PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 12 November 2013

(Extract from book 15)

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

By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 22 April 2013)

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

Legislative Council standing committees

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

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

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

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

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

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

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Opposition:
Mr G. JENNINGS

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

Deputy Leader of The Nationals:
Mr D. DRUM

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

[1] Resigned 26 March 2013
[2] Appointed 8 May 2013
[3] Resigned 1 July 2013
[4] Appointed 21 August 2013

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TUESDAY, 12 NOVEMBER 2013

Tuesday, 12 November 2013

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.05 p.m. and read the prayer.

TYPHOON HAIYAN, THE PHILIPPINES

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

That the Legislative Council of Victoria:

(1) offers its deepest and most sincere condolences to the government and people of the Philippines following the catastrophic effects of Typhoon Haiyan;

(2) notes that the human cost of this devastating event is yet to be calculated, and that the loss of life will be immense;

(3) recognises the significant Philippines community in Victoria and the strong family and cultural bonds that exist; and

(4) joins with all the people of the state of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of the Philippines from this calamity.

I know I speak for the whole Victorian community and everyone in this chamber in moving this motion. We have all seen the images on our television screens and seen the pictures in our local newspapers. We have also seen online pictures of the devastation.

Typhoon Haiyan was a massive typhoon, with wind gusts reaching 370 kilometres per hour. To put that in some context, two of the biggest and most feared storms in recent history, Hurricane Katrina and Cyclone Yasi, both claimed lives and devastated huge areas of coastline but neither recorded wind speeds above 280 kilometres per hour — nearly 100 kilometres less than what we saw with Typhoon Haiyan as it crossed the eastern seaboard of the Philippine archipelago at about 4.40 a.m. on Friday.

As we are beginning to see, the damage is catastrophic. Whole towns and villages have been washed away by storm surges of 6 metres and more. Others have been flattened by incredible winds, flooding rivers and debris that may have travelled many kilometres. The devastating storm has left millions of people without access to water, power or telecommunications, and many of the 96 million residents of the Philippines are searching for relatives and loved ones.

Victoria has very strong links with the Philippines and longstanding trade relationships across the South-East Asian region, of which the Philippines are a key part. I know that all of us send our very best to the people in the Philippines. We want to help in every way that we possibly can. I know everyone in this chamber welcomes the contribution by the federal government of $10 million, a very significant step to provide immediate assistance, and I know that significant steps are afoot to provide that assistance. Everyone in this chamber will also welcome the decision by the Premier and the Victorian government to provide support of $100 000 through the Australian Red Cross to its Typhoon Haiyan appeal. That is a very significant start, but there is much more to do, and I know the Australian people, and the Victorian people in particular, are very generous in this regard and will be making significant donations.

As a community we want to support these steps by our governments, both in Victoria and nationally. We want to support the humanitarian and emergency aid that is being provided by the Red Cross and others, and we want to recognise the Filipino community here in Victoria and express our sympathy and support.

Many people have very strong personal links with people from the Philippines. We also recognise the efforts of relief workers and the terrible challenges they face as they struggle to provide aid to communities affected by this disaster. As a community we want to join in those efforts and support the workers in every way we can.

There is no doubt that this is a very significant event in our region. Australia strongly supports the Philippines government with aid in the normal course of events, but much more will be needed on this occasion. People in the Philippines require that aid to support and enable them to withstand some of these events. Without in any way diminishing the unusual scale of this particular typhoon, it is clear that the Philippines is an archipelago that faces many of these sorts of natural events on a reasonably regular basis.

As Victorians we want to support in every way what is happening in the Philippines as people go about the task of rebuilding and trying to find their loved ones. I have made contact with a number of medical and nursing organisations that have strong links with the Philippines and will continue to do so in my role as Minister for Health. More importantly, at this immediate moment there is sympathy and support from the Victorian community. I know I speak for everyone in this chamber as I convey our deepest condolences to the Philippine people for the human cost of this typhoon and offer our significant support to people facing challenges right across the archipelago.

Mr LENDERS (Southern Metropolitan) — I rise to support the motion moved by the Leader of the Government and associate myself and the Labor Party with all that is in the motion. The Leader of the Government clearly outlined the character of the natural phenomena which struck the Philippines with such devastating tragedy, so I will not cover those areas again. It is worth reflecting that the Philippines is a land of islands in the middle of an ocean. It has drawn a lot of its culture, lifestyle and economy from this ocean — ironically called the Pacific Ocean — out of which came this devastating typhoon that has caused such pain and grief to the country. The destruction is horrendous, and I will not seek to describe it in any other way. The consequences are not just the deaths and the suffering — immense as they are — on which we have focused but also the massive rebuilding and recovery period for years to come in the Philippines.

We offer our sympathies to those who were in its path and to those in Australia who are thinking either of their families or the lifestyle they once knew in the Philippines. I take up the point made by Mr Davis that we can assist not only with our thoughts and prayers but as individual citizens by putting our hands deep into our pockets and making a direct contribution.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I want to associate The Nationals with this motion, which expresses our sincere condolences to the people of the Philippines and particularly to those who are victims of Typhoon Haiyan, which has devastated the Philippines in recent days. It has been reported that there could be up to 10 000 deaths resulting from this tragedy, and one of those is potentially an Australian. As Mr Davis said, one has only to look at the towns absolutely ruined by this event to see the devastation it has caused. The aerial photograph in today's *Age* impressed upon me the enormity of this event. It is hard to understand how people survived it.

As other speakers have said, at times like this you feel a sense of helplessness about what we can actually do to help people living in a land some distance from where we currently stand. However, it helps to express our thoughts and extend our prayers to those who are suffering from this event, and we certainly do so.

I extend my sympathies also to the many university students who come from the Philippines and are studying in Australia at the moment. I know that in 2012 in round terms there were some 700 of them. Indeed yesterday at a presentation I went to, the inaugural international student awards, a young student from the Philippines accepted an award. It was a rather emotional moment, and I suggest that she would be worried about her family and friends back in her homeland. To that group of people in our community particularly I want to extend my sincere condolences and best wishes.

It is with somewhat of a regret that we have to stand in this Parliament again and express these views for people who are suffering from the effects of a natural disaster. It is the very least that we can do, and I do that warmly and wholeheartedly on my own behalf and on behalf of my colleagues in The Nationals.

Mr BARBER (Northern Metropolitan) — My Greens colleagues and I wholeheartedly support the motion brought forward by Mr David Davis, and we echo the statements of the other party leaders in this place. We are gratified that there have been early announcements of direct assistance from both the Victorian and federal governments, and we hope that as the logistics fall into place there will be continuing announcements of the necessary assistance.

In addition to expressing our sympathies on behalf of the community we represent, it is also our responsibility as leaders to understand this tragedy and to explain it to our communities and of course through our actions to demonstrate that we support the rescue, relief and recovery — a sentiment the motion invites us to endorse. As Mr Davis noted, the US Navy's Joint Typhoon Warning Center and the Japan Meteorological Agency have estimated that the winds were possibly the strongest to have ever made landfall in the Philippines and that they will be rated as some of the most devastating storms ever recorded by humans.

It would be obvious to all members that when a wealthy Western country is hit by a natural disaster there is a very high dollar cost associated with that, but because of our ability to respond quickly with resources, often the human toll is much lower. In this case we are expecting a very high human toll, because countries not as lucky or as wealthy as ours do not always have the resources to respond within the first few hours, the first few days or even the first few weeks. Their systems of emergency relief, water supply and power supply are nowhere near as resilient as ours. Therefore it is very important that Australia's commitment to development for countries such as the Philippines and other countries in our region is an ongoing one to assist them to become more resilient to natural disasters such as this one. Nature is quite implacable in the face of humans and their suffering at times like this.

One of the communities within the Philippines that seems to have borne the greatest brunt is that of the city

of Tacloban on the island of Leyte, which had a community of some 200 000 people. It appears that there is very little left of their homes and their infrastructure.

This might not be a place that any of us had particularly heard of before — or not many of us, anyway — but if I were to remind members of that picture of General Douglas MacArthur wading through the waves when the Allied forces retook the Philippines, they would instantly know what I was talking about. That of course was the Battle of Leyte. It was a turning point in World War II. The casualties of both the Allied soldiers and the Japanese soldiers are recorded; however, we know little about the local Filipinos, many of whom acted as volunteers for our soldiers and of course would have put up their own resistance as well. I have not been able to find the extent of the loss of life that occurred at that time within the Filipino community, but it would be large.

The reason we expect this typhoon to have led to such a large death toll, despite not having early information, is that only 11 months ago another typhoon hit the Philippines and killed up to 1900 people — that number itself being uncertain, because a large number of fishermen out at sea were never found again.

The Battle of Leyte, as I say, was a turning point for that World War II theatre. The Leyte Gulf was where Kamikazes, in desperation, first turned against HMAS *Australia*. The father of my colleague Ms Pennicuik was on the bridge of that ship when those Kamikazes first arrived.

There is therefore a very real and very meaningful bond between our community and the people of the island affected by this area. The winds are terrible — if you look at video footage of what it is like in the middle of that storm you see that the storm surge driven by the winds is of the proportions of a tsunami. In many cases flooding and landslides do just as much damage as the effects of the winds themselves. In this case the storm seemed to move very quickly across the island; in fact it is already threatening Vietnam and south China.

This is a timely motion that we wholeheartedly support. This is a tragedy that is going to unfold. For all of us in the region, and in particular for a wealthy country such as Australia, it sends us an important message as we continue our work as MPs both in this Parliament and in other Australian parliaments.

The PRESIDENT — Order! I thank Mr Barber. Mr Davis has moved a motion expressing the sympathy of the people of Victoria and the resolve of the people of Victoria to extend support to the people of the Philippines both in terms of those in the community here in Victoria and those in the Philippines itself.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT — Order! I indicate to members of the house that on their behalf and on behalf of the house I will convey the message of the motion to the consular representatives of the Philippines government here in Victoria and Australia.

ROYAL ASSENT

Messages read advising royal assent to:

6 November

Corrections Amendment (Parole Reform) Act 2013
Courts Legislation Amendment (Judicial Officers) Act 2013
Fisheries Amendment Act 2013
Professional Boxing and Combat Sports Amendment Act 2013
Tobacco Amendment Act 2013

12 November

Workplace Injury Rehabilitation and Compensation Act 2013.

QUESTIONS WITHOUT NOTICE

Avalon Airport

Mr LENDERS (Southern Metropolitan) — My question is to Mr Rich-Phillips in his capacity as the Minister responsible for the Aviation Industry. Regarding Avalon Airport, the minister promised but failed to deliver rail, new international players and even the Red Bull Air Race, his first election commitment in 2010, and now the minister has overseen Qantas's abandonment of its heavy maintenance efforts there. I ask the minister: what remains of his government's vision for Avalon and the Geelong region?

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I thank Mr Lenders for his question and his reference to Avalon, which this government remains committed to as Melbourne's second airport. Let us be quite clear: having Avalon Airport as a second airport for the Melbourne basin is of strategic importance to Victoria. New South Wales is now in the fourth decade of a

debate about whether Sydney needs a second airport. This debate has been going on in New South Wales for four decades with still no decision about whether Sydney needs a second airport.

Here in Melbourne we have a great opportunity with Avalon Airport. The Victorian government is committed to continuing to work with the operators of Avalon Airport around its ambitions to expand that facility to international operations and attract other aviation operators to Avalon Airport.

As to the announcement by Qantas last week, the Victorian government is disappointed that Qantas has elected to close its 747 maintenance facility at Avalon.

An honourable member interjected.

Hon. G. K. RICH-PHILLIPS — I take up the interjection by Mr Melhem about Queensland. It is worth putting on the record that in 2002 Qantas was seeking a location for a new heavy maintenance facility in Australia. That competition for the proposed heavy maintenance facility was between Brisbane and Melbourne. In 2002 the Victorian government of the day failed to secure that facility for Victoria. That facility was constructed in Brisbane and is now Qantas's most up-to-date, modern heavy maintenance facility in Australia. Since 2002 we have seen the consolidation of Qantas's maintenance operations away from other sites and into that facility in Brisbane, which Victoria did not secure in 2002. Taking up Mr Melhem's point about Brisbane, it is in fact the case that Qantas has been consolidating its maintenance operations in Brisbane since 2002 when the Bracks government did not secure the facility for Victoria.

The Victorian government continues to work with the operators of Avalon towards developing Avalon as Melbourne's second international airport.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I outlined in my first question three election commitments that have not been delivered on for Avalon, and I ask: is there a single election commitment regarding Avalon that will be delivered on before the end of this term?

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I thank Mr Lenders for his supplementary question. I can tell Mr Lenders that the government committed to secure the continued operation of the Australian International Airshow at Avalon. In February this year I was delighted to announce that this government has secured the airshow for an additional five shows until, I think, 2025. This is an important event for Geelong. It is an event of international standing in the aviation industry. It is an important regional event for Geelong, and it is an important event for the aviation industry in Australia. This government has secured it for another five shows, as it committed to do in its election manifesto.

Ambulance services

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) — My question is to Mr Davis, the Minister for Health. Can the minister inform the house of any recent announcements to improve the linkage between ambulances and our major hospitals?

Hon. D. M. DAVIS (Minister for Health) — I thank Mr Dalla-Riva for his question. I note his strong advocacy for hospitals in the eastern region, for Box Hill Hospital and for Eastern Health in general. He is a firm advocate of the Austin Hospital, the Maroondah Hospital and the Angliss Hospital. All of those are hospitals that Mr Dalla-Riva has been advocating for.

Let us be clear. What the government announced on the weekend was an important new set of principles, and these come from the work of the Ambulance Transfer Taskforce, chaired by Andrew Stripp, the deputy manager at the Alfred hospital. His task force members included Associate Professor Tony Walker, the manager of regional services at Ambulance Victoria; the Austin Health director of emergency, Dr Fergus Kerr; and the Western Health acting nurse unit manager, Melissa Tully. They spent a good deal of time consulting with Ambulance Victoria, private and public hospitals across the state, the Australian Medical Association, the Australasian College for Emergency Medicine and other key groups.

What they came forward with is a set of principles that will see the earlier transfer of patients from ambulances into major emergency departments and an acceptance that it is the responsibility of the hospital to immediately assume that it will manage that patient. This is an important shift in focus. There has been a tendency over time for health services not to immediately accept that responsibility, and the recognition was there. I attended one of the consultation sessions and saw the constructive contributions not just of ambulance paramedics and senior managers but also of some emergency department directors. It is clear that this is an important step forward that will enable the movement of patients from ambulances into emergency departments more quickly, providing better care for

patients but also freeing up ambulance resources across the state.

Those resources have been massively expanded by this government. There are 465 more paramedics on the road now than there were three years ago. Almost $100 million more annually is being spent on ambulance services. Let us face it, the previous government did not commit to those expansions of ambulance services. It failed to put the resources in. We would not have the number of ambulance officers that we now have on the road if Daniel Andrews, the Leader of the Opposition and member for Mulgrave in the Assembly, were still health minister. Let us face it, this would have been the challenge that was faced. The additional resources are important — —

Mr Lenders — On a point of order, President, I put to you that the minister is debating the question. Hypothetically speculating on what an alternative minister might do during this Parliament is nothing but debate, and I ask that you draw him back to government administration and that he cease debating the question.

Hon. D. M. DAVIS — On the point of order, President, it was not hypothetical at all. It was about the opposition's election commitments and what it did in government.

The PRESIDENT — Order! On the point of order, I concur with the Leader of the Opposition. It was speculation and was therefore debating the matter, but I note that the minister was returning to the substance of his matter, having made that comment, and I welcome that trend in his answer.

Hon. D. M. DAVIS — As I said, the government has increased resources to our hospitals and to health in general — $2 billion since coming to government and nearly $100 million in additional funding annually for our ambulance services. Part of the new plan will see additional information fed into our emergency departments through improved ambulance arrival boards. These are the mark 2 of arrivals boards with greater information. They are being tested now and will be rolled out across the major metropolitan hospitals to provide that greater basis of information, enabling emergency departments to more carefully plan their operations.

It is also important that hospital administrators and clinicians recognise that this is a whole-of-hospital challenge. The emergency department needs the support of the CEO and senior clinicians elsewhere in the hospital to enable the movement of resources and the support of patients as they are moved out of the emergency department to their homes, other destinations or elsewhere in the hospital. I thank the panel for its work.

WorkSafe Victoria review

Ms PENNICUIK (Southern Metropolitan) — My question is for the Assistant Treasurer, and it is with regard to his role as the minister responsible for WorkCover. The minister would know that over the last two years I have raised by way of an adjournment matter, questions and letter many issues about bullying within WorkSafe Victoria. Just last week, when we were discussing the Workplace Injury Rehabilitation and Compensation Bill 2013, I mentioned to the minister that he had told me that an internal review of WorkSafe had been conducted. I have asked him on a number of occasions whether I could have a copy of that report or if it could be made public. I indicated that I would ask him for a copy of that report if I had not seen it by this week. I have not seen it, so I request that the minister make public that report and provide me with a copy of that internal review by WorkSafe.

The PRESIDENT — Order! That was not phrased as a question in the way that I would expect for question time, but the minister has an idea of what is being sought.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Ms Pennicuik for her question, her ongoing interest in the matter of workplace bullying and her interest in issues surrounding workplace bullying at the Victorian WorkCover Authority (VWA). As Ms Pennicuik knows — we have had discussions about the matter — this is something the government takes seriously and something that the new chief executive at WorkSafe Victoria, Denise Cosgrove, in coming to the role just on 12 months ago, has indicated a commitment to addressing.
Ms Pennicuik has raised the question of the internal work that was done by the VWA around that matter. As to the release of that report, I will take the matter on notice and follow up with Ms Pennicuik as to the status of that document. I will come back with a response on that particular matter.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — In his response the minister says he will take my question on notice and find out about the status of the report. This is not the first time I have raised it with him, so taking it on notice is perhaps just delaying it again. I put to the minister that whatever the status of the review, the

public of Victoria needs some information from WorkSafe as to the result of that review and some public statement as to what WorkSafe is actually doing about the problems that have been documented in the public — in the media, on TV, in the papers and by me in this house — about bullying within WorkSafe.

The PRESIDENT — Order! Ms Pennicuik, I am at a loss to understand where there was a request, let alone a question. Is there a question?

Ms PENNICUIK — Will the minister make sure that something public comes from WorkSafe about the review?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Ms Pennicuik for the supplementary question. I say to Ms Pennicuik that I do not carry the report with me, so I cannot hand it to her now. As I have undertaken, I will follow up on that investigation with the VWA to determine whether it can be released to Ms Pennicuik.

I reiterate that this is an issue of concern to government. It was this government that introduced changes to the Crimes Act 1958 to make workplace bullying a crime under that act and to demonstrate how seriously the government takes the issue of workplace bullying. Obviously we expect the Victorian WorkCover Authority to be an exemplar in terms of its workplace culture in that regard, but I will follow the matter up for Ms Pennicuik.

