant resources from the Parliament.

I am obviously prepared to work with the government to ensure that we provide those resources so that we do an effective, comprehensive and high-quality investigation of this matter if the house decides today to proceed, but I am also very mindful, as I said, of the workload for members. While this is a determination of this particular issue today, I suggest to members that we give some consideration to the workload and flow of business for those committees going forward over the course of the Parliament, because I can assure members that it will be very difficult for some of those committees to meet the time frames that have already been suggested in references. Certainly if they are given further references, the system will become difficult for the management of MPs' time irrespective of what resources I can provide.

House divided on motion:

Ayes, 29

Atkinson, Mr	Melhem, Mr
Barber, Mr	Mikakos, Ms
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Patten, Ms
Dalidakis, Mr (*Teller*)	Pennicuik, Ms
Drum, Mr	Pulford, Ms
Dunn, Ms	Shing, Ms
Eideh, Mr	Somyurek, Mr
Elasmar, Mr	Springle, Ms
Fitzherbert, Ms (*Teller*)	Symes, Ms
Hartland, Ms	Tierney, Ms
Herbert, Mr	Wooldridge, Ms
Jennings, Mr	Young, Mr
Leane, Mr	

Noes, 9

Crozier, Ms (*Teller*)	Morris, Mr
Dalla-Riva, Mr (*Teller*)	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Lovell, Ms	

Motion agreed to.

MENTAL HEALTH AMENDMENT BILL 2015

Second reading

Debate resumed from 16 April; motion of Ms MIKAKOS (Minister for Families and Children).

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased to have the opportunity to speak today on the Mental Health Amendment Bill 2015. It is a bit unusual for me to speak in this capacity because, of course, I had the great fortune of being the Minister for Mental Health in the last Parliament. In that capacity I did extensive work in relation to the Mental Health Bill 2014, and in my new capacity, as a member of this chamber and as the shadow Minister for Health representing the shadow Minister for Mental Health, I am pleased to be integrally involved in the debate on these important amendments.

First of all, from the outset I want to say once again how impressive and committed the people who work in the mental health sector are. People with a mental illness and their families and carers face extensive challenges, and by and large those people face those

challenges with great courage — the challenges of dealing with their illnesses, in getting their lives back on track and in living happy, productive and fulfilling lives. I was pleased and honoured to be the Minister for Mental Health. In that context one of the things that I will probably look back on with most pride is the introduction of the Mental Health Act 2014. It was a process that was commenced under the former Labor government.

It is a process the coalition made commitments about. Because an exposure draft was released by the former Labor government, we made commitments to go back out to the families, carers, clinicians, people with a mental illness and those who work in the sector to get their views. As a result of that very detailed and extensive process we made many significant changes to the Mental Health Act, and I was pleased to bring that to the Parliament in 2014. In what was a very constructive debate, we engaged on some amendments, discussed it and some changes were made, but by and large passing that act was a constructive and positive process.

I want to touch on some other significant things that happened in the mental health portfolio over the term of the last government that I am proud we were able to do as a government, which in many cases complement the philosophy and approach underpinning the new Mental Health Act. One was the reform of the community mental health sector and expanded funding for community-based mental health. We have seen the National Mental Health Commission led by Allan Fels recently report to the federal Parliament on the need to further enhance and improve the community-based mental health services that are provided. Like the Mental Health Bill, we always knew that reform of the community-based mental health sector was very significant, very substantial and would require ongoing monitoring and improvements.

I hope the new government is entering into the spirit of what we were seeking to achieve in terms both of community-based mental health sector reform and making sure those improvements and refinements can be made to achieve the objectives of the reform, which I believe were significant and important. There were also hundreds of both new and replacement mental health beds, including a new facility at Werribee Mercy Hospital. It is great to see the construction of those new beds and the new mental health facility at Werribee Mercy currently underway.

Another very important and topical area, in terms of some of the issues we are debating and the Auditor-General's report presented yesterday, was the significant focus we had on women's safety. This includes the physical facilities of our child, adult and aged persons mental health facilities; the fact that we introduced Victoria's first women's only prevention and recovery care service in three areas — Geelong, Ballarat and Bendigo; and in the Latrobe Valley opened a new mother and baby unit, so that mothers with mental illness with new babies can get treatment in their communities rather than having to come to Melbourne for that care.

Another significant reform that is in the process of being rolled out is the expansion of what was the police, ambulance and clinical early response model, which is a collaboration between police, ambulance and mental health clinicians for people experiencing acute episodes of mental illness in the community. It has that collaborative and coordinated response, but leaves it flexible enough that each of the areas can determine the way they structure and approach it. Importantly there has been great evidence over some years in relation to how the collaborative response can improve outcomes for people with a mental illness, presentations at emergency departments, the use of our ambulances and some other benefits as well.

I was very pleased to see in the budget the HEY program that focuses on the mental health and wellbeing of GLBTI young people has been extended. Often an acknowledgement of good policy is when it survives the test across subsequent governments. The same would be said for Doorway, which is a program with the Mental Illness Fellowship based on using rental properties to address the accommodation and housing needs of people with a mental illness. There has been some very significant reform, and today our debate on the Mental Health Amendment Bill 2015 is an acknowledgement of the reform that was put in place last year and some refinements to come from that.

The bill largely seeks to do three things. Firstly, it puts in place the current government's commitment to tabling an annual report on mental health services, which is a commitment it made in opposition. There were very few commitments for the mental health area from the Labor opposition, so I am pleased to see it taking action on the one it made.

Secondly, the bill introduces amendments relating to the transfer of prisoners with a mental illness between prison and Thomas Embling Hospital. Thirdly, it introduces a number of subsequent amendments, as described in the minister's second-reading speech and statement of compatibility, which tidy up small mistakes, errors or omissions that were made in the drafting process. I am pleased to say the coalition will

not be opposing this bill. We are very pleased to see the reform that was introduced by the coalition government continued and refined.

The new Mental Health Act reoriented the public mental health system to make sure it was based much more clearly around the needs and experiences of people with a mental illness, and their families and carers. That is a significant change, and in my view and the view of others it is on the leading edge nationally in giving a genuine voice to patients about their choices and preferences, and allows them to work through the mechanisms by which they can make those choices and preferences known in the context of the illness they experience. The legislation more clearly involves carers and their families. That was a very common concern raised many times with me, and we clarified some legislative ambiguity about the role of families and carers in the treatment of those they love and care for. It also put in place multiple safeguards to preserve a person's involvement in decisions about their care. It broke down some of the asymmetries of information between clinicians and patients, and it built in checks and balances to make sure that the rights of patients were preserved in the process. Not only was the substance of the act transformative, but so too was the process and way in which it was developed.

The process was strengthened by the engagement of people with a mental illness, their families and their carers, through groups such as the Victorian Mental Illness Awareness Council Incorporated and the Victorian Mental Health Carers Network; the involvement of important groups like the Australian Medical Association Victoria and VICSERV; the involvement of service providers; and the involvement of our clinicians. Many people and organisations seizing the opportunity to rewrite the legislation after many decades of the former act being in place. We took advantage of that opportunity and made the legislation as good as we possibly could. Important groups like Victoria Legal Aid and Victoria Police were involved. Consultation was very broad. I believe that legislation will stand the test of time, notwithstanding that it will need refinements and improvements along the way, which is why we are here today.

I wish to touch briefly on several other things. The new act established a recovery-oriented framework and embedded the practices of supported decision-making. This means patients are informed and supported to make or participate in all the decisions. At the heart of that is a presumption of capacity. We wished to ensure that an individual who does not have capacity as a result of their illness can make an advance statement in relation to it or that people are nominated who know of the patient's wishes and who can engage in those treatment decisions. We also recognised that people have the right to seek a second psychiatric opinion. Funded advocacy was an important addition. Advocacy services are vital to support patients in public mental health services so that they can understand their rights and understand how to exercise them.

Minimising the use and duration of compulsory treatments is also included in the new act. There was a lot of debate and discussion about this. The aim is to ensure that at all times assessment and treatment is provided in the least restrictive way and with oversight of that mechanism. It really promotes voluntary treatment as a preference to compulsory treatment wherever possible. An important part of that of course is the role of the Mental Health Tribunal, which was established under the new act. It is an independent body taking over from the Mental Health Review Board and the Psychosurgery Review Board.

The reports from many of the members of the tribunal — and there are legal community and mental health members of the tribunal — are that the tribunal has taken the opportunity under the new legislation to exercise its role in a very thoughtful and thorough manner. There is a lot of enthusiasm for it being provided with more information, which the tribunal believes it has and which leads to better decision-making. The tribunal is engaging with the clinicians who are presenting and also the people involved in the treatment and care of people with a mental illness who are presenting, with the intention of genuinely making good decisions based on the depth of information it obtains. I commend Matthew Carroll and the team at the tribunal, as well as all those who sit on the tribunal, for the work that they are doing, the spirit in which they have undertaken their work and the opportunities they are taking under the new act to make sure that the tribunal is a general review body.

Another important part of the act was to increase the safeguards protecting the rights and dignities of people with a mental illness. It is fair to say that not only the legislation but also the work that has been done to reduce things like restrictive interventions, seclusion and restraint has been very significant. I know as a minister I had many discussions with clinicians and health services about the work that was being done to reduce the use of restrictive interventions and to create the environment where those sorts of interventions were not necessary. There are clearly some health services that are leading the way, but I believe there is a genuine commitment across the board to reduce the use of restrictive interventions.

Some of this was about the physical environment. Funding has been provided to improve some of the physical environments — to create rooms and breakout areas — and to employ other ways to manipulate the physical environment so it can be used to calm a situation. There have also been changes in the clinical approach and the approach of the nursing and medical staff to working with a person with mental illness. Certainly the objective is to eliminate the use of restrictive interventions. The provisions in the act, plus the policy positions and the funding that has been provided, have us on a significant pathway, and that is already evident in the performance of this measure.

There is also of course continuous improvement in the quality and safety of services, complaint processes and communication. The legislation redefines the role of the chief psychiatrist to provide for real clinical leadership and to make that very clear. Also, to ensure good oversight, we have the new mental health complaints commissioner. There was a lot of advocacy for a stand-alone mental health complaints commissioner. The health service commissioner had done a good job for many years, but having that specialist mental health complaints commissioner was very clearly advocated for and something that we were pleased to support. Lynne Coulson Barr, as the first commissioner, has been doing a very good job in promoting the commission, helping people to understand how the mental health complaints commissioner can be used and engaging with the individuals and families who seek to make complaints or have their issues resolved.

Once again, the act was very comprehensive in terms of its reform. This brings us then to the specific elements of the amendments that we have today. As I have said, the bill provides for the tabling in Parliament of an annual report on the state of Victoria's mental health services. While in effect this is a great statement, the issue of course is the substance that is in it, how the information is collected and how it is then reported to the Parliament.

I am certainly supportive of such a report but encourage the minister to make sure that this is a meaningful exercise so that the data collected enables the Parliament, the Victorian community, those working in the sector and people with mental illness to have the capacity to genuinely understand how those services are working, what is good, what needs improvement and what further enhancements can be put in place, while understanding that support may be required for those services that report that information to government to make it meaningful. I am supportive of that approach but encourage the minister to make it meaningful and not just a token effort.

I want to highlight the fact that it was interesting to note during the debate on the mental health bill in the previous Parliament that the then Leader of the Opposition, Mr Andrews, put amendments in relation to data that would be reported to the Parliament. At that time the amendment required a detailed written report to the minister that would be tabled in the Parliament on the number of young people who received electroconvulsive treatment (ECT). There was some concern about that issue in regard to the health services where they received treatment, the outcomes and whether that ECT had any adverse results.

As a government we did not support that amendment at the time for a number of reasons. I will not reprosecute that argument, but it is interesting, when you consider that the Leader of the Opposition foreshadowed at the time that we would be back in the Parliament dealing with some of these issues and implying that the issue could have been resolved then, that the government has not put up the amendment that was proposed when it was in opposition. It has obviously understood that the arguments put forward by the government of the day at that time were reasonable, that there were mechanisms and that they needed to be monitored. The bill allows for a report to the Parliament down the track but not in the time frame nor with the detail proposed in the original amendment.

In terms of the issue about the transfer of prisoners with mental illness, this issue has arisen in just one individual instance, but it flagged a limitation in the original drafting. I support providing the capacity to make sure that those transfers can happen in both directions and that returning a person to prison when they no longer need treatment at Thomas Embling Hospital can occur smoothly without the need to go through additional court processes.

In relation to the further amendments, we believe — and have been so advised — that they are not instrumental in terms of changing policy outcomes. Rather, they clarify the original intent and allow the bill to function with, in some places, small grammatical changes, and we are supportive of that clean-up.

As I said at the start of my contribution, we always knew this bill, with the significant reform and substantial change it was introducing, would require significant ongoing monitoring, refinement and improvements into the future, as do most laws. When you are dealing with such complex issues as this, to be able to land perfectly every clause on every page the first time is an unreasonable expectation. Therefore I suspect we will see more amendments to the legislation over time as the details of the act are experienced and

lived. We also need to make sure that we take the opportunity to put people with a mental illness at the centre of the decision-making and support their engaged decision-making in relation to their care, as well as supporting families and carers in their roles. In doing so we will need to continue to refine and improve the legislation to make sure that is being achieved.

I take the opportunity once again to emphasise that this has been a significant piece of work for many people over a long period of time. Representatives of the Department of Health have been very positive and engaged and have shown a lot of leadership in their work. Representatives of the mental health sector have continued to be involved, as have people with mental illness, their families and carers. I am pleased we will be able to support the passage of this bill by not opposing this piece of legislation. We will continue to watch with interest and be engaged in relation to the performance of the legislation and its realisation of the very significant and lofty aspirations it has in relation to the care of people with mental illness in this state.

Mr DALIDAKIS (Southern Metropolitan) — From the outset I want to recognise the contribution of my opposite number, Mary Wooldridge, and the work she undertook as a minister in this area in the last government. I do so not because we always agree with the contributions of the then minister or the government but to recognise that we are all working towards a better outcome in society, especially in this area. There are issues on which we disagree with Ms Wooldridge; there are issues we might take exception to, but in the bipartisan spirit of this debate the opposition and the government are coming together to make what some people may regard as minor amendments to the legislation but which are actually significant amendments to its outcome. In so doing I will not take this opportunity to pursue that claim of difference.

The first thing to note about the Mental Health Amendment Bill 2015 is that two minor changes are made to the Crimes, Mental Impairment and Unfitness to be Tried Act 1997. This bill provides for a mental health annual report to Parliament. That is a very important part of the process. As I said, the bill makes minor amendments, but they are amendments that have a significant and meaningful outcome for people who are affected. The amendments will enable the transfer and return of forensic prisoners to a designated mental health service to obtain compulsory treatment.

I look to the crossbench at the moment, to Mr Bourman, and acknowledge his previous role as a police officer. I have no doubt and am quite confident that he would agree that there is a place for incarceration of offenders — there is no doubt about that — but that there is also a place for the appropriate treatment of offenders who are mentally ill, who suffer from a range of diseases that we in society would openly acknowledge have severely affected or impaired what they would normally do in the normal course as a member of society. The bill also addresses a number of minor technical and operational issues that were identified following the implementation of the act on 1 July 2014.

The first point I make about the amending bill before the house is that it provides for the production of an annual report. The 10-year mental health plan to be developed will have an annual report attached to it. This will be important for a variety of reasons. First and foremost, having the 10-year plan itself is important, because there will be times when we get things right and there will be times that as a Parliament we can do things better. But having a 10-year plan means that we are working towards something that in this particular instance is working for the betterment of the people we are talking about. Having a plan means that we can then be judged against the plan. That is where the annual report comes in.

The annual report will enable us to look at the 10-year plan and see whether we are meeting the aims in it and also whether the plan itself remains relevant, not necessarily just in year 1, 2, or 3 but right through to year 10. The plan itself essentially sets the strategic directions for the development of health services in Victoria across the decade.

Again in the spirit of bipartisanship prevailing around the chamber, the acknowledgement that mental health is something we need to address in a positive way is not lost on me, because mental illness in some respects is a hidden illness of society. If somebody breaks their arm or leg, you will see most often a plaster cast, and obviously people feel a degree of consideration for that person when they see them. But of course mental illness is hidden from view. It is something that people deal with; it is very much the devil that the person knows and deals with, often privately. Although mental illness may not be all encompassing in a person's life, it obviously affects their family and their close and extended friendships as well. In this respect, appreciating the development of a mental health services plan over 10 years is an acknowledgement that mental health is an issue that we need to seriously address in society and as a Parliament. It gives me great confidence that people on both sides of Parliament are looking to address it, even with what some people would regard as minor legislative changes.

The 10-year plan is currently being developed by the Department of Health and Human Services. Governments of all persuasions, colours and parties are sometimes labelled as being less than collaborative with stakeholders, but importantly the current plan is being worked through directly with stakeholders. It is one thing to take the Parliament with us, but it is another thing to ensure that we are completely taking the sector with us. Making sure that the sector walks hand in hand with Parliament and is supportive of the change that we are looking to see effected with the 10-year plan gives that plan even greater prominence and importance and elevates the mental health system in the eyes of the people affected as well as the practitioners who work in the mental health area. The annual report will have a specific relationship with the work that the stakeholders have done in preparing that 10-year plan, and then the annual report will allow us to measure the plan as we go forward.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Mr Somyurek — On a point of order, President, during question time on Tuesday, 5 May, Ms Patten asked me, as the minister representing the Minister for Planning, a question regarding an issue with respect to the congestion levy on the Abbotsford Convent car park. Under the general order issued by the Premier on 1 January 2015 regarding the administration of acts of Parliament, the Treasurer is responsible for the Congestion Levy Act 2005. Thus matters regarding the congestion levy are a matter for the Treasurer, not the Minister for Planning. I understand Ms Patten's concerns about this issue, so I ask that you rule that the question be redirected to the Special Minister of State in his capacity as the minister representing the Treasurer.

The PRESIDENT — Order! I thank Mr Somyurek. I appreciate that Mr Somyurek indicated to me that this was an issue in terms of government responsibility and that the question may well have been directed to the wrong minister. In accordance with Mr Somyurek's advice to the house today, I ask that that question be reinstated so far as seeking an answer from the government, but that it be directed to the Special Minister of State, on behalf of the Treasurer, rather than to the Minister for Planning. I ask that the time clock be reset.

Victorian Responsible Gambling Foundation

Mr O'DONOHUE (Eastern Victoria) — My question this afternoon is to the Special Minister of State. The former coalition government established the Victorian Responsible Gambling Foundation and provided it with a 41 per cent increase in comparable funding to that provided by Labor to address the prevalence of problem gambling and to minimise harm from gambling. The recent proliferation of online gambling and sports betting has only reinforced the need for the services provided by the Victorian Responsible Gambling Foundation. Why has the government cut funding to this important organisation that provides support to some of the most vulnerable members of our community?

Mr JENNINGS (Special Minister of State) — I thank Mr O'Donohue for his question. As the member would know, I have a working knowledge of many aspects of government administration, including many, many budget outcomes, but the budget outcome that he refers to is not in my working memory at this moment, so I am not in a position to be able to confirm or deny what may be the quantum of support that has been provided in this budget. I cannot confirm that his assertion is correct. I would have to go back and have a look at the budget papers or have a conversation with my colleague the Minister for Consumer Affairs, Gaming and Liquor Regulation to confirm or deny whether the member's assertion is correct.

As the member knows, there are a variety of ways in which money may end up being allocated to an organisation, sometimes from a direct output line in the budget and sometimes through other budget programs and funding sources, and it may well be that the net effect of that variety of sources may not lead him to the same conclusion if I were able to draw his attention to them. But at the moment I cannot, so I will take that question on notice.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I can advise the Special Minister of State that the funding cut to the Victorian Responsible Gambling Foundation is $2 million, not taking into account cost escalation, inflation and the like. It is a significant reduction to this most important foundation at a time when, as I said, sports betting advertising and online advertising for gaming is proliferating in our community. The government needs to properly resource an organisation to respond to that. In the budget papers it is not only not responding to that but it is actually cutting the funding to do so. My supplementary question to the minister is: how can he justify a cut in funding to help those who have a problem with their gambling, when at the same time revenue from gaming taxes is forecast to grow by more than $70 million this coming financial year and

the total tax take from gambling will be more than $2 billion by the end of the forward estimates?

The PRESIDENT — Order! I felt the member was lecturing the minister in the preamble to that question, and I thought that that was — —

An honourable member — Appropriate.

The PRESIDENT — Order! I did not think so. The question process allows putting a context, but I think there was a fair bit of editorialising in that supplementary question.

Mr JENNINGS (Special Minister of State) — Thank you, President, for the protection that you have provided to the government frontbench again on this occasion. I would have shared your view that there was a high degree of editorialising in the preface to Mr O'Brien's supplementary question — —

Honourable members interjecting.

Mr JENNINGS — Mr O'Donohue's supplementary question; my sincere apologies. I say to the member and the chamber that I have already couched, in my response to the substantive question, that I am not in a position to confirm the cut. Even in his description of what the budgetary position may be, the member indicated there may be some balancing items within the output line that may not lead us to the conclusion that a cut exists, but his support for the programs and support for problem gamblers we will take seriously and respond to appropriately.

Multicultural affairs grants

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Leader of the Government, and I ask: given that the Andrews Labor government has cut the budget allocated by the coalition government to multicultural affairs for the 2014–15 financial year by $3.3 million, can the minister explain what multicultural affairs grants and programs have not been delivered or will not be delivered as a result?

Mr JENNINGS (Special Minister of State) — I thank Mrs Peulich for her question. Obviously at the heart of her concern is the government's support for multicultural affairs and communities in Victoria. Let me take that as the best aspect of her question in relation to the spirit and the support that the Victorian government should provide to the rich cultural diversity of our community, something we wholeheartedly embrace and continue to support.

Again, Mrs Peulich's accusation that there has been a net reduction in the amount of resources available to communities I would contest, without having the budget papers before me. I know there are a variety of programs, particularly in the social inclusion and other areas of the budget, where the government and my ministerial colleagues may be able to demonstrate there has been an increase in support for multicultural communities across the state now and into the future — —

Mrs Peulich — On a point of order, President, my question referred to the 2014–15 year, not allocations for the next year. Some $3.3 million has disappeared out of that — has not been expended. I just wanted to ask the minister to answer that part of the question and not to talk about the next year's budget, which is yet up for debate. We are talking about 2014–15. It is indisputable; it is in the budget papers.

The PRESIDENT — Order! I am actually confused. The current year?

Mrs Peulich — The current year. According to the budget papers, $3.3 million has been not expended. I therefore wanted to know what particular grants and programs have not been delivered or will not be delivered as a result of that $3.3 million cut.

The PRESIDENT — Order! That does clarify it both for me and the minister, I think.

Mr JENNINGS — The point of order does clarify it but does not necessarily assist us in getting to the answer. Any longstanding member of this chamber — any longstanding MP who has had a look at the budget papers — would know that there are funds held over from one financial year to the other in myriad programs each and every year. In fact the member's leader rolled over expenditure in the mental health portfolio — $34 million for the implementation of the Mental Health Act, a piece of legislation that we had — —

Ms Wooldridge interjected.

