PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 19 August 2014

(Extract from book 11)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 17 March 2014)

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Cabinet Secretary	Mrs I. Peulich, MLC

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

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

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

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

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

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

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

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

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

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

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

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott. (*Council*): Mr O'Brien and Mr Ondarchie.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr D. R. J. O'Brien.

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker:
The Hon. CHRISTINE. FYFFE (from 4 February 2014)
The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:
Mr P. WELLER (from 4 February 2014)
Mrs C. A. FYFFE (to 4 February 2014)

Acting Speakers:
Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson. (to 2 April 2014)
Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

Leader of the Parliamentary Liberal Party and Premier:
The Hon. D. V. NAPTHINE (from 6 March 2013)
The Hon. E. N. BAILLIEU (to 6 March 2013)

Deputy Leader of the Parliamentary Liberal Party:
The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:
The Hon. P. J. RYAN

Deputy Leader of The Nationals:
The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:
The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:
The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
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Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan [2]	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
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Crisp, Mr Peter Laurence	Mildura	Nats	Pakula, Mr Martin Philip [7]	Lyndhurst	ALP
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Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane [8]	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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Eren, Mr John Hamdi	Lara	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Shaw, Mr Geoffrey Page [9]	Frankston	Ind
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James [3]	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin [4]	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer [5]	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 18 February 2013
[4] Resigned 27 January 2012
[5] Elected 21 July 2012
[6] Elected 19 February 2011
[7] Elected 27 April 2013
[8] Resigned 7 May 2012
[9] LP until 6 March 2013

CONTENTS

TUESDAY, 19 AUGUST 2014

CONTENTS

Tuesday, 19 August 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 2.04 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome to the gallery Lord Fusitu'a, a member of the Parliament of Tonga.

QUESTIONS WITHOUT NOTICE

Members travel entitlements

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Innovation, who is also the Minister for Tourism and Major Events. Has the minister ever advised Liberal or Nationals MPs on the practice of using flexi fares to extend their taxpayer-funded interstate travel for personal use?

Ms ASHER (Minister for Innovation) — I thank the Leader of the Opposition for his question. In my capacity as Deputy Leader of the Parliamentary Liberal Party — and I have been deputy leader for over 11 years — it falls to me to advise members of Parliament about entitlements and the correct use thereof. I have on many occasions advised Liberal Party members — and I think possibly members of The Nationals have been in the room — about the correct reporting of entitlements, the correct usage of entitlements and the right thing to do in terms of parliamentary processes.

I can also advise in relation to this question that I have made it clear to members of Parliament that they can stay on for an extra time, because that is allowed under the rules promulgated by both the President and the Speaker. There is no doubt that I have advised members of Parliament that they are able to extend a stay for parliamentary business, should they wish to, in compliance with the rules.

Furthermore, I have indicated to all of my members that they must comply with the rules for travel. If a report is required, they are required to submit a report. If a diary is required — and a diary is required for a trip of five nights or more — then a diary should be submitted. All forms submitted to the President or to the Speaker with claims for parliamentary business must relate to genuine parliamentary business and not something that could not be seen as genuine parliamentary business.

I advise the house that in relation to my own travel I have complied with the rules at all times, and I have advised my coalition colleagues to abide by the rules as promulgated by both the Speaker and the President. I deny the imputation in the question of the Leader of the Opposition.

Government achievements

Ms MILLER (Bentleigh) — My question is to the Premier. How is the Victorian coalition government building a better Victoria for families and businesses, and has there been any recent assessment of this?

Dr NAPTHINE (Premier) — I thank the honourable member for Bentleigh for her question and for her interest in the growth and development of Melbourne and Victoria. Indeed, all Victorians should be particularly pleased and proud today that Melbourne has been announced as the world's most livable city for the fourth successive year. This is an enormous vote of confidence in Melbourne and Victoria.

Honourable members interjecting.

The SPEAKER — Order! The member for Clayton will cease interjecting in that manner. I ask all members to cease interjecting.

Dr NAPTHINE — The prestigious Economist Intelligence Unit applied its global livability index to over 140 cities across the globe, and Victorians should be pleased and proud to note that Melbourne and Victoria gained a perfect score of 100 points in key areas like health care. That is not surprising, given that healthcare funding has increased each and every year under the coalition government. Indeed, in the recent budget, despite comments from members of the opposition, who have been going around saying that healthcare funding would be cut, there was on average a 5.1 per cent increase in funding for hospitals across the length and breadth of Victoria. Each and every hospital in Victoria received increased funding.

In terms of capital funding, $4.8 billion is being spent on health, including at the magnificent Box Hill Hospital, which we opened recently. Only yesterday we announced a massive reduction in waiting lists for surgery in Victoria. There is increased funding, increased capital and a reduction in waiting lists. No wonder we got 100 out of 100 for health care.