Parole reform

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Corrections, the Honourable Edward O'Donohue. Can the minister update the house on the progress this government continues to make regarding parole reforms in Victoria?

Hon. E. J. O'DONOHUE (Minister for Corrections) — I thank Mr Elsbury for his question about this most serious and important matter. I also thank him for his ongoing interest in reforms to the parole and criminal justice system in Victoria. This house is well aware that community safety is of the utmost importance to this government. We were elected with a mandate to bring the justice system into line with community expectations, and that is exactly what we are doing. In opposition we listened to the community; in government we continue to listen to the community. We are actioning our election commitments, and we continue to action the mandate the Victorian community gave us at the last election.

Last Sunday I attended the annual Victims of Crime Solidarity Walk on the steps of Parliament House and joined the families and friends of those who have lost loved ones. As I am sure members of this house would be aware, this is Victims of Crime Week. I take this opportunity to pay tribute to the organisers of the solidarity walk, which greatly honoured the loved ones they have lost. By being there, telling their stories and demonstrating dignity they showed great courage.

As I outlined to those present on Sunday, this government has taken the most decisive action in the country in relation to parole reform, and the parole system in Victoria is now the toughest in Australia. Earlier this year we passed a law making cancellation of parole automatic in some circumstances for sex offenders and serious violent offenders. That does not happen anywhere else in Australia. This place has passed legislation making breach of parole an offence, giving police a way to take these people off the streets immediately without having to wait for the Adult Parole Board of Victoria to meet. I commissioned former High Court of Australia judge Ian Callinan to undertake what is now known as the Callinan review, the most comprehensive review of our parole system in Victoria.

Mr Tee — Have you released it yet?

Hon. E. J. O'DONOHUE — I cannot help but take up Mr Tee's interjection asking whether we have released it yet. The Premier and I released the Callinan review on 20 August. Mr Tee, as the lead speaker for the opposition when it comes to corrections bills, comes into this place without having bothered to open the front page of that seminal document which is driving parole reform in Victoria. It is a document that a most learned and respected former High Court judge, Ian Callinan, has authored and that paves the way for parole reform. This house has considered some of the measures in that report and has passed legislation enshrining five of them. Mr Tee, in his ignorance and arrogance, asks, 'Have you released it yet?'. What Mr Tee said in this week when we honour victims of crime is an absolute disgrace. He should apologise through you, President, and he should be ashamed of his inane and disrespectful interjections.

The government has done more than just legislate five of Mr Callinan's recommendations. I am pleased to advise the house that 21 of those recommendations are either fully implemented or on the way to being implemented. We have published the *Adult Parole Board of Victoria Members' Manual* and other documents on the Department of Justice website to give

the system greater transparency. We have extended the human rights exemptions — —

The PRESIDENT — Order! Thank you, Minister.

TAFE funding

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Higher Education and Skills, Mr Hall. Can the minister assure the house that no TAFE course will have its government subsidy cut for 2014?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am sure that the Leader of the Opposition is well aware of the process — because I have explained it on a number of occasions — of setting subsidies for TAFE courses. When they were first implemented in May 2012, it was very clearly indicated that there would be a review of the subsidy levels in at least two years time. There has been some review of subsidy levels throughout that course of time; the purpose of a review is to react to market conditions. We want to encourage people to train in areas of need so we can monitor enrolment patterns to ensure as best we can that training activity takes place in areas of need. For that reason there will be some ups and downs in subsidy levels as appropriate and as recommended by the market monitoring unit from time to time.

A great example of the work that the market monitoring unit has undertaken is in the area of Auslan provision, which I am sure Mr Lenders and others are familiar with. I might add that the system was introduced by the previous government. When there was a breakdown in market conditions, we were able to step in, make amends and ensure that Auslan training continued to be delivered in a very significant way in Victoria.

The answer to the question is no, I cannot guarantee that no subsidies will be cut, because there have already been some changes, and it is quite clear that there need to be changes from time to time to ensure that the training effort is focused where Victorians need it.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank the minister for his answer and note that he says he cannot guarantee that subsidies will not be cut, but can he guarantee that no individual student will pay more for a TAFE course in Victoria in 2014 because of any decisions that he will announce later this week?

The PRESIDENT — Order! I think the supplementary question pushes the envelope in terms of the substantive question; however, on this occasion I will allow the minister to respond.

Hon. P. R. HALL (Minister for Higher Education and Skills) — Forgive me if I am unaware of the exact amount of personal contributions to the course fees of the 780 000 government-subsidised students who study at TAFE in any one year. I point out that this is a market-driven system that was implemented by the previous government and left to run rampant without any architecture around it at all to make sure that the public was getting value for money out of the system.

The system provides for a contribution from students towards the cost of their training and a significant government subsidy towards that training, depending on the course a student takes. The provider sets the fee that a student will pay. That is what competition is all about, and that is what the market is all about. It is what the Labor Party implemented when it was in government. It introduced a competitive, market-driven system, and the market is responding accordingly. Part of that market response is the setting of a contribution made by the student to their own training.

Technology-enabled learning centres

Mr P. DAVIS (Eastern Victoria) — I too have a question directed to the Minister for Higher Education and Skills. It is a much better question that will elucidate a much more succinct answer. I ask the minister to inform the house of how technology is being used to improve access to vocational training.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr Davis for the sensational question, because it is all about technology and one of the most pleasing things that has occurred in my portfolio responsibility — and that is the advent of a better means of delivering programs through the use of technology.

Mr Davis and other members of this house will recall that I have spoken about technology-enabled learning centres on a number of occasions. I am able to inform the house today that nine of those centres are up and running in the Gippsland region. Indeed I had the occasion to visit the Morwell campus of GippsTAFE just last week, where we officially launched the first 9 in the network of what is soon to be 20 technology-enabled learning centres across the Gippsland region. I might add that while these are across the Gippsland region, the use and extent of them is far broader than that, and already the technology is being linked into by providers from outside the region.

While I was at the launch of this project, three events were happening simultaneously — that is, three different connections were occurring in three different classrooms. One of those saw a link of four campus sites: one at Fulham, near Sale; one at Pakenham Secondary College, which I know Mr O'Donohue has been a really strong supporter of; one at the Leongatha campus of GippsTAFE; and one at the Morwell campus of GippsTAFE. They were all linked to the same network and staff at each of the four centres were linking in and discussing different programs that they intend to operate through the technology-enabled learning centres.

In another room students in Frankston were being linked with students in Morwell; all of those students are undertaking certificate training in child care. Again, with the revolution in technology there, they were able to interact in real time. They were even able to sing in real time, which is evidence of the extent of the technology. There were also linkages of staff at sites in places like Leongatha, Morwell and Frankston, where they were undertaking professional development together and utilising this technology to deliver programs.

The nine centres are based at Bairnsdale, Cranbourne, Dandenong, Leongatha, Lakes Entrance, Morwell, Pakenham, Sale and Wonthaggi. Another 11 are to open in Berwick, Chadstone, Churchill, Frankston, Mallacoota, Omeo/Swifts Creek, Rosebud, Traralgon, Warragul, Yallourn and Yarram. As Mr Davis would well understand — as would those who know their Gippsland geography — that is a significant network of 20 places around the Gippsland region, and the concept of being able to aggregate student numbers in each of those centres and collectively run a class for a viable number of students offers great potential not only to the Gippsland region but also to other regions beyond.

Auslan, which I mentioned before, is able to be delivered, and it is about to be delivered into this region through some of this technology. Some of the programs already being run are the certificate III in information technology, the bachelor of early childhood education through Deakin University and certificate IV in tourism and hospitality. Many other programs are planned for 2014. This initiative, created by an investment of $5 million by this government, is going to lead to much improved access opportunities for not only the people of Gippsland but also people from all over Victoria and the world as others choose to tap into that network.

I wish to quickly add that representatives of the Heyfield Community Resource Centre were also at the launch, because that community learning centre was able to tap into this technology. With a flat-screen TV, a hired microphone and a hired camera, students were able to participate in some WorkSafe Victoria training using this technology.

Emergency department performance

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. During the last sitting week the Australian Institute of Health and Welfare report on Victorian emergency departments showed that only 76 per cent of non-admitted patients left our emergency departments within the target of 4 hours. This week the minister released the ambulance task force recommendations — the now infamous dump-and-run policy — which stipulates that 95 per cent of patients should be discharged within 4 hours. How are already overstretched emergency departments going to achieve this outcome?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for his question. He will understand that the state government in Victoria has increased funding to our hospitals and our health services by, in aggregate, more than $2 billion since coming to government.

Mr Jennings — No, not the hospitals.

Hon. D. M. DAVIS — To hospitals and health in general — in aggregate.

Mr Jennings — In hospitals — are you sure about that?

Hon. D. M. DAVIS — In aggregate. Across health, in aggregate, we have.

Mr Jennings — Are you sure?

Hon. D. M. DAVIS — Yes, just have a look at the output groups in the budget. The state budget shows an increase of more than $2 billion to the output groups administered by the health portfolio.

Mr Jennings — That is much better.

Hon. D. M. DAVIS — There you are, Mr Jennings — you have it there quite clearly.

Mr Jennings — Not the hospitals.

Hon. D. M. DAVIS — The hospitals are the principal or the largest group that receives that increase in funding. As Mr Jennings will understand, the state government strongly supports our hospitals in their efforts. He would be aware, as I indicated in the question I answered earlier today, that the state government has released the Stripp report, which was

written by Andrew Stripp and his expert committee. That committee has put forward some very thoughtful and useful suggestions that will improve the flow of patients from our ambulances into our emergency departments.

It is clear that a whole-of-hospital response will mean a better outcome for our patients. We need CEOs, senior hospital administrators and senior clinicians across the hospital system to work with emergency departments to get a better outcome. We will be focusing on that, as Mr Jennings might well imagine; we will be ensuring that ambulances are supported in that way, enabling them to be freed up.

I make the point that the last government did not even release information about ambulance transfer times. It kept it secret; it kept it hidden. That is what it did in terms of ambulance transfer times. The point is that this government is taking a positive step. We have put in more resources to our ambulance service — almost $100 million extra in resources — as well as 465 additional paramedics. We have put in paramedics across every region of the state, which is well ahead of our election promises schedule in terms of putting in additional resources.

We have an ambulance service that is doing very well but which can do better. It needs the support of our hospitals and a more seamless transfer of patients at our emergency departments. Members of the Stripp committee consulted widely with key clinicians and others. Mr Jennings will understand that as committee members consulted, they became very clear about what is required, which is a clear delineation of responsibilities so that as ambulances come to emergency departments there is an acceptance of responsibility by the emergency department and the hospital as a whole regarding the care of that patient. That will free up ambulances so that they can provide care to others who need it. It will mean that the same number of people are treated. That same number of people are already being treated by hospitals, but the flow has not been as smooth as it could be.

The steps that need to be taken are clear. I am indebted to Andrew Stripp and his expert committee for the work they have done. I place on record my thanks and the government's thanks to them for the work and consideration they have put in.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — On two occasions over the past few days the minister has publicly clarified that overstretched emergency departments will not be given new additional resources to achieve better transfer and discharge times. Will the minister now reconsider his lack of support to emergency departments in Victoria?

The PRESIDENT — Order! This again pushes the envelope in terms of the supplementary question relating to the substantive question.

Hon. D. M. DAVIS (Minister for Health) — Let me be quite clear. Our emergency departments have been provided with significant additional funding by this government over the last three years, as have our hospitals and emergency departments. More people are being treated in emergency departments than ever before in the state's history — more than under Mr Jennings's government and more than at any other time in the state's history.

A whole-of-hospital response is required here where CEOs and senior clinicians work as a team to move people through the emergency departments and elsewhere. The Stripp report has made it very clear that this is possible. They consulted widely amongst emergency department physicians and other clinicians and have made it very clear that our emergency departments can manage these flows and our hospitals can manage these flows — and indeed they will.

Public housing waiting list

Mr RAMSAY (Western Victoria) — My question without notice is to the Minister for Housing, the Honourable Wendy Lovell, and I ask: can the minister inform the house of the waiting list figures for public housing in Victoria?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and his ongoing interest in those less fortunate than ourselves who need the assistance of public housing in Victoria. Since coming to government the Victorian coalition has worked hard to improve outcomes for some of Victoria's most vulnerable tenants.

I am pleased to say that today I released the September 2013 quarter public housing waiting list. Once again the numbers have decreased with there now being 34 408 people on the public housing waiting list for the September quarter. This is a reduction of 1385 on the June quarter and a massive reduction of 6804 on the last public housing waiting list that was published under Labor in September 2010. In fact this is the lowest figure since June 2007. The statewide public housing waiting list has fallen in 9 of the 12 quarters since the coalition was elected.

We have been working hard to improve outcomes for those on the waiting list. We have done this by reviewing vacancy rates and turnover procedures, working harder with those who have been waiting the longest, ensuring that people are aware of and facilitating access to alternative options, including community housing, bond loans, and advice and support to access the private rental market where appropriate.

In this quarter alone in Mr Ramsay's electorate the Geelong list fell by 114 — that is, a 5.6 per cent reduction; the Ballarat list fell by 95, which is a 10.6 per cent reduction; the Horsham list fell by 46, which is a 14.6 per cent reduction; the Portland list fell by 5, which is a 12.5 per cent reduction; and in Warrnambool there was a fall of 26, which is a 6 per cent reduction. However, if you look at the figures when Labor was in power, you see that in Geelong the list has fallen by 558, which is a 22.6 per cent reduction; in Ballarat there has been a fall of 245 applicants, which is a 23.4 per cent reduction; in Portland the list has fallen by 71, a 67 per cent reduction; and in Warrnambool the fall has been 264, which is a 39.5 per cent reduction.

There is still more to do, and we know we need to continue to address those issues which were ignored by Labor for 11 long years. Labor was prepared to allow people to languish on a public housing waiting list. We have not done that; we have worked hard with these people to ensure that they are accommodated appropriately.

Emergency department performance

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. What evidence does the minister rely on to refute the views of Dr Stephen Parnis, the Victorian president of the Australian Medical Association, who commented this week in response to the minister's now infamous ambulance dump-and-run policy that ambulance arrival boards at the Austin, Northern and St Vincent's hospitals have not reduced overcrowding, nor resulted in any substantial change?

Hon. D. M. DAVIS (Minister for Health) — I understand the trial that occurred with the early arrival boards — that is, the initial or mark 1 version — and I have had that discussion with Dr Parnis; and what is different here is that there is a new and more advanced version that is being trialled now down at Monash. It is a different version from the trial that the member announced. It is a better version: it is mark 2. It is more shiny, and it provides more information to the emergency departments. That is the difference, Mr Jennings.

Let us be quite clear. There have been more resources for our hospitals since we came to government. We are rebuilding the emergency departments. Why did the former government not build the Austin Hospital big enough? We have had to backfill, with an $11 million short-stay unit. Why did it not build Frankston Hospital big enough? There has been a $40 million expansion down there. Why did it not build the Northern Hospital emergency department? I could go on about Box Hill, Bendigo and others. Part of the challenge in our emergency departments is having good physical infrastructure. Labor did not do it; we are doing it. We are backfilling the problem, the black hole left by the former government.

Let us be quite clear. When talking about resources for emergency departments, we should look at the list of cuts that Labor supported. There was the fringe benefits tax cut. The opposition ticked off on it. The member opposite was in favour of the cuts by his nasty federal government, and what about the $475 million cut — —

Mr Lenders — On a point of order, President, the minister's reflections on whether an opposition supported actions of a previous federal government hardly relate to current government administration, and I put to you that the minister is debating and should get back to answering questions on his government's administration.

Hon. D. M. DAVIS — On the point of order, President, this question and earlier questions directly related to resources in emergency departments, and the previous federal government cut those resources. One key cut was imposing a carbon tax on emergency departments, and I intend to talk about the costs and taxes imposed.

The PRESIDENT — Order! The minister frequently reminds this house of former federal government policies in a number of areas with regard to health funding.

Hon. D. M. DAVIS — The lingering effects.

The PRESIDENT — Order! Possibly the lingering effects, but nonetheless, he needs to do so with a very light touch, because where he labours that point he is debating. To that extent I concur with the Leader of the Opposition in the point of order that he has raised.

I note that the minister in this answer referred to the previous government in Victoria not building certain infrastructure. I note particularly that the Leader of the

Opposition did not take issue with that on the basis that that was perhaps pertinent to the resourcing issue that the minister is canvassing. However, discussing federal funding and particularly portraying the current opposition's position in respect of those federal policies becomes debating. We are well aware, as a result of the many outings of this particular line of response, of the issues that the minister has expressed concerns about over a period. As I said, the minister should use a particularly light touch because I believe he is moving into debating.

Hon. D. M. DAVIS — I will be quite clear about these points. We have begun a program of rebuilding our emergency departments, dealing with the physical infrastructure and the terrible mess that was left by the last government.

Mr Jennings interjected.

Hon. D. M. DAVIS — I have got to say I would not talk about Frankston. We have had to put nearly $80 million into fixing up the problems Mr Jennings and the former health minister left at Frankston. Physical infrastructure is a significant part of the challenge, but it is more than just physical infrastructure; it is the resources that are required, and we have put the additional resources in. We have had the federal government pulling out resources on the other hand, which has made it more difficult to manage cutting promised funding to our health services. There is still a lingering $368 million, which is sitting there, and I have got to say that is a significant impact. Indeed every major hospital in this state is paying a carbon tax this week — this month. I can tell you that across the whole system it is $14 million a year, which is a direct hit.

Honourable members interjecting.

Hon. D. M. DAVIS — It is a health tax. Mr Jennings might not like it, but it is a health tax, and he voted in favour of it. He supported it. But I would say, notwithstanding the burdens put on our system by federal government decisions, we are getting on with the job. The arrivals approach recommended by Andrew Stripp and his expert committee will be a significant step forward. We will see — —

Mr Leane — Have you spoken to the new health minister?

Hon. D. M. DAVIS — I have got to say I have spoken to many doctors about this — —

Mr Leane — The new federal health minister — —

Hon. D. M. DAVIS — I have spoken to him. I was at the Standing Council on Health on Friday, and it was very interesting — —

Mr Leane interjected.

Hon. D. M. DAVIS — I pick up the interjection.

The PRESIDENT — Order! Mr Leane!

Hon. D. M. DAVIS — If somebody were to read the communiqué from the Standing Council on Health which met on Friday, they would see all health ministers complimented the federal Treasurer on removing the fringe benefits tax impost that was put on by the previous government. That impost on health care and health workers has been removed, and the Standing Council on Health, including the Labor health ministers, complimented the federal Treasurer — and when it came to self-education expenses, the cap that was put on there.

Mr Lenders — On a point of order, President, if the South Australian and Tasmanian health ministers have complimented a federal Treasurer at a meeting, I hardly see how that has anything to do with government administration in Victoria. I put to you that the minister is again debating the issue and not addressing administration of health in Victoria under his watch.