Mr JENNINGS — It was $36 million. For three years in a row that $36 million was rolled over, so — —

Ms Wooldridge — But you asked me every year if I was going to spend it, so are you going to spend it?

Mr JENNINGS — A very good interjection! Anybody who knows the structure of the budget — —

Mrs Peulich — On a point of order, President, I accept what the minister is saying, but the question

asked what programs and grants will not be delivered or have not been delivered as a result of that money not being expended.

The PRESIDENT — Order! I say to Mrs Peulich that the minister has another 2 minutes. I might point out that this is not his portfolio either, so his forensic knowledge of those programs might not satisfy the member this day. However, the minister has another 2 minutes to complete his answer. He now understands exactly the basis of the question, as do I.

Mr JENNINGS — We might go round and round on this subject for quite some time, although I can actually understand what is at the heart of the question. At its heart — let me give the benefit of the doubt — there is goodwill towards multicultural communities and the support provided by the past administration and the current administration to make sure that there is ongoing support and engagement in community life in Victoria that respects our cultural diversity. That is a commitment that this government has and will maintain.

In relation to the funding arrangements and the cash flowing from funding arrangements from 2014–15 to 2015–16, everybody in this chamber will know that that is not my ministerial responsibility. Everyone would know that a Public Accounts and Estimates Committee hearing would be a wonderful time to examine in forensic detail such a question. I may suggest that that may be an appropriate forum for the question, but if in fact that is not the forum in which the member chooses to pursue this question, I will take it on notice and respond to the member.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — The reason I asked the question is there has been some controversy surrounding the resignation of the former chair of the Victorian Multicultural Commission. I therefore ask, as a supplementary: with regard to future budget allocations and grants, can the minister advise if the Victorian Multicultural Commission will continue to have the responsibility for the funding allocation of multicultural grants and programs, or is he aware if the Premier or the minister has taken direct control of this program?

Mr JENNINGS (Special Minister of State) — I consider that to be an improper construct of a supplementary question in terms of conflating a range of issues and implying a linear relationship between one and the other, and I refute that suggestion. If the member has a concern about the administration of that program, she should pursue options with the appropriate minister to explain how those funds will be acquitted in the future.

Mrs Peulich — I believe that the question was appropriate, given that the multicultural affairs commission — —

The PRESIDENT — Order! We are not going to debate it.

Mrs Peulich — I am just asking you, President, to rule — —

The PRESIDENT — Is this a point of order?

Mrs Peulich — Yes, as a point of order. I would ask you to rule that a more detailed response to the supplementary question be provided. The responsibility for the allocation of grants to multicultural communities has been the responsibility of the Victorian Multicultural Commission. There has clearly been $3.3 million that has been left unexpended, and my concern is that communities will miss out. I think they deserve a better explanation than has been provided.

The PRESIDENT — Order! The member is moving into a debate rather than raising a point of order with me. I will give that consideration.

Box Hill Institute

Mr DAVIS (Southern Metropolitan) — My question is for the Minister for Training and Skills. Is it a fact that the investigation into claims that Box Hill Institute altered exam papers to ensure that struggling TAFE students passed did not involve interviews of the whistleblowers and complainants?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Davis for his question. It is a topical question of course, being in the papers today. The allegations came about in 2013, under the former government, and they were investigated quite extensively by Box Hill Institute. I am sure the minister at the time would have been well aware of those investigations and would have informed himself of the outcome of those investigations.

Nevertheless, complaints arose earlier this year, in March — or more commentary, I should say, arose in March — about the efficacy of the independent investigation that Box Hill undertook. I asked the department to have a look at those investigations, to have a look at the issue and to be confident that due process was observed and that the issue was investigated thoroughly. The department did that. It got

all the documentation from Box Hill. It also employed what I would have thought was quite a reputable and well-known independent forensic expert, PPB Advisory, to review all allegations and the processes. It found that there was no evidence of unethical behaviour.

There was an issue, which has been raised in today's paper, about why they did not reinterview the original people. The advice I received was that they believed the documentation they had and all the written evidence from the time, given that they were looking at a case and how it was handled some years ago, was adequate.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I thank the minister for his confirmation that in the further investigation there was no interview of the complainants and whistleblowers. Fundamentally this is a whitewash; it was not a proper investigation. But aside from that point, I seek from him the release of that audit firm's report.

Mr HERBERT (Minister for Training and Skills) — I think the member is being pretty harsh in terms of what is a reputable company. We take mudslinging across the chamber here, but I think Mr Davis's comments are really about the efficacy of the independent company that did the evaluation, and I have heard nothing to say that it is anything but a very high quality company with an international reputation. I should also have said that the complaint has been on a long journey. It was referred to IBAC, which then referred it to other authorities, so this issue has been investigated many times.

I am happy to have a look at the report. I personally have no problem with giving the member a copy of it, but I am not sure whether it is covered by any other considerations in terms of releasing these reports. I am happy to have a look at it. If there is no issue there, I have no problem.

West Gate distributor

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Special Minister of State. Will the proposed western distributor and West Gate distributor projects be subject to review and analysis by Infrastructure Victoria?

Mr JENNINGS (Special Minister of State) — Of the projects the member refers to, one is a commitment of the incoming Andrews government, which is the proposal for the West Gate distributor. It will come off the freeway, bypass the West Gate Bridge and go directly to the port. It is intended to take 5000 trucks off the West Gate Bridge on any given day. It has gone out to tender on stage 1, which is to involve the widening of Whitehall Street and the strengthening of Shepherd Bridge. That project continues to be pursued by the government and is out to tender.

The member also referred to a market-led proposal that has come from Transurban to the Victorian government, which effectively has been in development for a couple of years. Based on Transurban's assessment about the traffic flow projections and the business case it developed, we would receive a positive result, based on traffic flows, and an increase in productivity across the Victorian infrastructure system. That is clearly more positive than the former government's preferred option, which was the east–west tunnel. That clearly did not have a positive business case, did not actually have a positive impact on transport projections and indeed would have failed the test if the business case had been presented to Infrastructure Australia.

The interesting policy setting is that for two years prior to the Victorian election Transurban had been working away on an alternative project to the one being pursued by the government of the day in light of the clear traffic flows and the benefits that could be derived from an alternative proposal, and it put that alternative proposal to an incoming Labor government which had made a commitment to drive the West Gate distributor project. The extraordinary proposition we have is that the market read the signals of traffic projections, the market read the situation about a positive business case and the market chose to provide that to an incoming Andrews government.

The two projects that we have referred to are capable of complementing and augmenting one another. In fact the project that the government came to office promising has a positive impact and value of being pursued in its own right. The second project is now moving from stage 2 to stage 3 of the market-led proposals.

The timing of the consideration of that matter is that it has already been subjected to the scrutiny of Treasury. It has already been scrutinised by an independent panel — —

Honourable members interjecting.

Mr JENNINGS — We still have time. Ms Wooldridge has a supplementary question. It has been considered by Kerry Schott and Tony Canavan who, in the lead-up to the establishment of Infrastructure Victoria, were charged with the

responsibility of providing independent scrutiny of this project for government consideration.

The PRESIDENT — Time!

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — President, you can see where I will be heading after this. Even though we were given a good description of the projects, we had no answer in relation to the question. I assume from the minister's response, and he can clarify whether the assumption is wrong, given that these projects will not be going to Infrastructure Victoria, which was the implication of his response, how can the Victorian public have any confidence in the government's infrastructure agenda, particularly for Melbourne's west, when it is not going to subject it to the review process that it has held up as necessary for infrastructure in Victoria?

Mr JENNINGS (Special Minister of State) — That is a fair enough question, because the government did make a commitment, and it has not moved from the commitment, to establish Infrastructure Victoria. I am working with my colleagues the Premier and other ministers, and I have been charged with making sure that the method of establishing Infrastructure Victoria will be completed this year. It was always the expectation of an incoming government that the projects we had on the books and had committed to at the last election would be given to Infrastructure Victoria, once it was established, for it to consider the values of them in terms of their benefit to the Victorian economy and to the community, and to then see how that analysis — —

Ms Wooldridge — On a point of order, President, to anticipate what I might be doing afterwards, I ask that you direct the minister in the last 6 seconds to answer the question in relation to whether these projects will be going to Infrastructure Victoria and how we can have confidence in that process. There has been no response in relation to that.

The PRESIDENT — Order! I heard the minister say that they would. The minister to continue.

Mr JENNINGS — Exactly. The sentence I was concluding is that they will be considered, and that they will be considered in terms of future decisions about whether they satisfy the cost-benefit ratio and how they augment the future investment needs of the state.

Budget

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. I refer the minister to the massive 61.4 per cent cut in funding for trade programs in the Andrews Labor government budget, and I ask: are cuts to the Victorian international engagement strategy part of this record funding cut?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — Can I put this budget into context by saying that all the Andrews government's grants, programs and initiatives are currently under review. In my portfolios no programs have been scrapped. But that is not all. There will be a $500 million Premier's Jobs and Investment Fund established in July. There will be a $200 million Future Industries Fund established in July. There will be a $60 million Start Up initiative established and a $500 million Regional Jobs and Growth Infrastructure Fund established in July. Let us put this budget into perspective. Let us put this budget in context. We have handed down this budget. No programs have been scrapped. Programs and initiatives are under review, and there will be more money coming onstream in July.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Given the minister mentioned the Premier's fund in his substantive response, can he outline what part of the Premier's fund will be applied to specific trade programs?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I am bemused because I have just explained it; I am going to have to reinterpret it. If the member's question is: where is the money that has been re-prioritised going to come back to the trade portfolio from? It will be coming back from the Premier's Jobs and Investment Fund.

Family violence

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the Minister for Families and Children, Jenny Mikakos. It is a widely known fact that the current family violence statistics show that two women are killed by their partners or ex-partners every week. Family violence is an ongoing tragedy that demands an urgent response. The Andrews government announced in February that $4 million would be made available to frontline services experiencing an urgent demand as a result of the royal commission, but no service has been able to access that money. Last year

the then Andrews opposition announced that Domestic Violence Victoria would be getting an urgent injection of $1.4 million for additional staff, but in the budget we learn that this urgent funding is being spread across four years. In light of all this, can the minister explain why existing community and social services that actually do need urgent funding to work with family violence survivors and perpetrators are still waiting for access to that money?

Ms MIKAKOS (Minister for Families and Children) — Firstly, I welcome the question from the member on what is the most important law and order issue for the Andrews government, which gives me the opportunity to talk about what has been a great Labor budget. It is three days since the budget was handed down and this is the first question I have been asked on the budget. I am grateful for the opportunity to refer to what has been a very good outcome in this budget for family violence.

This budget has delivered $81.3 million to address what we regard as a critical issue in the community. It is an absolute scourge in the community at the moment. Of course we have the Royal Commission into Family Violence underway, which is going to come up with some very important recommendations to government about how we tackle this issue in the community.

In my portfolio area the budget has delivered $10.2 million over five years to boost family violence support services for families and children. I stress to the member that we are aware of the family violence royal commission leading to additional demand pressures, and we have moved to address this particular issue. The budget includes $57.9 million across government in 2015–16 to respond to these pressures, and the government has created a $16 million fund to deal with urgent or unforeseen demand pressures for services arising from the royal commission. This also includes $1 million in my portfolio area to counselling services for women and children in 2014–15 — this financial year — before we even get to the next financial year.

We recognise that family violence is a key driver of pressure in my portfolio area of child protection, and we know it is an issue that leads to a great deal of trauma being experienced by children, with the police telling us that last year they attended over 68 000 incidents of family violence, an increase of 8.2 per cent since 2013 and an increase of 70 per cent since 2010. We recognise that this is a very big problem in the community. That is why we have moved ahead of the royal commission concluding its recommendations in order to inject further funds into the system to address these demand pressures. But if the member has been speaking with any particular organisation in mind in relation to these issues, then I would be very happy to have a discussion with the member about that organisation's needs. As I stressed earlier, we are seeking to put in place funds to address these urgent and unforeseen demand pressures in the system, and I thank the member for asking a question on the budget.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I acknowledge the minister's outline of the additional funds for family violence prevention, and the Greens are grateful such attention has been given to that area within the budget. However, from the questions that have been put to me by the sector, there is no clarity around how organisations can actually access that funding, and they have been waiting all year to access funding that was announced in February. The demand has increased substantially because of the heightened public discourse around family violence, and there is still no clarity around how to access those funds. I ask the minister if she could give some clarity as to how organisations can access those funds.

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her supplementary question. Ms Richardson as the Minister for the Prevention of Family Violence is having discussions with the sector around a range of issues to do with family violence. She is having a number of round tables around these issues at the moment. I am also having discussions with organisations that deliver family violence services in my portfolio area, and there are of course a number of ministers who also deliver services that relate to family violence issues, in particular Mr Foley, but there are others as well. I am certainly happy to have a discussion with the member about particular organisations that require further information, but the budget does deliver a very good outcome for family violence services ahead of the royal commission recommendations which we await until early next year.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) — Again my question is to the Minister for Families and Children. In a media release dated 5 May the minister stated that she intended to employ 'more than 110 child protection workers'. Persistent vacancies, temporary assignments and a failure to retain child protection staff have made it extremely difficult for the community services sector to work with the Department of Health and Human Services to provide the best outcomes for vulnerable Victorians. Why does the minister's plan

rely on simply employing more child protection staff, instead of addressing the inherent flaws in the child protection operating model which are harming vulnerable children and families?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question, and again I welcome the opportunity to talk about the fabulous outcome in my portfolio area. We are delivering a 17 per cent increase in child protection and family services in this budget compared to last year's budget. It is the biggest boost in a decade, and now we have the biggest budget in child protection with almost $1 billion to be spent on child protection and family services outcomes. The member is incorrect in that whilst I certainly think the injection of funds for the additional 110 child protection staff is much needed, there are many other components to what has been delivered in this budget in the child protection and family services space.

I am very happy to take the member through the details of this, because in fact there is new funding in this $257 million package across every part of the service continuum, from early intervention in terms of funding for Child FIRST and family services to more child protection workers, more funding for services that relate to placement prevention and family reunification services, more support for carers, more support for the out-of-home care system and more support for Aboriginal children and families. There is a commitment and funding right across the service continuum.

I am not quite sure what it is that the member is getting at with her question, but I can assure her that my approach is one that is very much focused on a systemic reform of the system, dealing with the immediate demand pressures — there certainly have been many of those that the previous government failed to address — but also looking at how we address these issues early.

Ms Lovell interjected.

Ms MIKAKOS — I am surprised that the former minister is even opening her mouth on this issue. She should go and have a look at the response from the sector that we have had in the last two days. I can tell the house that the community sector has warmly welcomed our budget initiatives in relation to child protection. They have been calling for this kind of systemic approach for years, and that fell on deaf ears. We have moved to shift the focus on early intervention and prevention so we can actually stem the tide of families and children coming into the child protection system in the first place.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. It is not just an issue for recruitment; it is also an issue for retention of child protection workers. Given that international research has shown that the chance of permanency for children within the out-of-home care system is significantly affected by changes in case workers — the churn is quite substantial in terms of child protection workers — how does the minister's plan ensure that we retain excellent staff in our child protection system?

Ms MIKAKOS (Minister for Families and Children) — I thank the member again for her supplementary question. Let me be clear here. Under the previous government we had a lot of pressures being put on the staff. Their workload was increasing, we had provisional improvement notices being put in place with WorkSafe because of these demand pressures and we had staff leaving. I have addressed this issue. We have put in $65.4 million for child protection services, which will provide for 88 additional child protection practitioners, 4 specialised child protection workers to target sexual exploitation of children in state care and 19 additional after-hours workers to extend the after-hours outreach service statewide for the very first time to cover the Mallee, Goulburn, Upper Murray and East Gippsland areas.

I can tell the house that the Community and Public Sector Union has been very welcoming of the additional injection of staff, because it knows the pressures that have been put on our child protection workforce.

Firearms

Mr YOUNG (Northern Victoria) — My question is to the Minister for Training and Skills in his capacity of representing the Minister for Police. I have recently started the long and expensive process of acquiring my general handgun licence. Can the minister explain why a permit to acquire for a handgun costs $50 but for a longarm costs only $15, when the process is exactly the same?

Mr HERBERT (Minister for Training and Skills) — I thank Mr Young for his question and wish him well in getting his permit. I understand that the Firearms Regulations 2008 prescribe a fee for a permit for handguns and longarms in Victoria. I can provide a bit of information at this point. As at 31 March, to put a

context to the question, the number of handgun licences was just under 5500 — 5467 — and the number of category A, B, C, D and E licence-holders, which I think are for longarms, totalled 198 700 and something. There is a large difference in terms of the number of licences that are processed. On the actual specifics of how those fees are made up, I am happy to get back to the member on that particular question.

Supplementary question

Mr YOUNG (Northern Victoria) — Thank you, and I look forward to the response. Another expense incurred during this process is quite substantial, and I ask: why are law-abiding people, when applying for a handgun licence, charged $170 for voluntarily adding their fingerprints to the database — a service that used to be free and is in fact still free if I commit a crime?

Honourable members interjecting.

Mr HERBERT (Minister for Training and Skills) — What was the last bit? I just missed that.

The PRESIDENT — They take your fingerprints for free if you commit a crime.

Mr HERBERT — I have to reject the premise of that last part of the question. I think there would be quite a cost, if you are a criminal, in getting your fingerprints done. It might not be financial, but it certainly would not be free in many ways.

On the actual specifics of the point, I do have a bit of information on this one. All applicants for any firearm licence are required to give their fingerprints, as the member alerted, at the time of application. I am advised that this has always been a requirement under section 32(1)(b) of the Firearms Act 1996. Fingerprints are only taken for new applicants for a firearm licence and are not taken when an individual applies to renew their firearm licence. The purpose is to get a full set of fingerprints to conduct national criminal history checks, which is part of the process in the law. Apparently national police checks are used to assess an applicant for a firearm licence to ensure that the applicant is not a prohibited person — in any state, I would think.

I am advised by Victoria Police that there are considerable costs absorbed by the regulator for each fingerprint check involving an inkless process and making use of modern electronic technology. Further, I am advised that Victoria Police believes it is appropriate that those costs are passed on to the user in order to achieve cost recovery. If the member thinks some of that is incorrect, I am happy to have further discussion, but that is what I am advised.

The PRESIDENT — Order! In respect of questions asked today, Mr O'Donohue posed a question on gambling, and the Special Minister of State indicated that he would obtain some further information in respect of that question. It does involve a minister in another place, so that would be 48 hours.

In terms of Mrs Peulich's question, I have had a look at the budget and I think to some extent her substantive question is explained in the budget and indeed in the minister's answer. In so much as the minister indicated that there are sometimes rollovers of funds and it is not necessarily a cut as such, I am satisfied that the substantive question to that extent is answered. However, in regard to the supplementary question, I believe that that did pose an appropriate question that does warrant an answer, so I would seek a response on the supplementary question posed by Mrs Peulich. That referred to the ongoing responsibility for funding of some programs.

In respect of Mr Young's substantive question, the Minister for Training and Skills has undertaken to provide a response on why there is a difference in the charges.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to welcome Dr Fadi Karam, a member of the Lebanese Parliament who was recently elected in a by-election. We congratulate you on your electoral success and welcome you to Melbourne today.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Dr CARLING-JENKINS (Western Metropolitan) — My question is directed to the Minister for Sport and is in relation to the Werribee Football Club's current redevelopment plans. Since 2008 the club has been working with Wyndham City Council, the AFL and AFL Victoria to attain the funding required to appropriately renovate and upgrade facilities at Avalon Airport Oval. The club has raised $7 million for the project, but it is approximately $1.5 million to $3 million short of its target. The redevelopment will benefit not only the club but also the wider local community by bringing facilities up to modern standards, incorporating community spaces and enabling the hosting of first division women's and girls' matches and finals. Can the minister advise when the Werribee Football Club will receive a clear commitment that will enable the timely execution of the redevelopment?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My constituency question is to the Minister for Education. I am seeking clarification of the future of the site in Ferrars Street, South Melbourne, which was purchased by the Napthine government for a new primary school. The Napthine government also allocated $5 million in the 2014 budget for site preparedness. The site has been cleared, and I understand that planning requirements have been worked through with the local council. All of that was done by the previous government. Can the minister confirm whether a school will proceed on the site and, if so, what is the time frame? If no school will be built, what does the government intend to do with the site?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My constituency question is to the Minister for Roads and Road Safety regarding the need for the removal of dead peppercorn trees along the Cobram to Yarrawonga road, the Murray Valley Highway. During a recent meeting I had with Moira Shire Council the issue of dead peppercorn trees on this road was raised by a councillor. I was advised that these trees were poisoned by VicRoads some four or five years ago and are now dead, making them unsightly and, more importantly, a traffic and fire hazard. The councillor estimates there are anywhere from 50 to 100 dead peppercorn trees along this road, perhaps more. Further, the councillor advises that there is a mistletoe infestation in the eucalypts along this road, with up to five or six mistletoe per tree. The councillor advised me that mistletoe will kill those trees and that it requires urgent removal.

I ask the minister to instruct VicRoads to remove the dangerous dead peppercorn trees from the roadside and to address the mistletoe infestation in the eucalypts.

The PRESIDENT — Order! Can the member rephrase her question to ask, 'Can the minister'. In other words, constituency questions are not about calling for an action, they are about asking a question. It might seem pedantic, but that was a call for an action rather than a question. Can the member rephrase her question?

Ms LOVELL — Can the minister instruct VicRoads to remove the dangerous peppercorn trees from the roadside and address the mistletoe infestation in the eucalypts?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Industry, and it is in relation to the laziness of the Andrews government in fighting for its share of defence contracts for Victoria and particularly Geelong. As we know, Geelong's manufacturing base has been in a transition phase. Due to the support of the Abbott federal government the transition from heavy traditional manufacturing to new emerging industries has been relatively smooth, mainly due to the hard work and commitment of the federal member for Corangamite, Sarah Henderson. It has been the driving passion of Sarah Henderson and Mayor Darryn Lyons to secure defence contracts for Geelong, while Labor members have done nothing, which is the reason for my question.

The $10 billion LAND 400 contract has been seen as a great opportunity for Geelong. Sarah Henderson, again, has worked hard to help secure the contract for Geelong. The coalition committed to a defence contract office, and I note that the Labor government has allocated $5 million in its budget, but the South Australians have been extremely proactive, spending hundreds of millions of dollars — —

The PRESIDENT — Order! The member's time has expired, and I indicate that there was no question.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question today is for the Minister for Tourism and Major Events. Puffing Billy, one of the icons of the Dandenongs, is a truly remarkable organisation that relies on thousands of hours of volunteer work each and every year. It is a key part of the environment and economy of the Dandenongs, and it is an attraction not only for people from Melbourne but for people from across Australia. During the term of the previous government I was pleased that it provided $4.9 million in funding for Puffing Billy to assist in making it sustainable. We promised to commit $2.15 million if re-elected. My question to the minister is: given that the budget fails to provide a single cent to Puffing Billy, what support will he provide to this important organisation to make sure it continues to be an icon and a jobs generator for Victoria?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is directed to the Minister for Public Transport. The Cherry Street level crossing in Werribee has been the bane of many locals for a very

long time. A series of local MPs, including the current Treasurer, have failed to gain funding to resolve the problem that involves interstate and regional train lines, a number of roads that come together near the crossing and the Werribee River. Feelings in Werribee about the need to resolve this level crossing issue are very strong. Will the minister make it clear when the work on removing this crossing will begin?