We got 100 out of 100 in education. We have a great Minister for Education and record funding in this year's budget for education. There is a 50 per cent increase in funding from that of the previous government in vocational education and training, and a massive investment in new schools and in upgrading schools to fix the problems we inherited from the Labor government.

Melbourne and Victoria got 100 out of 100 for infrastructure. That is because the coalition government is the infrastructure government for Victoria, with Melbourne rail link, the airport rail link, the Cranbourne-Pakenham rail upgrade, the regional rail link, east–west link, the Tullamarine widening — —

Honourable members interjecting.

The SPEAKER — Order! Members know they are not allowed to use props, and I ask them to remove the papers that are lying over the top of the benches. That includes the members for Geelong and Clayton. I will not have members holding up props.

Dr NAPTHINE — We also scored 100 for sport, and that is because Melbourne is the sporting capital of the world, with the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the AFL season and the Spring Racing Carnival.

We get great results in culture and environment. Only last night we received a record number of Helpmann awards for the Melbourne Ring Cycle. Our theatres are full. The winter masterpieces is attracting people — —

Honourable members interjecting.

The SPEAKER — Order! I have asked the member for Clayton to remove the newspaper from the top of the bench.

Dr NAPTHINE — The Body Beautiful in Ancient Greece exhibition is packing them in in Bendigo.

We did very well in stability and community safety, with 1700 extra police and protective services officers on our railway stations. The coalition government has a strong law and order policy after the years of being soft on crime under the previous government. That is all based on our harmonious multicultural society. We beat great cities across the world, including Vienna, Vancouver, Helsinki, Toronto — and Sydney finished a close seventh.

Melbourne is the most livable city for the fourth year in succession, which is a great result for Melbourne and Victoria, and it is because of our commitment as a government to education, health care, infrastructure, our multicultural society, our arts and theatre and our environment.

Members travel entitlements

Mr MERLINO (Monbulk) — My question is to the Minister for Innovation, who is also the Minister for Tourism and Major Events. Has the minister ever discussed the use of flexi fares to extend taxpayer-funded interstate travel for personal use with the member for Frankston?

Ms ASHER (Minister for Innovation) — I thank the Deputy Leader of the Opposition for his question. The answer to the question is that I have never discussed flexi fares, or whatever terminology he used, but I have discussed travel with the member for Frankston. I discussed travel with the member for Frankston when he was a member of the Liberal Party on the same terms as I have just outlined to the house — that is, that whilst members are free to extend their stay, it is under the rules that travel must be for the primary purpose of parliamentary study. I have certainly discussed that, and the requirement for all members to report — —

Mr Merlino interjected.

Ms ASHER — I am answering your question. There is a requirement for all members to — —

Mr Foley interjected.

The SPEAKER — Order! I have been on my feet for a few seconds and the member for Albert Park knows that he should not interject or make any noise when I am on my feet. The house will come to order.

Ms ASHER — My discussions with the member for Frankston have been along the same lines: if a trip is funded from a member's electorate office budget, that member has to sign truthfully that the business to be undertaken is parliamentary business, and the member must report under certain circumstances or provide a diary under other circumstances.

Since the member for Frankston became an Independent, I have discussed travel with him on a number of occasions. Indeed the member for Frankston has asked me to provide him with assistance, via the commissioners, in organising a number of trips. In the same way that I have provided assistance to members of the Labor Party, via commissioners, agents-general and so on, I have provided some assistance via my officers to the member for Frankston to organise some business activities on a recent trip he made to the United States.

I have indicated that I do not think I have ever used the term 'flexi fare' with the member for Frankston. To the best of my recollection, I have never used the term 'flexi fare'. However, since I have been asked a direct question regarding the member for Frankston, I can advise the house that the member for Frankston has had discussions with other people in relation to travel. For example, he made an inquiry of the agent-general

recently regarding a trip he proposed to make in July, which he was prohibited from making by this house. That was one of the terms of the resolution suspending him. He made an inquiry of my agent-general as to whether he could get married in London.

Honourable members interjecting.

The SPEAKER — Order! Members should let the minister answer the question.

An honourable member interjected.

Ms ASHER — You are asking me; I am telling you.

The SPEAKER — Order! I ask the house to come to order.

Ms ASHER — It is a shame these answers are limited to 4 minutes, because there has been so much discussion about the travel of the member for Frankston. The agent-general subsequently advised the member for Frankston that it was very difficult for an Australian to get married in London. I was further advised that the member for Frankston wanted to travel to Paris to propose to his girlfriend. It is no wonder that one of the terms of the motion that was before the house was to prohibit the member for Frankston from taking taxpayer-funded travel internationally while he was suspended.