Hon. D. M. DAVIS — On the point of order, President, there were papers discussed at the health ministers conference that I put on the agenda in my capacity as health minister. It seems very hard to argue that that is not about administration when, as health minister, I am putting matters on the agenda about fringe benefits tax and self-education expenses.

The PRESIDENT — Order! I thank the minister, but that is not what the question was about.

Hon. D. M. Davis — I was responding to the interjection.

The PRESIDENT — Order! Therefore that is the difficulty that I have. I accept the minister's comment that some of the interjections that are made by the opposition are provoking the minister and encouraging him to go in directions that I would prefer he did not.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I will take the opportunity to remind the chamber that the question was about the pilot project that was at the Austin, Northern and St Vincent's hospitals, whether that was a success or a failure and whether to run this

system out through all hospitals in Victoria. Is the minister aware that the latest hospital data for Victoria, for 2012–13, demonstrates that the Austin and the Northern hospitals, which were selected for the pilot, are two of the three worst hospitals for ambulance bypass in Victoria?

Hon. D. M. DAVIS (Minister for Health) — Yes, I am aware that Northern Hospital and the Austin face challenges. One reason they face challenges is because of the mess Mr Jennings's government left them in, and that is why we are rebuilding their emergency departments. That is why we are putting tens of millions of dollars into the Northern Hospital emergency department. It is because the previous government left it in a shambles. That is why we are backfilling at the Austin with $11 million to put in a new short-stay unit — because Labor did not build it big enough in the early 2000s. Yes, I am aware of the challenges they have got; yes, we are dealing with them; and yes, it is a mess left by Mr Jennings's government. It is a shambles left by his government.

In terms of the mark 1 version of the arrivals boards, yes, we are aware of the difficulties of those initial arrival board trials. Do you know what we have done? We have changed it. We have modified it, and we have got a better system that we are rolling out. Yes, we have learnt; yes, we accept they were imperfect — —

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

Planning zone reform

Mrs PEULICH (South Eastern Metropolitan) — My question without notice is directed to the Minister for Planning, Mr Guy, and I ask: can the minister inform the house what action the government has taken to bring forward planning zone certainty to Melbourne's south-eastern suburbs?

The PRESIDENT — Order! I look forward to a very subdued response from the Minister for Planning.

Hon. M. J. GUY (Minister for Planning) — Thank you very much, President. I appreciate that very important question from Mrs Peulich in relation to Melbourne's south-eastern suburbs.

Be under no illusions, President, this is a government that is delivering on its election commitments to Melbourne's south-eastern suburbs. The Liberal Party and The Nationals went to the 2010 election saying that they would reform the way our zone structure exists and, importantly, allow councils and communities to choose the style of suburbs in which they will develop over a period of time and how those suburbs will develop. This government has kept its promise to the people of Melbourne's south-eastern suburbs in the city of Greater Dandenong.

I have much pleasure in informing the chamber that I recently approved amendment C175 to the Greater Dandenong planning scheme, which fundamentally and totally reforms the planning zone structure in Dandenong and Greater Dandenong. That was a key election commitment of the coalition to the people of the Greater Dandenong region, and reforming the zone structure was a key election commitment to all Melburnians and Victorians.

It is important that we reform our zone structure. There are two new zones for commercial development, but there are three clear zones for our residential areas. A neighbourhood residential zone clearly protects areas that need to have their neighbourhood character protected once and for all. This is the strictest of any protection zone in Australia when it comes to residential zoning. A zone in the middle, the general residential zone, as its name suggests, is a zone that allows for a mix of development types: apartments, detached homes, town houses, units and the like. Along with a zone that encourages growth, the residential growth zone, this provides a balance for all communities to once and for all say, 'We want to map out our future as to how we see our municipalities growing and growing sustainably'.

The City of Greater Dandenong is the second council in Victoria to adopt the government's reformed residential zone initiative: 10 per cent of the residential zone areas will be the new residential growth zone; 63 per cent will be the general residential zone and 27 per cent will be the neighbourhood residential zone. Those are percentages and areas, with factual evidence behind them, suggested and put forward by the council and the residents for the people of Greater Dandenong. Governments of the past have made promises about residential zone reform. This government had a plan about zone reform, which it has implemented to the absolute letter of its promise and commitment to communities back in 2010. It is one about which we are very proud to be able to say, 'Job delivered for the people of Greater Dandenong'.

As people in this chamber will know, planning and the planning portfolio are clearly about jobs and the way we live. Our new zone initiatives around residential zone reform and commercial zone reform ensure that we get construction jobs and development activity in defined locations where communities want, know and expect it to be. We also know that planning, being

about the way we live, is about building a sustainable and sensible planned community for the future. Not all of our city is a one-size-fits-all construction zone as per Melbourne 2030.

This government believes that all suburbs should have a mix of zone reform, that we should allow our councils to grow organically. Importantly, this government believes that communities should have a real say about how they grow into the future. It is not lip-service but real zone reform that offers to communities once and for all the protection they want in the growth areas that they themselves have defined.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 621, 8591, 8596, 8993, 9459, 9464, 9474–6, 9512 and 9530.

VICTORIAN LAW REFORM COMMISSION

Birth registration and birth certificates

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

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 15

Hon. R. A. DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 15 of 2013, including appendices.

Laid on table.

Ordered to be printed.

EDUCATION AND TRAINING COMMITTEE

Extent, benefits and potential of music education in Victorian schools

Mrs KRONBERG presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mrs KRONBERG (Eastern Metropolitan) — I move:

That the Council take note of the report.

I am delighted to make my contribution as the chair of the committee, having assumed the role after a good deal of the hearings and so forth had been conducted by others, and I commend them for their work. This report represents 12 months of research and extensive consultation by the Education and Training Committee and hearings held both in Melbourne and regional Victoria. The terms of reference asked the committee to evaluate the extent, benefits and potential of music education in Victorian schools. In particular the committee was to consider evidence supporting music education and skills, the current provision of music education in Victoria and future optimum provision of music education in Victorian schools.

The committee's report provides a framework for ensuring that all Victorian students have the opportunity to experience meaningful music education programs at school. The key recommendations include the need to collect annual data about music education provision within Victorian government schools; a statewide strategy to guide the future delivery of school music education in Victoria; a promotion plan to ensure that school leaders and teachers understand the importance and benefits of a quality music education; a music education guide to support calls to deliver a quality music education; increased education, training and support for teachers, particularly at the primary school level; and support for secondary schools without instrumental music programs to start such programs.

There was a high level of community interest in the inquiry. The committee received 244 submissions, conducted nine public hearings and visited several schools during the inquiry. The committee brought forward 45 findings and made 17 recommendations.

As a society we value music for the richness and the joy that it brings into our lives, and music plays an especially valuable role in the lives of children. Young children learn and play through music, and older children use music to carve out their identity and express feelings and emotion. School provides the opportunity for young people to receive a formal music education and participate in co-curricular activities such as music lessons, choirs and ensembles. A quality music education at school provides the basis for Victorians to make, play or appreciate music throughout life.

This report of the Education and Training Committee's inquiry into the extent, benefits and potential of music

education in Victorian schools represents the considered synthesis of the inquiry's rich harvest of information and opinion. As the report was largely formulated by the previous committee, I recognise the excellent contributions made by Mr David Southwick, the member for Caulfield in the other place and the former committee chair; Ms Gayle Tierney, the former deputy chair; Ms Elizabeth Miller, the member for Bentleigh in the other place; and continuing committee members Mr Peter Crisp, the member for Mildura in the other place, and Mr Nazih Elasmar. The members of the committee secretariat — Ms Kerryn Riseley, now the immediate past executive officer; Ms Anita Madden and Ms Stephanie Dodds — undertook this project with dedication and genuine interest in the task.

Each member has worked hard to produce this splendid outcome. I thank the members of the team for their professionalism and their conscientious approach to the project. In particular I acknowledge the contribution of Ms Madden, the committee's research officer, who worked assiduously to produce a high-quality report, of which all committee members can be proud. As I assumed the role of chair at a time when the inquiry was quite advanced, I particularly appreciated the support the staff provided to me during a period of transition and familiarisation. I acknowledge also that since 14 October the committee has had a new executive officer, Mr Michael Baker.

In educational circles there has been much focus on the need to lift student numeracy and literacy levels, and whilst this is very important, it would be unfortunate if we became so narrowly focused on these outcomes that we sidelined the role of music in our schools. This report demonstrates that music and the arts can play an important role in engaging students at school as well as lifting student performance and overall wellbeing. I commend the report to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to make a contribution on the report of the Education and Training Committee's inquiry into the extent, benefits and potential of music education in Victorian schools, November 2013. Whilst there was some change on the committee — with members leaving and others coming — I acknowledge my fellow former committee members, the former chair, Mr David Southwick, who is the member for Caulfield in the Assembly, the former deputy chair, Ms Gayle Tierney, and Ms Elizabeth Miller, the member for Bentleigh in the Assembly, who worked together with Mr Peter Crisp, the member for Mildura in the Assembly, and me, as well as all the other current committee members, who made a very significant contribution to this inquiry. I really enjoyed this inquiry, which dealt with music education. In particular at this time of this year I think about how important music is to everyone — to children, to adults, to parents — as well as to our schools.

I also acknowledge the splendid work done by Ms Kerryn Riseley, our former executive officer, who oversaw the conduct of the inquiry, and that of Ms Anita Madden, the research officer, who researched and wrote an extensive and highly readable report on the committee's behalf. I also thank Ms Stephanie Dodds, who provided administrative assistance and support for the committee, and I welcome the appointment of Mr Michael Baker, our new executive officer.

The committee welcomed the opportunity to consult with teachers, musicians, students and parents. The inquiry into music education established unconditionally the importance and necessity of music being taught in schools at all levels. What became obvious to the committee and was clearly demonstrated at the outset of our inquiry were the many benefits of a musical education from year 1 through to year 12. Recommendations contained in the report are targeted at improving and maximising student — —

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! Mr Elasmar's time has expired.

Mrs MILLAR (Northern Victoria) — I will comment just very briefly, as I have only recently joined this committee. It was a great privilege to be involved in the process. I pay tribute to our chair, Jan Kronberg, for the superb role she played in bringing together a significant report. I also pay tribute to the staff who supported the committee and the superb work they did in the drafting of this report.

Having music taught in our primary schools and throughout the school system is of great significance to Victorian children. Having two children who learnt music in their primary schools, I am aware of the great joy and also the skills music brings to children in our school system. To enable more children to learn music and receive the great benefits it brings to them in terms of both their wellbeing and their overall education is something we need to strive towards. The recommendations of this report were unanimously supported by all committee members, and it was a great privilege and pleasure to be associated with its final recommendations. I thank all committee members and those who served the committee. We hope the findings and recommendations of this committee inquiry will

stand this state in great stead in enabling the flourishing of music education in Victoria.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Australian Health Practitioner Regulation Agency — Report, 2012–13.

Calder Regional Waste Management Group — Minister's report of receipt of 2012–13 report.

Gambling Regulation Act 2003 — Amendments to the Category 1 Public Lottery Licence and an Amendment to the Category 2 Public Lottery Licence pursuant to section 5.3.19(4)(b)(ii) of the Act.

Gunaikurnai Traditional Owner Land Management Board — Minister's report of receipt of 2012–13 report.

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

Ararat Planning Scheme — Amendment C27.

Banyule Planning Scheme — Amendment C97.

Boroondara Planning Scheme — Amendments C158 and C187.

Campaspe Planning Scheme — Amendment C96.

Corangamite Planning Scheme — Amendment C31.

Greater Geelong Planning Scheme — Amendments C268 and C286.

Manningham Planning Scheme — Amendment C99.

Moonee Valley Planning Scheme — Amendments C131 and C135.

Northern Grampians Planning Scheme — Amendment C15.

Pyrenees Planning Scheme — Amendment C37.

South Gippsland Planning Scheme — Amendment C77 Part 1.

Strathbogie Planning Scheme — Amendment C57.

Wyndham Planning Scheme — Amendment C184.

Yarra Ranges Planning Scheme — Amendments C117 and C124.

Professional Standards Council — Report, 2012–13.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 — No. 136.

Electricity Safety Act 1998 — No. 131.

Planning and Environment Act 1987 — No. 132.

Road Safety Act 1986 — Nos. 133, 134 and 135.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 132 to 136.

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

Ministerial Order 698 — Work Experience Arrangements (Amendment) Order 2013 of 30 October 2013 made under the Education and Training Reform Act 2006.

Ministerial Order 699 — Structured Workplace Learning Arrangements (Amendment) Order 2013 of 30 October 2013 made under the Education and Training Reform Act 2006.

STATEMENTS ON REPORTS AND PAPERS

Notices

Notices given.

Mrs COOTE (Southern Metropolitan) — I am currently listed on the notice paper to speak on the Department of Human Services report 2012–13. I desire to rescind that notice and give notice that on Wednesday next I will make a statement on the Office of the Public Advocate's community visitors annual report 2012–13.

Mr Lenders — On a point of order, Acting President, I seek clarification. For members who have seen the notice of intention to make a statement on a report previously lodged by Mrs Coote and were expecting the opportunity to speak on that report tomorrow, the opportunity has been removed. I ask you, Acting President, to take on notice whether members can still debate that report because it is still on the notice paper — I am not seeking to preclude Mrs Coote from putting a new one on — because members may inadvertently not have sought to do it themselves, thinking that they would debate that one.

The ACTING PRESIDENT (**Ms Pennicuik**) — Order! I do not think there is a point of order because the member is free to change her mind and put on a different report before we get to the day. Someone else may put the report to which Mr Lenders refers on, or he may put it on himself.

Mr Lenders — In that case, Acting President, may I put it on in my name?

The ACTING PRESIDENT (**Ms Pennicuik**) — Indeed.

Further notices given.

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 13 November 2013:

(1) the notice of motion given this day by Mr Somyurek calling on the federal government to secure the future of the Australian automotive manufacturing industry;

(2) order of the day 12, resumption of debate on motion relating to the provision of the business case for the proposed east–west link project;

(3) notice of motion 663 standing in the name of Mr Leane relating to the government's election promise of new prison and hospital beds;

(4) notice of motion 665 standing in the name of Mr Barber calling on the government to ban unconventional exploration of gas fossil fuels in Victoria; and

(5) order of the day 7, resumption of debate on motion relating to the use of Crown land at the Caulfield Racecourse Reserve.

Motion agreed to.

MEMBERS STATEMENTS

Major Robert Ramsay

Mr RAMSAY (Western Victoria) — As I stood silent yesterday at the Ballarat Remembrance Day commemorative service at the cenotaph, it was a time to remember those who served in the wars and the many who paid the ultimate sacrifice. For me it was also tinged with a sense of guilt, and now is a time of self-indulgence. It took the past Premier and now chair of the Victorian Anzac Centenary Committee, the Honourable Ted Baillieu, to have me look back in history to my grandfather Major Robert Ramsay, who served in World War I and in 1914 was on the HMAT *Orvieto*, the first ship sent to Gallipoli 99 years ago. Recently, on 21 October, this event was recognised by the Minister for Veterans' Affairs, Hugh Delahunty, at Princes Pier.

My grandfather Major Robert Ramsay was born in East Melbourne on 13 February 1869 and was admitted as a barrister and solicitor in July 1897. He enlisted with the Australian expeditionary forces of the Great War on 9 September 1914 with the rank of lieutenant. He fought at the Anzac landing but fell ill with influenza and was invalided from Gallipoli on 17 September 1915. He was sent to Malta for four days and then to the general hospital at Wandsworth, UK. On 21 August 1915 he was promoted to staff captain in the 1st Division headquarters, and then on 30 November 1917 was sent to France as part of the Australian Corps. In France he was promoted to the rank of major on 16 July 1918, and he commanded the Australian Corps as a major.

Major Ramsay contracted French fever in that year and was nursed back to health by a New Zealand nurse serving in France who was later to be his wife, Mable Greenwood. On 14 March 1919 he relinquished command of the Australian Corps and returned to Australia via America. His unit was — —

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

Health system performance

Ms MIKAKOS (Northern Metropolitan) — I rise to highlight the crisis in Victoria's health system. The coalition's $826 million cuts are putting enormous pressure on our hospital and ambulance services. The annual health reports tabled last week reveal a system that is struggling to cope, with more than 50 000 Victorians waiting for elective surgery, up by a staggering 12 000 since the coalition came to office.

In my electorate the local hospitals are being starved of resources. The Northern Hospital achieved only 50 per cent of emergency presentations departing within 4 hours, falling way short of the 70 per cent target, and only 60 per cent of category 1 to 5 emergency patients were seen within the recommended time, again way short of the 80 per cent target. Staggeringly the Northern Hospital recently closed eight acute assessment unit beds. The Austin Hospital also failed on the same measures, with 55 per cent and 75 per cent; so too the Royal Melbourne Hospital, with 52 per cent and 73 per cent. St Vincent's Hospital Melbourne had a staggering eight patients stay longer than 24 hours in the emergency department.

Ambulance response times have become even worse, going backwards for the third year in a row, with 27 per cent of life-threatening emergencies not responded to within 15 minutes. Ambulance ramping has also become worse, with nearly one-quarter of ambulance transfers to hospitals taking longer than 40 minutes. The Alfred, Austin, Royal Melbourne, Northern and St Vincent's hospitals all failed to achieve their target of ambulance transfers being within 40 minutes.

Without additional resources the government's new dump-and-run policy will only make things worse. It is

no wonder then that the only thing the minister could point to as being proud of in his annual report was hand hygiene compliance. It is time for the Napthine government to stop the cuts and start fixing the health system.

Somerville Road, Yarraville, truck curfew

Ms HARTLAND (Western Metropolitan) — This morning I took part in the blockade of Somerville Road, Yarraville, outside the Kingsville Primary School, organised by the Maribyrnong Truck Action Group. The blockade was in support of a request the Maribyrnong City Council made to government that it place a curfew on Somerville Road at the start and end of each school day. The Maribyrnong Truck Action Group and local residents organised the blockade because they feel the government is simply not listening to them and will not acknowledge that there is a problem.

Each day 3000 trucks drive along Somerville Road past three primary schools, a child-care centre and a kindergarten. Those 3000 trucks harm children. However, even when I asked the Minister for Health to investigate after the World Health Organisation made it clear that diesel is a carcinogen, he refused to do so. Clearly this government has no regard for the health and safety of the children who go to school on Somerville Road. I will do whatever I can to continue to support the Maribyrnong Truck Action Group. I will also be supporting local residents, who believe they have a right to live in a community where trucks do not go past their children's schools and kindergartens every second.

Melbourne Bike Share

Mrs COOTE (Southern Metropolitan) — I put on record my praise for the Minister for Roads and Minister for Public Transport, Terry Mulder. He has extended the Melbourne Bike Share scheme to a range of areas within Southern Metropolitan Region, particularly in the Albert Park electorate — Beaconsfield Parade near Victoria Avenue, Fitzroy Street near Jacka Boulevard, Fitzroy Street near Albert Park Lake and The Esplanade opposite the Palais Theatre.