Sitting suspended 12.54 p.m. until 2.03 p.m.

MENTAL HEALTH AMENDMENT BILL 2015

Second reading

Debate resumed.

Mr DALIDAKIS (Southern Metropolitan) — As I was saying before question time and the luncheon break, the bill before the house amends the Mental Health Act 2014 in a minor way but which has some significant and positive outcomes. As I stated from the outset, the mental health report will be an annual report, but it will be related to a 10-year mental health plan for Victoria. The 10-year will plan will help set the strategic directions for the development of mental health services over the next decade.

I had spent a bit of time talking about how, sadly, because mental health issues are often hidden from view — there is no broken arm or plaster cast to signify that there is an issue — mental health can at times get lost in the discussion across the community. However, before us is a significant outcome that brings the issue of mental health to the fore. The annual report will support a strong ongoing dialogue with the community about the vision of the government — hopefully this government over 10 years, but certainly a Victorian government — for continuous improvement across public health mental services.

The bill amends the Mental Health Act in a relatively minor way. It amends the legislation to require the Secretary of the Department of Health and Human Services to prepare and submit annually a state of Victoria's mental health services report to the Minister for Mental Health. Importantly for this house — and I am sure that Mr Morris will be happy to hear this — the report has to be tabled in both houses of Parliament, so he will have the opportunity to scrutinise it.

I referred to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 enabling a court to impose custodial supervision orders for people who are unfit to stand trial or, sadly, who commit crimes but are found not guilty due to mental impairment. Prior to the break I mentioned Mr Bourman's previous occupation as a police officer. It is fair to say and for Hansard to record that we share the view that mental illness has the capacity to affect people who commit crimes and hurt not just themselves and the people who are offended against but also the families involved. We need to be cognisant of that.

Acting President, I draw your attention to the fact that I am the lead speaker on the legislation, and I think there is a problem with the clock.

The ACTING PRESIDENT (**Mr Eideh**) — Order! Ministers are allowed 60 minutes. You have 3 minutes remaining.

Mr DALIDAKIS — I feel slightly aggrieved, because the issue of mental health is a serious one, and I hope subsequent speakers, certainly on the government side, acknowledge the issues I am trying to address: the 10-year strategic plan and the requirement that the annual report be tabled in both chambers.

There is a gap in the legislation that needs to be addressed, and that is what this bill does. The bill enables the Secretary of the Department of Justice and Regulation to transfer forensic prisoners to hospital for compulsory treatment. There is also a gap in the legislative scheme for providing compulsory mental health treatment to forensic prisoners. The bill amends the Mental Health Act to enable forensic prisoners to be returned to prison when they no longer need compulsory treatment. This is a very important part of not just the prison or hospital system but society, where people are rehabilitated, or treated, in many different respects and resume — obviously in this instance their custodial sentence — being members of society who are fully contributing.

Besides the changes relating to forensic patents and prisoners, we need to consider that the Mental Health Act is a major piece of legislation that only came into operation on 1 July 2014. Therefore these are minor amendments, and there may be further amendments as time goes by. A number of minor issues have been identified that need to be corrected straightaway.

Again, most of these issues are minor, and we will work through them. As I acknowledged in my opening comments, the bill has the support of the opposition, which is welcome. While we continue to have bipartisan support in this area, those people who need our assistance will win the most from these changes. I commend the bill to the house.

Ms HARTLAND (Western Metropolitan) — I rise to speak on the Mental Health Amendment Bill 2015. The bill has four main purposes: to legislate the requirement for the Department of Health and Human Services to publish an annual report into mental health services; to enable Forensicare to publicly release its statement of priorities; to make changes regarding the transfer of forensic patients back to prison after receiving compulsory mental health care outside prison facilities; and to make a series of minor changes, including amendments to clarify the meaning but not change the intention of certain clauses in the principal act.

The Greens strongly welcome the commitment to publish a mental health services annual report and Forensicare's statement of priorities. This step will increase transparency and accountability in governance, something the Greens are particularly passionate about. The Greens do have some questions about this and would like further detail in respect of what will be included in this report. I will put these question to the minister in the committee of the whole.

The Greens do not oppose the minor changes proposed to clarify the meaning or intention of the act. These minor changes relate to the definition of 'treatment', exceptions to the right to communicate, assessment orders, treatment orders, the review of someone in seclusion and so on. All these small amendments appear to be quite reasonable. We also support the change to provide notice of a hearing to all carers of the person before a trial as it is impossible to determine beforehand whether that hearing will affect the carer relationship. It is important that the carer be present at the hearing because of the potential impact on the carer relationship.

The Greens will oppose the changes to the law regarding the transfer of prisoners on custodial supervision orders back to prison from designated mental health services without the oversight of the court. It is appropriate that these amendments do not affect forensic patients detained in designated mental health services under custodial supervision orders, who cannot be transferred to a prison under the new arrangements. However, we are concerned about this change for those on custodial supervision orders who are detained in a prison setting.

People who have been found unfit for trial or not guilty of a crime under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 are generally either released into the community on non-custodial supervision orders or placed in a designated mental health service such as the Thomas Embling Hospital on custodial supervision orders. It is extremely rare for someone to be placed in prison on a custodial supervision order. In fact I believe no-one is currently in this situation and no-one has been for a number of years, as this is an option of last resort for someone who has been found not guilty due to mental impairment or who is so mentally unwell that they cannot be tried.

In the rare circumstances in which someone might be detained as a forensic prisoner, their mental health might decline while in the prison environment. While there is mental health care in prison, they will be transferred to a mental health service for compulsory treatment if they meet the criteria for compulsory care. The criteria include that the person has a mental illness and that they need immediate treatment to prevent serious harm or serious deterioration in their mental or physical health. When that person has been treated and no longer meets the criteria for compulsory care, a decision must be made about ongoing arrangements for them.

The government is arguing that they would be subject to the original court order without the need for a review by the court. In a departmental briefing we were told that a custodial supervision order is subject to a scheduled review but the scheduled reviews are not frequent. A person subject to a custodial supervision order can also apply for a review of their case, but this requires some understanding of the legal process and the capacity or gumption to make such a request, which a forensic prisoner may not have. Given this and given that prison is a last resort and rarely used in custodial supervision orders, the Greens believe that any significant change in the person's circumstances should warrant a review of the case by the court. The requirement that a person undergo compulsory mental health treatment should be a trigger for a review of a custodial supervision order.

Therefore we do not support the government's proposal for an automatic transfer of a forensic prisoner back to the prison environment; rather we believe that the transfer of a forensic prisoner for compulsory mental health treatment should be a trigger for a notification to the court about the pending need for a review of the terms of the custodial supervision order. If the trigger occurs when a patient is transferred rather than when their mental health has improved such that they no longer need compulsory treatment, we should not be faced with a situation where a forensic patient receives compulsory care while they wait for the court hearing.

The Law Institute of Victoria has suggested an alternative legislative reform to address this issue. Under this reform forensic patients held in prison could

be expressly included within the secure treatment order processes in section 276 of the Mental Health Act 2014 by amending section 280 of that act to expressly require an application to the court under section 31 of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 where a patient is subject to a supervision order under the act. This seems to be a sensible approach, and I hope the government will seriously consider this ultimate arrangement rather than just fast-tracking someone back to jail as a convenient solution for a gap in the legislative process.

Another area of concern for the Greens is what is missing from the bill. On the whole the Mental Health Act 2014 is a great improvement on the previous act as it focuses on a human rights approach to mental health treatment, provides for a complaints commissioner and makes a number of other improvements. However, some substantial concerns were raised about the legislation when it was presented in the previous Parliament, including by legal services, human rights agencies and the mental health sector. In reviewing and updating the Mental Health Act the Andrews government had, and indeed still has, the opportunity to correct some of the inappropriate parts of the legislation, but it has unfortunately chosen not to do so.

The biggest disappointment to the Greens is that the Andrews government has not taken the opportunity to either rule out electroconvulsive treatment (ECT) for children or commit to its review in two years instead of five. The *World Health Organisation Resource Book on Mental Health, Human Rights and Legislation*, published in 2005, states:

> There are no indications for the use of ECT on minors, and hence this should be prohibited through legislation.

In a submission to the Scrutiny of Acts and Regulations Committee in relation to the Mental Health Bill 2014, the Victorian Equal Opportunity and Human Rights Commission expressed grave concerns about the use of electroconvulsive treatment on children under 18 years of age. The Greens recognise that there are some safeguards in place in this legislation to help protect children, including that all applications for electroconvulsive treatment must go through the Mental Health Tribunal. However, we remain very concerned about the risks of using electroconvulsive treatment on children, particularly given the authority of the voices speaking against it. I acknowledge that when we debated this in the previous Parliament one of the issues was that for every peer review paper the government was able to supply to me saying one thing, I had another peer review paper supplied to me saying the opposite. Clearly the field is not united on this issue.

At the time the then Leader of the Opposition and now Premier, Daniel Andrews, tried to amend the Mental Health Bill 2014 to regulate for the reporting by the chief psychiatrist of the number of children receiving electroconvulsive treatment between 2014 and 2016, including details of any discomfort or side-effects of the treatment experienced by any young person and recommendations as appropriate. The report would have to have been tabled in Parliament. This amendment was not accepted by the Napthine government at the time.

During the committee of the whole on this bill I will ask the government about its intentions in this regard. I would very much like to see a public commitment from the government to conduct a two-year expert review of the use of electroconvulsive treatment on children and to make the report public so that the medium and long-term impacts of electroconvulsive treatment on the developing brains of children are made transparent. With those words I finish my contribution to this debate, but I will be asking a number of questions during the committee-of-the-whole stage.

Mr ELASMAR (Northern Metropolitan) — I rise to support and speak to the Mental Health Amendment Bill 2015. Just like physical disorders, mental illness can attack anyone at any time. People from all walks of life can be afflicted. Intellect has nothing to do with the onset of severe mental illness. Winston Churchill called his depression ‘the black dog’.

The bill contains a comprehensive framework aimed at instituting patient rights that previously did not exist. The stigma of mental illness has meant that many people tend not to discuss it. I believe everyone knows someone, either in their own family or amongst their close friends, who has suffered with clinical depression or in some cases more serious types of mental disorders. This legislation is timely as it puts in place safety mechanisms for the benefit of patients. It also recognises that family has an integral right to be informed and to participate in the healing process. There are some aspects of the bill that relate to compulsory treatments. These are necessary in some instances for the protection of family, for the medical profession and for the overall safety of the community.

The bill amends the Mental Health Act 2014 to provide for a mental health annual report to be tabled in Parliament. It also enables the transfer and return of forensic prisoners to a designated mental health service to obtain compulsory treatment and addresses a number of technical and operational issues identified following the implementation of the act on 1 July 2014.

The bill provides for a mental health annual report to be tabled in Parliament, which will comprise a 10-year plan that will set the strategic directions for the development of mental health services in Victoria. It is currently being developed by the Department of Health and Human Services in collaboration with key stakeholders. The annual report is intended to complement the 10-year plan. It will include information about the provision of public mental health services during each financial year, including key quantitative data, such as service usage data, and qualitative data, such as results from consumer surveys. The annual report will support a strong and ongoing dialogue with the community about the government's vision for continuous improvement of public mental health services. I commend the bill to the house.

Mr MULINO (Eastern Victoria) — This is a very important issue that I am sure has touched everybody in this chamber. It has certainly touched me on a number of levels. I have both family and friends who have been affected by serious mental health issues and who have suffered not just from the conditions themselves but from the way society has dealt with those conditions. In addition to that, my father spent much of his career as a psychiatric nurse, and through hearing about his experiences I have heard much about the way that part of the health sector has evolved over the last several decades. There is a lot of evolution still to occur, but much has happened since some decades ago when a number of practices occurred that were not appropriate and were often not exposed to transparent reporting, so this is of vital importance.

One of the positive aspects of the public debate over the last decade or more is that society as a whole has come to a better understanding of both the high prevalence of mental health conditions and also the great complexity of those conditions. I applaud a number of government initiatives at all layers of government — local, state and federal — including things as mundane but effective as advertisements on television. A couple of years ago an advertisement posited the everyday situation of a parent taking a child on a camping trip. It showed the situation once with the child bringing a friend with a physical condition and then repeated the same situation with the child bringing a friend with a mental condition. It was one of a number of initiatives that resonated with me and highlighted the fact that many of us still have an instinctive response to mental health conditions that is different to our response to physical conditions, usually without any justification. It is also worth noting that not long ago the Australian of the Year was a champion of these issues and that progressed this debate in a positive and material way.

It is also worth noting by way of context that the health profession itself is increasingly recognising the complicated nature of many of the conditions we are talking about. If we talk about things like schizophrenia or bipolar conditions, we are often talking about conditions that were not even recognised just two or three decades ago. We are now starting to talk about conditions being broken up into subcategories because we are realising that there are many different needs within each of those conditions. Within many of those conditions the treatment needs are complicated and change over the course of a person's life.

This is an important and complicated issue, and in this bill we see a positive approach. I am glad it is being supported by all parties. It is a holistic approach, which is important, and it is holistic in a number of ways, not least of which is that we are trying to change the focus of the way the system interacts with individuals from being an ad hoc series of individual treatments to being what one might call recovery-oriented practice. This is worth dwelling on for a moment. It mirrors a broader approach to the way government interacts with people with complicated needs across a range of portfolios. In the mental health service delivery area it lies at the heart of contemporary practice. It is worth comparing it to what is going on in an area like the national disability insurance scheme, for example. In both cases we are trying to look at an individual's whole needs rather than a series of individual treatments. We are also trying to tailor delivery to that individual's needs.

When I was involved in the federal government not long ago there was a whole-of-government attempt to move towards what was called citizen-centred government. This idea can be seen in initiatives across a range of governments going back before this initiative, but it showed that in a number of areas of service delivery we need to move more towards the individual rather than what had been the case in the past, which was the blanket provision of generic services. This raises a number of challenges, not least of which is that in many cases it is difficult to determine what an individual's needs are. It makes service delivery more effective, but it makes it more difficult to actually deliver those services.

Another aspect worth noting is that choice is central to the recovery-oriented practice mode of delivering services to individuals. Choice is critically important because it is important per se for individuals to have autonomy wherever possible. Clearly it will be more effective in general if a service delivery program is able to tailor services to individuals and individuals can exercise as much choice as possible within that system, but it can be a double-edged sword. Wherever one

gives individuals choices, one exposes individuals to a number of potential pitfalls. One of them is people's limited capacity to process information. One of them is what one might call limited rationality. We know that in a number of spheres people often do not have the capacity to make extremely complicated choices in real time. In the case of healthcare delivery, we are talking about some of the most important and difficult choices imaginable. We see this in financial services, education and all sorts of areas of social policy, but health care is an area where the outcomes can be dire indeed if individuals make ill-informed decisions.

Another possibility is that the more choice individuals have the more scope there is for people to be taken advantage of. We are talking about a sphere in which that might be more of a risk than is normally the case. We are talking about people who might have impaired faculties, at least temporarily, and about people who might be open to being taken advantage of. Moving towards a framework that is based around individual choice is a worthwhile move, but it is also worthwhile to be aware of some of the pitfalls. I am certainly not suggesting that mental health conditions are the same as the broad swathe of disability conditions, but many of the same kinds of policy challenges exist in delivering services in an environment in which we try to give individuals more choice.

I will not go through every aspect of the bill because they have been ably covered by many speakers before me, but one thing I want to emphasise is the tabling of an annual report. It is a worthwhile initiative in this sphere. Yesterday we talked about the importance of greater transparency and more accurate reporting in emergency services, and many of those things resonate today. We are talking about performance measures that are inherently extremely complicated. Just as we talked about transparency in emergency services being important, for many of the same reasons it is an important step to mandate the tabling of an annual report. Transparency is important in the delivery of public services per se, and I am sure all sides of this house would agree that it has been a positive development over recent decades.

Transparency is important in this sphere in particular because we are dealing with reporting that can help to achieve some of the key public policy outcomes, one of which is to reduce the level of stigmatisation. Destigmatisation is often best achieved when we shed light on an issue, publicise the prevalence of it and make it clear to people that what they are experiencing is very common and that they are not alone. Here reporting is about not just holding government departments to account but also achieving some of our core public policy objectives.

Secondly, if we want to use reporting and transparency as a means of improving service delivery, it is important that we have the most rigorous reporting regime possible. As I noted earlier, my understanding is that many of the mental health conditions we are talking about are extremely complicated, but they also exist in a sphere of health that is evolving more quickly than any other. Bipolar disorder is a good example of such a condition. What might have been considered a single condition two decades ago is now evolving in different jurisdictions in different ways so that we now understand that there are many different types of bipolar disorder which might require many different types of treatment. Therefore the reporting regime itself is likely to be an effective way in which we can further those kinds of debates and in which we can ensure that our service delivery is keeping up with best diagnostic practice.

In addition to that, the issue is not just about reporting on the number of people with different kinds of conditions, although, as I said, that is very important. It is also about qualitative and quantitative measures of service delivery. It is critically important that the effectiveness of service delivery be measured as rigorously as possible in this kind of area. The best way to do that is to have measures that are transparent, that are reported regularly and that have the microscope run over them.

There are a number of worthwhile measures in this bill. It is a broad-ranging bill. As has been reflected in the debate, there are issues regarding particular matters which are important and which we will probably disagree about in this chamber. I think it is fair to say, however, that everybody in this chamber agrees with the broad thrust of the policy direction that we are heading in.

It is critical that we continue to put more resources into this area. As I said, my father has worked in this area for decades. Through all of my discussions with him I have felt that this area has received considerably more attention in the public sphere and the public policy sphere over recent decades. We need to prioritise a number of policy themes like destigmatisation, improving performance and making sure that we have best practice diagnostics. All of that will be promoted by the key measures in this bill. I strongly commend this bill to the house.

Mr MELHEM (Western Metropolitan) — I rise to add my contribution to the debate on this bill. It is a

very important bill. Issues surrounding mental health concern every person in our community, and they also concern the government. As previous speakers have outlined, the bill makes amendments to the Mental Health Act 2014 to provide the Parliament with an annual report, which was a specific election commitment by the government. Another commitment was to enable the transfer and return of forensic prisoners to designated mental health services to obtain compulsory treatment. A few speakers touched on that in their contributions.

The bill also addresses a number of technical and operational issues identified following the implementation of the act on 1 July 2014. This amendment will clarify key provisions and provide support for an election commitment to ensure that mental health services meet their obligations under the act. The bill makes minor amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 to clarify responsibilities for providing reports to a court that is considering making a supervision order under the act.

The bill also updates references to the former departments of health, human services and justice in the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 to reflect a new department created as the result of the machinery of government changes that came into effect on 1 January 2015. Another area subject to change is section 306 of the Mental Health Act 2014, which currently enables the Secretary of the Department of Justice and Regulation to transfer forensic prisoners to hospital for compulsory treatment. However, there is currently no readily accessible legal mechanism for returning forensic prisoners to prison when they longer need compulsory treatment. This is a gap in the legislative scheme, and the only option at the moment is to make an application to the Supreme Court to vary the place of custody. This process does not enable a timely response to the changing needs of an individual person. The bill amends the act to enable forensic prisoners to be returned to prison when they no longer need compulsory treatment. It does this by extending to this group the existing provision of the act that enables other prisoners to obtain compulsory treatment.

The bill also amends the Mental Health Act 2014 to facilitate treatment for forensic prisoners who develop a mental illness that requires compulsory treatment where compulsory treatment is not provided in prison. The bill does this by extending to this group the existing provision in the act.

The Secretary of the Department of Justice and Regulation may make a secure treatment order to transfer an acutely unwell prisoner who is on a sentence or remand to a designated mental health service for compulsory treatment. At the moment the secretary may only make a secure treatment order if satisfied that the relevant criteria in the act apply to the person. These include that the person has a mental illness that needs immediate treatment to prevent serious deterioration of their mental or physical health or to prevent serious harm to the person or to another person.

In deciding whether the criteria apply the secretary will be informed by a report from a psychiatrist. The secretary must also receive a report from an authorised psychiatrist for the relevant designated mental health services which recommends a secure treatment order be made and state that there are facilities and services available at the service to detain and treat the person. The secretary may then make a secure treatment order.

Are we reducing any protections for forensic staff? The answer is no. There are no changes there. There was also some concern about whether this legislation allows forensic patients in Thomas Embling Hospital to be sent to a prison. The answer to that question is no as well.

The bill obviously addresses some deficiencies in the current system. As indicated earlier, the bill has only been in operation since July 2014, so the time is right to review it. That is why this review is taking place.

The bill also talks about what other facilities we have and what the government is doing. The government is currently developing a 10-year mental health plan to set the strategic direction for the development of mental health services in Victoria for the next decade. This plan will specifically address capacity to respond to current and future demand for forensic mental health services, optimal service configuration and flexible models of care that support recovery and enable people to effectively and safely transition between a service setting and the community.

The government expects this work to identify early opportunities to maximise efficiencies and improve access to assessment and treatment in safe therapeutic environments. Work is currently underway, including the development of secondary mental health services as part of the Ravenhall prison development. The new 1000-bed Ravenhall prison will include 75 specialist forensic secondary mental health beds along with outpatients and primary mental health services. This development will more than double the present

system's capacity to support the mental health of prisoners.

When governments address the issue of mental health and the prison system, it is important that it is about rehabilitating these people, ensuring that after they have served their prison sentences and are back in the community they are provided with assistance so that they can be good citizens. It is also important that prisoners who have serious mental health issues receive the care they deserve as human beings and that we take into account the need to provide protection and assistance to the people caring for them.

This legislation will go a long way to assist in that process, and the government initiatives that will be set out place in the 10-year plan will basically work towards that objective. As Mr Dalidakis mentioned earlier, the former minister, now the Leader of the Opposition in this house, Mary Wooldridge, did a fair bit of work on that in the past. Both sides of politics realise this is an issue that needs to be addressed. We need to continually work on improving the current system to achieve world's best practice for prisoners who suffer from mental illness and to make sure that people who are caring for them have adequate protection as well. With those comments I finish my contribution, and I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order! As I understand it, there are some questions that the Greens, in particular Ms Hartland, would like to ask in relation to clauses 1, 25 and 29. Is that correct?

Ms Hartland — Our questions relate to clause 1, but we will be voting against clauses 25 and 29.

The DEPUTY PRESIDENT — Order! I ask Ms Hartland to raise her issues in relation to clause 1.

Ms HARTLAND (Western Metropolitan) — Clause 17 amends section 118 of the principal act. It states:

> "(2) As soon as practicable after the end of each financial year but no later than the following 31 October, the Secretary must submit to the Minister an annual report containing —
>
> (a) a review of the services provided by mental health service providers during the financial year; and
>
> (b) any other information requested in writing by the Minister.