This is a great initiative. All members will have seen tourists riding the bikes around when they come to Melbourne and other people using the bikes for short trips. Other international cities have similar schemes, and it is pleasing to see that our bikes are being used. Unlike schemes in other cities — Amsterdam comes to mind — where cyclists do not have to wear helmets, in this country and in this state helmets are an important part of road safety, so it is pleasing to see that helmets are now being provided for free. Since this time last year, and following the introduction of the courtesy helmets, there has been a 20 per cent increase in the usage of the bikes, and there has been a 50 per cent per month increase since the trial began.

The trial has been seriously successful and builds on a number of things the coalition government is doing for cyclists, including the recently upgraded bike lanes on Chapel Street, along the Yarra and across to St Kilda Beach.

Racial discrimination legislation

Mr SCHEFFER (Eastern Victoria) — It is a sad indictment of the federal Attorney-General, George Brandis, that his first act in the new federal Parliament will be to introduce legislation to repeal section 18C of the Racial Discrimination Act 1975. This section of the act states that it is unlawful for a person to publicly do or say anything that is reasonably likely to offend, insult, humiliate or intimidate another person or a group of people on the basis of the other person's or group's race, colour, nationality or ethnic origin.

The federal Attorney-General is reported to have said that he wants to make sure that speech found to be offensive and insulting is no longer defined as racial vilification. He also said that he plans to consult widely. I hope he does. I am sure that he will be compelled to consult with members of the Aboriginal and Jewish communities, to name just two significant communities in this country, who have a special interest in section 18.

I absolutely support the Jewish community leaders who have already said that the removal of the section will give succour to racists. The Australia/Israel and Jewish Affairs Council's Colin Rubenstein said that the amendment would leave victims with no recourse at a national level. Peter Wertheim of the Executive Council of Australian Jewry said the repeal would turn the clock back 15 years. The community would be interested to know how many of those opposite agree with Colin Rubenstein and Peter Wertheim and the Jewish community they represent and whether they intend to speak up for them publicly and within their party to bring the Attorney-General to his senses.

Remembrance Day

Ms CROZIER (Southern Metropolitan) — On Sunday, along with a number of colleagues, I attended the annual RSL state Remembrance Day service. The

service is a reminder of the sacrifices that so many have made to protect the freedoms that we in this country hold so fiercely. This year marks 95 years since the end of the First World War. Next year marks the centenary of the commencement of that war.

In commemorative service speeches we are reminded of the great number of men who went to war, the nurses who served alongside them and the women and families who were left behind to continue with their lives as their family members went off to a foreign land. We are also reminded of the great number of people who died or were wounded in service.

Immediately following the service the Southern Metropolitan Cemeteries Trust held a ceremony unveiling the Victoria Cross memorial in honour of Victoria Cross recipients. Thirty nine Victorians are listed on the memorial, having received the highest military decoration.

The Shrine of Remembrance is within my electorate of Southern Metropolitan Region and was built to commemorate those who served in the First World War. Yesterday the Victorian Premier, Dr Denis Napthine, the Prime Minister, Mr Tony Abbott, and the Victorian Minister for Veterans' Affairs, Hugh Delahunty, attended the Remembrance Day service and, along with thousands of other Victorians, honoured all those who have served in wars or peacekeeping missions.

I acknowledge that in the lead-up to next year's centenary of Anzac Minister Delahunty is providing new rounds of grants to restore commemoration sites, the many iconic avenues of honour across the state and, importantly, the multimillion-dollar project at the Shrine of Remembrance, the galleries of remembrance, which tell the history of Australians at war and the many stories of service and sacrifice. I urge all members to be involved in the centenary of Anzac activities.

La Trobe University Muslim leadership program

Mr ELASMAR (Northern Metropolitan) — On Thursday, 31 October, together with many of my parliamentary colleagues, I attended the Muslim leadership program graduation ceremony held in K Room of Parliament House. Graduation certificates were presented to the successful nominees by the vice-chancellor of La Trobe University, Professor Alberto Gomes. It was wonderful to meet with people from the Muslim faith who are already displaying leadership qualities that can only enhance our Australian multicultural and multifaith society. I congratulate the worthy recipients of this prestigious award.

Darebin Community Health

Mr ELASMAR — On Saturday, 9 November, I attended the annual general meeting of Darebin Community Health in Preston. The health centre provides effective, critical programs offering preventive strategies to keep our ageing population out of the public hospital system. Its chief executive officer, Mr Jim Killeen, is quite rightly very proud of his professional team of workers and volunteers. The Honourable Martin Ferguson, a former member for the federal seat of Batman, along with the president of Darebin Community Health, Peter Stephenson, cut the ribbon to officially open the newly extended medical rooms at the Blake Street site. In addition to the meeting, multiple recreational activities were organised for the children and delicious refreshments were provided to all attendees.

Remembrance Day

Ms TIERNEY (Western Victoria) — Yesterday was Remembrance Day, and I take this opportunity to acknowledge the committed work undertaken by RSL branches in organising yesterday's ceremonies. Ceremonies across the nation enabled communities to come together to honour those men and women who have served and paid the ultimate price in war. Lest we forget.

Geelong ambulance services

Ms TIERNEY — Since the Liberal-Nationals government took office in 2010, the amount of time ambulances have been ramped at Geelong Hospital has increased by 2752 hours. That is a massive 76 per cent increase on what the figure was when the state Labor government left office. It is little wonder that Victorians are seeing stories in local and statewide media almost daily of the Napthine government's failure to maintain the health system. The figures, which have had to be pried out of the hands of the Minister for Health, David Davis, through FOI requests, show that the trend is statewide and that even though Geelong Hospital's figures are particularly alarming, there are even worse cases across the state. Every minute an ambulance spends ramped at the hospital is a minute it is not available to the community and ready to attend the next emergency call.

Remembrance Day

Mr EIDEH (Western Metropolitan) — On Monday, 11 November, I had the pleasure of attending the annual Remembrance Day commemoration ceremony held by the City of Moonee Valley in conjunction with the Essendon RSL. Also in attendance were my parliamentary colleagues, the Honourable Justin Madden, who is the member for Essendon in the Assembly and the shadow minister for innovation, small business and tourism and major events, along with Bernie Finn and Colleen Hartland, members for Western Metropolitan Region. It was moving to see the different faces of our community come together to remember and pay tribute to those who have died or suffered in times of conflict and to reflect on the great sacrifices that those honourable men and women made for their country.

What more honourable way to mark this Remembrance Day than with the blessings of Reverend Alan Colyer from the Anglican Parish of St Thomas in Moonee Ponds and the harmonious sound of the Strathmore Secondary College chamber choir, led by the Moonee Valley Brass Band. I was honoured to lay a wreath and attend this very moving service on behalf of my constituents. I commend all involved in the preparation of this service, including Neville Smith, the CEO of the City of Moonee Valley, and the Essendon RSL sub-branch, for their great effort in facilitating this very important community event. Lest we forget.

STATUTE LAW REVISION BILL 2013

Second reading

Debate resumed from 31 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr ELASMAR (Northern Metropolitan) — I rise to speak in support of the Statute Law Revision Bill 2013. This is primarily a housekeeping bill. Its only purpose is to remove the ambiguities and inconsistencies present in over 100 acts currently on the statute books. At the outset and for the record, members of the opposition are supporting this legislation. The Statute Law Revision Bill 2013 is an extensive bill because it contains amendments that are the direct result of 12 months work for many people in state government departments and the Office of the Chief Parliamentary Counsel.

The Scrutiny of Acts and Regulations Committee (SARC) has the responsibility of reporting to Parliament on statute law revision bills and last month tabled a report on the Statute Law Revision Bill 2013. The report by the Scrutiny of Acts and Regulations Committee to this Parliament makes it clear that this bill does not alter substantive matters contained in the range of acts that are listed. There are over 100 acts listed in this piece of legislation, and all the proposed amendments seek to repeal redundant or outdated passages that are no longer necessary in the application of the bills listed.

SARC in its report to Parliament outlines in detail the specifics of spent legislation that will be repealed by this bill. I will elaborate further in relation to clause 4 of the bill by saying that an interesting fact identified by the committee is that the only unproclaimed act, the Footscray Land (Amendment) Act 1990, lay on the table, as it were, for an incredible 23 years. That beggars belief. There are, however, a number of redundant bills listed. For example, there is the Limbless Soldiers Trust Act 1942 and the RSL Widows and Widowed Mothers' Trust Patriotic Fund Act 1964. As they no longer serve any useful purpose, it is appropriate that those acts be repealed.

A couple of bills that pass through this Parliament on an annual basis, such as appropriation bills, become automatically redundant once they have accomplished the job they were established to do. According to the processes established by Parliament they must be repealed, as they are no longer required. In other words, they have fulfilled their purpose and thus their reason for being.

I will now address some of the specifics of the legislation. The first point is that the purpose of the Statute Law Revision Bill 2013 is to correct minor errors or omissions such as cross-references, spelling, drafting or grammatical errors; to remedy ineffective legislative instruments or amendments made by acts; to repeal spent subsections, sections, divisions or parts of acts; to update the names of government departments and agencies and the names of successor acts and repeal spent and redundant acts; and to repeal an unproclaimed act and other acts with unproclaimed provisions. It is also important to say that the bill is in accord with the Charter of Human Rights and Responsibilities Act 2006 and there is no issue in relation to the statement of compatibility presented to the Parliament.

I will talk briefly about schedule 1, which provides for general statute law revision amendments such as the repeal of spent sections, divisions or parts and corrections of grammar, punctuation, spelling and cross-referencing errors. Schedule 1 is a list of 60 acts in alphabetical order, beginning with the Assisted Reproductive Treatment Act 2008 and finishing with the Victorian Institute of Forensic Medicine Act 1985.

Schedule 2 of the bill amends acts dealing with administrative arrangements to ensure that references in those acts to government departments are correct. Schedule 3 of the bill amends the Crimes Act 1958 and the Credit (Administration) Act 1984 by re-enacting certain transitional and other provisions that are currently found in amending acts.

Schedule 4 lists acts identified as suitable for repeal by the Chief Parliamentary Counsel and government departments. Essentially the bill corrects a number of minor omissions and errors in acts to ensure that their meaning is clear and reflects the intention of Parliament.

In court cases legal practitioners often use speeches from *Hansard* to demonstrate parliamentarians' definitions or their understanding of legislation that is voted into our statute books, so the necessity for this bill is evident. It updates statutes so they are relevant, readable and comprehensive. It is necessary to ensure that laws are repealed when they are no longer viable and that mistakes in printing or typography are corrected to ensure the proper maintenance and validity of written legislation.

As I said, this is a housekeeping bill. While substantively it changes nothing in the way of interpretation, it will ensure that the Victorian statutes remain relevant and accessible to the Victorian community. I commend the members of the Scrutiny of Acts and Regulations Committee for their diligence and hard work in poring over and checking all the acts listed in the bill, and it would be remiss of me to exclude parliamentary counsel for their considerable input and professional advice to the committee. This is straightforward housekeeping legislation that is worthy of support. In fact we do more than not oppose the bill, we support it.

Ms HARTLAND (Western Metropolitan) — I will be extremely brief because what this bill is about has already been well outlined. I always enjoy reading these things just for the interesting titles of previous acts. The bill is straightforward, this work needs to be done, and the Greens will be supporting it.

Mrs MILLAR (Northern Victoria) — I am pleased to rise to speak on the Statute Law Revision Bill 2013, which corrects some minor ambiguities, omissions and errors in statutes and repeals acts which no longer serve any useful purpose. Similar statute law revision bills are passed by the Parliament in most years to delete irrelevant, antiquated and redundant acts which no longer serve any purpose. This ensures that statute law in Victoria is updated in a timely manner and removes redundant items from the statute book. It could be described as a legislative housekeeping process. It should be noted that the bill does not make any substantive changes to current law.

It is a priority for this government to continue to simplify legislation, thereby reducing the regulatory burden on individuals, and this bill continues that simplification and streamlining process. It ensures that Victoria is not burdened by legislation which has ceased to fulfil any relevant purpose while making minor amendments to correct errors and to update references to government departments to assist users by providing relevant and up-to-date information. It serves a necessary purpose to make changes to improve the relevance of the Victorian statute book. While the bill is straightforward, it will be noted that a large body of legislation is reviewed by it. It reflects a large volume of work, review and consultation, including referral to the Scrutiny of Acts and Regulations Committee, as is the practice with these types of bills.

The bill does four things. Schedule 1 corrects minor errors and omissions, including a significant number of typographical or similar errors and makes changes to either add or omit punctuation to improve clarity and understanding. Schedule 2 corrects references to departments and secretaries to reflect recent machinery-of-government changes. The second-reading speech made in the other place by the Premier, Dr Napthine, notes that:

> This year, the bill also amends references to government departments to reflect the recent restructure of the Victorian public service. The restructure, which is now fully operational, has sharpened the focus of the public service on securing investment and jobs, delivering responsible financial management and providing better front-line services to all Victorians.

Schedule 3 relocates transitional provisions from several amending acts into a new principle act, enabling the amending acts to be repealed. Schedule 4 facilitates the repealing of a number of acts which are no longer relevant.

Given the large volume of legislation covered by the bill, I will not review each section in detail; however, I will touch on a number of example of the types of amendments being made. In schedule 1, just one of the corrections to amend a minor error is in clause 29 and relates to the Major Sporting Events Act 2009. It corrects punctuation errors in section 91(3)(a) of the act. Further amendments remove an unnecessary comma and insert a comma between two clause references. This is certainly not a groundbreaking legislative change, but rather it is important work to

improve the clarity, accuracy and effectiveness of our existing statutes.

Schedule 2 updates and corrects references to departments to reflect recent machinery-of-government changes, including in clause 11 an amendment to the Domestic Animals Act 1994 to substitute the Department of Environment and Primary Industries for the former Department of Primary Industries. Again this is not a change which could be described as groundbreaking, but it is necessary to ensure that the underlying legislation remains accurate and relevant, and this also improves its ease of use.

I reflect here on the excellent work being done by the dedicated staff at the Department of Environment and Primary Industries, with whom I have recently had the pleasure of dealing in relation to a number of significant issues across Northern Victoria Region, and in particular in both the Greater Bendigo and Macedon Ranges regions. The important work of this department is critical, and I am certainly conscious and appreciative of the large amount of work currently being undertaken by its staff, particularly as we approach the forthcoming fire season.

The change of name to the Department of Environment and Primary Industries has, in my view, been an important change which better reflects the true nature of the work undertaken by those charged with the vital role of ensuring the protection and preservation of some of this state's most significant natural assets and treasures. The changes contained in this bill reflect the restructure of the public service which has acted, in the words of the Premier, to provide 'better front-line services to all Victorians'.

Schedule 3 relocates transitional provisions from several amending acts to a new primary act. Again, I will select just one section: item 1 includes an amendment to the Crimes Act 1958 in which new section 585AF re-enacts section 9 of the Crimes (Fingerprinting) Act 1988. This section contains an ongoing transitional provision and is more appropriately placed in the Crimes Act 1958 than in the Crimes (Fingerprinting) Act 1988, which is an amending act. The re-enactment allows the Crimes (Fingerprinting) Act 1988 to then be repealed by this bill. This is a strong instance of where legislation can be simplified, thereby reducing the regulatory burden on all.

Schedule 4 importantly deals with the repealing of acts that are now redundant and serve no further purpose. In the past this schedule has frequently been handled as a separate repeals bill, but in this instance and given the small number of repeals it has been consolidated into this bill, thereby reducing the burden on us in this place of handling a second bill for this purpose.

To address just one of the acts to be repealed, the Limbless Soldiers Trust Act 1942 will be repealed on the basis that two former trusts, being the Melba Trust Fund and the Victorian Limbless Soldiers' Provident Fund, no longer hold funds and have been voluntarily wound up. Given that yesterday was Remembrance Day, with its solemn reflection on all known unto God who have paid the ultimate sacrifice and on those who suffered grievously in all wars, it is timely and also poignant to reflect on the time when this bill was created, in the midst of the Second World War. We remember and honour those who have returned injured from war — like my own grandfather, Peter Brady, who returned injured from the First World War — and we also remember those commendable organisations and individuals who honoured the service and sacrifice of others by supporting returned soldiers and their families. This we never forget. Even as we repeal this worthy act, which has now served and exhausted its purpose, we reflect on the enormous sacrifice and contribution of all those who were served by the underlying trusts and those who facilitated this support.

The repeal of the various acts serves to reduce the overall regulatory and legislative burden. It is an important process which occurs in most years and is a necessary step to ensure the relevance and the brevity of the Victorian statute book. George Washington said, 'The marvel of all history is the patience with which men and women submit to burdens unnecessarily laid upon them by their governments'. This is a principle of which we in this place must ever be mindful to ensure that we do not trespass unduly on that patience and that wherever possible we seek to reduce that burden. This bill goes some way to reducing the legislative burden by ensuring the relevance and accuracy of our current body of legislation. For these reasons, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

I thank members for their contributions.

Motion agreed to.

Read third time.

STATE TAXATION AND FINANCIAL LEGISLATION AMENDMENT BILL 2013

Second reading

Debate resumed from 31 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr LENDERS (Southern Metropolitan) — I rise to speak on the State Taxation and Financial Legislation Amendment Bill 2013, and I advise that the Labor Party will not be opposing this bill for the reasons outlined by my colleague the member for Tarneit in the Legislative Assembly. In doing so, I would like to make a few very brief remarks about why my remarks on this bill will be brief.

Firstly, the bill deals with a whole range of areas. Reading through the Assembly *Hansard*, I noted an interesting exchange between the member for Tarneit and the member for Malvern, in which they were in furious agreement in condemning successive federal governments for grabbing Victoria's tax revenue and the High Court of Australia for grabbing the taxation base.

Just to get it off my chest one last time, it was an outrage that during World War II we temporarily gave taxation powers to the commonwealth and it never gave them back. The war is over. But I will not dwell on that, because the serious point I want to make, relating to why my remarks will be particularly brief, is that I would like to — unusually — congratulate the Leader of the Government and other government members on how they have structured this week's business program. They have put for debate today the bills that are basically non-contentious so we will not have a ridiculously late evening, and they are devoting Thursday to a fulsome debate on the bill that is of greatest interest to this side of the house, which gives us a chance for serious debate and serious scrutiny in a committee stage during daylight hours. For those reasons primarily, and because my colleague the member for Tarneit was so eloquent in the Assembly, I will conclude my remarks on this bill.

Mr BARBER (Northern Metropolitan) — The Greens will also support the State Taxation and Financial Legislation Amendment Bill 2013. The bill contains a number of quite small provisions designed to pick up on various anomalies or various newly emerging issues that need to be corrected in law. I note also that we amending the Land Tax Act 2005 to extend the principal place of residence exemption to land owned by the trustee of a special disability trust that is used as the primary residence of the principal beneficiary of the special disability trust. That is appropriate in terms of ensuring equity and that all principal places of residence are exempt, regardless of the particular structure they are in.

However, it brings us back to a broader point when it comes to state taxation, one that the Assistant Treasurer has heard me make on a number of occasions now, which is that it is absolutely clear from the debates that go on in this house on a range of issues — from health and education services and the protection of the environment through to the necessity for long-term investment in public transport — that the state needs more taxation revenue.

The problem is that the things we tend to tax in Victoria in order to raise that money sometimes cause us economic loss and hardship and in some cases have a major impact on the productivity of our economy. Stamp duties, for example, on housing and especially insurance policies encourage people to shift away from those economic transactions to avoid the tax, which is not its purpose. The purpose of a tax is to efficiently collect money for general purposes from a source of funds that in its collecting is both equitable and efficient in the sense of not distorting the economy.

Numerous reviews, most notably the Henry review, that have been put forward to this and other governments have recommended that a broader base to the land tax is the way to go. This would cover all property types — quite possibly with a zero rate for primary producing land, which has very low rates of income coming off it. This issue is overdue and needs to be addressed by this Parliament. We will have arguments going back and forth endlessly over particular pressing needs, from ambulances to people with disabilities to the housing crisis to Parks Victoria to transport systems creaking under the great strain of a growing city, yet all parties know it will be very difficult to meet these needs unless we build a sustainable tax base for ourselves.

Yet again we have received a taxation bill that avoids that issue, so I thought it was important that I raise it once more. However, we have no particular problems with this legislation, and we will support the bill.

Mr P. DAVIS (Eastern Victoria) — We are transacting business efficiently today. Congratulations to all preceding speakers this afternoon. In the spirit of that legislative cooperation I will not belabour my contribution and will set aside my detailed notes; otherwise I will have spoken for much longer than all preceding speakers combined on both the bills we have dealt with this afternoon. I will simply resort to saying that the State Taxation and Financial Legislation

Amendment Bill 2013 while important is essentially a housekeeping bill that tidies up some requisite amendments which are necessary to ensure the good administration of tax law in this state.

If we are to talk about tax law, we should talk about the context. It is important to note that tax collection as a contributor to the capacity of the government to go about providing goods and services on behalf of the community needs to be managed judiciously and effectively. To that end, in 2012–13 the government delivered a surplus of $316 million, which is consistent with its forward projections of providing surpluses for the foreseeable future. Importantly the government has restrained expenditure growth at 2.1 per cent compared to the previous year. This contrasts with the period of Labor government, during which expenditure grew by 8 per cent per annum over an extended period.

Victoria is the only jurisdiction in Australia forecasting a budget surplus over every year in the forward estimates. As a result, Victoria's public finances are in a very strong position. This is important because it has led to Victoria holding a AAA credit rating with a stable outlook, which is important in terms of the rates of interest that are charged on government debt.

Importantly Victoria has been able to achieve this result and at the same time run a high level of capital investment, which has secured employment growth. The most recent Australian Bureau of Statistics employment statistics show that Victoria is leading Australia in terms of employment growth and is in a very strong position relative to all other states. One of the downsides of good employment growth is the increase in participation rate, which necessarily tweaks the actual unemployment figures. Although we have shown significant growth in employment, we have also shown a marginal increase in unemployment as a result. Nevertheless, we are in a very strong and sound position.

The Victorian government is, as I have said, taking a prudent approach to running its budget position. This is essentially being done as part of a package of efficiency measures in terms of the economy. However, the micro-detail of the way the tax regime is managed is also important. This bill deals with some micro-changes to achieve consistency and enable errors in the various previous iterations of legislation to be corrected. I am not going to read into *Hansard* the details of those changes, as they have been well set out in the second-reading speech.

In the spirit of cooperation prevailing in this chamber today, given the aspiration to get through a rather expanded number of bills over the course of the day, I simply congratulate the government's financial team, the Treasurer, the Assistant Treasurer and the Minister for Finance on keeping a very firm hand on the tiller. I know it does not come easy. It is important that those ministers in particular are acknowledged as part of the cabinet team who preside over the budget and economic review committee process, which does ensure that we achieve our benchmarks. Congratulations to the Napthine government on maintaining economic consistency and achieving the objectives the government set out when it came to office.

Mrs COOTE (Southern Metropolitan) — It gives me a great deal of pleasure to speak on the State Taxation and Financial Legislation Amendment Bill 2013, and it would seem, from listening to previous speakers, that the pressure is on to make a brief and succinct contribution. However, at the outset I remind this chamber of Victoria's recent AAA credit rating. I also put on the record my praise for the Treasurer, Michael O'Brien, the Assistant Treasurer, Gordon Rich-Phillips. and the Minister for Finance, Robert Clark, who have contributed to enhancing Victoria's reputation in the financial sector.

We are the only state that has a AAA rating, and it was reaffirmed last week by the credit rating agency Standard & Poor's. Standard & Poor's has been reported as saying that the state:

> … continues to demonstrate fiscal discipline through its response to ongoing revenue challenges. The government has made difficult political decisions, including containing wage growth and reducing the number of public servants.

This is particularly good as it gives us a great deal of confidence in the state, as it gives us confidence in our ability to attract international investment into this state.

However, in relation to the bill before the chamber today, in their haste other speakers have not enunciated in their contributions to the debate what this bill will in fact do. The reality is that it will cut red tape and make it easier to conduct business in Victoria, which is something this government has made a hallmark of its performance — that is, to reduce the extraordinary amount of red tape put in place by the Labor government. The bill amends several acts: the Commonwealth Places (Mirror Taxes Administration) Act 1999, the Duties Act 2000, the Financial Management Act 1994, the Land Tax Act 2005, the Taxation Administration Act 1997 and the Unclaimed Money Act 2008.

Although these amendments are housekeeping issues, it is important to understand the rectification of these things will make it easier to do business in Victoria — for example, in amending the Land Tax Act the bill states it will extend the principal place of residence exemption to principal beneficiaries of special disability trusts and remove the six-year time limit on the principal place of residence exemption in certain circumstances. I am sure many people in this chamber have been approached by people to whom this was a concern. It sounds as if it is just a housekeeping issue, but it is a very important issue for the people who are affected by it.

In November last year we debated and passed the State Taxation and Other Acts Amendment Bill 2012. One aspect of that bill was the creation of a new land tax exemption, which is an exemption that the current bill expands. Members will know that land tax is charged on properties that are not the owner's principal place of residence. However, sometimes due to deteriorating health or mobility people need to move from their family home into care. This creates a problem where a person who is living in a care facility is being charged land tax on their family home, since it is no longer their principal place of residence. Last year, with the support of all parties, the government created a six-year land tax exemption for people in care, but there is a requirement that the property is not rented out. Part 5 of the bill expands upon that exemption. The bill removes the six-year exemption completely to give peace of mind and certainty to people who remain in care for more than six years.

We have an ageing population. Many people who are putting their ageing parents into care are facing these issues. They are inadvertent consequences of what was first intended, and it is important that it is clarified. I know that many constituents in Southern Metropolitan Region are going to be particularly pleased that this issue has been addressed.

In conclusion, just to keep within the spirit of brevity of the contributions which have been made to the debate on the bill, the Victorian government has made the tough decisions so it can deliver a surplus and meet Victoria's challenges front on. The Treasurer is to be congratulated, as is the Premier, on the extraordinary outcome of a surplus that in this climate is particularly good. As I have said, the Treasurer, Minister O'Brien, has done exemplary work, as has the Assistant Treasurer, Gordon Rich-Phillips. This bill will help cut red tape and save Victorians money, and it will extend the important disability care land tax exemption provisions. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

I thank Mr Lenders, Mr Barber, Mr Philip Davis and Mrs Coote for their expeditious consideration of this legislation.

Motion agreed to.

Read third time.

COURTS AND OTHER JUSTICE LEGISLATION AMENDMENT BILL 2013

Second reading

Debate resumed from 31 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms PENNICUIK (Southern Metropolitan) — The Courts and Other Justice Legislation Amendment Bill 2013 is what we commonly call an omnibus bill. It amends several acts of Parliament. I will go through these briefly and mention some particular amendments to which I wish to draw attention. I drew these to the attention of the minister prior to debate on the bill resuming and he is looking into them. Hopefully he will be able to address them during the second-reading debate.

Firstly, this bill amends the Court Security Act 1980. Clause 3 of the bill provides a new definition of court premises, such that:

"***court premises*** means —

(a) any premises occupied in connection with the operations of a court, including —

… adjacent car parks, adjacent footpaths and laneways …

It also adds to this definition that a court premises could refer to:

(b) any other place, limited to where a court is, for the time being, constituted and performing the functions or exercising the powers of that court or in connection with court operations, including any area in the immediate vicinity of that place;".

That is meant to cover courts that are held out of court premises, as we understand it — being the County

Court, Magistrates Court, Supreme Court or a regional or suburban court.

The bill also amends the Magistrates' Court Act 1989 to remove the offence-based eligibility restrictions for, and modify the plea process within, the assessment and referral court (ARC) list. The ARC list is for a specialist pilot introduced in 2010 to provide for cases where an accused person has a mental illness and/or a cognitive impairment. This bill removes the restriction for sex offenders.

The bill also inserts a new section into the act to validate the acts and decisions of certain bail justices who it was purported acted in their positions after their terms had expired. The government has indicated that it is aware of at least one bail justice who continued to act as a bail justice after his term had expired and did not apply for reappointment. In these circumstances it has been deemed appropriate for his decisions to be validated; otherwise individuals subject to those decisions would have been disadvantaged. The Greens do not like to be in the position of having to make these types of retrospective amendments. We have done so from time to time since I have been in this place for the reason of not disadvantaging parties who are affected by the actions of other people. These people are — if I can use the word — innocent parties inasmuch as they have been affected by something that was not an action of their own.

The bill also amends the Supreme Court Act 1986 such that leave would be required of the court to appeal determinations in statutory demand matters under the Corporations Act 2001 in the Supreme Court, with the objective of screening vexatious and unmeritorious claims.

The bill amends the County Court Act 1958, the Australian Crime Commission (State Provisions) Act 2003 and the Co-operative Schemes (Administrative Actions) Act 2001 and the Corporations (Administrative Actions) Act 2001 to correct references to the superseded Federal Magistrates Court to the Federal Circuit Court of Australia. Basically these are technical amendments.

The bill also amends the Births, Deaths And Marriages Registration Act 1996 to align the Victorian change-of-name processes with the national best practice recommendations — for example, that a person born in Victoria must apply for a change of name in Victoria; a person born in Australia, but outside Victoria, cannot apply to change their name in Victoria but must change their name in the jurisdiction in which their birth is registered; and a person born overseas may only change their name in the jurisdiction if they have resided in that jurisdiction for at least 12 consecutive months immediately preceding the date of application. This bill also specifies limited circumstances in which that 12-month residency requirement can be waived, which I will return to later in my contribution.

The bill amends the Legal Profession Act 2004 to expand the nomination powers of the Chief Justice of the Supreme Court and the Chief Judge of the County Court to the Legal Costs Committee to include the ability to nominate associate and reserve judges to the costs committee.

The bill makes two amendments to the Police Registration Act 1958 to correct references to the outdated Police Appeals Board to the Police Registration and Services Board, and to provide that the president or deputy president of the board may exercise functions contained in section 70 of the act. I am not sure why we are doing that in this omnibus bill when a rewrite of the Victoria Police Bill 2013 will be bearing down on us in the next couple of weeks. It seems quite strange to have included these very small amendments in this particular bill.

The bill also amends the Terrorism (Community Protection) Act 2003 to yet again postpone by 12 months the compulsory statutory review of the act and the tabling in Parliament of the report of the review. I will return to this matter briefly a bit later.

The bill also maintains the legislative basis for the Neighbourhood Justice Centre by repealing the Courts Legislation (Neighbourhood Justice Centre) Act 2006. The repeal of the act effectively removes the legislative sunset provisions in sections 17 to 20 of the act, thereby allowing the Neighbourhood Justice Centre to continue.

In the court's annual report for 2011–12, the Chief Magistrate of the Magistrates Court, Ian Gray, states:

> The Neighbourhood Justice Centre … has been operating in Collingwood since 2007, delivering improved outcomes for parties affected by a crime or conflict by facilitating a safe dialogue to resolve crime or conflict and its impact. I am pleased to report that we are working on integrating the NJC and its therapeutic jurisprudence approaches to justice into the wider court. A working group has been established to advise the Attorney-General how the NJC's approaches can best be embedded in the court, and other jurisdictions such as the Children's Court and the Victorian Civil and Administrative Tribunal (VCAT). The working group will also report on how therapeutic jurisprudence programs, such as CISP, the ARC list, the Drug Court and Koori courts, can be adopted more broadly across the court, and other jurisdictions such as the Children's Court and VCAT to mainstream those approaches. The working group will also consider whether any changes to administration or legislation are warranted to support

> mainstreaming, and how mainstreaming can occur within current financial constraints.

An evaluation in 2010 found real and practical benefits to the community from the work of the Neighbourhood Justice Centre. Recidivism rates were reduced from 41 per cent to 34 per cent, and offenders were 14 per cent less likely to reoffend than those dealt with in other courts. Completion of community-based orders was 10 per cent higher than the state average, and Neighbourhood Justice Centre offenders did an average of 105 hours of unpaid community work in the city of Yarra compared to the state average of 68 hours.

The centre also provides human rights and legal education and training to primary and secondary schools, tertiary institutions, local organisations, residents, traders and agencies, and facilitates workshops and community information nights to discuss the law, legal rights and responsibilities, justice issues and conflict resolution. In partnership with the Fitzroy Legal Service and 3CR community radio it develops material to inform homeless people and people in marginal housing about their rights. It has been involved in myriad worthwhile programs.

I mentioned when I was going through the provisions of the bill that the Scrutiny of Acts and Regulations Committee (SARC) raises two issues in *Alert Digest* No. 14. The first of those is in regard to clause 3, which changes the definition of the premises of a court. The committee raises the issue of whether a person who just happens to be somewhere that falls within the new definition of 'court premises' — such as in a car park next to the court or a laneway abutting the court — could be forced to give their name and address, submit to a search or surrender anything that an authorised officer believes on reasonable grounds to be an item that is likely to affect adversely the security, good order and management of the court.

The committee observes that the identification and search powers do not provide any express limits on when or why they may be exercised. I looked up the particular provision in the Court Security Act 1980. Section 3(1) states:

> Subject to any limitations or restrictions provided by the rules an authorized officer may demand from a person who is on court premises that person's name and address, his reason for being on the premise and evidence of his identity.

The section goes on to talk about search and surrender powers, or the powers of the authorised officer, which under the Court Security Act can be and often is a protective services officer or even a police officer. SARC raises the issue of the lack of express limits. The act states in section 3(3) that authorised officers are 'subject to any restrictions and limitations provided by the rules'. I have not been able to ascertain what the limitations and restrictions provided by the rules might be, and perhaps knowing that would go some way to alleviating my concerns.

In relation to clause 3, the committee also notes equivalent laws elsewhere in Australia that specify only court car parks, forecourts, driveways, courtyards, entrances or areas within the external precincts of the building. It also notes that there are comparable acts in other jurisdictions, and I looked at the New South Wales Court Security Act 2005. It limits the powers of people who act or will act in specified ways, such as harassing others, who are potentially violent or dangerous or significantly disrupting proceedings — I am presuming that means when inside the courtroom — or committing offences. That act limits searching powers to screening searches and limits surrender powers to items that could be used in a dangerous or threatening way. It has other limitations that do not appear to apply in a similar way under the current Victorian Court Security Act and under this widening of the definition of court premises.

I raise that issue because I had a very small window of opportunity to look at the Attorney-General's response in *Alert Digest* No. 15, tabled in this place about an hour and half ago, to the particular issues raised by SARC as to the application of clause 3. I would be interested to hear what the Minister for Liquor and Gaming Regulation has to say with regard to the changes to definition because one could say that apart from the addition of clause 3(b), which I referred to earlier, which is any other place limited to where a court is — in other words, when a court decamps or a court is in session outside of a regular court building — that is a good provision to include. One could argue that the changes in clause 3(a) do not do a lot; they just restate what is already there. I would be interested to know what the reason is for changing that definition with the use of the particular words we have in the bill as opposed to the existing words in the current act which appear to be more in line with what applies in the other states.

SARC also raises the issue of the changes in clauses 12 and 13, which amend sections 25 and 26 of the Births, Deaths and Marriages Registration Act 1996 to allow change of name applications to be made by or on behalf of people whose births are not registered in Australia only if they have been ordinarily resident in Victoria for at least 12 months. SARC notes:

> However, the registrar may waive this requirement either to protect the applicant or a child or:

> for a change of an adult's name, if 'the applicant has illegally married and wishes to change the applicant's married name'
>
> for a change of a child's name if 'the applicants have legally married and wish the child to change to the married name of both applicants'.
>
> …
>
> … the committee observes that the provision for a non-protective waiver of the residency requirement only for an applicant or applicants who have 'legally married' may engage the charter's equality rights with respect to discrimination on the basis of 'marital status' …
>
> The committee notes that in NSW, where a three-year residency requirement applies —

rather than a 12-month one —

> the registrar has an additional power to waive the residency requirement if 'the registrar is satisfied that the reason for the proposed change of name warrants the registration of the change of name'. The committee also notes that the federal law provides for a waiver for the fee for a replacement passport by a person whose name has changed because:
>
> (A) the person has married or divorced;
>
> (B) the person has entered or ceased to be in a registered relationship;
>
> (C) the person has entered or ceased to be in a de facto relationship …

I think SARC is querying the reason for restricting this particular amendment to whether the person is legally married by way of the comparison that it makes to New South Wales and federal law.

As I said, I have read briefly the minister's answer but I have not had a chance to mull over it. He asserts that without this amendment a small subset of people would be affected by not being able to change their name earlier than 12 months. In addition to what has been raised by SARC, I would like to add the question: does the registrar not have discretion anyway if reasons are put in the case of a registered relationship or a de facto relationship, as exist in the federal jurisdiction?

Another issue I wish to raise is tangential to clause 3, which changes the definition of 'court premises'. I think it is worth raising again what I mentioned in this place almost a year ago. In fact, on 28 November last year, I said:

> It is crucial that courts at all levels are adequately resourced to deal with their caseload of civil and criminal matters so that unreasonable and unnecessary delays are avoided in cases that are being listed and heard. We have seen legislative changes coming through the Parliament, particularly in the last year, ostensibly to make sure that delays are reduced in the court system. Lengthy delays add to the stress of litigants and witnesses and in some circumstances may undermine the ability of the courts to deliver justice.

I also said then:

> There also needs to be a review of the facilities in our courts to deal with increasing caseloads.

I referred to comments made in July that year by the Chief Magistrate, Mr Ian Gray. It is worth making this point again because we do have a problem with facilities in the courts. As we await the release of the Magistrates Court annual report for 2012–13, it is worth noting that in the 2011–12 annual report the Chief Magistrate, Mr Gray, stated:

> As I have noted publicly a number of times this year, the level of service provided by the court is not sustainable at current funding levels, and in the face of projected increases in workload. Whilst the court must strive for efficiencies and continuously improve its case management, governments need to invest in the physical, human and technological resources needed by modern courts in the short, medium and long term.
>
> The well-publicised demand pressures in the family violence jurisdiction and the urgent need to provide facilities to properly accommodate people involved in those cases (separate waiting areas, videoconferencing, remote witness links et cetera) is well documented. There is a risk to public confidence in courts, when the facilities in which courts are required to deliver justice are lacking, compromised or simply outdated and inadequate.