Can the minister provide more detailed information about the data and information that will be provided and reviewed in the annual report?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question, and I thank all members for taking an appropriate tone on such an important bill, which is about strengthening our mental health system. I can advise the member that a 10-year mental health plan for Victoria and a state of Victoria's mental health services annual report were key election commitments in the mental health portfolio for the Labor Party on coming into government. The 10-year plan will set the strategic directions for the development of mental health services in Victoria over the next decade. The annual report is intended to complement the 10-year plan, and it will include information about the provision of public mental health services during each financial year, including key quantitative data such as service usage data and qualitative data such as results of consumer surveys.

There is already a wealth of information about the delivery of public mental health services in the public domain in Victoria. This includes annual reports prepared by statutory bodies like the Mental Health Tribunal, the mental health complaints commissioner, the chief psychiatrist and the mental health community visitors. In addition, the Department of Health and Human Services publishes detailed performance data about specialist state-funded mental health services on its Victorian health service performance webpages. Statewide and individual hospital performance data is also published. Specific mental health performance indicators include service hours provided to consumers of community health services, preadmission contact rates, post-discharge follow-up rates, average length of stay, numbers of emergency department patients transferred to mental health beds within 8 hours, bed occupancy rate, 28-day readmission rate, restraint events per 1000 bed days and seclusion events per 1000 bed days.

The commonwealth government also publishes data on the website of the Australian Institute of Health and Welfare. The 'Mental health services in Australia' page provides a picture of the national response of the health and welfare service system to the mental health care needs of Australians.

The Andrews government recognises that much of this existing information has been developed for specific purposes, such as service planning, and accordingly it is difficult for the community to navigate and get a sense of the service system and its effectiveness as a whole. The government's intention is to draw on a range of existing sources of information to prepare this annual report. The annual report should provide a picture of how we provide and coordinate public mental health services for consumers and their families and carers.

We believe this will facilitate a conversation with both the Parliament, where the annual report must be tabled, and the community about the current service system for people living with mental illness, and it will highlight areas in which we can make changes for the better. This is a community issue, because we cannot drive real change without also engaging with the community and bringing it along with us.

The practice of promoting recovery and full participation in community life sits at the heart of contemporary mental health service delivery. If people living with mental illness are to have real choices available to them to achieve full and contributing lives and improve their overall health and wellbeing, members of the community must be active participants. Improving awareness and understanding within the community about mental illness and mental health will reduce stigma and other barriers to participation. It is envisaged that the annual report will enable the government to report each year on where we are and where we want to be, as measured against the 10-year plan, and how we are going to get there.

Ms HARTLAND (Western Metropolitan) — I thank the minister for that very comprehensive answer. If we could drill down a bit, will the annual report provide information about the amount of time patients have to wait in emergency departments before they get mental health beds in specialised psychiatric units or a psychiatric hospital, and will it provide an analysis of the reason for the wait?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I am advised that the emergency department waiting times are currently published on the website of the Department of Health and Human Services. We will be engaging in consultation with stakeholders in relation to how we decide what will be included in the annual report, so we are not ruling out the possibility that this information might also be published in the annual report.

Ms HARTLAND (Western Metropolitan) — Along the same lines, will the report include the numbers of community visitors who have visited each institution, their findings and the institutions' responses to these findings?

Ms MIKAKOS (Minister for Families and Children) — I am advised that this information is provided in the community visitors annual report, which is currently tabled in Parliament each year.

Ms HARTLAND (Western Metropolitan) — Will the use of electroconvulsive therapy (ECT) for patients be detailed by institutions? If so, will the following information also be provided: the numbers of patients and the numbers of treatments, and an indication of whether the patient is a young person or an adult; who provided the consent — for example, the young person or adult receiving treatment, or a parent, nominated person, guardian, carer or the secretary; and whether the final decision for treatment was determined by the tribunal?

Ms MIKAKOS (Minister for Families and Children) — I am advised that information about the use of ECT on patients must be reported to the chief psychiatrist in accordance with section 99 of the principal act. It is expected that the information the member has referred to in her very detailed question will be provided. The chief psychiatrist will publish a report each year that includes an analysis of the data and information reported to the chief psychiatrist, including details of the use of ECT.

Ms HARTLAND (Western Metropolitan) — In regard to ECT and children who have received ECT treatments, when Labor indicated it would support the Mental Health Bill 2014 when it was first presented, it indicated it supported a review of treatments in the annual report after two years; so will there be a quantitative review of the impact of ECT on children at that point in time? Currently, as I understand it, it will be every five years, but in opposition the current government talked about it needing to be every two years. I understand that it relates to a very small number of children, but because it is children I think it is a really important issue.

Ms MIKAKOS (Minister for Families and Children) — Obviously this is a very important issue that the member has raised. I can advise the member that very few children receive ECT each year. The annual reporting of clinical outcomes for such a small number could lead to the identification of the individuals. Similarly, if they were to be reviewed on a two-yearly basis, the very small number involved could potentially lead to the identification of the individuals involved. In addition, the numbers are so small that it is

very difficult to draw any meaningful conclusions about the efficacy of ECT in that time frame.

I can also advise that clinical outcomes will be reported at five years when the aggregate numbers will make the identification of individuals less likely, and the data will be more reliable in terms of emerging trends. Given that this legislation only commenced last year, it is still too early to draw on those very small number of incidents to develop meaningful conclusions about these issues. So the review of these issues will occur when we review the act in 2019. The timing will coincide with that review.

Ms HARTLAND (Western Metropolitan) — I understand that it is an incredibly small number of children who are treated in this manner. I have never quite understood the argument that their identities would be revealed because it is such a small number. Can the minister say why it is that she thinks their identities would be revealed?

Ms MIKAKOS (Minister for Families and Children) — I thank the member again for her question. I am advised that the numbers in themselves would not necessarily identify individuals, but the analysis of the outcomes might lead to that. Because there are so few individuals, particularly children, who receive such treatment, the description of that type of service offered to that person or that child may potentially lead to identifying information being provided. This is why we believe the five-year reporting of clinical outcomes is a more appropriate time frame rather than a much shorter time frame, which would lead to a very small number of individuals being reported on.

Ms HARTLAND (Western Metropolitan) — I still do not quite understand how you can identify children in that way, but I will move on. The secretary of the department will review the services of mental health service providers and detail this review in the annual report. In the second-reading speech of the Minister for Mental Health, he said the annual report would apply to all public mental health service providers. However, my reading of the definition of mental health service providers in the Mental Health Act 2014 is that it includes all designated mental health services, which include public, denominational, privately operated and private hospitals as well as all publicly funded mental health community support services. Can the minister confirm that private hospitals and mental health community support services will be included in the review?

Ms MIKAKOS (Minister for Families and Children) — I am advised that the annual report will provide information about services provided by mental health service providers. These include designated mental health services and publicly funded mental health community support services. Designated mental health services are health services that may provide compulsory assessment and treatment to people in accordance with the Mental Health Act 2014. They are essentially the hospital component of the public mental health system. The list of hospitals is prescribed in the mental health regulations of 2014. They are public hospitals and denominational hospitals providing public mental health services, but not private hospitals. Publicly funded mental health community support services are in the scope of the annual report.

Ms HARTLAND (Western Metropolitan) — If private hospitals are not required to report, how is it that the government can be assured that they are operating at best practice?

Ms MIKAKOS (Minister for Families and Children) — I am advised that the Mental Health Act 2014 does not regulate private hospitals. A range of mechanisms regulate private providers — for example, private hospitals are licensed by the Department of Health and Human Services. Private hospitals must also be approved to provide psychiatric services as part of this licensing process. Private hospitals are subject to accreditation, including against the national mental health standards and the workforce standards. In addition to this, clinicians are registered — for example, psychiatrists by the Australian Health Practitioner Regulatory Authority (AHPRA). If there are concerns, they can be investigated by AHPRA. Complaints can be received by the health services commissioner.

Ms HARTLAND (Western Metropolitan) — Does that mean that if it is a private facility, information or data about its activities will be publicly available?

Ms MIKAKOS (Minister for Families and Children) — I am advised that we do not monitor that type of data, so it will not be included in the annual report.

Ms HARTLAND (Western Metropolitan) — In relation to people who are in private hospitals who have purportedly consented to electroconvulsive treatment, if there is no review by the secretary for the annual report, how do we know that that has occurred? How do we know that these treatments are not being overused if the data does not have to be collected and if it does not have to be published?

Ms MIKAKOS (Minister for Families and Children) — I am advised that adults receiving

treatment in private hospitals, including psychiatric treatment, must give full and free informed consent to such procedures.

Ms HARTLAND (Western Metropolitan) — My point is that if the data does not have to be collected and does not have to be published, how do we know that those adults are giving consent?

Ms MIKAKOS (Minister for Families and Children) — I am advised that it is a requirement of all medical practitioners that they seek that their patients provide full and free informed consent. That is why these practitioners are registered through AHPRA. This is an ethical and professional responsibility that they have.

Ms HARTLAND (Western Metropolitan) — I understand that completely. My point is that if the data is not being collected, if these organisations do not have to report, if they do not have to be included in the annual report, how can we possibly know what they are doing? There is a very good chance that some private hospitals behave badly — and we have seen this in the past with private psychiatric hospitals that have behaved extraordinarily badly. How do we know what they are doing if they are not required to do this and they are not required to have their information in the annual report?

Ms MIKAKOS (Minister for Families and Children) — I accept that Ms Hartland has very strong views about the issue, but I think I have responded to the question. We are getting into a debate now. I think I have already addressed the question. It may not be to Ms Hartland's satisfaction, but I have advised her what the response is.

Ms HARTLAND (Western Metropolitan) — The minister has advised me, but that does not solve the problem that private hospitals are not part of the annual report; they do not have to give over data. We do not know whether people who are receiving electroconvulsive treatment in private hospitals are giving informed consent, so I think that is quite a serious issue. Also there does not appear to be a definition of mental health community support services in the principal act, even though there is a direct reference to those services in the act within the definition of mental health service provider. Is this something that the government intends rectifying?

Ms MIKAKOS (Minister for Families and Children) — I am advised that the annual report will include information on the mental health community support services. The act does not include a definition because obviously there is work occurring now with the development of the national disability insurance scheme, and therefore it is important not to inadvertently exclude from scope particular types of services.

Clause agreed to; clauses 2 to 24 agreed to.

Clause 25

Ms HARTLAND (Western Metropolitan) — I will make a very brief statement regarding both clauses 25 and 29. The Greens believe that any significant changes in the circumstances should be a trigger for a review of a custodial supervision order. Given prison is a place of last resort for someone who is not guilty or who is unfit to be tried, we believe that decline in mental health, such as if compulsory treatment is needed, is a significant change in circumstances and thus warrants the court to review the supervision order. I did go over this in the main part of my presentation, and we have received quite extensive advice from the Law Institute of Victoria on this matter. For those reasons, we will not be voting for these clauses.

Ms MIKAKOS (Minister for Families and Children) — I want to briefly respond to Ms Hartland, if I may. I am advised that the Law Institute of Victoria's proposal that no changes be made to the provisions for the transfer of forensic prisoners is unacceptable. I understand that Ms Hartland may have been in some discussions with the law institute about these matters. It is important that we not perpetuate a gap in the legislative scheme where there is no readily accessible legal mechanism for returning forensic prisoners to prison when they no longer need compulsory treatment. The only option at the moment is to make an application to the Supreme Court to vary the place of custody. This process does not enable a timely response to the changing needs of the individual person.

The institute's alternative proposal to specifically legislate an application to the court does not address concerns about a timely response to the changing needs of the individual. There will necessarily be delay between the application to the court at the end of compulsory treatment and a decision by the court. Hearing dates will need to be scheduled, evidence and witnesses coordinated and legal representation for the patient arranged. This all takes time. Giving the court advance notice does not help because the duration of compulsory treatment cannot be predicted in advance.

It is important to note that forensic prisoners have been found not guilty of an offence because of mental

impairment. The courts will expect that a person may require compulsory treatment at times after they have been placed in custody in prison. I understand that the institute has argued that a period of compulsory treatment is a significant event that warrants the court being asked to reconsider its decision about the place of custody. However, the need for compulsory treatment is a clinical decision. It does not require the involvement of the courts. It is a process that is appropriately managed within the framework of the Mental Health Act 2014 and the processes for enabling compulsory treatment in the act.

The amendments set out in the bill provide a sensible solution to the present gap in the legal scheme. The bill amends the act to enable forensic prisoners to be returned to prison when they no longer need compulsory treatment. It does this by extending to this group the existing provisions in the act that enable other prisoners to obtain compulsory treatment. If at any time a forensic prisoner wants to have their place of custody permanently transferred from prison to hospital, then they can apply to the relevant court in accordance with the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

Committee divided on clause:

Ayes, 32

Atkinson, Mr	Melhem, Mr
Bath, Ms	Mikakos, Ms
Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Patten, Ms (*Teller*)
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Ramsay, Mr
Eideh, Mr	Rich-Phillips, Mr
Finn, Mr (*Teller*)	Shing, Ms
Fitzherbert, Ms	Somyurek, Mr
Herbert, Mr	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Wooldridge, Ms
Lovell, Ms	Young, Mr

Noes, 5

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

Clause agreed to.

Clauses 26 to 28 agreed to.

Clause 29

Committee divided on clause:

Ayes, 33

Atkinson, Mr	Melhem, Mr (*Teller*)
Bath, Ms	Mikakos, Ms
Bourman, Mr	Morris, Mr
Carling-Jenkins, Dr	Mulino, Mr
Crozier, Ms	O'Donohue, Mr
Dalidakis, Mr	Patten, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Drum, Mr	Ramsay, Mr
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Shing, Ms
Finn, Mr	Somyurek, Mr
Fitzherbert, Ms	Symes, Ms
Herbert, Mr	Tierney, Ms
Jennings, Mr	Wooldridge, Ms
Leane, Mr	Young, Mr (*Teller*)
Lovell, Ms	

Noes, 5

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

Clause agreed to.

Clauses 30 to 39 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

STATUTE LAW REVISION BILL 2014

Second reading

Debate resumed from 11 February; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to make some remarks on this bill which is simple but significant for the Legislative Council. The Statute Law Revision Bill 2014 was the first bill to be introduced into the Legislative Council in the 58th Parliament. It was introduced on the day the Parliament was opened. Its significance is that it is known as the privilege bill. The bill is introduced by members of the Legislative Council and is a mechanism by which the Council can assert its authority to deal with its own business ahead

of any business that may be transmitted from the Legislative Assembly.

The introduction of the bill on the day that Parliament was opened is significant because it signifies that it is the Legislative Council's determination that it will discharge its business before it deals with business which is transmitted from the other place. That is the reason the bill was introduced on the day that Parliament opened — to mark that territory, if you like, of the Legislative Council addressing its own agenda ahead of another house's agenda.

I turn to the nature of the legislation. Like all statute law revision bills, this is quite a simple bill. Basically it amends some 68 individual acts of Parliament, largely with the intention of correcting errors, such as grammatical errors, punctuation, spelling et cetera. It is mainly about fixing minor errors which have been identified in statute law over a period of time, perhaps since the last statute law amendment bill was passed by the Parliament, and it addresses, literally across 68 separate acts, errors of that nature. Pieces of legislation may have been changed through the years, where the titles of acts may have been changed or principal acts may have been replaced by new consolidations of legislation, and the new names need to be reflected in existing legislation. That is the type of thing that will be achieved through this Statute Law Revision Bill.

I note that a second bill is on the Legislative Council notice paper, and that is the Statute Law Repeals Bill 2014. That is a similar bill, initiated in the Legislative Assembly, which performs for the Assembly the function of being its privilege bill. Like this bill, it seeks to make some minor technical corrections to various acts of Parliament.

The bill is not controversial. However, it highlights that in the passage of legislation and development of amending bills over time, from time to time technical errors are made in the drafting of legislation. When members are debating legislation and considering amendments introduced in this house, it is worth them bearing in mind that from time to time there are not only unintended consequences but also simple straightforward errors in the way legislation is drafted, particularly where there is considerable complexity with some provisions of legislation. That is something I experienced as a minister. In bringing legislation to this place and working with parliamentary counsel, I saw that from time to time those things happened. That is something all members of the Legislative Council need to be mindful of when considering legislation which comes before this place.

When considering the bill this afternoon I noted that item 39, which seeks to amend the Port Management Act 1995 by omitting an existing definition of a now redundant department, seems to introduce an error into the principal legislation. It will be interesting to see whether, in future editions of the statute law revision legislation, what appears to be an error introduced by this legislation is subsequently corrected.

When a bill of this nature is brought forward, it is the practice for it to be referred to the Scrutiny of Acts and Regulations Committee for its consideration, to determine that the bill is of the nature of a statute law revision bill — that is, it is not a bill that makes substantial amendments to legislation but is one that simply corrects errors. Likewise, it is also the practice with such a bill for the chief parliamentary counsel, Ms Gemma Varley, to provide a certificate indicating that the Statute Law Revision Bill is a bill that only makes minor corrections and does not make any substantive changes to the statutes of Victoria. That certificate has been provided by the chief parliamentary counsel and has also been considered by the Scrutiny of Acts and Regulations Committee.

While the bill makes only minor corrections to 68 acts of Parliament in Victoria, its purpose as the privilege bill in the Legislative Council is nonetheless an important one in asserting the rights and privileges of the Council. That is the reason it was brought to this place as the very first bill to be considered, and I wish it a speedy passage.

Mr LEANE (Eastern Metropolitan) — Mr Rich-Phillips covered the details of the Statute Law Revision Bill 2014 very well. It is a simple bill. As Mr Rich-Phillips said, it is designed to correct minor errors in a number of acts. Some of the errors can be as simple as spelling, typographical and grammatical errors. An example could be incorrectly placed punctuation. That is something that makes me very angry. If there is punctuation in the incorrect position, I find it quite appalling. It makes me angry. Not many things do, but that is one thing that really gets under my skin. Some things that are corrected are missing commas. Those commas deserve to be there. Those commas have been out somewhere in the ether and not in the places they should have been. If there were supposed to have been commas in place, those commas deserve to be there.

Mr Morris — What about apostrophes?

Mr LEANE — Don't start me on that. As we have discussed a number of times in this chamber, in most years a statute law revision bill is introduced into this

chamber to correct minor errors. Some of the amendments in these bills could be to make sure the appropriate font is being used — —

Mr Rich-Phillips — We have already done that.

Mr LEANE — We have done that? We have done the fonts?

Mr Rich-Phillips — It was a separate bill.

Mr LEANE — I appreciate the assistance of Mr Rich-Phillips. It was a separate bill that dealt with fonts. I have always been a big fan of the Fonz — the one that used to live over the Cunningham's garage was all right!

I might be having a bit of fun in speaking about this bill, but obviously such bills are important and this work is important. I appreciate the work people have done on this bill. I imagine there will not be any opposition to the bill; I hope there is not. I await the contributions of the Greens and others and hope they can see the importance of the bill and of it being given a speedy passage.

Ms HARTLAND (Western Metropolitan) — It is sometimes difficult to follow Mr Leane on the issue of grammar. I think we have an equal affection for and understanding of grammar, unlike my parliamentary colleague Ms Pennicuik who is the queen of grammar and whom I rely on entirely for any information I need about commas, apostrophes or paragraphs. She knows everything about grammar, so I leave it with her.

I thank Mr Rich-Phillips for giving us a technical understanding of this bill. These bills are often quite interesting in their own way because we get to look at things that have gone before and the mistakes that can be made. With those few words on the issue of grammar and my complete misunderstanding of it, the Greens support the bill.

Mr DALLA-RIVA (Eastern Metropolitan) — I am also pleased to make a contribution to the debate on the Statute Law Revision Bill 2014. As has been outlined by previous speakers, this is the first privilege bill to come into the Council in this Parliament. I must say I have enjoyed the contributions of other members. I enjoyed the detailed background provided by Mr Gordon Rich-Phillips regarding why such bills are introduced to this chamber at the start of any session of Parliament.

The Statute Law Revision Bill 2014 is an important bill in the sense that while there are amendments in respect of the grammatical errors outlined by Mr Leane and Ms Hartland, there is also a serious side to the legislation, which is about ensuring that the approach to any legislative change complies with the laws such that it is compatible with matters that may be before the courts.

Members may recall the flurry of 11 February, the day the bill was referred to the Scrutiny of Acts and Regulations Committee (SARC) for inquiry, consideration and report. There is a long history in respect of that. The terms of reference for the committee are set out in section 17 of the Parliamentary Committees Act 2003. It says that one of the functions of the committee is to consider any bill introduced into the Council. When this bill was referred to the committee by the Leader of the Government, as I outlined, the role of SARC was to ensure that the processes that have been undertaken in this revision bill are applied appropriately.

I turn to the SARC report on the Statute Law Revision Bill 2014, which I presented to the house. The committee also discussed the bill in *Alert Digest* No. 1 of 2015, and I will go to that as well. In terms of understanding why it was important for the bill to be referred to SARC, the committee's report on the bill says:

> The role of the committee in considering the bill is to ensure that the amendments sought to be made to a large number of unrelated acts are not of a substantive policy nature, rather that they are strictly confined to the correction of minor errors or omissions such as cross-references, spelling, drafting or grammatical errors.

This was outlined in Mr Leane's eloquent contribution, in which he discussed the importance of commas, apostrophes — I think there was an interjection about them — and other punctuation marks.

However, the committee plays an additional role. The report states:

> Where statute law revision amendments are intended to apply retrospectively the committee seeks to ensure that there is a rationale and legitimate reason for applying the amendment to the particular retrospective date required.

Members who are reviewing the bill will note that clause 2 on pages 1 and 2 of the bill provides for a number of retrospective amendments. From memory, there are six items. Mr Rich-Phillips also referred to them, and they are outlined in the second-reading speech for the bill. These are retrospective amendments being made across a variety of acts that are not related.

In considering statute law revision bills the committee is mindful of the accepted principles of statutory interpretation regarding such bills. This relates to a

1958 Tasmanian case, *Laird v. Portland Municipality* [1958] Tas SR 90. According to page 262 of the sixth edition of *Statutory Interpretation in Australia*:

> This case is illustrative of the approach that has usually been followed by the courts assuming that statute law revision acts are not intended to change the substance of the law. They are used to tidy up the statute book, often before consolidation or reprinting occurs. The result of this approach has been to make the courts slow to infer that a change of substance has been made to an act where an interpretation not changing the previous operation of the act is tenable.

There are legal reasons as to why there is this process. It is a privileges bill, it goes through the SARC process and it deals with matters that may appear to be light in terms of issues but which are heavily based on case law and reporting over the last half-century, if not longer.

In the process of reviewing the Statute Law Revision Bill 2014 we required SARC to consider as much information as possible. As Mr Gordon Rich-Phillips said, there is a certificate that is provided by the chief parliamentary counsel, which is dated 16 February and appears as an appendix to the SARC report on the Statute Law Revision Bill 2014. Gemma Varley, the chief parliamentary counsel, noted in that certificate:

> In part accordance with the usual practice for this kind of bill, I certify that schedule 1 to this bill contains only amendments appropriate for a statute law revision bill and does not make any substantive changes to the statute law of Victoria.

Ms Shing — Were there commas in that?

Mr DALLA-RIVA — Ms Varley has used one comma and one full stop.

Ms Shing — Any colons?