Since that time we have had more comments, of course, by members of the legal profession and others about overcrowding in the courts, not only in terms of the facilities for court proceedings, for witnesses and for interviewing witnesses, but also for the transfer of prisoners to and from prison to court. We have also heard about some prisoners whose cases were to be heard in the Supreme Court or Magistrates Court having to be housed in the County Court. We have an ongoing problem and the government needs to address it.

Again, while we await the 2012–13 annual report of the Supreme Court, I note the following statement made in the 2011–12 annual report by Chief Justice Marilyn Warren:

> The court continues to struggle within its 19th century environment. Regardless of progressive reforms and innovations we are held back by our building complex. We struggle to meet the demands of the modern mega-trial. At times, we have insufficient courtrooms of suitable size and facility. This will be a confronting problem in the remaining bushfire cases and other large litigation presently before the court.

That is obviously a historical reference to the 2009 bushfires. She went on to say:

> Victoria is being left behind by other superior court facilities. Every state, territory and federal superior jurisdiction across Australia either has or is progressing towards modern court facilities for the highest courts. The Victorian citizens and litigators need a new, modern facility in Victoria.
>
> The lack of appropriate facilities slows the court down … the Supreme Court will be ready to provide the opportunity for a state building appropriately reflective of Victoria's place in the nation.
>
> The need is highlighted by the inadequate way the court must treat victims and witnesses. It is unsympathetic, disrespectful and lacking compassion in that we cannot provide at least some private sanctuary within the court complex.

I have indicated to the government that if the minister is not able to address my queries on clauses 3, 12 and 13, I will wish to take the house into committee. However, if he is able to address those adequately — and he has certainly had notice of them — there should not be any need to do that.

Ms MIKAKOS (Northern Metropolitan) — I rise to make a relatively brief contribution to the debate on the Courts and Other Justice Legislation Amendment Bill 2013, and I indicate to the house that the opposition will not be opposing this bill.

In essence, this is a relatively straightforward bill that makes a number of minor amendments to existing acts. In respect of the Court Security Act 1980 there is currently some confusion about the areas that should be covered by court security personnel, including protective services officers, private security personnel and police officers. This bill amends the Court Security Act 1980 to redefine the term 'court premises' to include any place where a court is constituted. As members would be aware, in some cases a jury is required to visit a crime scene during a trial or a hospital where a bail hearing is heard. This bill confirms that the immediate environment around the court as well as any area occupied for court operations is to be included in the definition of 'court premises'.

The bill also makes amendments to the Magistrates' Court Act 1989, making changes to the assessment and referral court list. The assessment and referral court list was a terrific initiative started in 2010 by the Labor government under the reforming stewardship of then Attorney-General Rob Hulls to help break the cycle of offending. The assessment and referral court list aims to address the needs of accused persons who have a mental illness, intellectual disability or cognitive impairment. It hears cases involving defendants who have complex needs including acquired brain injury, autism spectrum disorder and neurological impairments, including dementia. It works in a collaborative way to provide case management to participants, including psychological assessments and referrals to various welfare, health, mental health, disability, housing and/or drug and alcohol services. We know that defendants presenting with these issues are not always engaged in the court process, and not receiving appropriate treatment and support for these conditions may only exacerbate their offending.

Currently defendants charged with serious violent or sexual offences are not eligible to be heard under this list. This bill proposes to change the eligibility of defendants for the assessment and referral court list and remove the exclusion of serious offences such as serious violent and sexual offences. In saying that, however, I note that this list operates in the Magistrates Court, and therefore these serious offences are often on the lower end of the scale. The defendant still has to be suitable and reasonable for consideration of inclusion on the list. I think this is a positive change, and I think it is important that the government looks at reforms to the court system such as the assessment and referral court list and makes appropriate reforms as circumstances change.

The bill also makes amendments relating to bail justices through clause 6. In the past bail justices were appointed for an ongoing period. Changes in 2010 resulted in the introduction of fixed terms of office for bail justices. These changes were also applied to then serving bail justices. The government has indicated that at least one bail justice continued to perform duties after the expiry of their appointment. This bill seeks to validate the acts and decisions of those bail justices who purported to act after their positions had expired. This is reasonable and appropriate in the circumstances; however, such a significant oversight should have been rectified a lot sooner. It shows a failure by the department to adequately inform bail justices about their appointments and/or monitor their work, and that is of concern. As I understand it, this particular bail justice's appointment expired in January, and here we are in November, rectifying almost 11 months of invalid notices.

The bill also makes amendments to the Births, Deaths and Marriages Registration Act 1996 to restrict the circumstances in which a person may apply for registration of a change of the person's name or of their child's name. These changes flow on from recommendations made by the Standing Council on Law and Justice from November 2011 and are aimed at preventing identity fraud. The bill provides that those with Victorian-registered births must apply for a change of name in Victoria, and people born outside Victoria but within Australia must change their name in the jurisdiction where their birth was registered. The

jurisdiction requirements will also apply to name changes of children.

The bill makes amendments to the Terrorism (Community Protection) Act 2003. It is very important that counter-terrorism legislation be reviewed and amended as required. This bill extends, yet again, the review period for the Terrorism (Community Protection) Act 2003. This has been explained as relating to Council of Australian Governments time lines blowing out and as being outside of the government's control; however, I note this is the fourth occasion on which this government has extended this review period. You have to wonder how many more times this will occur.

Finally, I note that the bill also makes amendments to the Courts Legislation (Neighbourhood Justice Centre) Act 2006. Specifically, part 4 of the bill removes the legislative sunset clause affecting the neighbourhood justice centre provisions. As one of the local members representing the area where the Neighbourhood Justice Centre is located in the city of Yarra, I want to note that the Neighbourhood Justice Centre is a very important establishment. I was very proud to support its creation and to join the then Attorney-General, Rob Hulls, for its launch back in 2007. This was Australia's first community justice centre incorporating a multijurisdictional court. It offered a groundbreaking approach to tackling the causes of crime through intensive case management and the monitoring of a defendant's participation in the program they had been referred to.

The Neighbourhood Justice Centre was part of a wider international movement that recognised that if justice were to be done it needed the involvement and engagement of the community. I recall that when the centre was established it was opposed very strongly by the members of the now government. Not only did they oppose it; they labelled it 'the apartheid of the justice system in Australia'. These words were uttered by the member for South-West Coast and now Premier, Denis Napthine. I am therefore very pleased that the Premier has had a change of heart in relation to this issue and that the government's members have come to their senses and recognised how wrong they were about the Neighbourhood Justice Centre. I know that the centre has been doing some very good work. It is important that centres such as the Neighbourhood Justice Centre continue and tackle the causes of crime in our community. With those words, I am happy to conclude my remarks on this bill.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to make a contribution on behalf of the government on the Courts and Other Justice Legislation Amendment Bill 2013. I listened to the contributions of Ms Pennicuik and Ms Mikakos, and I thank Ms Pennicuik, as she has again raised genuine concerns she holds in relation to important legislation. Some of those concerns have been considered in the Scrutiny of Acts and Regulations Committee report and in responses to it, and I will do my best to give her the answers I consider the government has to those questions. From a procedural point of view we thank Ms Pennicuik for giving notice to the minister, who will also endeavour to reply. If necessary, there is the opportunity to consider the matters further in committee.

This is another important piece of justice legislation. There have been a number of them, because the government believes in the independence of courts and in supporting the role of the justice system — of our existing, independent courts of justice — but also in ensuring that it responds to issues that arise regarding the role of the justice system in protecting the community from crime and particular security concerns, which this bill touches on in a number of respects which I will turn to shortly. We also believe in ensuring that wherever possible efficiency reforms are made to the justice system so that justice can be effectively and efficiently administered. If there is red tape, it can add to the cost of justice, not only for the taxpayer but also for the participants on all sides, and also cause delays in the justice system — the old cliché about justice delayed is well known to members of the house.

The bill introduces a number of efficiency reforms and also a number of reforms that will provide certainty, which is another important aspect of the justice system that the government is striving to improve on a steady, incremental basis. We are progressively implementing the significant law reform agenda that we took to the electorate. In many instances this has resulted in more controversial reforms than those introduced by this bill, but ultimately we have implemented those reforms in a careful, measured way that allows for the debate that sometimes occurs within the legal community as to the balancing of these various aims of justice and for the various requirements of the legal system to be carefully considered. Ultimately these reforms have aimed to provide certainty and to protect the community from violent crime, something which this government, after a period in opposition, found on balance to have been neglected or not given as high a priority as it needed to be in order to protect the community.

I note that the Minister for Crime Prevention, Mr O'Donohue, who is also the Minister for

Corrections, is in the house. He has administered and is continuing to implement the government's election commitments in relation to corrections and the important issue of prison beds, which was neglected by the previous government despite its being warned to do so by the Auditor-General three times. Not only that but in relation to his crime prevention portfolio, he has also responded to issues that have arisen during this government's time in office. The government has speedily responded to these issues and in particular to the sensitive issues that required the significant bail and parole reforms, for which this minister ought to be commended.

The bill makes a number of amendments to the Court Security Act 1980. Firstly, in relation to security it extends the definition of court premises to include premises in the vicinity of a courtroom that had not been adequately covered in legislation as being part of court premises. It also covers the temporary courts that are sometimes necessary, such as when a court has to conduct bedside hearings to obtain evidence from a dying or sick person; court sittings on circuit; and views or inspections, which commonly occur either with a jury or a judge alone. These all result in security issues that had perhaps not been contemplated or expressly or adequately covered in the former definition.

The bill substitutes the definition of court premises in section 2(1) of the Court Security Act 1980 with a new definition of court premises:

> (a) any premises occupied in connection with the operations of a court, including —
>
> (i) the precincts and immediate environs of those premises, adjacent car parks, adjacent footpaths and laneways between or abutting court premises; and
>
> (ii) court buildings and the exit and entry points and steps to those buildings; or —

importantly —

> (b) any other place, limited to where a court is, for the time being, constituted and performing the functions or exercising the powers of that court or in connection with court operations, including any area in the immediate vicinity of that place.

As Ms Pennicuik pointed out, the situation in relation to the security of court premises is one that was considered by the Scrutiny of Acts and Regulations Committee (SARC), which is an excellent committee. I note in passing that Mr O'Donohue and I used to serve on that committee and we are therefore familiar with the important issues it raises for the consideration of Parliament and the appropriate response from the relevant minister. The first of the two issues that SARC has raised in its *Alert Digest* for the consideration of Parliament relate to the definition of court security.

It should be said that the minister has provided an adequate and detailed response to the issues SARC raised in relation to interference with the charter rights to privacy and freedom of movement. I refer Ms Pennicuik to that response, and I will touch on it shortly, but it is important to understand that the amendments are needed in relation to authorised officers because there are conditions on the existing definition of court premises and some confusion, which the new definition is intended to clarify. If there is an issue under section 7(2) of the charter, it is reasonable, for the reasons set out by the minister, in relation to the request to provide a clearer definition.

It is important to remember that these are security issues for the courts and our rule of law. Whilst it may be easy to understand in the context of the existing Supreme Court building, which is a lovely heritage building on the corner of William Street and Lonsdale Street — it is a well-known precinct — the act contemplates that other places may from time to time operate as a court. Those sites may include a hospital or a quarry for an inspection, in the case of a planning appeal. Jury trial inspections can take place at murder sites, and they could be anywhere. There may be native title issues or other matters requiring inspections and extensive movement by the court in a way that may not be contemplated at the outset of a trial. With security matters it is important to respond promptly — and another matter this bill deals with is the Terrorism (Community Protection) Act 2003 — but there must be some flexibility as to the meaning of court premises, as is contemplated by the bill.

In that regard, page 18 of the SARC report shows the questions the Parliament has considered — namely, questions about whether in other jurisdictions there should have been express limitations on the powers of people to act in a specified way. In other words, where an officer believes reasonably that a person is harassing others, should there be implied surrender powers expressly in the definition of court premises? It is important to note the Attorney-General's response to make it clear. I do not wish to add anything, but I will state what he said:

> The amended definition of court premises has two limbs.
>
> The first limb will clarify that adjacent car parks, adjacent footpaths, laneways between or abutting court premises, the exit and entry points of court buildings and steps to court buildings are included within the definition of court premises.

> These areas are likely to be included within the existing definition.

It is confirmatory but nevertheless clear. The response continues:

> The amendment is intended to provide greater precision and clarity; it is not intended to significantly expand the reach of the definition. To the extent the amended definition does not expand the existing definition, there is no impact on charter act rights.

That deals with the first part I mentioned, which is clarity. The response continues:

> To the extent that the first limb of the new definition does expand the definition of court premises, the expansion is limited and justifiable under section 7(2) of the charter act given the limited nature and extent of the expansion. As mentioned above, the amendments do not change any of the powers of court security officers. The powers are conferred for the purpose of ensuring the secure and orderly operation of courts and other tribunals and the safety of persons in court premises and their immediate environs. The amendments clarify that court security officers have power to act when court staff, court users or judicial officers are accosted outside but in the immediate environs of court buildings. There is no indication, and it has not been suggested, that the powers conferred by the Court Security Act have been used improperly by court security officers. The amendment will ensure that court security officers can act to remove threats to safety which arise in the vicinity of court buildings.
>
> Any restriction on freedom of movement will be very slight. If a person refuses to submit to questioning or a search the powers of court security officers are limited to preventing entry to or removing the person from court premises. Similarly, any interference with privacy will serve a legitimate and necessary purpose and will not be unlawful or arbitrary.

I think I have made it clear that in order to have faith in the judiciary it is important that justices have adequate security. It is a critical matter of impartiality that justices can make decisions without being fearful for their security. There have been a few very regrettable incidents in this state and in this country, and some of them have been tragic attacks on or deaths of judicial officers. One incident, one moment of intimidation or one potential issue is one too many.

As MPs our security at Parliament is also important. Protective services officers (PSOs) operate in a careful and friendly way but in a way that protects the public and protects these institutions of justice. I, and I am sure other members of the house, commend all the PSOs for the services they provide at the courts and the Parliament, where we interact with them more regularly. Importantly, the bill's reasonable amendments, to the extent that they engage charter rights, are justified given the issues that have been considered and balanced in the response provided by the Attorney-General.

Having dealt with Ms Pennicuik's first issue with the bill, I will go briefly to some of the other amendments that relate to the Police Regulation Act 1958. It is important to remember that this was another coalition initiative. I refer to a press release of 29 June 2012 by the Deputy Premier, Peter Ryan, who was Minister for Police and Emergency Services at the time. The press release is headed 'Victoria leads the way with police registration board' and says:

> … a new Victorian Police Registration and Services Board would significantly benefit Victoria Police.
>
> 'An Australian first, the registration board will deliver many benefits including making it easier for police to re-enter the force or transfer from another state or jurisdiction', Mr Ryan said.
>
> 'This means experienced police in Victoria will not be lost to the profession if they resign and take a career break but later decide to return, as the board will retain their registration while they are not serving as a police member'.

Three redundant references to the Police Appeals Board still appear in the Police Regulation Act 1958, and this amendment in the bill corrects those references. I commend that aspect of the bill to the house.

The third aspect of the bill that is important from a security point of view are the amendments to the Terrorism (Community Protection) Act 2003. Amendments to this act have been passed by the 57th Parliament on some other occasions, and I note that Mr Pakula, the member for Lyndhurst in the Assembly and the lead opposition speaker on this bill, did not make any criticism of the government on that. I am not making any criticism either, because these are important matters of national security. In a sense the Victorian government has been awaiting the work of the Council of Australian Governments (COAG) and the commonwealth Parliament. I update the house as I am advised about any further extension this bill will achieve.

This bill defers the undertaking by the minister of a review into the operation of the Terrorism (Community Protection) Act 2003 from 31 December 2013 until 31 December 2014. It also defers the compulsory tabling in the Parliament of the report of the review from and to the same dates. This review is being conducted under the auspices of the Council of Australian Governments, and it has now been tabled. That is good to report. It was tabled in the commonwealth Parliament on 14 May 2013. For the information of the house, the review considered significant aspects of Victoria's terrorism act, including part 2A, which contains provisions relating to preventive detention orders in sections 13A to 13ZV.

Part 3A sets out provisions related to special police powers in sections 21A to 21X.

The COAG report makes a number of substantive recommendations, including amongst other things the repeal of the commonwealth state and territory preventive detention legislation. Members may be aware that the preventive detention order and special police powers are based on models that have been developed by the commonwealth in conjunction with the states and territories and that there are consistent legislative standards addressing these specific powers across the nation.

With respect to the preventive detention orders in particular, state and territory legislation recognises corresponding preventive detention law — that is, preventive detention laws of the commonwealth and other states and territories creating a nationally cohesive and co-dependent counter-terrorism regime. The commonwealth has commenced work to consider the COAG report, and it is expected that the government will be tabling a response in due course. Should there be any significant changes to the preventive detention or special police powers models arising out of the COAG review, it would be expected that all jurisdictions would follow the commonwealth lead and make the same changes to their respective schemes.

Therefore it is considered in these circumstances that the Victorian statutory review should consider the COAG report and the commonwealth government's pending response to that report. That is the reason for the further amendment of the reporting date to 31 December 2014.

I say again that this Parliament abhors terrorism in all its forms. It also stands united in efforts to combat terrorism. It is not justified by the means and certainly has a chequered history. The taking of innocent life for a purported cause is something which, in my humble opinion and in the opinion of many reasonable people, is never justified. It is a cowardly act and something this Parliament rightly condemns.

It is a testament to the democracy that exists in Victoria and Australia that we are able to change governments in a democratic way, whatever we think of each other in this chamber. It remains a contest of will and a contest of action. It is a passionate contest which can give rise to anger, but it is a peaceful democracy which enables all citizens to have a say in how they should be governed, how government money should be allocated and how this country should engage with other countries. It is, in a sense, a blessing that our democracy is sometimes apathetically considered. In their individual capacities politicians are particularly fallible as has been pointed out many times and will be pointed out again.

The round mosaic emblem seen by everyone entering the Parliament House vestibule represents our collective ability to vote politicians in and out of office and to make the public service accountable through the Parliament under the Westminster system. That ought to provide all Victorians and all Australians with confidence that their views are being represented in this chamber and that they can elect politicians, or parliamentarians as they are sometimes called, of their choosing. Therefore, although excuses for terrorism have existed in cultures from time to time, there are no excuses for it in this country. There are no excuses in any other country, in my humble opinion, but I am speaking about the Victorian jurisdiction. I am sure that I stand with all my colleagues in supporting the review and careful consideration of terrorism powers while absolutely abhorring and refuting any justification for any form of terrorism in this state. I am sure that my learned colleague Mr Finn would agree with me if he was in a position to interject but as the Acting President in the chair he rightly sits mute.