Mr DALLA-RIVA — No colons, nothing of that nature. I am thankful for the interjection from Ms Shing.

With respect to the body, there are six proposed retrospective amendments, as outlined by SARC *Alert Digest* No 1. They are outlined as items because they are attached to the schedule. If you look at the bill, you will see that there are very few clauses — in fact there are only four clauses — and schedule 1 is the amendment of the acts, which makes it the relevant part of the bill considered by SARC. The items as outlined show clearly the retrospectivity of the particular areas. One item is retrospective to 30 November 2013 — that is, item 23, which refers to the Greenhouse Gas Geological Sequestration Act 2008, about which the SARC report contains some issues. That is a bit of an outline as to how it fits in with the legislative framework of the Parliament.

Ms Shing — We need some more detail, Mr Dalla-Riva.

Mr DALLA-RIVA — I thought it would be important to give new members a bit of an overview; it is more than commas and full stops. It is important to understand the particular issue I am referring to.

We received evidence from the chief parliamentary counsel on 23 February 2015. If anyone thinks we did not take this seriously, I point out that we took further evidence from the chief parliamentary counsel, Ms Gemma Varley, and from Ms Elizabeth Moore and Ms Natalie Plumstead, both parliamentary counsel. The evidence and the certificate were to the effect that the bill contains 'only amendments appropriate for a statute law revision bill and does not make any substantive changes to the statute law of Victoria'. The committee noted the certificate and considered the evidence, and it made two recommendations. The first recommendation is:

> The committee considers that the retrospective application of amendments proposed to be made to acts by items 9, 16, 19, 23, 62, 66 are appropriate to ensure that the respective amended provisions took effect as originally intended. The committee considers that the amendments do not trespass unduly on rights or freedoms.

I thought Ms Shing would be more than interested to hear, given her legal background, the importance of this bill. The second recommendation is:

> The committee is satisfied that the proposed amendments made to the acts listed in schedule 1 —

as I outlined earlier, schedule 1 is contained within the bill on pages 3 to 12, which is an indication of the size of the amendments contained in the schedule —

> are not of a substantive nature and only correct minor errors or omissions or repeal spent sections, divisions or parts of acts or remedy incorrect legislative instructions or failed amendments.

As a result of the committee's detailed interrogation of this particular bill, the reference that was provided by the Leader of the Government in his motion of 11 February and with due consideration of the evidence that was taken, the certificates provided and the information sought through the SARC processes, it was determined that the amendments were therefore appropriate to be included in a statute law revision bill. On that basis we agreed that this bill does not fall outside any of the constraints, as I outlined earlier on, in respect of the case law of *Laird v. Portland Municipality* [1958] Tas SR 90. It is that particular case law, as I said, that applies to the Statute Law Revision Bill. It ensures that there is a correct and proper process

we can all comply with and that we can all sleep soundly tonight knowing there has been a proper process for the bill before the chamber. I look forward to its passage in due course.

Ms SYMES (Northern Victoria) — I am thrilled to join the debate today. Ms Hartland has said it is always difficult to follow Mr Leane, but in future I will avoid following Mr Dalla-Riva on bills of this nature.

The Victorian statute book is all Victorian legislation taken as a body of law. The statute book comprises interacting acts, with lots of cross-referencing. It is the relationship of these acts that produces the totality of the statute book, and it cannot be considered in isolation. A statute book that is well maintained significantly enhances access to legislation by making it easier to read and understand. Maintenance of the statute book is necessary because the law is constantly changing, and the statute book needs to be updated continually to take account of these changes. Further, the Victorian statute book has been created over a period of more than a century, so language and styles have obviously changed remarkably, and they continue to do so.

Statute law revision bills are passed by Parliament in most years to correct minor errors. It is appropriate for a bill of this nature to be passed periodically as part of the Parliament's regular housekeeping arrangements. It is an important part of maintaining and enhancing the standard of Victorian law and improving the ease of administering the law. Victorian legislation is drafted with the utmost care and to the highest standards, but despite best endeavours occasionally there are minor errors and omissions in legislation — for example, using 'a' when it should be 'an'. We obviously need to correct these errors when they are identified.

The government aims to identify and correct minor errors as soon as possible, which maintains the quality of Victorian legislation and ensures that our laws remain up to date and clear. These bills provide an opportunity to make amendments and repeals that, taken alone, are of insufficient importance to justify separate legislation. However, the cumulative effect of the amendments and repeals can have a substantial impact on the overall quality of Victorian law.

You only have to look at the examples in the schedule to the Statute Law Revision Bill 2014 to see all the worthy acts that are being cleaned up. These are acts that people go to for important information about the laws that govern our state. It is important that people who look up legislation are not presented with confusing, erroneous or redundant material. For example, this bill amends the Aboriginal Lands Act 1970 by removing an 'and' at the end of a paragraph to ensure that it is consistent and not confusing. It has been identified that the Accident Compensation Act 1985 contains an unnecessary bracket, a punctuation error and a missing comma. This bill rectifies those things.

The Age of Majority Act 1977, the Agricultural Industry Development Act 1990, the Country Fire Authority Act 1958, the Australian Crime Commission (State Provisions) Act 2003, the Sport and Recreation Act 1972, the Transport Integration Act 2010, the Financial Sector Reform (Victoria) Act 1999, the Coal Mines (Pensions) Act 1958 and the Energy Safe Victoria Act 2005 have all had schedules repealed, so it is important to remove the headings of the now non-existent schedules. Imagine leaving those headings. People would be flicking through the pages, looking for the schedules and thinking something was missing, and that may lead to them thinking the acts are not accurate. We do not want acts to have that type of reputation.

The Architects Act 1991 uses the verb 'practise' instead of the noun 'practice'. The difference between the 's' and the 'c' is one of those issues that cause the grammar police many sleepless nights.

The bill repeals part 15 of the Assisted Reproductive Treatment Act 2008. This part of the act contains provisions that amend other acts, including the Births Deaths and Marriages Registration Act 1996, with respect to keeping information relating to donors and surrogacy arrangements. I am pleased to say the amendments in part 15 have commenced operation and are therefore spent, so they can now be removed. Likewise, clauses from the Australian Consumer Law and Fair Trading Act 2012 that amended other acts have commenced, so this bill also repeals them.

The Imperial Acts Application Act 1980 wrongly refers to the 'State of Westminster' when the correct reference should be to the 'Statute of Westminster'. The Statute of Westminster is an act of the Parliament of the United Kingdom and sets the basis for the continuing relationship between the commonwealth realms and the Crown. Obviously the state of Westminster does not carry the same meaning. I take this opportunity, given that I am talking about the Statute of Westminster, to congratulate the Duke and Duchess of Cambridge on the arrival of their daughter, Charlotte Elizabeth Diana.

Back to the bill. There are lots of important acts that benefit from the provisions before us this afternoon. The Congestion Levy Act 2005 requires the word 'legislation' to be inserted into a heading. I have not

had the opportunity to review this act, but it has been the subject of question time this week, so I assume others have had cause to look things up. Perhaps Ms Patten had cause to look at it this week in preparation for her question during question time. I trust that the insertion of the missing term where appropriate will ensure greater accuracy in the act.

The bill amends several acts, including the Terrorism (Community Protection) Act 2003, the Liquor Control Reform Act 1998 and the Sentencing Act 1991, to substitute the redundant term 'member of the police force' with the new term 'police officer'.

This is about cleaning up the statute book. I personally hate housework, but I know it is necessary and important, which is why I feel incredibly privileged to be married to someone who is really good at it. My husband is very skilled at vacuuming, and likewise the Office of the Chief Parliamentary Counsel is very skilled at what it does. Parliamentary counsel is responsible for ensuring that our laws are of the highest standard, and I have spoken before of my high regard for the work of the chief parliamentary counsel, Gemma Varley, and her staff. The chief parliamentary counsel has certified that this bill does not make any substantive changes to the current law, and this advice was later confirmed by the Scrutiny of Acts and Regulations Committee (SARC) after its consideration of the bill. I thank the members of that committee, especially Mr Dalla-Riva, who provided us with a thorough run-down of SARC's processes and in particular of how it handled this bill.

Statute law revision bills are often referred to as the dotting of the i's and the crossing of the t's. However, I had a scan of the 68 items that detail the changes being made to 68 acts, and I could not find an amendment that required the dotting of an 'i' or the crossing of a 't'. What I did come across are plenty of examples, including those I have provided and others, such as the removal of duplications, the insertion of missing words — most commonly words like 'of', 'from', 'or', 'in' et cetera — and the correction of spelling and clause references. For example, consider a clause reference like 41(1)(1a). Sometimes one of those numbers in the middle is missed, and someone will pick that up. These bills enable us to correct those sorts of minor, but sometimes confusing, errors.

A lot of the amendments are made retrospectively, which is appropriate considering they are inserting only minor things and restoring them to the way they should have been in the first place. Mr Dalla-Riva provided a fantastic run-down of why SARC looks closely at the retrospectivity of clauses in bills. He assured us that SARC has considered the retrospectivity of the clauses in this bill and has advised that they are all in order.

This sort of bill is important to keep our statute book in order, accurate and able to be interpreted by the courts. The courts are frequent users of our legislation, and they need it to be up to date because they have other things to think about. They do not want to be worrying about spelling and grammar amendments.

While this legislation is not itself substantial, it tidies up many pieces of legislation. It ensures that we have an accurate statute book. If members go through that list of 68 acts, they will see that some hold a lot of meaning for the state. They include the Accident Compensation Act 1985, the Assisted Reproductive Treatment Act 2008 and the Improving Cancer Outcomes Act 2014. These acts have made a real difference to people's lives, the way they conduct themselves and the way we conduct ourselves as a society. I am pleased that these acts are being afforded the respect they deserve by receiving an update and having their minor blemishes removed. I commend the bill to the house.

Mr JENNINGS (Special Minister of State) — I am pleased to have an opportunity to sum up this debate and make some comments about the Statute Law Revision Bill 2014. In the spirit of Ms Symes's contribution, I acknowledge the great work that has been undertaken by the chief parliamentary counsel and those who work with her on our collective behalf. The people of Victoria should have great confidence in the calibre of their work, their perseverance and their quality assurance, even though there are some instances where the items that have been referred to in the Statute Law Revision Bill may have been on the books for quite some time. Notwithstanding the quality of the work and due diligence that is undertaken, sometimes these little anomalies may remain on the statute book in Victoria for quite some time.

I refer to a couple of the blind spots that have been identified during the course of this tidy up of the Victorian statute book. All those well versed in parliamentary procedure know that a feature of every first session of a parliamentary sitting is that an incoming government takes the opportunity to kickstart its legislative program by identifying ways in which pieces of legislation can be tidied up. It relies on the Office of the Chief Parliamentary Counsel to do this. The Office of the Chief Parliamentary Counsel cannot tidy up everything because over time it would reduce its ability to provide this service on behalf of the Victorian Parliament each time a new government is elected to office.

If we drill down to the theme of this piece of legislation, we will see there are a number of acts that have been reformed by way of removing the heading 'Schedule'. That is a positive sign that over time the pieces of legislation have become more self-contained and complete rather than incomplete in terms of their scope. Schedules have been repealed in the Age of Majority Act 1977, the Agricultural Industry Development Act 1990, the Coal Mines (Pensions) Act 1958, the Country Fire Authority Act 1958, the Energy Safe Victoria Act 2005, the Financial Sector Reform (Victoria) Act 1999, the Retirement Villages Act 1986 and the Sport and Recreation Act 1972.

This is an indication to me that on various occasions, either the original proclamation of those acts or when regulations were attached to them, guidelines or regulations were deemed necessary to give full effect to the act. With this elegant removal of the schedule or schedules heading, the people of Victoria may say that they can see that those acts are relatively self-contained and do not rely on subordinate instruments in the main to have their full effect.

There are a couple of instances where inappropriate words have been used. They may have been spelling errors, but they have a somewhat comical effect in relation to changing a verb to a noun. It is quite remarkable that from the proclamation of the Architects Act in 1991 until this day, it has taken us 24 years to identify that architects have been 'practicing' — trying to improve their performance. Now they can, with full confidence, practise in accordance with the expectation of their responsibilities.

Ms Symes — It's all in the 'c'.

Mr JENNINGS — It is all in the 'c'. It is interesting to note the effect of active words within pieces of legislation. I thought it was quite extraordinary that in the Filming Approval Act 2014 the word 'act' did not occur where it was meant to occur. The act itself was deficient. I would have thought that if there was an inability to act within a piece of legislation dealing with the film industry, that would be a major problem and impairment to the full effect of that piece of legislation. I am glad we have added the word 'act' appropriately to that legislation.

As I have already indicated to the chamber, there are a number of blind spots that have lasted quite a period of time. I do not want to make any comments that may be seen to be disparaging about how often members of the Parliament, the public service or the community look at pieces of acts to see whether they are well drafted or not. They are available here in the chamber, but it is a bit hard for the public to get access to the chamber. The acts are all here, however. They are creating a physical barrier between me and the people who are recording these pearls of wisdom for prosperity.

The blind spot I will draw particular attention to is in the Imperial Acts Application Act 1980, something that has been on the statute books for quite some time — probably 35 years — in an incorrect form. It was meant to read the 'Statute of Westminster' but for the last 35 years it has read the 'State of Westminster'. I tend to think that that blind spot may be due to the fact that not many people in Victoria have gone back to the Imperial Acts Application Act 1980 for quite some time. But I thank those who have provided us with advice about going back to correct that error.

Whilst I have referred in a number of instances to some humorous elements of what might be in the statutes, there are some very important aspects of the bill that relate to a number of laws that outline the responsibilities of different office-holders in Victoria, particularly in their authority to exercise their responsibilities under those statutes. There are many instances in the items in this bill relating to the responsibilities of and references to police officers. Some consistency has been applied through the scope of a number of pieces of legislation to make sure that 'police officer' is the term used to replace 'member of the police force' or other references to officers and employees of Victoria Police who have been referred to in different iterations in a number of places. That may be very important in relation to the exercising of their responsibility and so may lead to some unintended adverse impacts if that delegated responsibility is not clear.

From my scanning of this list I estimate there are about a dozen acts where the term 'police officer' will now be used to replace the variations that previously existed within the legislation. There have been some instances in some acts where the responsibilities of police have been duplicated by inappropriately listing their delegated responsibilities on more than one occasion, which was seen to be in excess of what was required for them to acquit their responsibilities.

There are also other areas where, without clarification through these statutes, there is the potential for the delegated responsibility and authority within the act to not have full effect. In one instance in the Victoria Police Act 2013 there was some confusion about various responsibilities relating to law enforcement data and a reference to the 'commissioner for privacy and data protection'. This bill remedies some of that potential confusion. Similarly, in relation to the

Greenhouse Gas Geological Sequestration Act 2008 there is the possibility that the delegated responsibility under the minister may have been drawn into question because of an inappropriate description of the minister's responsibilities.

There are a number of instances where the word 'authority' has been inappropriately dealt with. I had thought a joke might have been slipped into the statute when the Victorian Building Authority appeared in the bill with the word 'authority' in quotation marks. I thought that might have been a subversive questioning about its ability to exercise its authority, but it has been made clear that its authority will be clear and the statute will be clear. Similarly, in relation to the Victorian WorkCover Authority, as it is referred to in the Victorian Managed Insurance Authority Act 1996, some greater certainty has been provided in the way that authority is now described within that act.

Whether they be grammatical errors, spelling errors or unintended simple errors that may have occurred within pieces of legislation and been perpetuated for a period of time — I have just identified one problem that has been in existence for 35 years — I do not think these errors have adversely affected many Victorian citizens, but they will not do so in the future because that blind spot and those errors will be remedied by this legislation. Indeed whilst we might have had not only some responsibility but also a bit of sport in relation to the various elements of this legislation, the most important thing about it is that in at least a dozen instances it will ensure that the authority and responsibility of various office-holders will not be brought into question on the basis of the way they are referred to within the relevant acts. That is the most important aspect of what this tidying up of the Statute Law Revision Bill 2014 achieves. While that contribution may have been in excess of what was expected, I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

BUDGET PAPERS 2015–16

Ms MIKAKOS (Minister for Families and Children) — I move:

That the Council take note of the budget papers 2015–16.

It is with a great deal of pride that I rise to speak on the budget papers. This is the first budget of the Andrews Labor government, and it has a very strong theme of helping Victorian families. It is about getting our state back to work, creating 100 000 new jobs, investing in health, and giving young people a world-class education and skills they need for the jobs of the future. It is a budget that will support Victoria's industries, helping them to grow, and target investment in the sectors in which our state has the potential to lead the world. It is a budget that recognises that by drawing on our brightest minds we can create high-skill and high-wage jobs for Victorians.

Most importantly this is a budget that delivers on our election commitments. It goes back to basics, because it will allow the government to deliver services to Victorian families on things that matter most to them — that is, jobs, equality, our health and education systems, public transport and roads, and investment in innovation and creative industries. I am very proud that this budget has some very significant funding in my portfolio areas, which I will come to later in my contribution.

As the Treasurer said on Tuesday, this is a budget that has fairness at its heart and families in its reach — families like those who live in my electorate of Northern Metropolitan Region, which I am proud to represent, many of whom have done it tough over the last four years thanks to the previous coalition government, which failed them so spectacularly. I remember very well that at the 2010 election the former government made a range of commitments for schools around the state, and not a single one on that list was in my electorate. The coalition ignored the northern suburbs. It targeted its election commitments at marginal seats, and suburbs north of the Yarra were just completely ignored. I am very proud to be a member of a government that will look after not only the northern and western suburbs but also the rest of Melbourne and the rest of Victoria. As a party we have always looked after the interests of all of Victoria, including, I should say, and very importantly, regional Victoria, the part of the state Jeff Kennett once referred to as the 'toenails of this state'.

We have always been fair in our provision of services for Victorians right around our state, and we promised Victoria a government that would restore essential

services and manage a strong economy. This budget shows that we are delivering on that commitment. We have a AAA credit rating, a surplus of $1.2 billion in 2015–16, which will rise to $1.8 billion by 2018–19, and strong growth has been forecast, at 2.5 per cent. This is a true Labor budget, and I am extremely proud to be a member of this Labor government. We are certainly making our mark very early on in our first few months in government, and we are getting Victoria back to work. We are getting on with it and delivering on the things that matter most to our fellow Victorians.

We take the view that Victoria should be the engine room of Australia's jobs. We know that by creating jobs and growing our industries we can rebuild our state and get Victorians back to work. That is why on the first sitting day of this Parliament the Andrews Labor government introduced the Back to Work Bill 2014, and the Back to Work scheme will provide $100 million to create 100 000 jobs, offering relief to employers who hire unemployed young people, the long-term unemployed and retrenched workers.

During the term of the coalition government we had a terrible situation where one in five young Victorians were unemployed. We believe that we need to give hope to our young people. We need to ensure that we can give them a quality education and the skills and training they need to get access to work. That is why we are establishing the Premier's Jobs and Investment Fund to provide a very significant amount of money — $508 million over five years — to give our most senior economic and business leaders a real say within the heart of government, to provide advice to government about which industries need support and how we can best target our investment so that we get a good return for Victorians in terms of job creation and growth in the industries of the future.

Through this budget we are also establishing a Future Industries Fund of $200 million to offer grants to companies working in the six industries that we believe offer the greatest potential for growth into the future. That will really set our state up as a leader in technology and growth industries. These industries are medical technology and pharmaceuticals, new energy technology, food and fibre processing, transport, defence and construction technology, international education and professional services.

The previous Labor government was very interested in medical technology and pharmaceuticals. John Brumby, as both Treasurer and Premier in former Labor governments, championed investment in that industry, and Victoria is now highly regarded for its scientists and medical profession. We are seen as being at the cutting edge, and that is something we should be enormously proud of.

Due to circumstances outside of our control — namely Joe Hockey throwing the Australian motor vehicle industry on the scrap heap — we are going to have a large number of Victorians both in the north of Melbourne and in Geelong facing an uncertain future over the next couple of years. This is why, as someone who represents the northern suburbs of Melbourne, I am particularly proud that we are establishing the $10.5 million Melbourne's North Innovation and Investment Fund to support job-creating projects in the northern suburbs as we seek to provide some certainty and recovery over coming years with the automobile industry closing down. This industry has traditionally been a strong employer of migrants to this country, and it will be a challenging task for us to assist those people to retrain and find alternative employment. However, this is something we are very determined to do. Of course we are providing similar support for Geelong, with the $7.5 million Geelong Region Innovation and Investment Fund.

We know every job is worth fighting for. It is about giving dignity to individuals, it is about giving dignity and hope to families and to our community and it is about safeguarding our way of life. There is nothing more important than ensuring that we can assist people to find and hold down a job so they can have meaning in their lives, and this is particularly so for our young people. I am very proud of the strong commitment our budget makes in the area of jobs.

Our community relies very strongly on our public health system. I am proud of Labor's history of supporting and overseeing the rollout of the public health system over the years since the time of the Whitlam government. This is something that is very much entrenched in this nation and something that we should guard very carefully to ensure that we do not face the kinds of conservative agendas we have seen overseas, particularly in the United Kingdom and the United States where there are attempts to ship people out of the public health system and throw them into the private system not by choice but through necessity. Of course we value choice, and people should have the ability to choose alternative health services if they can afford to do so, but for those many millions of Australians who rely on our public health system it is important that we deliver a quality health system.

We saw a great deal of neglect of our public health system during the term of the coalition government. The Liberals cut $1 billion out of the health system and left too many families to fend for themselves. I recall

the many constituents who came to see me who were just waiting incredibly long periods of time — in fact many years — for elective surgery and other health treatments they required for themselves or their family members. We recognise that we need to invest in our health system, and we are beginning the recovery in this regard. We are certainly very concerned about the ongoing cuts the Abbott federal government is making to health funding, as that is going to have an impact on our state unless it is rectified.

We recognise that Victorians should get the care they need, not just the care they can afford. That is why this budget invests $2.1 billion into Victoria's health system. We are increasing funding to our emergency services and our hospitals to reduce emergency department waiting times and to reduce ambulance response times. Emergency departments, intensive care units, maternity admissions, elective surgery, mental health services, palliative care and cancer services are all receiving a boost in this budget. We are doing this because we are committed to doing everything we can to fix the mess the coalition government left behind in relation to our health system.

We are also investing $560 million in new hospitals and equipment for our state, ensuring families can get access to state-of-the-art care near their homes. The western suburbs of Melbourne will receive a new $200 million Western Women's and Children's Hospital that will provide 237 beds, 39 special care nursery cots, 4 theatres and additional clinics catering for the needs of one of the fastest growing areas in Australia. It is projected that the number of births at Sunshine Hospital will exceed 7000 per year by 2026. It is vital that we provide these additional supports to our health system to ensure that people can receive the support they need going into the future, particularly in these growth areas.

Coming closer to home, the hospitals in my electorate will get some benefit from this additional funding. That will flow through to being able to provide more support for patients, allowing hospitals to see more patients and tackle elective surgery waiting times. We are going to invest $200 million to increase the capacity of hospitals and will provide $60 million to cut elective waiting lists at hospitals.