The next aspect of the bill I want to comment on is the important amendments it makes to provisions relating to the Neighbourhood Justice Centre (NJC), which was established in 2007 under the previous government. The NJC combines a centre with a court and incorporates a variety of treatment and support services such as mediation, legal advice, employment, housing support, counselling and mental health services. This is something that the government has also assisted in terms of financial support. An article by Nic Price in the *Melbourne Leader* of 30 September reports Attorney-General Robert Clark's spokesman James Copsey as saying in relation to the Collingwood-based Neighbourhood Justice Centre that the centre:

> … played a 'valuable role as an innovation hub to pioneer and pilot reforms that can be applied more broadly across the court system'.

For the information of members who may not be aware, the Neighbourhood Justice Centre works with the population in the city of Yarra to prevent and reduce crime, which improves safety and increases local confidence in and access to the justice system. The sole magistrate at the Neighbourhood Justice Centre Court hears a variety of civil and criminal cases. The court is multijurisdictional and sits as Magistrates Court, Children's Court, a criminal division, a Victims of Crime Assistance Tribunal (VOCAT) and a Victorian Civil and Administrative Tribunal (VCAT). The NJC runs a unique process called 'problem solving' which

helps people to address difficulties regarding their current matters before the court and assists them to get back on track. The neighbourhood justice officer sets up an out-of-court meeting with the defendant, their legal representatives and support people to discuss the matters at court and tackle the defendant's problems. Under the current government NJC plays a valuable role as an innovation hub which pioneers and pilots reforms that can be applied more broadly across the court system.

Wherever one can remove the sometimes artificial jurisdictional boundaries that exist in courts, it should be supported. These boundaries tend to grow through various pieces of legislation. We need to be careful that they do not overreach their powers, as in the Magistrates Court, tribunals and other places they can sometimes result in frustrating behaviour where litigants attempt to bring, say, a VCAT or VOCAT matter to the Magistrates Court and there is no cross-vesting jurisdiction or ability to hear them all.

The amendment in this bill supports the coalition's ongoing funding commitment to continue the work of NJC in the 2013–14 budget. It will do it in such a way that it might not seem that we are supporting the Neighbourhood Justice Centre, because it will repeal not only the sunset clause in this bill but entire references to it in the act. The reason that is being done is to minimise the clutter and confusion in the Victorian statute book because the work being done to initiate the Neighbourhood Justice Centre has effectively concluded; therefore it is appropriate that the now-redundant provisions in the act be repealed. In a sense the provisions in this bill act in a similar way to those in the Statute Law Revision Bill 2013 which I heard my colleague Mr Elasmar speaking very passionately in support of earlier.

The only inactive clause in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 is — —

Ms Mikakos interjected.

Mr O'BRIEN — No, I was talking about the Statute Law Revision Bill. That is the wrong bill. You were not here, Ms Mikakos. Mr Elasmar and I have, in your absence, been conducting ourselves very amicably and will endeavour to continue doing so. I say that in good faith.

The only inactive clause in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 is the sunset clause. Once that clause is removed, the act will have no more work to do and ought to be repealed anyway. This bill also contains updating and procedural amendments to the Federal Magistrates Court. The Federal Circuit Court of Australia Legislation Amendment Act 2012 changes the title of the commonwealth Federal Magistrates Court to the Federal Circuit Court of Australia, the title of chief federal magistrate to chief judge and the title of federal magistrate to judge. The bill amends a number of acts to reflect the change of name of the Federal Magistrates Court to the Federal Circuit Court of Australia.

The next significant amendments in the bill are the amendments to the assessment and referral court (ARC) list, which is a specialist court list developed by the Department of Justice and the Magistrates Court to meet the needs of accused persons who have a mental illness and/or a cognitive impairment. This list is located at the Melbourne Magistrates Court and works in conjunction with the Court Integrated Services Program to provide participants with case management. Case management may include psychological assessment and referral to welfare, health, mental health, disability and housing services and/or drug or alcohol treatment.

The amendments will do three things to the ARC list. Firstly, they will remove the exclusion from ARC list eligibility based on presenting offence type. Currently those presenting with violent, serious violent or sexual offences as defined in the Sentencing Act 1991 cannot be referred to the ARC list. Secondly, the amendments will remove the requirement that an accused be transferred out of the ARC list for a contested mention if they indicate an intention to plead not guilty. Only the entering of an actual plea of not guilty will result in a transfer out of the ARC list. Thirdly, the bill will ensure that a plea is entered before an individual's support plan can be approved by the court.

These amendments are needed for a number of reasons. The first is that ARC list magistrates believe that a number of potential candidates who would be able to address their offending behaviour are being excluded from the ARC list. There are a small number of offences that are considered violent, seriously violent or sexual under the Sentencing Act which are often of a low seriousness amongst the mentally and cognitively impaired as compared to the general population. This amendment will require the transfer of an accused who pleads not guilty or indicates an intention to plead not guilty, which was always aimed at promoting efficiency by ensuring that contest mentions are not heard in the ARC list. However, the practical operation of the current act is to delay the giving of a plea until late in the accused's ARC list involvement, which creates delays in planning and participating, means people are

staying on the ARC list for too long and causes a delay in closure for victims.

The effect of increased eligibility to the list will a make small practical difference as only a small percentage of referrals are not accepted based on offence type. Very serious offences will not be heard in the ARC list, as most offenders will be indicted and committed to a higher court. Further, the ARC list legislation requires that a matter cannot be referred to the ARC list unless it appears to the court that in all the circumstances it is appropriate for the proceeding to be dealt with in the list.

Hopefully these amendments will encourage greater use of the list where it is appropriate for people who are suffering from a mental illness or cognitive impairment. Importantly, removing the requirement that they indicate an intention to plead not guilty will allow the procedures to operate without being transferred out of the list unless it is intended that they plead not guilty. The ARC list already runs at capacity and there is no foreseeable effect on increasing eligibility as to the number of people on the wait list.

The next matters in relation to court efficiency are the statutory demand amendments, which essentially allow the bill to put in a reciprocal procedure in relation to the present position under section 459E of the commonwealth Corporations Act 2001, which, for the benefit of those who have not received a creditors statutory demand, is a procedure to commence the winding up of a corporation for a number of reasons — principally that creditor bills have not been paid. It is a demand from a corporate creditor for payment of a debt. The possible consequences of non-payment of a statutory demand are quite potent against debtors as a failure to pay may result in the debtor being deemed to be insolvent.

Currently, in very limited circumstances, automatic appeal rights exist to appeal a determination to set aside a statutory demand in the Supreme Court. This amendment will ensure that such appeals can only be heard with the leave of the Supreme Court, either the judicial officer in the case of the Supreme Court or by leave from the Court of Appeal. This amendment will allow the Supreme Court to better filter applications for appeals, and the result will be to restrict unmeritorious appeals, thereby improving the efficiency of the court in an incremental but important way consistent with the coalition's commitment to allowing court services to be better operated so that more people can access justice more efficiently.

Such proceedings sometimes involve self-represented litigants, which can place significant demand pressure on the Supreme Court. Anyone who has been in the lists involving sometimes well-meaning and desperate self-representing litigants, where they do not necessarily understand the court procedures, or sometimes may understand them but choose not to follow them for various reasons, knows it can result in significant delays. Therefore this amendment in the bill is likely to improve clearance rates and reduce pending caseloads of civil appeals in the Supreme Court. Those amendments are commended to the house.

Other efficiencies which I know Mr Finn is concerned about relate to the legal costs issue, particularly in relation to the Legal Costs Committee, which was established under the Legal Profession Act 2004 and plays a key role in researching and advising the courts on legal litigation costs. The court and tribunal members either sit on the committee or nominate a judicial officer to sit in their stead. Currently the Chief Justice of the Supreme Court and the Chief Judge of the County Court may nominate another judge of their respective court to sit in their stead. The amendment will extend that nomination power to associate and reserve judges. This will reflect the growing role of associate and reserve judges in the higher courts. For example, the head of the Costs Court could be nominated and a logical candidate for the committee is an associate judge. So again this is an incremental amendment but one that supports the courts and supports creating efficiencies.

Another amendment relates to the change-of-name procedures under the Births, Deaths and Marriages Act 1996, and this is another amendment that was queried by Ms Pennicuik. The Attorney-General has provided a response, and I believe that response addresses the matters that Ms Pennicuik raised, particularly in relation to the situation that previously existed under common law. I should explain the background to the bill. Presently if you are applying for a change of name after a common-law marriage in Australia, that name change is effective immediately and you do not need a births, deaths and marriages (BDM) certificate. However, if that marriage occurred overseas, even if it is legally recognised in Victoria, you will need to obtain a births, deaths and marriages certificate, which has a 12-month delay. That delay is potentially unfair, and this bill will remedy this. As the Attorney-General has said, rather than resulting in discrimination, this amendment seeks to extend rights that are presently enjoyed by Australian citizens who are married under common law in this country to all persons affected by this legislation.

In his specific discussion of clauses 12 and 13, the Attorney-General put it quite well. He said:

> The amendment does not discriminate on the basis of marital status because a right to an automatic change of name following legal marriage already exists in Australia. Rather, the amendment aims to protect a certain subset of Australian residents from being disadvantaged based on the location of their legal marriage. The amendment addresses an anomaly between the status of documentation between Australian and overseas legal marriages.

The next three paragraphs are worth reading, but for the sake of time I was skip to the penultimate paragraph, which states:

> Subject to limited exceptions, an overseas marriage is valid in Australia if it was a legal marriage in the country in which it occurred and if it would have been a legal marriage had it occurred in Australia. Therefore, without the amendment, a small subset of people would be required to wait 12 months before being able to change their name solely because their legal marriage did not occur in Australia. If those same people had been married in Australia then the issuing of a marriage certificate by a BDM is all that is required to change their name automatically under the common law. Thus the amendment acts to prevent discrimination against Australian residents who were born overseas, whose birth is not registered in Victoria and who married overseas.
>
> It should also be noted that the power to waive the 12-month residency requirement is a discretion of the registrar —

which I think Ms Pennicuik also queried —

> The registrar still has power to investigate the legitimacy of any documents provided and may deny waiving the requirement if, for example, fraud is suspected.

I hope those comments answer Ms Pennicuik's queries, but otherwise the Minister for Liquor and Gaming Regulation is in the house to provide further responses.

The next, but not least important, provisions of the legislation relate to the bail justices and, as has also been touched on by Ms Pennicuik, if this bill is passed, they will involve this Parliament in relation to the exercise of powers to pass retrospective legislation that it seldom likes to exercise but does so on good occasions. This one is a good occasion, because it is designed to validate the acts and decisions of certain bail justices who purported to act after their appointments as bail justices had expired pursuant to transitional provisions in schedule 8 to the Magistrates' Court Act 1989.

For those who are not aware, prior to the amendments passed in 2010, bail justices were appointed for an ongoing period. The amendments made in 2010 introduced fixed terms of office for bail justices and provided for existing bail justices to be transitioned to terms of office that would expire on particular dates depending on when they were appointed. Due to an administrative oversight in notifying expiring appointees during the transition — I will make no comment about that, as these things happen with complex legislation, and it is important that they are remedied as soon as possible when they are spotted — it has been identified that at least one bail justice continued to perform duties after their expiration date.

This amendment will apply to any bail justice whose appointment expired on 1 January 2012 or 1 January 2013 under transitional provisions in the Magistrates' Court Act and will validate past decisions that could be found to be invalid solely on the grounds that the person's appointment had expired and for no other reason. The amendments will therefore validate acts and decisions that occurred between the expiry of bail justices' terms of office on either 1 January 2012 and 1 January 2013 up to 1 August 2013. With those few words, I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I am glad that I am speaking after Mr O'Brien because I did not have to wait very long. I rise to contribute to debate on the Courts and Other Justice Legislation Amendment Bill 2013. This bill, under the provisions of the Court Security Act 1980, contains measures to extend the definition of the precincts of a law court or tribunal and make improvements to the efficiency and effectiveness of court processes in the assessment and referral court list in the Magistrates Court. My colleague Jenny Mikakos has already indicated to the house that we are not opposing the bill.

In brief I want to talk about an important concession in the bill which removes the sunset clause in relation to the Neighbourhood Justice Centre legislation. This is an important acknowledgement by the government of the effectiveness and necessity for the retention of neighbourhood justice centres, and it is one which the opposition welcomes. This change of heart by the government can only be good for all disadvantaged Victorians.

I remember when the Honourable Rob Hulls, the former Labor Attorney-General, both initiated and opened neighbourhood justice centres in the northern part of my electorate. Neighbourhood justice centres are effective and do brilliant work for those members of the community they were designed to assist, particularly those who are disadvantaged largely due to their lack of a good education and a fair go. We are happy to see them retained. We must continue to work with juvenile offenders and be open to using other methods of keeping young people out of jail in the first instance.

I congratulate the coalition for recognising that neighbourhood justice centres are delivering a fairer justice system for those in the community who are less fortunate.

Hon. E. J. O'DONOHUE (Minister for Liquor and Gaming Regulation) — I thank all speakers on this bill for their contributions, including Ms Mikakos, Ms Pennicuik, Mr Elasmar and Mr O'Brien. I thank Ms Pennicuik for referring to the issues raised in the Scrutiny of Acts and Regulations Committee's *Alert Digest* No. 15 and note that those issues have been referred to Parliament for further consideration. I also note Ms Pennicuik's comments regarding the fact that the response to those issues was tabled just this afternoon. Having listened to the second-reading debate I trust that Mr O'Brien's contribution has clarified some of those issues for Ms Pennicuik.

In summary, to paraphrase the Attorney-General and pages 20 and 21 of *Alert Digest* No. 15, which was tabled this afternoon: if there is a right that is engaged, it is justifiable under section 7(2). I thank Ms Pennicuik for giving me advance notice of her concern about these issues, I thank Mr O'Brien for his elaborate articulation of the Attorney-General's response and for dealing with these issues and I thank members for their contributions to this debate.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

ROAD LEGISLATION AMENDMENT BILL 2013

Second reading

Debate resumed from 31 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr MELHEM (Western Metropolitan) — I welcome the opportunity to rise to make a contribution to the debate on the Road Legislation Amendment Bill 2013, which the opposition does not oppose. The main purposes of the bill are to repeal and replace the provisions of the Road Safety Act 1986 relating to the demerit point scheme in order to restructure those provisions in a form that is more readable; provide for procedures for dealing with multiple sanctions arising from the rapid accumulation of demerit points; extend the application of the demerit point scheme for drivers who do not hold a Victorian driver licence or learner permit; to make other amendments to the Road Safety Act 1986 relating to licensing, registration and other matters; and to make miscellaneous amendments to the Heavy Vehicle National Law Application Act 2013.

These important measures in the bill will lead to an improvement in the demerit point system as well as closing some loopholes for overseas and unlicensed drivers. It is a worthy course of action to ensure that penalties are clearer to understand for Victorian motorists and that extended demerit point penalties are undertaken consecutively rather than concurrently.

Those who do wrong on our roads should not be able to get away with lesser penalties, because they are putting people's lives at risk. This measure will address the issue of dangerous drivers and the rapid accumulation of demerit points, which has come about thanks to Victoria's improved safety camera system.

This system was rubbished by the current government when it was in opposition. In 2002 the then Leader of the Opposition, Denis Napthine, stated that he believed speeding motorists should not be fined for breaking the law and that leniency should be shown to those who drive over the limit, despite speed being the biggest killer on our roads. I am happy to see that the Liberal-Nationals coalition government has caught up with the science, the Labor Party and the rest of society on this issue, and that it finally acknowledges that speeding drivers are a menace on our roads.

Safety cameras save Victorian lives. Since 1989 we have seen Victoria's road toll halved. Road safety cameras play an important role in helping authorities catch and punish dangerous drivers on Victorian roads, so it is only right that justice is seen to be served on those who rapidly accumulate points. Therefore I commend the government for this move, which ensures that dangerous drivers cannot have multiple extended demerit point periods and must instead face them consecutively. I commend the government for its change of heart on the issue of dangerous speeding motorists on Victorian roads.

I also commend the government for its aim of closing loopholes for non-licence-holders and holders of licences from overseas and interstate. This is a worthy measure. Just imagine if we continued with the current arrangements. You could have a person with a licence who could accumulate some 12 or 13 points, and yet a few months later they could apply for a Victorian licence and this would not be taken into account. A

good thing about the proposed amendments to the legislation is that this loophole will be closed, and that person will be treated in exactly the same way as a Victorian licence-holder. This definitely is a welcome change.

This bill aims to apply the demerit point scheme to non-Victorian licence-holders — interstate drivers — where previously those motorists, as I said, could just accumulate points without their licence being suspended. It is important to make sure that we get these drivers off the road. There is no question about that. This is an issue about which everyone in the chamber can agree — if you do the crime, then you pay the penalty. I probably speak for a lot of Victorians, including myself, who over the years have been caught speeding. People complain about having to pay a fine and losing demerit points, but if you do not speed, then you do not pay the fine. Unfortunately, over the years I have been one of those drivers. But we should not be arguing against that, because it is important that we respect the speed limits on our roads. Members are shaking their heads, but I am sure that no-one is innocent. It is important to respect the law.

However, I have some concerns about VicRoads as a result of a recent report about its ability to manage its database. As part of the changes in this bill, VicRoads will be given responsibility for maintaining a database for international and interstate drivers and will have their details on its database. I am concerned that time and again we have seen major problems come to light over the VicRoads data management system. The Ombudsman was damning in his assessment of the VicRoads data system and said out-of-date data was a major factor in stopping the sheriff's office from doing its job and enforcing fines on people who had done the wrong thing. In fact the *Herald Sun* reported in August that the sheriff's office had failed to recoup more than $100 million in fines from dangerous drivers thanks to failures within VicRoads data management. It is clear that to be effective the VicRoads data management system needs to be looked at very carefully. Further investment in that system may be needed to make sure that we have a reliable data system so that these people do not get away with not paying fines and possibly holding valid licences because we cannot get to them. This has to be fixed.

A case in point is the problems experienced by Ms Stewart of Frankston, who faced problems with VicRoads when her car was going to be confiscated by the sheriff after she failed to pay a number of penalty notices from CityLink. In that particular case data management failed a Victorian motorist who did not realise she had failed to pay penalty notices because she had never received any in the post. Ms Stewart had changed her details with VicRoads five years earlier, but VicRoads had failed to communicate that change to CityLink. As a result penalty notices were being sent to another, incorrect address. Luckily Ms Stewart contacted a Labor member of Parliament who cleared up the mess for her and she was able to keep her car. It is clear from that case that not only is the data management system of VicRoads failing to address those who do wrong but it is also failing those who do not realise they have fines that they need to pay and who never intended to do the wrong thing.

This is a concern for me and for the Labor Party. We believe the nuts and bolts of legislation are as important as the aims of the legislation. How will VicRoads adequately manage more and different data when it clearly has problems with its current system? How will VicRoads adequately identify and test all interstate and overseas drivers on Victorian roads? The failure of VicRoads to adequately manage its data raises questions about its ability to keep track of unlicensed and interstate drivers and how thorough and correct such a system will be. The point I am making is that improvements are necessary for the VicRoads data management system if the aims of this bill are to be achieved. While Labor Party members do not oppose this bill and understand there are important measures within it, we suggest that the successful implementation of the bill will require an investigation by VicRoads of the improvements to make sure it has a good data management system. With these comments, I commend the bill to the house.

Mr ELSBURY (Western Metropolitan) — It is a pleasure to rise to speak on the Road Legislation Amendment Bill 2013. This bill repeals the current demerit point system of the Road Safety Act 1986 and replaces it with new provisions. It will also allow for interstate and international drivers who breach our road laws to be dealt with in the same manner as Victorian drivers. The bill also makes minor amendments to other acts relating to road laws in the state.

I am a member of the parliamentary Road Safety Committee, a position I take seriously, so I support any measures that enforce safe speeds on our roads. I also encourage people to obey the rules of the road because generally, if we all stick to what we are supposed to do, we should not experience the problems of road trauma that we are having to deal with on a daily basis.

I note that it is raining outside, so perhaps some people will choose to do things that are out of the ordinary while driving. In fact the other night I was leaving my office when a gentleman decided he would drive

sideways around a roundabout. He and the young lady in the vehicle thought it was hilarious — a great bit of fun — until the unmarked police car behind them lit up and pulled them over. It is good to see that a person who could be so irresponsible as to lose traction of their vehicle in a built-up area in a commercial precinct will have to pay the penalty, whatever that may be — the demerit points and the fine that comes with them — for their irresponsible act.

Through enacting legislation such as this we are trying to make our roads safer. We can be pleased that this year, up to midnight on 10 November, the Victorian road toll was 195 — that is, 195 people have been killed on our roads to this date this year. However, we should remember that 195 is not just a number; it represents individuals who have been lost to our community — family members, friends and workmates. Nevertheless, we can take heart, because at the same time last year 241 individuals had been lost on our roads. This year the road toll has been reduced by around 19 per cent, and every one of us should be proud of that, and we should pray vigorously that the road toll will continue to be reduced. It would be lovely to see the figure stop exactly where it is and not have an increase in the number of road fatalities, but we live in the real world and unfortunately people will continue to choose to break the law. People will continue to make poor decisions on our roads and unfortunately they will come to grief, so we need to enforce our laws as best we can.

Licensing and registration provisions in the Road Safety Act will receive further improvements through this legislation. The first reform in this bill is to replace the current demerit point system in the principal act. An offending driver, should they lose all their demerit points, can choose to lose their licence for three months or go on what amounts to a good behaviour bond of 12 months, so that if they breach any road laws and are caught, they will lose their licence for that 12 months.

A problem arises in this day and age, when we all rush around everywhere, that a driver can rack up demerit points quickly. They can lose their licence and not know it immediately, especially if they are driving with no regard for other road users. Given that our roads have fixed speed cameras, portable speed cameras, police traps and such, it is quite easy for demerit points to accumulate very quickly. However, people only incur demerit points when they choose to ignore speed limits or other safety measures like stop signs and stop signals.

One way we can ensure that drivers feel the full brunt of the penalties inflicted upon them is to institute a system whereby instead of losing multiple demerit points or losing their licence concurrently, they will have to put up with those encumbrances to their movement consecutively — that is, one after another. If a driver loses their licence because they have lost all their demerit points, yet continues to offend by breaching our road laws and causes another three incidents to occur, they will suffer the consequences of those additional incidents as well as the consequences of the incident that caused them to lose their licence in the first place. Instead of having to worry about losing their licence for only three months, potentially they will be looking down the barrel of losing their licence for nine months.

Through this legislation the demerit point scheme will be extended to apply to people who do not hold a Victorian drivers licence or learner permit. If drivers use an interstate or international licence, their details will be kept on a database of people who have infringed our road laws and they will have to deal with the fact that they will lose demerit points and ultimately, if their demerit points are exhausted, lose their right to drive in Victoria.

We will allow people to apply for Victorian drivers licences or learner permits, but that will be the only document that we will accept as giving people a legitimate right to drive in this state. You cannot pick and choose which document you use; you have to stick to the Victorian licence. Some people might choose to use an interstate or international licence in an attempt to fool the authorities into believing they are a totally different person, but we will not allow that to happen. If you do present another licence rather than your Victorian learner permit or drivers licence, you will incur a penalty.

The legislation will be cleaned up. Losing your licence will exclude you from being able to apply for another licence. You will not be able to lose your drivers licence and then apply for a motorbike licence or a heavy axle licence or a forklift licence I suspect — I am not too sure about that one. You will not be able to take up any other driving licence. You cannot apply to gain those permits to try to get around the fact that you have lost your primary licence. If a court does not define which licence a person has lost, it is considered to be all licences the person holds. If they are a truck driver and are caught going far too quickly in their ute or they lose their licence for driving through a red light or whatever, then that is it for the heavy axle licence and any motorbike licence they might hold.

There has been a small issue with regard to courts where they have not defined a period of time for which

a person's licence is suspended. Traditionally it has been taken that that means three months. We will now require a court to stipulate the time for which someone will have their licence suspended. The bill transfers fee increases for drivers licences from the Road Safety (Drivers) Regulations 2009 to the Road Safety Act 1986. The bill also makes minor technical amendments to improve the function of the Heavy Vehicle National Law Application Act 2013 and the Road Safety Act 1986.

This legislation is consistent with the way people should behave on our roads. It is consistent with the government's policies in relation to hoon legislation. The bill is assisted by works being done across the road network, including the east–west link project, to improve road safety. Our commitment to removing level crossings across metropolitan Melbourne is also going to improve road safety. Fixing the St Albans crossing in Western Metropolitan Region is something I hold very close to my heart. With my contribution coming to a close, I commend the bill to the house, and I ask all members in this place to support it when it goes to a vote.

Ms HARTLAND (Western Metropolitan) — This is a very straightforward bill, as was outlined by the two previous speakers. I do not intend speaking for very long because the Greens support the bill very much for the reasons outlined by the two previous speakers. We especially support the issues around the demerit point scheme. The bill makes it clear when someone's demerit points are up and extends the demerit point scheme to holders of an overseas licence or interstate licence. As it clearly addresses road safety issues, the Greens will be supporting this bill.

Debate adjourned on motion of Mr FINN (Western Metropolitan).

Debate adjourned until later this day.

ADJOURNMENT

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

> That the house do now adjourn.

Western suburbs air pollution

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change, the Honourable Ryan Smith. It concerns some correspondence I received from Marion Martin, justice of the peace, a former City of Brimbank councillor and in years gone by a mayor of the former City of Sunshine as well. She says:

> I desperately need some help we have been living with very severe offensive odours for several years which happen about once a week sometimes more often, and lasting from 30 minutes up to 4 hours, any time of the day and more of them at night and it is so bad you close all the windows and doors and it still gets into our house and quiet often you have trouble breathing, to explain the smell it is just like a very strong rotten garbage smell which occurs when we get south-west winds and on very still nights the smell can linger for hours.
>
> Talking to neighbours everyone smells it but nobody knows where the smell comes from, we believe it could be from a landfill tip situation in our areas which is affecting people from Deer Park, Caroline Springs, Burnside and Brimbank Gardens.

I am also informed it is affecting people in Albanvale and Kings Park as well. Mrs Martin goes on to say:

> I have had many complaints from people from these areas who do not know which authority to complain about this issue.

It seems to me that this is an intolerable situation for many thousands of people to have to live with possibly every day. As we are getting on to summer — you would not know we were getting on to summer looking at the weather outside; this global warming could kill us the way it is going — the smell will inevitably get worse. It concerns me that thousands of people, many of them young families, are being afflicted by an odour they can obviously do very little about. Until such time as we establish the facts we cannot do anything about it. It is important we begin with establishing what is causing the odour. I ask the Minister for Environment and Climate Change to direct the Environment Protection Authority to investigate the source of the odour and report back to local residents as soon as is humanly possible.

School funding

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Education, Martin Dixon, and is in relation to education funding. It relates to an issue that has been raised with me on many occasions. I would like to draw the minister's attention to an article that appeared in the Hamilton *Spectator* on 31 October headed 'Funding pressures stress schools'. The article states that a majority of school principals in the Grampians region claim a lack of state government funding is affecting the standard of education in their schools. It also states that the principals' claim is supported by the recently released Australian Education Union State of our Schools survey.

The key findings of the survey include that 94 per cent of schools said that over the past year support from the regional offices has deteriorated, with almost half saying it has deteriorated a lot. Seventy-five per cent of principals said they did not have sufficient resources to ensure quality program delivery for students, an increase of 6 per cent over the past 12 months. Principals also said the regional office restructure meant schools were effectively alone, with significantly less support; 75 per cent of schools said there had been a significant increase in external registered training organisation fees for vocational education and training subjects, up an estimated 17.3 per cent; and 20 per cent of public schools said they had had to reduce subject offerings to senior students because of the Napthine government's cuts to the Victorian certificate of applied learning.

Understandably, all of these very negative findings have resulted in significantly higher stress levels for Victorian school principals, which is exactly what was claimed by school principals in the Grampians region. The survey also suggests it is rural and regional schools that are hardest hit. The negative feedback from schools and statistical analysis of the effects of the Napthine government's enormous cuts to the Victorian system are clear to see.

This evening my request is that the minister respond to the State of our Schools survey and say what his response has been to date to the principals in the Grampians region with respect to the issues they have raised which highlight deficiencies and the principals' consequent reduced ability to deliver quality standards to students in their region.

Prison drug treatment programs

Ms HARTLAND (Western Metropolitan) — My adjournment matter today is for the Minister for Mental Health, the Honourable Mary Wooldridge. Exposure to hepatitis C and hepatitis B in Australian prisons usually comes through sharing drug injecting equipment. These diseases affect the liver and can lead to liver disease, liver cancer and ultimately death. In 2011 the Victorian Ombudsman's investigation into prisoner access to health care made some very concerning findings regarding access to health. Amongst other things it revealed that 41 per cent of Victorian prisoners have hepatitis C, compared to 1 per cent of the general population. This appalling figure demonstrates a neglect of prisoner health on the part of the government. In the past two years nothing has changed.

Just weeks ago the Victorian Auditor-General's report *Prevention and Management of Drug Use in Prisons* was released. It reiterated the alarming hepatitis C rates mentioned in previous reports. It explained that the Justice Health Communicable Diseases Framework 2012–2014 does not address the need for needle and syringe programs. It does, however, provide safe injecting information for prisoners and bleach, which prisoners can use to clean contraband needles.

There is a blatantly clear need for a needle exchange program in prisons. With a hepatitis C rate of approximately 41 per cent, more needs to be done to protect prisoner health and the general community. The Auditor-General's report states there is a strong evidence base for the efficacy of needle exchange programs. International studies show that they reduce blood-borne virus rates without negative outcomes such as increased incidence of injecting or needles being used as weapons. This is because most programs operate on a needle exchange basis, meaning there is no net increase in the number of needles in prisons.

The Auditor-General's report also states that the effectiveness of the Corrections Victoria and Justice Health drug and alcohol treatment programs could not be determined due to shortcomings in performance measurements. It says a 41 per cent hepatitis C rate shows a need for rigorous monitoring and constant evaluation. An overwhelming number of organisations and researchers support the implementation of a needle exchange program in prisons, including the Australian Medical Association, which renewed its call for such a program in recent weeks.

The Victorian government has signed on to the principles in the *Third National Hepatitis C Strategy 2010–13* document, which states that governments should identify opportunities for trialling needle and syringe programs in Australian prisons. The government has so far failed to act, and the time to take action is now. I ask the minister, based on past and recent revelations: will she urgently implement a needle exchange trial in Victorian prisons and provide more measurable drug treatment programs?

Fishermans Bend urban renewal project

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Planning, Matthew Guy. I would like to congratulate the minister on announcing the 250-hectare Fishermans Bend urban renewal site and on the consultation process he has instigated in relation to Fishermans Bend. I remind the chamber that there will be 80 000 new residents and 40 000 jobs created over the next 30 to 50 years at Fishermans Bend. This is an enormous area right on the doorstep of the central

business district. Together with the Premier, the minister launched the draft vision recently. The community has been asked to have its say. We want input from the community — and this community is particularly good at having a very detailed say on how it wants its local community to be.

One of the things that will be highlighted in this new plan is the extension of a tramline from the city across the river and down Plummer Street. It will be fantastic and will add another new dimension to the linking of the sea to the city. It will be terrific. I commend the minister for highlighting this issue. However, some concerns have been raised with me by people who live around the marina on the Yarra in two buildings in Lorimer Street. Their concern with the structural plan — and it is a draft — is about what will happen to the marina and how it will be impacted upon.

The minister has said that this is a draft structural plan and that after there has been consultation with the community a final structural plan will be released next year. However, I hope the minister can direct me as to how I can clarify the issue of the marina, the tramline and where it will join the Yarra's south bank and the implications that may have for my constituents who live around the marina.

Commercial seafood industry fee increases

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the attention of the Minister for Agriculture and Food Security, Mr Walsh. It relates to the effects of the Fisheries (Fees, Royalties and Levies) Further Amendment Regulations 2013 that he has proposed. These regulations seek to achieve full cost recovery for the commercial seafood industry for the services provided by government. I am not contesting that, but there is some concern among commercial fishermen about the steep gradient for this phasing in of full cost recovery.

I see that the Minister for Higher Education and Skills, Mr Hall, is in the chamber. In his electorate of Eastern Victoria Region, for example, the Sydenham Inlet bait fishery in Gippsland would see its fees rise from $368 to $2645 by 2015, an increase of 618 per cent. In the Premier's electorate, Warrnambool cray fisherman Peter Sandow would see his fees double to $24 000. There are many other examples. In the most extreme case fees will go up in the order of 2288 per cent.

The matter I raise with the minister is not the fee increase — it is not the cost recovery — but the consultation process for this happening. The government recently legislated for amateur fishermen to have a consultative council — and the Parliament recently discussed major issues with this — but for commercial fishers consultation amounted to being told, 'Here is a fee, and here is an increase to full cost recovery — this is the formula. It is being phased in over three years', and for some of these businesses increases of this magnitude are of great concern.

I do not seek that the minister legislate the way he did for amateur fishermen, but the particular action I seek of the minister is that he personally meet with representatives of Seafood Industry Victoria and these commercial fishermen to discuss the impact on their businesses of these steep increases over a three-year period. I imagine that if a Labor government had brought in increases of 2288 per cent in one go we would have heard a lot more noise about what that would do to Victorian businesses. I invite the minister to meet with these good people, have the discussion and explain to them why it cannot be phased in over a longer period of time.

Geelong region job losses

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to the Minister for Employment and Trade, Ms Asher. It regards the recent news that hundreds of specialised workers' jobs will be lost with the closure of the heavy maintenance facility in Avalon in March 2014. The action I seek is for the minister to provide an explanation of what action the Napthine Liberal government has taken to try to protect the jobs of these highly specialised workers and keep these jobs in Victoria. It is disgraceful that so many jobs of such a highly specialised nature can be lost as Qantas decides to move its work to Brisbane or, more likely, offshore to South-East Asia.

It is devastating news for the workers at Avalon and their families — and I know many of them because I represented them over the years in my previous job — and also for the Geelong region. With the closure of Ford in 2016, Target shedding jobs and Shell looking to sell its refinery, this is yet another blow to jobs in and around Geelong. Without a plan for jobs, to protect them and keep them in the region, there is a worry that Geelong will become an economic ghost town — a city with less opportunity for its population and less hope for the future. Is this the legacy that the Napthine government wants to leave in the Geelong region? It is a legacy of arrogant complacency — of inaction, ineptitude and lack of empathy for workers and families who call Geelong home.

Under this government jobs in the Geelong region continue to be lost. Important and meaningful

employment opportunities for local residents are being cut at a tremendous rate, and we are seeing little action from the Premier or his ministers in regard to protecting jobs in the region. This is why I ask that the Minister for Employment and Trade provide an explanation as to what action, if any, the government took to try to save these jobs at Avalon. Geelong and Victoria generally deserve better treatment from the government.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — I have written responses to adjournment matters raised by Mr Elsbury on 7 May, Mr Drum on 13 June, Ms Mikakos on 21 August, Mr Elsbury on 22 August, Ms Mikakos on 22 August, Ms Broad on 3 September, Mr Lenders on 4 September and 15 October, Mrs Coote on 15 October, Ms Mikakos on 16 October and Ms Tierney on 16 October.

Tonight Mr Finn raised a matter for the attention of the Minister for Environment and Climate Change, Ryan Smith, seeking a direction from the minister to the Environment Protection Authority Victoria to investigate a rather unpleasant odour being experienced by residents of Deer Park and nearby suburbs. I will convey that request to the minister.

Ms Tierney raised a matter for the attention of the Minister for Education seeking a response from the minister to the State of Our Schools survey. I am aware that this survey was undertaken by the Australian Education Union. I am not sure that it has yet been published in its entirety. I am familiar with extracts from it that have been printed in newspapers, but I am not aware that it has been published in full. If it has not been published in full, I suggest that it will be a bit hard for the minister to comment on it, but I will pass that request on to the minister and leave it to him to further respond to the matter raised by Ms Tierney.

Ms Tierney — What about the Grampians principals?

Hon. P. R. HALL — Ms Tierney asked the minister to respond for the benefit of Grampians principals. I will pass her request on in full.

Ms Hartland raised a matter for the attention of, we think, the Minister for Mental Health requesting the implementation of a trial of a needle exchange program in prisons. She cited the prevalence of hepatitis C as a good reason for doing so. I will pass that on to the Minister for Mental Health, and if she is not the right minister, we will find the minister who has responsibility for this particular issue.

Mrs Coote raised a matter for the Minister for Planning, Mr Guy, seeking help in clarifying aspects of the Fishermans Bend urban renewal project and the infrastructure associated with that. I am sure the minister will be able to direct Mrs Coote to the right places so that she is able to help her constituents with the matter she raised this evening.

Mr Lenders raised a matter for Mr Walsh, the Minister for Agriculture and Food Security, regarding the steep increase in commercial fishing licence fees. He requested that the minister meet and talk the matter through with the commercial fishermen who are subject to the new fees. I will pass that request for such a meeting on to the minister.

Mr Melhem raised a matter for Ms Asher, the Minister for Employment and Trade, regarding Avalon workers and jobs in Geelong. I thought he was a bit disingenuous in claiming that the government has done nothing to assist people in the Geelong area. Skilling the Bay is an example of a program in my portfolio area where we have an agreed plan of action supported and endorsed by people in the Geelong area to assist job creation in Geelong. Nevertheless, Mr Melhem sought a response from the minister as to what the government is doing to protect jobs for workers at Avalon, and I will pass that request on.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.33 p.m.