There are many other areas that are critically important to Victorian families. One of those is education. We make no apology for the fact that we regard education as one of our top priorities. After four years of neglect, cuts and shrinking investment in school capital infrastructure under the coalition government, the Andrews Labor government is building and rebuilding schools right across Victoria. We understand that a young person will not get a first-rate education in a second-rate classroom. We want to ensure that our classrooms are safe and comfortable so children can focus on their work and their studies, teachers can get on with their jobs and parents can have peace of mind. This budget confirms our commitment to the Gonski report, the principles of which are central to making Victoria the education state. We are delivering $730 million to rebuild, upgrade and maintain school buildings across the state and build new local schools and classrooms for kids in fast-growing suburbs and in our regional cities.

This budget also invests $325 million to renovate, refurbish or rebuild 67 schools, including in the outer suburbs of Melbourne, such as those in my electorate, which are among the fastest growing parts of the state. The budget also provides $111 million to deliver or complete 10 new schools. We are also providing for new schools in established suburbs of Melbourne, such as Richmond High School. Many schools in my electorate will get support through this budget. Many had been scheduled to receive support under the previous Labor government, but their projects were put on hold over the last four years. I am talking about schools such as William Ruthven Secondary College, which will have the chance to get its construction works back on track, Brunswick Secondary College, Northcote High School, Viewbank College, Greensborough Secondary College, Mill Park Heights Primary School and Carlton Primary School, to name a few. We are committed to ensuring that our schools provide education in quality facilities for our students.

In the area of TAFE and skills, during the past four years our TAFEs experienced many difficulties, and many of them struggled. In particular those in the northern suburbs of Melbourne were some of the hardest hit, so it is very pleasing that this budget ensures that under a Victorian Labor government TAFEs in Northern Metropolitan Region and right across Victoria will now have the chance to thrive, because this government understands that TAFEs provide a pathway to skills, and in turn skills provide pathways to jobs. Our investment in a TAFE rescue package will help to reopen closed buildings and upgrade workshops and classrooms to help the next generation of Victorian workers get the skills they need for the jobs they want.

I referred earlier to the issue of youth unemployment. It is very important that we give young people every opportunity to gain access to skills, particularly in industries where there is strong demand for future growth. The TAFE Rescue Fund of $320 million will

go to reopen many buildings, upgrade facilities and get them back into the black. We are also providing a $50 million TAFE Back to Work Fund to help campuses meet the needs of local employers, creating new training courses to give local students the skills they need.

Despite some uncertainty under the previous government and also through cuts made by the federal coalition, I am pleased that our local learning and employment networks (LLENs) will be able to continue and will receive $32 million to support vulnerable young people who have dropped out of school and cannot get work. This is particularly important given that the Abbott government defunded the Youth Connections program. Those kinds of very important work programs have disappeared. As they supported vulnerable young people into education and employment in the past, the LLENs are valued by our government as a way to get young people into work.

Our funding commitment of $12 million to establish technical schools is also a very important commitment we have made in terms of providing young people with options. We know not every young person will want to go to university; some young people will want to go into trades. These days trades can be highly skilled and involve computers and so on. These will be the jobs of the future, so we need to ensure that we can get young people into a range of school and education settings, including technical schools, so that they leave school with a qualification that is going to get them into a job.

Sadly too many young people drop out of our school system at a young age and do not go into any training or employment pathways. Technical schools will provide one more weapon in the armoury to ensure that we can give young people different options that might suit their needs.

Locally I am very pleased that this government is committed to duplicating the Chandler Highway bridge, which has been a significant bottleneck through which many Melburnians cross over the Yarra River in order to get from one part of Melbourne to another. I frequently cross the Chandler Highway bridge, so I know that during peak hour there can be significant delays in getting across. I am very grateful for that funding, and I particularly want to commend the member for Northcote in the Assembly, Fiona Richardson, for her vehement efforts over a period of years to keep this issue on the agenda.

This government is also beginning planning work on extending Mernda rail, taking further the work of the previous Labor government in relation to South Morang. A lot of that work is due to the efforts of the member for Yan Yean in the Assembly, Danielle Green, who has been a very strong advocate for her community getting access to additional public transport options.

Our government has made many commitments in relation to public transport, and I am very proud of them, in particular the fact that we are commencing work and committing significant funding to the beginning of Melbourne Metro rail, which will be a transformative public transport project for our city and our state. We are providing record investment in public transport, and we are also committed to such projects as the CityLink-Tullamarine widening, the upgrade to the Western Ring Road and the West Gate distributor, which will provide a benefit to many Melburnians.

In the time I have available to me I want to touch upon projects that relate to my portfolio areas, because the budget is very comprehensive in terms of providing additional funding and new initiatives in a range of portfolio areas. This budget takes a holistic view of the needs of Victorian families, and we know those needs are multifaceted and many. I refer to such programs as those which support our multicultural communities and sports programs for young people and people of various ages through sport and recreation to help keep our community fit and active. There are many commitments across many portfolio areas, but I want to focus on the portfolios I have the great honour to hold, being the families and children portfolio and the youth affairs portfolio.

I am particularly proud of the fact that this budget delivers the biggest funding boost in a decade to services for vulnerable Victorian children and families. The increase across child protection and family services is a significant one of $257 million in new funding over the next four years, a 17 per cent increase in funding compared to last year's budget.

The important thing to note about this funding is that we are quite deliberately putting a lot of emphasis on early intervention and prevention, and we have delivered new funding at every point in the service continuum. Whether it is early intervention programs such as Child FIRST, whether it is support in terms of family violence, which is a key driver as to why families come into the child protection system in the first place, whether it is a boost to our child protection workforce, whether it is placement prevention and family reunification programs, whether it is additional funding to address pressures in the out-of-home care system or whether it is support for our home-based

carers or young people leaving care, there is additional investment right across the service continuum.

We understand that the child protection system is very complex and that we need to ensure that we take a system-wide approach to these issues, that we embark upon reform of the system to ensure that we can strengthen it and that we also invest adequately in early intervention and prevention so we can keep children safe and hopefully also contribute to fewer children coming into the child protection system in the first place.

We have also made a deliberate decision to bring early childhood education in with the statutory services. We understand that we need to focus and strengthen our early childhood services to ensure that we can strengthen families and build family resilience. We need to provide the supports families need through maternal child health services, kindergartens, playgroups and other early years services so that fewer families are coming into the child protection system over the longer term.

These are challenging issues, and I make no bones about that. It is ambitious to take this approach, but it is important that we attempt to reform the system. Sadly, we are seeing more and more families and children coming into the child protection system every year.

We have focused on education and early intervention through this budget in the early childhood portfolio. We have delivered on our election commitment of $50 million for kindergarten capital facilities. This will provide for new integrated children's centres. We know that families are best served when they can access maternal and child health services, child care, kindergarten, family services and early childhood intervention services in the one location. I am very proud of the fact that this is something we began when we were last in government. It was Maxine Morand, the former member for Mount Waverley in the Assembly, as then Minister for Children and Early Childhood Development, who commenced the funding process to ensure that integrated children's centres were built around the state. That $50 million commitment will also enable new stand-alone kindergartens to be built, as well as allowing us to refurbish existing kindergartens.

We recognise that every child gets the best start to life and the best start to their education when they can access a quality kindergarten program. I am proud of the fact that it was Labor, both at a state and federal level, through the Council of Australian Governments process, that helped champion the reforms that led to 15 hours of kindergarten being rolled out across our state and our nation. It has been a challenge over the last few months to impress upon the Abbott federal government that the continuation of the 15 hours universal access funding was essential, and we were very pleased that the Productivity Commission similarly recognised the importance of federal funding so that we can continue to provide 15 hours of kindergarten. I welcomed the commitment that was made by the Prime Minister on the weekend to provide further funding for 15 hours, but we are unhappy that it is time limited — that it is only for two years — and that the uncertainty will come back again for the sector in 2017 when that funding commitment runs out.

We will continue to impress upon the federal government that it needs to provide ongoing funding for 15 hours of kindergarten, because our families and our children deserve that ongoing support. This is an issue for which we have received enormous support from the sector itself. I take this opportunity to thank the peak body, the Early Learning Association Australia, the Municipal Association of Victoria, local councils around the state, parents and staff and many others who lobbied the federal government on this issue. The lobbying efforts will continue, certainly on my part, to impress upon the federal government the need to provide that ongoing funding and on better terms and conditions than the previous Napthine government was able to secure late last year. Those terms and conditions put a considerable amount of that funding at jeopardy because of the changes that were made to performance indicators and other things.

I am also pleased to say that the budget delivers $9 million in continued support for early childhood intervention services to support children with a disability or developmental delay. Early childhood intervention services are critically important to ensure that children get access to support services at a very young age in their development so that they can start school having had that additional support.

One of the key drivers behind why vulnerable children are coming into the statutory system, the child protection system and the out-of-home care system is the issue of family violence. We know that this scourge of society, now thankfully being examined through Australia's first Royal Commission into Family Violence, is one that we need to work together with the community and on a bipartisan basis to address, because sadly it is becoming a major issue in the community. It has always been a big issue in the community but it has been hidden for many years. We now have more women and children coming forward seeking help. That is obviously a positive thing. We

need to ensure that they have access to services in doing so.

This is why the budget has delivered $81.3 million to tackle this issue across government and a range of portfolios. In my portfolio we will see $10.2 million over five years to boost family violence support services for families and children. Whilst one in three women is affected by family violence, we know that one in four children is affected by family violence. As part of that we have identified $3.9 million for additional child protection and family violence support workers to provide assistance to women and children experiencing family violence; $3.5 million for additional counselling services for children and women experiencing or recovering from family violence; and $1 million for community service organisations to refer men at risk of committing family violence to an appropriate men's family violence intervention service.

There is $900 000 to support those at risk of experiencing family violence with a trial of CCTV monitoring and emergency alarm duress card response in identified hot spots to improve the safety and security of women and children, and $100 000 to provide women and children escaping family violence with access to pet foster care or rehoming programs at animal shelters, because, sadly, we recognise that some women are fearful of what might happen to their pet or companion animal if they leave the family home. In addition, $300 000 has been provided to expand services in areas of high demand for children, young people and adults who are victims of sexual assault, and there is $500 000 for additional counselling support for victim survivors of sexual assault to be delivered by the Ballarat Centre Against Sexual Assault.

These are all important investments, but we do recognise that the royal commission is underway. We look forward to receiving its recommendations early next year. It will be able to provide advice and recommendations to government about the best ways for us to invest in services and programs to tackle this very important issue in our community.

As I indicated earlier, we are investing in prevention programs. I am very pleased that the budget includes $48.1 million for Child FIRST and family services, which represents the biggest increase in a decade. This will enable an estimated additional 2100 vulnerable families to receive support each year. For the first time flexible funding packages totalling $2.25 million per annum will be provided to enable timely, innovative and flexible support to vulnerable families.

We know that our child protection system has faced significant demand pressures. This budget provides $65.4 million for child protection services and in particular an additional capacity to respond to demand by boosting our workforce. I take this opportunity to acknowledge just how hard our child protection workforce does work. They are professionals who in many cases are faced with the most awful circumstances. It is quite incredible to hear about the harrowing stories they need to deal with on a daily basis, in terms of both physical and sexual abuse and the neglect of children. I am proud that the budget is going to enable us to recruit an additional 111 child protection workers, including 88 additional front-line child protection practitioners, 4 specialised child protection workers that target the sexual exploitation of children in state care and 19 additional after-hours workers in an outreach capacity for the very first time in Victoria. This will enable the rural after-hours on-call services to be expanded statewide for the first time to provide coverage for the Mallee, Goulburn, Upper Murray and East Gippsland areas.

We are also committing $31.75 million to support keeping families together. This includes $9.2 million to continue to engage with families and children to avoid the need for further statutory intervention and $20.8 million to expand placement prevention and family reunification services.

We will make an important start on improving our support for vulnerable Aboriginal children and their families through funding of $1.75 million for our initial response to Taskforce 1000. I acknowledge in this regard the important work that the Commissioner for Aboriginal Children, Andrew Jackomos, is doing in this regard. We want to look at this issue in a coordinated way, working together with the Aboriginal community.

In relation to out-of-home care, we recognise that if children cannot live with their own families, then living with another loving and caring family should be our aim, so $70.8 million is being allocated to address costs and demand pressures in out-of-home care and to support carers. As part of that, $39.4 million will respond directly to growth in demand for out-of-home care. For the first time in over a decade $31.4 million will be provided to increase financial support for our home-based carers, because we recognise and value our foster carers and our kinship carers and recognise that they need additional support, not just in a financial sense but also in terms of valuing their contribution and the care they provide for vulnerable young people and involving them more in having a say in the decisions that are made in respect of the children they look after.

Our goal for children must be to aim for long-term stability and ongoing care arrangements. We have committed $11.7 million to remove some of the barriers to permanency and provide more stability for children in care. This includes $3.4 million for a team of 24 child protection practitioners to enable more children to transition to permanent care. It also includes $8.3 million to provide flexible funding packages for children and carers transitioning to permanent care. In this respect I will just say that we have delivered a very significant investment in our child protection, out-of-home care system, Child FIRST and family services so that we can take an integrated approach across the service continuum in what is a very important service delivery area of government.

I am very proud of the fact that right from the start I made a number of other significant announcements in relation to improving staff in our residential care units, providing $16 million for additional staff, particularly mandated overnight staff in our standard four-bed residential care units to ensure that children are safe and to address safety concerns that have existed in the past.

We have introduced $1.5 million for spot audits of residential care units. We announced a $1.5 million foster care recruitment and retention strategy. More recently I announced $43 million for targeted care packages to enable more children to move from residential care into home-based care by providing the targeted support that those children and their carers require. I make no bones about the fact that this was before the budget. I really have to question what the priorities of the previous government were when it announced funding in the 2013–14 budget but then rolled most of that funding over to the following budget — unspent — into an election year, when clearly the system was in dire straits and could have used that money then and there.

I make no bones about the fact that in the first 100 days of government I have tried to allocate funds to a child protection system that was in crisis under the previous government. This government has followed on from its announcements with a significant package of funding in this budget — a 17 per cent increase compared to what was allocated in last year's budget.

In the child protection area the budget included $21.3 million for the Springboard leaving care program to support young people to transition from residential care to independent living. The government has also included $1.1 million to continue the youth justice intensive bail supervision program.

The youth affairs portfolio is an important one. It is about giving young people opportunities to participate and engage in civic society and various activities. The government has committed $8 million to ongoing and new strategies to enhance that participation going forward. I really want to look at new approaches in the youth affairs portfolio to give particularly disengaged and disadvantaged young people from a range of cultures and backgrounds opportunities that they may otherwise not get.

This is a true Labor budget. It is one that would never have been delivered by the former government. This government has provided a substantial increase in investment in those key service areas that matter most to the Victorian community and Victorian families, and it has moved to address many gaps that were left in the service delivery system by the previous government. I am proud of the fact that we have made a significant investment in my portfolio areas across early childhood education, child protection and family services, out-of-home care assistance as well as youth affairs.

Across government there are many programs and initiatives that offer support for all families through the education and health systems, public transport and all the services the community requires. I am proud of the initiatives in the budget that help particularly the most vulnerable in our community, such as support for disadvantaged students through support with school uniforms, excursions, glasses and breakfasts, if students do not get breakfast at home. These are the marks of a government that really cares about our community and our most vulnerable children and families.

With those words, I congratulate the Treasurer on what has been a great Labor budget, as well as the Minister for Finance, the Parliamentary Secretary for Treasury and Finance, the Special Minister of State, who has had an important role in the preparation of the budget, and of course the Premier. This is a terrific start as the Andrews Labor government's first budget — a budget for families.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until next day.

REGIONAL DEVELOPMENT VICTORIA AMENDMENT (JOBS AND INFRASTRUCTURE) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Ms PULFORD (Minister for Regional Development) on motion of Ms Mikakos; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Ms PULFORD (Minister for Regional Development), Ms Mikakos 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), I make this statement of compatibility with respect to the Regional Development Victoria Amendment (Jobs and Infrastructure) Bill 2015.

In my opinion, the Regional Development Victoria Amendment (Jobs and Infrastructure) Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Human rights issues

There are no human rights protected under the charter that are relevant to this bill. I therefore consider that this bill is compatible with the charter.

Hon. Jaala Pulford, MP
Minister for Regional Development

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to establish a new Regional Jobs and Infrastructure Fund. This delivers our commitment in Labor's *Back to Work* plan to establish the $500 million Regional Jobs and Infrastructure Fund.

In order to do this, the bill repeals the Regional Growth Fund Act 2011 and amends the Regional Development Victoria Act 2002 to enable transition from the Regional Growth Fund to the new Regional Jobs and Infrastructure Fund.

In establishing the new Regional Jobs and Infrastructure Fund, the bill also consolidates the legislative basis for government support for, and investment in, rural and regional development into a single act, the Regional Development Victoria Act.

Currently, Regional Development Victoria and its major funding activities are established by two pieces of enabling legislation.

The Regional Development Victoria Act 2002 sets out the functions and activities of Regional Development Victoria in facilitating economic and community development in rural and regional Victoria and a Regional Policy Advisory Committee.

The Regional Growth Fund Act 2011 established the Regional Growth Fund of the previous coalition government and sets out how grant funds may be provided to regional organisations such as local government, community groups, businesses and industry associations to support regional development.

This bill simplifies and consolidates regional development legislation by amending the Regional Development Victoria Act to incorporate enabling provisions for regional development funding previously covered under the Regional Growth Fund Act. The bill also provides a small number of amendments to reflect current government policy, which I will outline.

As honourable members are aware, this bill continues an established model for enabling government investment in rural and regional infrastructure, economic development and communities that has operated since 1999. The first Regional Infrastructure Development Fund was established by Labor and operated from 1999 to 2010 to deliver investment in rural and regional Victoria. The Regional Growth Fund established in 2011 by the previous coalition government also supported projects and programs in rural and regional Victoria. It adopted the key vehicles of Labor's model — namely using Regional Development Victoria, a dedicated trust fund for regional investment and an independent advisory committee.

Looking forward, this bill ensures rural and regional Victorians remain a focus for the Andrews government for the next four years.

The bill consolidates regional development functions which establish Regional Development Victoria as the lead agency for economic and community development in rural and regional Victoria, a regional development fund and an advisory body.

Replacing the Regional Growth Fund with this government's Regional Jobs and Infrastructure Fund, the bill contains provisions to ensure the new fund can be used for:

providing better infrastructure, facilities or services;

strengthening the economic, social or environmental base of communities;

creating jobs and improving career opportunities for regional Victorians;

supporting local project development; or

any other project to support the economic or community development of rural and regional Victoria as determined by the minister.

The bill establishes a new Regional Development Advisory Committee, to replace the Regional Policy Advisory Committee, and sets out the broad functions of the committee. These provisions provide flexibility in the way this committee can be used to respond to opportunities and challenges as they arise, while retaining the independent expertise-based advisory structure that has operated effectively over the last decade with successive regional advisory committees.

The bill incorporates general regulation-making powers previously provided by the Regional Growth Fund Act to enable peri-urban or interface municipal districts to be included in regional Victoria for specific purposes, such as disaster recovery or emergency management, and transitional provisions to reflect the abolition of the Regional Growth Fund and enable transition to the new Regional Jobs and Infrastructure Fund.

As these provisions demonstrate, the nature of the bill is enabling, to provide the structure for investment in rural and regional development in Victoria into the future.

Program design for the new Regional Jobs and Infrastructure Fund has commenced and will proceed through administrative mechanisms, including published program guidelines, and will continue to be publically accountable, as demonstrated through the Auditor-General's scheduled audit of the Regional Growth Fund.

We have committed to establish a $250 million Regional Infrastructure Development Fund, a $200 million Regional Jobs Fund and a $50 million Stronger Regional Communities Plan within the Regional Jobs and Infrastructure Fund umbrella.

This government is keen to deliver some $220 million of projects and programs we already have a mandate to deliver from the Regional Jobs and Infrastructure Fund, and to have a fund under which we can consider proposals that will deliver sustained jobs and economic development across rural and regional Victoria. We seek support for this enabling legislation to ensure the Regional Jobs and Infrastructure Fund is operating and delivering from 1 July 2015.

The government is pleased to advise the house that the current independent Regional Economic Development and Services Review engaging regional leaders across the state, which is chaired by former Victorian Premier and Minister for Regional Development, John Brumby, is considering the policy directions and service delivery models needed to drive jobs and growth in rural and regional Victoria.

Their work will help shape a renewal of Regional Development Victoria and the future focus of the Regional Jobs and Infrastructure Fund.

Rural and regional Victoria will also benefit from the work of the Premier's Jobs and Investment Panel and the government's $200 million Future Industries Fund to support job creation in six high-growth industry sectors, which include food and fibre.

These initiatives will ensure rural and regional Victoria continues to be a core consideration in our economic development agenda for Victoria, of which our Regional Jobs and Infrastructure Fund forms a central component.

We welcome support for the amendments in this bill, which demonstrate the government's commitment to rural and regional Victoria and in particular, our commitment to invest in projects, industry and communities to ensure that regional Victorians, no matter where they live, have access to good quality infrastructure, jobs and services.

I commend the bill to the house.

Debate adjourned for Mr DRUM (Northern Victoria) on motion of Mr Rich-Phillips.

Debate adjourned until Thursday, 14 May.

CRIMES AMENDMENT (REPEAL OF SECTION 19A) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Mikakos; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Ms Mikakos 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'), I make this statement of compatibility with respect to the Crimes Amendment (Repeal of Section 19A) Bill 2015.

In my opinion, the Crimes Amendment (Repeal of Section 19A) Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

The purpose of the bill is to repeal section 19A of the Crimes Act 1958 which contains an offence that discriminates against persons living with the human immunodeficiency virus (HIV). By repealing section 19A, the bill promotes the right to recognition and equality before the law in section 8 of the charter. Section 8(3) states that every person is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. Equal treatment requires that legislation should not discriminate on the basis of certain personal attributes as set out in the Equal Opportunity Act 2010. Those attributes include a disability, which is defined to cover the presence in the body of organisms that may cause disease, such as HIV.

Section 19A applies a harsher penalty for transmission of HIV compared with other similar offences. The maximum penalty of 25 years imprisonment is higher than for offences involving the intentional transmission of any other disease or causation of any other serious injury. The maximum penalty

for these offences is 20 years imprisonment. By disproportionately punishing the transmission of HIV, the offence stigmatises people living with HIV. It reinforces the misunderstanding that HIV infection is a 'death sentence'. This mischaracterisation has a particularly negative impact on the lesbian, gay, bisexual, transgender and intersex communities.

This discrimination is not necessary to protect the health or safety of Victorians. There are offences of general application in the Crimes Act which capture the same conduct as section 19A without singling out any particular group. Following changes to the law, the Crimes Act defines an 'injury' to include infection with a disease. It is an offence, punishable by a maximum of 20 years imprisonment to intentionally cause a serious injury to another person. There are also a range of non-criminal measures that allow the chief health officer to manage the risk of infectious diseases in the community.

Repealing this offence will reduce the stigma and discrimination faced by people living with HIV, and promote the equal protection by the law of all Victorians.

The Hon. Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Section 19A of the Crimes Act 1958 contains an offence that is discriminatory and outdated. It is the only offence of its kind in Australia. By removing the discriminatory law in this bill, the government is reducing the stigma and discrimination faced by people living with HIV, and promoting the equal treatment of all Victorians.

Section 19A makes it an offence for a person to intentionally cause another person to be infected with a 'very serious disease', which is defined exclusively to mean the human immunodeficiency virus (HIV). The penalty for the offence is a maximum of 25 years imprisonment. This offence was introduced in 1993 following a number of armed robberies where victims were threatened with syringes containing blood. At the time it was thought that any person infected with HIV would inevitably die. Section 19A, however, has not captured the criminal conduct it was intended to address. There has been only one successful case involving conviction of attempting to commit the offence based on the transmission of HIV during sexual intercourse.

Since 1993 the law, medicine and society's views of how HIV should be addressed have rightly moved on. We no longer think of HIV infection as a 'death sentence'. Through early medical intervention and proper treatment, death is no longer the inevitable result of HIV infection. The best practice approach advocated by Victorian and international organisations such as the Joint United Nations Programme on HIV/AIDS warns against the overly broad use of the criminal law to address the risk of HIV infection. Inappropriate use of the criminal law undermines public health efforts to address HIV, for example, by discouraging HIV testing which is critical to successful management of the risk of infection.

The Equal Opportunity Act 2010 and the Charter of Human Rights and Responsibilities Act 2006 provide that there should be equal treatment and protection of the law for people living with HIV. Section 19A applies a harsher penalty for transmission of HIV compared with offences involving the intentional transmission of any other disease or causation of any other serious injury. The maximum penalty for these offences is 20 years imprisonment. There is no reason to maintain these discrepancies in the law.

The government recognises that the intentional transmission of any infectious disease is of serious concern to the community and poses a public health issue. There are offences of general application that can be used to capture exactly the same conduct as in section 19A. For example, the offence of intentionally causing a serious injury with a maximum penalty of 20 years imprisonment could apply. This is because the definition of 'injury' in the Crimes Act now specifically includes infection with a disease. The term disease is not limited to any specific type of disease.

In addition to criminal penalties, there are other mechanisms for managing the public health risks arising from infectious diseases. The Public Health and Wellbeing Act 2008 provides the chief health officer with disease control powers including the ability to place restrictions on certain behaviours or movements and, in extreme circumstances, to detain or isolate a person. The government has also put in place nationally consistent guidelines (*Guidelines for the Management of People Living with HIV Who put Others at Risk*, 2010) that detail the increasingly coercive responses available to the chief health officer to manage incidences of placing others at risk.

Through this bill, the government will ensure the law no longer reinforces negative stereotypes of people living with HIV. The bill is also consistent with Labor's commitment to identify and remove provisions that unfairly discriminate against the lesbian, gay, bisexual, transgender and intersex communities.

All Victorians are entitled to the equal protection of the law and to live their lives free from discrimination. This bill strikes a balance between appropriate criminal laws and achieving public health goals, and in doing so promotes equality and human rights.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 14 May.

JUSTICE LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Mikakos; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Ms Mikakos 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'), I make this statement of compatibility with respect to the Justice Legislation Amendment Bill 2015.

In my opinion, the Justice Legislation Amendment Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill contains amendments to a number of pieces of legislation relevant to the Victorian justice system. Many of the amendments are of a minor or technical nature.

The bill includes the following amendments:

part 2 of the bill contains amendments to the Confiscation Act 1997 to improve recognition of orders made under corresponding legislation interstate, and to improve the operation of the unexplained wealth scheme;

part 3 of the bill contains amendments to the Control of Weapons Act 1990 to remove the prohibition on selling disposable knives designed for eating purposes to children, and to allow for the published notice of the declaration of a designated area for planned weapons searches to include an internet website address link to a map of the area designated;

part 4 of the bill contains amendments to the Emergency Management Act 2013 to extend the regulation-making powers in that act and to make a minor statute revision amendment;

part 5 of the bill contains amendments to the Sex Offenders Registration Act 2004 to allow the Victoria Police sex offender registry to be hosted by CrimTrac;

part 6 of the bill repeals the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 to support the continued operation of the assessment and referral court list.

part 7 of the bill contains amendments to the Victorian Civil and Administrative Tribunal Act 1998 to further provide for regulation-making powers and powers of the principal registrar in relation to fees;

part 8 of the bill contains amendments to the Crimes Act 1958 to ensure that persons who take vessels for joy-riding are subject to the same provisions, for the purposes of the law of theft, as those who take motor vehicles or aircraft for joy-riding, and to correct an error in the drafting of a provision creating an offence for a person to assault a person assisting an emergency worker;

part 9 of the bill contains amendments to the Working with Children Act 2005 to ensure two recently created offences are captured by that act;

part 10 of the bill contains amendments to the Family Violence Protection Amendment Act 2014 to extend the default commencement date of certain amendments contained within that act;

part 11 of the bill contains amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 to correct errors in the provisions recently inserted in the act to provide the Children's Court with jurisdiction under that act;

part 12 of the bill contains amendments to the Corrections Act 1986 to clarify arrangements for the transport of mentally ill patients;

part 13 of the bill contains amendments to the Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014 to correct an error in that act;

part 14 of the bill contains amendments to the Road Legislation Amendment Act 2013 to clarify transitional arrangements for the new demerit point scheme to be introduced by that act;

part 15 of the bill contains further miscellaneous and statute law revision amendments to other acts.

Human rights issues

Repeal of the Magistrates' Court Amendment (Assessment and Referral Court List) Act

Part 6 of the bill will repeal the Magistrates' Court Amendment (Assessment and Referral Court List) Act (the ARC list act) to avoid the operation of the August 2015 sunset date of the assessment and referral court (ARC) list provisions in the Magistrates' Court Act 1989. The ARC list is a specialist Magistrates Court list, which was developed as a pilot project to meet the needs of accused persons who have a mental illness and/or a cognitive impairment. Court-based interventions and support programs which target the complex needs of mentally impaired persons have been shown to be effective in reducing the risk factors associated with reoffending. Repealing the ARC list act will ensure that the provisions relating to the ARC list will remain in the Magistrates' Court Act without being automatically repealed in August 2015 under the sunset provisions.

The consequence of repealing the sunset provisions is that the ARC list provisions will remain in place, and so the bill maintains the current legal position. The statements of compatibility for previous bills, including the ARC list act, the Justice Legislation Amendment Bill 2012 and the Courts

and Other Justice Legislation Amendment Bill 2013, considered the compatibility of the ARC list provisions with charter rights (in particular, the right to recognition and equality before the law, the right not to have one's privacy and reputation unlawfully or arbitrarily interfered with, the right to be presumed innocent until proved guilty and the right not to be tried or punished more than once) and concluded that the provisions do not limit any charter rights.

Amendments to the Victorian Civil and Administrative Tribunal Act

Part 7 of the bill amends the Victorian Civil and Administrative Tribunal Act 1998 (the VCAT act) to expand the principal registrar's powers in relation to fees, including to reduce, waive, postpone, remit or refund a fee and enable the making of regulations to prescribe fees with greater flexibility, including to provide for different fees for different classes of party.

Section 24(1) of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

It is not clear that the right to a fair hearing includes a right of access to courts and tribunals or that the right restricts the ability of courts or tribunals to set application fees. Even if the right to a fair hearing did include these matters, part 7 of the bill would be consistent with the right because by providing the tribunal with greater flexibility to waive, reduce, postpone, remit or refund a fee in appropriate circumstances access to justice will be improved.

Amendments to the Working with Children Act

Part 9 of the bill expands the categories of offences by making an offence against section 49C or 327 of the Crimes Act (or an offence under a law of a jurisdiction other than Victoria that, if it has been committed in Victoria, would have constituted an offence against section 49C or 327) a category B offence for the purposes of the Working with Children Act.

This provision does not limit the rights set out in section 26 of the charter (right not to be tried or punished more than once) or section 27 (right not to have a penalty imposed for a criminal offence, which is greater than that which applied at the time of commission of the offence), because it does not impose punishment or penalties on offenders for a criminal offence. Preventing a person from engaging in child-related work cannot properly be called a punishment or penalty for a criminal offence as the purpose and effect of the working with children provisions is to protect children from harm, not to punish persons for a criminal offence.

The addition of these new offences ensures that the protection of children remains paramount and is consistent with and promotes the rights set out in section 17 of the charter (protection of families and children).

Amendment to the Road Legislation Amendment Act

The amendment clarifies that demerit points incurred prior to the commencement of the Road Legislation Amendment Act can be counted for the purpose of administering the new demerit point scheme introduced by that act is compatible with the charter.

Counting demerit points incurred before 1 July 2015 is not improperly retrospective because the result would not affect a driver's rights with effect prior to that date. In particular, the amendment:

> does not limit section 27(1) of the charter, as it would not result in a driver being found guilty of a criminal offence because of conduct that was not a criminal offence when it was engaged in; the amendment does not create any new criminal offences; and
>
> does not limit section 27(2) of the charter because, while it ensures that demerit points incurred prior to 1 July 2015 are counted for the purpose of administering the strengthened demerit point system, the measures that flow from exceeding the demerit point threshold are administrative measures, rather than penalties.

Amendments to the Sex Offenders Registration Act

Amendments in part 5 of the bill will allow the chief commissioner to arrange for CrimTrac to host the Victorian sex offender registry database within its national child offender system. These amendments will allow Victoria Police to manage registrants' personal information more securely, more effectively and more efficiently.

Section 13 of the charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. This right is relevant to the amendments to the extent that they relate to the sharing of information about persons who are included on the sex offender register. The amendment is compatible with the right to privacy. This is because it is lawful as provided under the Sex Offenders Registration Act, and it is not arbitrary as only authorised persons have access to the sex offender register. Further, it is an offence to unlawfully disclose personal information contained in that register.

Other amendments contained in the bill

The other amendments contained in this bill do not raise issues relevant to the charter, in most cases because they are of a minor, technical nature.

For the reasons outlined above, the amendments contained in this bill are compatible with human rights as set out in the charter.

The Hon. Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Justice Legislation Amendment Bill 2015 contains a number of small, but important, amendments to legislation supporting the Victorian justice system. The passage of these measures will ensure the justice system continues to operate efficiently.

Amendments to the Control of Weapons Act

The bill contains two amendments to the Control of Weapons Act 1990. The first is to remove the ban on the sale to children of disposable knives designed for eating.

The sale of knives — of any kind — to children has been banned since amendments to the Control of Weapons Act were made in 2010. The ban prevents retailers from selling to children disposable knives, such as the plastic knives that might be used at a BBQ or to consume takeaway food.

The ban on plastic knives is a source of significant inconvenience for both consumers and retailers. Victoria Police has advised that there is no evidence that these knives are being used to commit or threaten acts of violence.

The amendment is drafted in such a way as to ensure only those plastic knives designed for eating — along with more environmentally friendly disposable knives such as wood and bamboo knives — can be sold to children.

The bill's other amendment to the Control of Weapons Act relates to the chief commissioner's power under that act to designate an area to be subject to random weapon searches. Currently, the act requires that when such a designation is made, notice must be published both in the *Government Gazette* and in a daily newspaper. The notice must include a map of the designated area.

The requirement to include a map in the newspaper published notice means that Victoria Police must purchase a significant amount of advertising space, which can be costly and is not the most effective use of Victoria Police's limited resources. Furthermore, as more people have greater access to the internet on a number of devices, the information may be better communicated to the public by publication of the map online rather than in a newspaper.

Accordingly, this bill will vary the relevant provisions so that Victoria Police will no longer be required to include a map in the newspaper notice. Instead, Victoria Police will be able to publish the map online, and include the online address in the newspaper notice. The notice will still be required to contain a written description of the area sufficient to alert people to the designation of the area.

Amendments to the Sex Offenders Registration Act

The bill will amend the Sex Offenders Registration Act 2004 to allow the chief commissioner to arrange for CrimTrac to host the Victorian sex offender registry database within the national child offender system.

This amendment gives effect to a 2011 recommendation from the Victorian Law Reform Commission that suggested moving the existing Victorian sex offender database to the national child offender system would allow police to manage registrants' personal information more securely, more effectively and more efficiently. Moving the database to CrimTrac will provide greater data security, stability and functionality and reduce the need for costly maintenance to the current database.

Assessment and referral court list amendment

The bill will repeal the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 (the ARC list act) to avoid the operation of the August 2015 sunset date of the assessment and referral court (ARC) list provisions in the Magistrates' Court Act 1989. The bill will repeal the ARC list act to ensure that the legislative basis for the ARC list in the Magistrates' Court Act remains in place.

The ARC list is a specialist court list developed by the Department of Justice and Regulation and the Magistrates Court of Victoria to meet the needs of accused persons who have a mental illness and/or a cognitive impairment. The ARC list has been in operation since 2010 and sits three days a week at the Melbourne Magistrates Court.

The ARC list uses a problem-oriented approach to justice for the appropriate consideration of mental health issues in criminal proceedings, identifying the underlying causes of offending for people with a mental illness and/or cognitive impairment, reducing the need for expensive custodial sentences and delivering better health outcomes for this complex cohort.

The government is advised by the Magistrates Court that the ARC list is operating effectively and is improving outcomes for participants.

Amendments to the VCAT act

The bill amends the Victorian Civil and Administrative Tribunal Act 1998 (the VCAT act) to expand the principal registrar's power to reduce, waive, postpone, remit or refund a fee and to enable the making of regulations to prescribe fees with greater flexibility, including to provide for different fees for different classes of party.

The Victorian Civil and Administrative Tribunal (Fees) Regulations 2013 will expire on 30 June 2016, unless extended. The tribunal is currently undertaking a substantial review to inform the design of future tribunal fees. The existing provisions regarding fee waiver are limited and constrain the tribunal's capacity to modernise its fee structure. Part 7 of the bill will deliver greater flexibility to the tribunal to waive, reduce, postpone, remit or refund a fee in appropriate circumstances and therefore improve access to justice.

Amendments to the Confiscation Act

The bill amends the Confiscation Act 1997 to improve the ability of Victorian courts to recognise restraining and forfeiture orders made under corresponding legislation interstate.

Interstate recognition of restraining and forfeiture orders ensures that persons cannot frustrate confiscation action by holding assets in a jurisdiction outside the jurisdiction that took confiscation action against them.

This amendment is consistent with the government's efforts to increase national cooperation on the issue of criminal asset confiscation as a means of targeting organised crime.

Amendments to the Working with Children Act

The bill amends the Working with Children Act 2005 to ensure the two recently created offences of 'failure to protect child from sexual offence' and 'failure to disclose sexual offence committed against child', under sections 49C and 327 of the Crimes Act 1958, are included as category B offences for the purposes of working with children check assessments.

A person who has committed a category B offence is presumed to pose an unjustifiable risk to the safety of children and will be refused a working with children check unless the Secretary to the Department of Justice and Regulation is satisfied that the applicant or cardholder does not pose such a risk.

Joy-riding of jet skis and other marine vessels

The bill includes an amendment to the Crimes Act to ensure that people who take jet skis or other vessels for joy rides without the owner's permission can be more effectively prosecuted.

Currently, the Crimes Act provides that if a person uses a motor vehicle or an aircraft without consent, that is taken to be conclusive evidence that the person intended to permanently deprive the owner of it for the purposes of the law of theft. The provision does not currently extend to marine vessels. The bill will remedy that omission so that persons who take vessels for joy rides, including jet skis, are subject to the same rules as those who take motor vehicles or aircraft.

Amendments to the Corrections Act

The bill amends the Corrections Act 1986 to correct an unintended error arising from the Mental Health Act 2014, which commenced on 1 July 2014.

The Mental Health Act unintentionally limits the current contract Victoria Police has with G4S Custodial Services Pty Ltd (G4S) to transport mentally ill patients from Thomas Embling Hospital to and from a court or a police jail. It inadvertently only allows transportation of patients from a mental health facility to court or a police jail, but not back.

The bill amends the Corrections Act to allow Victoria Police to contract with bodies such as G4S to detain and conduct two-way return transport of these patients for the period from 1 July 2014 to present. The bill also validates all detention and return transports conducted during that period including the exercise of any lawful function or power related to that transport and detention (such as using reasonable force to administer handcuffs). The amendment also validates authorisations made by the chief commissioner of individuals employed by the contractor or subcontractor to detain and return transport these patients.

Amendment to the Road Legislation Amendment Act

The bill will make a small amendment to the Road Legislation Amendment Act 2013. One of the primary purposes of this act was to amend the Road Safety Act 1986 to introduce a new, strengthened demerit point scheme as of 1 July 2015. The amendment will ensure that there is a seamless transition to this new scheme by making it clear that demerit points incurred by drivers before the commencement of the scheme (as well as points incurred after that commencement) can be 'counted' for the purpose of administering that scheme.

Amendments to the Family Violence Protection Amendment Act

Amendments in the Family Violence Protection Amendment Act 2014 will allow courts to include finalisation conditions in interim family violence intervention orders. Where a finalisation condition is included, the interim order will automatically become a final order, unless contested by the respondent. These amendments will commence on 18 September 2015, unless they are commenced earlier by proclamation.

In light of the Royal Commission into Family Violence, the default commencement date of these interim order amendments is being extended to 1 July 2016, or after the royal commission reports.

Amendments to emergency management legislation

The amendments to the Emergency Management Act 2013 extend the current regulation-making powers in section 76 of that act. In particular, the powers will enable the making of regulations, for critical infrastructure resilience, that incorporate relevant standards and handbooks for risk management planning, auditing and exercising.

Statute law revisions

In addition to the measures I have outlined, the bill contains a number of other miscellaneous and statute law revision amendments. These are minor technical amendments, some of which correct drafting errors identified in recently passed legislation.

Timing of measures

While the amendments contained in this bill do not make significant legislative changes, in many cases they are of great importance to the ongoing operation of existing legislative schemes. It is important that these changes are made and made in a timely manner. In particular, some of the proposed changes are to fix errors identified in legislation passed in the last session of Parliament but not yet commenced. It is important that these changes be made before that legislation does commence.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 14 May.

SENTENCING AMENDMENT (CORRECTION OF SENTENCING ERROR) BILL 2015

Introduction and first reading

Received from Assembly.

Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Ms Mikakos; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Ms Mikakos 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'), I make this statement of compatibility with respect to the Sentencing Amendment (Correction of Sentencing Error) Bill 2015.

In my opinion, the Sentencing Amendment (Correction of Sentencing Error) Bill 2015, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Sentencing Amendment (Correction of Sentencing Error) Bill 2015 (the bill) will expand and clarify the powers of sentencing courts to correct errors in sentencing orders. Specifically, the bill will:

remove the current 14-day time limit on the application of section 104A of the Sentencing Act 1991, which allows for the correction of clerical errors or omissions; and

introduce a new power to enable a sentencing court to reopen proceedings to correct a sentence that is 'contrary to law', or to impose a sentence required to be imposed by law.

Human rights issues

The bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 ('the charter'). The bill does not limit any part of section 25 of the charter, which concerns rights in criminal proceedings. Consistently with section 25(4) of the charter, the bill does not affect any right that a person convicted of a criminal offence has to have the sentence imposed on that conviction reviewed by a higher court in accordance with law.

The parties to the criminal proceeding in which the penalty was imposed will have an opportunity to be heard when the judicial officer is deciding whether to reopen the proceeding. This extends to making submissions about whether the discretion to reopen should be exercised having regard to the length of time since the imposition of (or the failure to impose) the original penalty. Further, the application will be determined by a competent, independent and impartial court. Accordingly, the bill does not limit the right to a fair hearing in section 24 of the charter.

Nor does the bill limit the charter right not to be punished more than once for an offence (section 26). In cases where the reopening power is used to impose a new penalty where the penalty first imposed was contrary to law, the bill requires that the extent of the offender's compliance with that penalty be taken into account in fixing the new penalty. This acts as a safeguard against double punishment. Further, in such a case, the new penalty is effectively substituted for the previous, contrary to law, penalty. It does not punish the offender again for the same offending.

Finally, the bill will ensure that the parties to the criminal proceeding are able to seek correction of penalties that are 'contrary to law', without the need to bring an appeal or seek judicial review. This will reduce the cost burden on offenders and the Crown. It will also promote the charter right to liberty and security of the person (section 21) by ensuring that, if a person is deprived of their liberty due to a court order made beyond power, the order can be corrected promptly.

The Hon. Steve Herbert, MP
Minister for Training and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Sentencing is a complex and difficult exercise. It requires judges to take into account not only the gravity of the offence and the offender's circumstances, but also a number of prescriptive statutory rules.

From time to time, judges and magistrates make mistakes by imposing a penalty that is contrary to law. At other times, a judge may fail to impose a penalty which the law requires to be imposed. Some such errors are corrected on appeal, and some are corrected following judicial review proceedings. Either way, this has potential to cause delay in finalising criminal matters and add significantly to the costs borne by the offender and the prosecution.

The case of *DPP v. Edwards* [2012] VSCA 293 highlighted these issues. There, the sentencing judge had imposed a suspended sentence on a charge of recklessly causing serious injury. However, the power to suspend a sentence of imprisonment for that offence had previously been abolished. The Court of Appeal, by majority, held that the judge could not recall that sentence and impose one that was in accordance with the law because his role in the matter was finished. This means that the parties must apply to a higher court to correct such an error, no matter how clear it may be.

This bill will clarify and expand a sentencing court's power to correct errors in sentences it has imposed. The amendments are in two parts.

First, the bill will remove the current 14-day time limit on the application of section 104A of the Sentencing Act 1991, which enables the correction of minor clerical errors, miscalculations and omissions. The current 14-day time limit has proved unworkable in practice, as errors are sometimes discovered well outside this period.

Secondly, the bill will add a new correction power to the Sentencing Act 1991. This will allow a sentencing judge (or another member of the same court) to reopen proceedings in which a penalty contrary to law has been imposed, or where a penalty required to be imposed by law has not been imposed. Upon reopening, the judge may impose a penalty that is in accordance with the law.

This new correction power is modelled upon section 43 of the Crimes (Sentencing Procedure) Act 1999 (NSW). This provision was the subject of the High Court's decision in *Achurch v. The Queen* (2014) 306 ALR 566. In that case, the High Court interpreted the New South Wales provision on the basis that it was not intended to act as a substitute for the appeal process.

Consistently with the court's observations in that case, this bill will preserve the proper role of appeal in the criminal justice system. The new provision allowing for the correction of penalties that are 'contrary to law' will not apply in cases involving only a process of erroneous reasoning or factual error. Further, the existence of the correction power will not take away from the parties' rights of appeal.

There is a strong public interest in ensuring there is finality to criminal proceedings. However, this finality needs to be balanced against the need to ensure that penalties imposed are within the court's jurisdiction. To achieve the right balance, the bill does not fix a time limit on the power to reopen a proceeding. Rather, it will require courts to have regard to the length of time that has elapsed since the original penalty was imposed before exercising the power. This will not prevent a proceeding being reopened after a significant amount of time has elapsed where the need to correct the error warrants that course, but directs attention to finality as a matter to be taken into account in exercising the discretion to reopen.

Finally, sentencing orders have very significant consequences for those subject to them, as well as the community as a whole. It is critically important that those orders are valid, and are not made in breach of a relevant legislative provision. This bill will ensure that, in appropriate cases, errors can be efficiently and promptly resolved by the sentencing court.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 14 May.

The ACTING PRESIDENT (**Mr Eideh**) — Order! In last night's adjournment debate Mr Finn raised a matter directed to the minister for community services. As this portfolio does not exist in the current ministry the matter has been redirected to the Minister for Housing, Disability and Ageing following consultation with Mr Finn and the Minister for Training and Skills, who was the minister on duty during last night's adjournment debate.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

That the house do now adjourn.

Ballarat rail services

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the Minister for Public Transport. I have had an issue raised with me that is of great concern to anybody in Ballarat and beyond in western Victoria who loves football — and I inform Mr Finn that I am not talking about the round-ball game; I am talking about the much-adored game of AFL.

On Sunday, 12 April, Essendon played the mighty Hawthorn Football Club at the MCG and North Melbourne played the Brisbane Lions at Etihad Stadium. As a result of these two games the 7.12 p.m. train to Ballarat was more than overcrowded. It was described by one passenger as 'chock-a-block', with many older football fans having to stand for the entire length of the journey. I am informed that Public Transport Victoria was aware that these two games had been scheduled for the same afternoon and that it was expected that there would be increased demand. However, no additional capacity was provided for the elevated level of demand.

I ask the minister to commit to providing greater train capacity on the Ballarat line when there is a clear need at times like this when football matches are being played at both the MCG and Etihad Stadium.

Seddon land

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport, Jacinta Allan. During construction of the regional rail link, land running along Buckley Street between Windsor and John streets, Seddon, was acquired. Previously this land was home to a number of residences, the Footscray Senior Citizens Centre and some public green space. With the construction of the regional rail link finished, I ask the minister to consider the needs and desires of the local community before making a final decision about the future use of this land.

Green space is very limited in Seddon and Footscray, and there are few sites where more green space could be established. The demolition of the Footscray Senior Citizens Centre and its surrounding green space has been a loss to the community. In light of these circumstances, I have surveyed 82 local community members about what they would like the site used for. Every single person surveyed supported returning the land to community hands. The highest priority for the community was green open space, with 83 per cent of respondents supporting trees and gardens and 74 per cent supporting a community garden. A total of 85 per cent of respondents want some community facilities, with meeting space and a neighbourhood and/or community centre the most popular choices. Residents also raised the need to reduce the large truck traffic along the route as it has become a significant thoroughfare, particularly with the curfews introduced on other roads.

Instead of selling this land to developers for a small one-off boost to the budget, I ask the minister to consider the immediate and long-term needs of residents for green space and livability. I ask the minister to gift this land to the Maribyrnong City Council for the purposes of converting it to parkland and for a community centre.

Family violence

Mr EIDEH (Western Metropolitan) — My adjournment matter tonight is for the Minister for the Prevention of Family Violence, the Honourable Fiona Richardson. I rise to speak on the crime statistics that have recently been released for the period 1 October to 31 December 2014. The statistics show a considerable increase in crime during this period.

Despite the previous government's tough stance against crime and its commitment to the Victorian people to deliver more police on the beat, it did little to make the streets of Victoria safer. It did little to control the ice epidemic we are witnessing today, with so many lives being lost. Most importantly, it did very little to protect spouses and innocent children in their own homes. The overall number of recorded offences increased by 4.3 per cent in 2014, with a total of 18 000 additional offences recorded compared to 2013, which is staggering. Since 2010 this figure increased by a worrying 12.8 per cent.

These most recent figures indicate the serious problem we as a state face in people's homes across all communities in our state. Unfortunately, no area is immune to domestic violence, and the figures are not only disconcerting but frightening.

In 2014 police recorded over 68 000 incidents of family violence, which is an increase of 8.2 per cent on the 2013 figures. In 2014 incidents of family violence also made up significant percentages of a number of other crimes. They accounted for a third of sexual assault and related offences, with 3282 of 9806 cases; almost half of assault and related offences, with 17 544 of 37 639 cases; and more than half of stalking, harassment and threatening behaviour offences, with 5310 or 10 573 cases.

The overall rate of recorded family violence incidents has increased by 70.2 per cent since 2010, which is an unfathomable number. This is a state emergency, which is why in its first 100 days the Andrews Labor government responded by establishing the Royal Commission into Family Violence to end the fear and despair tens of thousands of families across the state feel every day. Noting these considerable figures, can the minister advise me and the families in my electorate of Western Metropolitan Region how we will benefit from the royal commission once it is completed?

Gatwick Private Hotel

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter concerns the Minister for Health, and it is in relation to the Gatwick Private Hotel, a boarding house in Fitzroy Street in St Kilda. It is an issue that has been raised with me by a constituent, and it is one I am sure many people here will be familiar with as it has to do with the Gatwick's location. The area has a history of violence and crime. I note that the health budget includes some funding for rooms and shared facilities within the building, but I am wondering what happened to the suggestion that was made before the election that there should be funding provided for drug and alcohol programs to be delivered to the residents of the Gatwick by not-for-profit providers. I would appreciate it if the minister could shed some light on this issue and indicate exactly how this basic issue — which is in some ways at the heart of the problems that concern traders and residents in the area — is going to be dealt with.

Doncaster rail line

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Public Transport. A train line heading east from Clifton Hill to Doncaster was part of Melbourne's 1969 transport plan. This is the plan that informed the design of the Eastern Freeway and ultimately led to a railway reserve being established down the middle of it. What a waste of resource that reserve has been for nearly 40 years. Manningham remains the only municipality in

Melbourne that is not served by either trains or trams. Congestion on the Eastern Freeway is legendary, particularly at the Chandler Highway exits and at the Alexandra Parade end of the freeway. I challenge anyone who uses the Eastern Freeway to drive along it at peak hour and look at the generous railway reservation down the middle without imagining themselves being carried along by a train and reading the newspaper rather than gripping the steering wheel.

Many preparatory steps and plans have been made for this to happen. Public Transport Victoria's network development plan makes further planning for the Doncaster rail project dependent on the completion of the new underground rail project Melbourne Metro, putting it years away. It makes no sense to connect the two — it is just excuse finding while congestion continues to mount. The excuses and delays need to be replaced with action. The people of Melbourne need relief from congestion. They need public transport that is convenient and reliable. Nothing moves more people than heavy rail, and the Doncaster rail project must proceed.

The east–west link is dead. It is now time to breathe life into Doncaster rail. What plan does the minister have to commence planning for the Doncaster rail project and have it proceed to the business case development and detailed engineering stages?

Local learning and employment networks

Mr MULINO (Eastern Victoria) — My adjournment matter is for the Minister for Training and Skills, and it relates to local learning and employment networks (LLENs). I welcome the commitment of $32 million towards LLENs in the budget, and I ask if the minister can advise how these funds will be used to assist our youth and what policy areas LLENs will focus on under this government, particularly in my electorate.

LLENs are constituted by groups and organisations, including advocacy and training providers, business and industry, community agencies and parent and family organisations. They have a particular focus on young people who are either disengaged from or at risk of being disengaged from education and training, and they emphasise the creation of strategic partnerships between member organisations in their activities.

It is worth noting that in Victoria a high number of young people are currently disengaged from or at risk of being disengaged from training and education. In 2012 as many as 10 000 people in years 9 to 11 left government schools and did not go on to any other Victorian education provider, while 6000 young people left school to go to an education or training provider but exited that provider within 12 months.

I welcome the several LLENs operating within my electorate of Eastern Victoria Region, as well as a number of other LLENs located just outside that area, which provide many services for the young people of eastern Victoria. I look forward to receiving advice as to the specific LLENs policy activities to be focused on over the coming four years.

Multicultural affairs grants

Mrs PEULICH (South Eastern Metropolitan) — The matter I raise is for the Minister for Multicultural Affairs, the Honourable Robin Scott, and relates to the level of uncertainty and concern about the multicultural affairs grants delivered by the Victorian Multicultural Commission. There are concerns amongst community multicultural organisations about the status of existing applications and the structure of future grants. Organisations want to know, first of all, how they might receive information about the grants process and, secondly, how they will be able to apply for grants if the process is changed or restructured. This uncertainty needs to be resolved quickly because the planning of multicultural events and festivals — the booking of venues and the organisation — all takes time. Most of these groups are voluntary, and every week lost puts them on the back foot in terms of planning the arrangements for their events.

I ask the minister to resolve the uncertainty by making announcements of the grants that have been assessed and about the grants that can be expected by applicants. I ask that at his earliest possible convenience he inform the groups about the changes to the structure of the range of grants programs that have been delivered in the past and about any new ones to resolve the concerns that are being conveyed to me by a range of community organisations in the multicultural affairs portfolio.

Retail tenancies legislation

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the attention of the Premier, and it concerns Bob and Dianne Heller, an elderly couple who lost their small business and eventually their home after they challenged being locked out of their business premises without notice by their landlord in 1998. This is a complex case that raises public interest issues regarding the rights of retail tenants as well as the personal circumstances of the Hellers. I brought this matter to the attention of former Premier Denis Napthine in an adjournment matter I raised on

29 May 2013, but I failed to receive a satisfactory response. Mr Heller has also brought this matter to the attention of ministers and MPs in both the previous and present governments without a fair response to date.

As outlined in my previous adjournment matter, since the Hellers were successful in the Supreme Court and the Court of Appeal in their original case, they pursued a subsequent damages claim, which I am informed was embarked upon with the encouragement of the then Attorney-General and the small business commissioner to avoid the government having to amend the existing legislation, and it was therefore in the public interest as well as their own. However, in a highly unusual twist, the same judge who had earlier ruled in their favour overturned the original decision and decided in favour of the landlord.

Following that damages claim, the Hellers sought special leave to appeal to the High Court, but in 2005 the government introduced a bill to amend section 146 of the Property Law Act 1958 while the Hellers' application was still pending. The government would have been aware that this would mean the Hellers' application for special leave would not succeed, so they were basically hung out to dry. It is therefore of concern that I have been informed of legal opinion that, due to the inadequate wording of section 146(12) of the Property Law Act, retail tenants still do not have the full protection of the law and therefore what has happened to the Hellers could still happen to somebody else.

My request to the Premier is that he consult with the Minister for Small Business, Innovation and Trade regarding the need for a subsequent amendment to the act and any other legislation that is necessary to afford retail tenants the full protection from forfeiture by re-entry without notice. While the Hellers have lost everything as a result of court proceedings on this very issue, it appears that protection for tenants has still not been achieved. I also ask the Premier to exercise his discretion to grant an ex gratia payment to the Hellers for the considerable financial loss, hardship and distress they have suffered for 17 years as a result of this matter. I am advised that such a payment is extremely meritorious due to the unusual circumstances of the case.

This matter was covered in the *Sunday Age* of 26 April. For the Hellers there have been words of sympathy from MPs and ministers from previous and current governments, but no-one seems to have fully grasped the extent of the injustice that has been visited upon them. The article says:

> The Hellers just want closure. 'Obviously it is very distressing', Mr Heller says, 'but the fact is, justice must prevail'.

Shepparton rail services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the attention of the Minister for Public Transport, and it concerns the government's failure to adequately provide for improved rail services on the Shepparton line in the 2015–16 budget. My request of the minister is that she develop a detailed plan for improvements to rail services on the Shepparton line and outline a timetable for the funding and implementation of these improvements. It is disappointing that this week's state budget failed to make provision for improved rail services on the Shepparton line. The Shepparton community's concerns about rail services are well documented. I have met with the minister, raised the issue in Parliament numerous times and also tabled a petition with 1432 signatures.

In opposition the Labor Party was well aware of the need to improve rail services on the Shepparton line. The current Minister for Public Transport, Jacinta Allan, visited Shepparton in July 2013 with the then Leader of the Opposition and now Premier, Daniel Andrews. They both lamented the state of the rail service, and Mr Andrews indicated that Labor would support additional services, particularly a sprinter service from Shepparton to Seymour. Unfortunately now that it is in government the Labor Party has abandoned Shepparton, and it appears that Daniel Andrews and Jacinta Allan have forgotten the assurances they gave, as this week's budget fails to make any mention of improving Shepparton's rail services.

I note that the former coalition government acknowledged the need for improved rail services to Shepparton. Significant improvements were made to the timetable, and an additional morning service that arrives in Melbourne before 8.00 a.m., in time for the working day, was added. The coalition also made an election commitment for an additional weekday service from the Southern Cross station to Shepparton and a return service on Saturday and Sunday. It is disappointing that the momentum for improved services has now stalled due to the change of government.

Improvements to our rail services are needed for a range of reasons, including access to specialist health services and commuting for employment and education. The youth unemployment rate in Shepparton is 25.3 per cent, which is the third highest in Australia.

There is no doubt that improved train services would give young people the opportunity to commute to Melbourne for skills training and employment. They would also provide greater opportunities for our young people to attend university, as the cost to families of accommodation in Melbourne is often a significant barrier to young people participating in a university education.

The Shepparton community cannot afford to wait another four years for improved rail services. The minister must deliver a sound and costed plan for running more trains between Shepparton and Melbourne. My request of the minister is that she develop a detailed plan for improvements to rail services on the Shepparton line and outline a timetable for the funding and implementation of these improvements.

Geelong defence contract bid

Mr RAMSAY (Western Victoria) — My adjournment matter is for the attention of the Minister for Industry, Lily D'Ambrosio. It is in relation to the laziness of the Andrews government in fighting for its share of defence contracts for Victoria and particularly Geelong. As we know, Geelong has been in a transition phase in its manufacturing base, and due to the support of the Abbott federal government the transition from heavy traditional manufacturing to new emerging industries has been relatively smooth, mainly due to the hard work and commitment of the federal member for Corangamite, Sarah Henderson. The drive and passion of the federal member and the mayor of the City of Greater Geelong, Darryn Lyons, to secure defence contracts for Geelong, whilst Labor members have done nothing, are the reasons I am raising this matter with the minister.

The $10 billion LAND 400 contract has been seen as an opportunity for Geelong, and the federal member for Corangamite has been working her backside off to help secure the contract for Geelong. The coalition committed $5 million to establish a defence procurement office in Geelong, and I note that the Andrews government confirmed that in this year's budget. However, while South Australia has been extremely proactive in offering hundreds of millions of dollars in incentives and sweetener packages, the Andrews government could not even be bothered to attend the request for tender announcement at Puckapunyal in February. Again it was the federal member for Corangamite who had to fly the flag for Geelong.

This week Ms D'Ambrosio was quoted in the *Geelong Advertiser* as having said the government is now staffing the defence procurement office, but it is all a bit too late. The request for tender period closes on 25 June. No incentive packages have been announced, and there has been no action, just advertising for staff positions. The action I seek from the minister is that she explain what the government is doing to help the federal member for Corangamite secure defence contracts for Geelong. At the moment it is doing nothing. There is a degree of urgency in this request because to compete with other states — to be in the best possible position to be awarded potential defence contracts — Geelong has to do more, so I request and plead with the industry minister that she get off her backside and start putting together incentive and sweetener packages to compete with states like South Australia, which are investing considerable amounts of money to compete for the contracts.

The PRESIDENT — Order! To refer to a minister in that way, whoever the minister is, is totally inappropriate. That terminology is most inappropriate in a parliamentary sense. I ask for the withdrawal of the words 'get off her backside'.

Mr RAMSAY — I am happy to withdraw the word 'backside' if I may substitute it with another word.

The PRESIDENT — Order! What is that word?

Mr RAMSAY — 'Act in haste'.

The PRESIDENT — Order! That is more than one word, but it is much more satisfactory.

Hobsons Bay community workshop

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Local Government, and it concerns some difficulties the Hobsons Bay City Council has found itself in with regard to the Hobsons Bay community workshop. That particular building is closed until July while urgent works are carried out. The building houses the Hobsons Bay Men's Shed, the Altona City Theatre group, the Altona camera group and the Williamstown Musical Theatre Company. Although the building is owned by the state government, Hobsons Bay ratepayers will have to foot the bill of $514 000 — over half a million dollars. It is quite an extraordinary sum of money.

The council infrastructure and city services director, Sherry Clarke, has said that because the building serves a significant community need, the works are necessary to ensure that it complies with state regulations. She also said that the state government told the council that it would not help pay for the work, which seems to me to be a pretty rough deal for the council. It is expected to bring this building up to a standard to satisfy state

regulations. The building is owned by the state government, but the state government will not contribute to the upkeep of or improvements to this building. Hobsons Bay City Council can feel justifiably aggrieved at having received the rough end of the pineapple in this situation.

A former mayor and much-respected councillor on the Hobsons Bay City Council, Cr Angela Altair, said that while she did not begrudge spending money to fix the building, she felt the council was already under pressure to fix the old buildings it actually owns. I can understand that. As Ms Lovell would attest, there are many old buildings in the Williamstown and Altona areas. They are beautiful buildings, but they take a fair bit to keep up to scratch. They are our state's heritage, and Hobsons Bay City Council does a pretty good job of keeping them up, but it costs a good deal of money.

It is a particularly rough thing for the government to demand that the council pay more than $500 000 to bring this building up to speed while contributing nothing itself. I ask the minister to approach her ministerial colleagues to see if she can raise some of those funds so that Hobsons Bay City Council and Hobsons Bay ratepayers will not be slapped around for the entire $514 000.

The PRESIDENT — Order! I indicate that I have a little concern with Ms Pennicuik's matter in two respects. The first one is that it is directed to the Premier when I think it should have been directed to the Minister for Small Business, Innovation and Trade. I also note that in Ms Pennicuik's contribution there was an implied, if not direct, request for legislative action. The adjournment debate is not a debate which allows members to call for legislative change.

However, I note that the other matter raised by Ms Pennicuik was about an ex gratia payment, so I am taking that as the substantive matter raised. The need to perhaps look at the legislation is part of the context, but no doubt it will be taken into account by the government given the circumstances of the person whose experience Ms Pennicuik referred to. Given that an ex gratia payment is being sought, on this occasion it is probably valid for the matter to be raised with the Premier, but, as I have indicated previously, I do not want to see all adjournment items sent off to the Premier when we have ministers with jurisdiction for these matters.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening the following members raised matters on the adjournment debate. Mr Morris raised a matter for the Minister for Public Transport.

Ms Hartland raised a matter for the Minister for Public Transport.

Mr Eideh raised a matter for the Minister for the Prevention of Family Violence.

Ms Fitzherbert raised a matter for the Minister for Health.

Ms Dunn raised a matter for the Minister for Public Transport.

Mr Mulino raised a matter for the Minister for Training and Skills.

Mrs Peulich raised a matter for the Minister for Multicultural Affairs. I point out to Mrs Peulich that just today the Minister for Multicultural Affairs and I confirmed that the budget will provide $524 000 over four years for the Centre for Multicultural Youth, on top of $962 000 over two years for the Regional Presence Project the centre is conducting in Ballarat and Gippsland. I note that before the budget Mrs Peulich was running around with a bit of a scare campaign. We certainly value the work done by the Centre for Multicultural Youth and we are happy to support it with funding in the budget this year. I will refer the matter raised by Mrs Peulich to the Minister for Multicultural Affairs.

Ms Pennicuik raised matters for the Premier, and in that respect I note the President's guidance.

Ms Lovell raised a matter for the Minister for Public Transport.

Mr Ramsay raised a matter for the Minister for Industry.

Mr Finn raised a matter for the Minister for Local Government.

I will refer all those matters to the appropriate ministers for response.

I have written responses to adjournment debate matters raised by Ms Symes on 19 March, Mr Davis and Ms Lovell on 14 April and Mr Eideh on 15 April.

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

House adjourned 5.53 p.m. until Tuesday, 26 May.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

VicForests logging coupes

Question asked by: **Ms Dunn**
Directed to: **Minister for Agriculture**
Asked on: **5 May 2015**

RESPONSE:

Since the creation of VicForests in 2004, staff from the Department of Environment, Land, Water and Planning (DELWP) and its predecessors have supported VicForests in the conduct of planned burns to regenerate harvested coupes in Victoria.

This support is provided on a cost recovery basis and enables these burns to be integrated into the broader planned burning program that is delivered by the department, improving both the efficiency and effectiveness of the program.

Priority is given to the conduct of planned burns that protect people, communities and the environment.

In accordance with their Bushfire Management Agreement, DELWP endeavours to provide support to VicForests upon written or verbal request from VicForests to DELWP regional staff. VicForests makes such requests for resource assistance with regenerative burns where resources are required over and above VicForests available resources.

Offence investigation and prosecution

Question asked by: **Mr Bourman**
Directed to: **Minister for Training and Skills for Attorney-General**
Asked on: **5 May 2015**

RESPONSE:

I am advised by the Attorney-General that the Royal Society for the Prevention of Cruelty to Animals (RSPCA) has statutory powers to investigate and prosecute offences under the Prevention of Cruelty to Animals Act 1986 (POCTA). RSPCA officers are approved by the responsible Minister to exercise investigative and prosecution powers under the POCTA. This legislation is the responsibility of the Minister for Agriculture.

In respect of private entities, any person or entity may institute criminal proceedings in the Magistrates' Court without specific legislative authorisation. A person does not need to be an authorised official or a member of the police force. However, the Director of Public Prosecutions may take over and discontinue any prosecution (ss 22(1)(b)(ii) and 25 of the Public Prosecutions Act 1994).

A number of agencies or bodies with regulatory responsibilities have legislated powers to investigate potential offences committed under their authorising Act. These agencies include local councils, water authorities and professional registration boards. After an investigation, some agencies must refer criminal matters to Victoria Police, which has primary responsibility for the investigation of criminal matters in Victoria. Other agencies may commence criminal proceedings. The oversight mechanism for legislated investigation powers can vary depending on the authorising Act and the portfolio in which the agency sits and the extent of the powers provided. Legislation will usually require annual reporting to the responsible Minister or other oversight mechanisms.

Abbotsford Convent

Question asked by: **Ms Patten**
Directed to: **Minister for Small Business, Innovation and Trade for Minister for Planning**
Asked on: **5 May 2015**

RESPONSE:

I am informed that, as of 5 May 2015, the date the supplementary question/question was raised:

The Treasurer is responsible for the Congestion Levy. Therefore any request to exempt the Abbotsford Convent from payment of the congestion levy should be directed to the Treasurer.

Victorian Managed Insurance Authority

Question asked by: **Mr Davis**
Directed to: **Minister for Training and Skills**
Asked on: **6 May 2015**

RESPONSE:

The decision that VMIA will commence paying a dividend to the State from 2015-16 onwards brings it into line with other public financial corporations such as the Transport Accident Commission, Treasury Corporation of Victoria and the Victorian Funds Management Corporation.

The VMIA is in a very strong financial position. Its current accounting funding ratio is estimated to be slightly above the upper limit of its preferred range.

The payment of dividends by VMIA will not result in any increase in premiums for VMIA's clients. VMIA premiums are based on the estimated costs of claims incurred in the coming year. The payment of dividends has no impact on this.

By determining VMIA pay a dividend, the Government is ensuring funds are used for services like hospitals and schools rather than sitting on a lazy balance sheet.

In view of the fact that the payment of dividends won't increase premiums the supplementary question seems redundant. However, I am informed that premiums paid by various TAFE’s to VMIA in 2014-15 were around $2.86 million.