Regional and rural initiatives

Mr McCURDY (Murray Valley) — My question is to the Minister for Regional and Rural Development. How are the Victorian coalition government's strategic investment programs growing regional jobs and building a better regional and rural Victoria?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Murray Valley for his very timely question. As the house knows, the Victorian coalition government's strategic regional and rural investment programs are driving economic activity, the growth of industries and job creation in the regions. Central to this has been our $1 billion Regional Growth Fund. We have already allocated more than $420 million of it. We have created some 1550 projects. We have seen the leveraged investment of about $1.7 billion out of this initiative. A key focus of the growth fund is strategic investment into areas facing economic transition — particularly Geelong, the Goulburn Valley and the Latrobe Valley. Through these specialist and targeted programs we have been able to invest in local infrastructure and industries to assist the growth of the economy and job creation.

In the Goulburn Valley we have developed with the community the Goulburn Valley industry and employment plan. It is backed by the Goulburn Valley Industry and Infrastructure Fund. In Geelong we have the Geelong Advancement Fund. In the Latrobe Valley we have the $15 million Latrobe Valley Industry and Infrastructure Fund. Thus far we have allocated some $14 million out of the $15 million in that fund. We have created some 40 projects throughout the greater Latrobe Valley region. Of the projects that have resulted from the investment of this $14 million we have seen an altogether leveraged investment of some $95 million. This has led to the creation of an expected 1100-plus jobs.

I just want to highlight a couple of the initiatives that have recently been announced. On Friday, 8 August, I was joined in the Latrobe Valley by the local member for Morwell, who is Minister for Energy and Resources and Minister for Small Business. We were able to announce that our government is investing $2.5 million from the Latrobe Valley Industry and Infrastructure Fund toward a $5 million Gippsland heavy industry park infrastructure project. The other $2.5 million is being committed by the Latrobe City Council.

The project will see the former Lurgi coal gasification plant site transformed into a 68-hectare heavy industry park. This in turn will provide enormous business opportunities in the Latrobe Valley, creating literally hundreds of jobs. It will also secure 200 jobs in the three businesses which are located in the area adjacent to this 68 hectares. This land has lain idle since the gasification plant stopped its work there 15-odd years ago. It has been a problem outstanding and an opportunity gone wanting for many years as the Labor government failed to resolve this issue. We as a government have been able to do it in conjunction with Latrobe City Council.

Furthermore, last Friday, together with the member for Morwell, I was able to officially open the $2 million redevelopment of the Latrobe Regional Airport. This has created about another 70 jobs. As members would know, 200-plus people work in the precinct around the airport. The $1.5 million we have contributed to this initiative has been supported by another $500 000 from the Latrobe City Council. This will see additional employment through GippsAero, which has a longstanding history of being a great provider of work for the region. It is the only entity in Australia that designs and builds aircraft, and it is a magnificent contributor to the region. We as a government continue to support the regions of Victoria, because when the regions do well, the state of Victoria does well.

Members travel entitlements

Mr MERLINO (Monbulk) — My question is to the Minister for Innovation, who is also the Minister for Tourism and Major Events. I thank the minister for confirmation that she did advise the member for Frankston. I draw the minister to the following quotes by the member for Frankston:

> I checked the guidelines and the advice I was given by a senior government member was completely wrong …
>
> …
>
> It's disturbing that these veterans of the house, are wilfully advising and encouraging a number of MPs on how they have and are manipulating the system …

I ask the minister what information she provided to the member for Frankston.

Mr Ryan — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence. I do have some concerns about that question.

Mr Ryan — Quotes have been provided to the house by the member, and I ask him to source those quotes for the purposes of his question.

The SPEAKER — Order! I ask the member for Monbulk to source the quote.

Mr MERLINO — These quotes from the member for Frankston were reported in the *Herald Sun* of 15 August 2014.

Honourable members interjecting.

Mr MERLINO — Yes, Deputy Premier, they are newspaper quotes.

Ms ASHER (Minister for Innovation) — I thank the Deputy Leader of the Opposition for his question. I deny categorically that I have ever advised either the member for Frankston or any other member of Parliament to manipulate the system. I deny that categorically and absolutely, and I have never manipulated the travel system.

Again I will go through it for the advantage of members of Parliament. The rules clearly state that the purpose of a parliamentary journey is to do parliamentary business, but members are allowed to take time afterwards to attend to private business. There is no doubt whatsoever that I have indicated to members of Parliament what the guidelines are — that is, that a member who so wishes may stay over for private business in addition to the trip being for the primary purpose of parliamentary research. There is no doubt whatsoever that I have made that comment to members of Parliament. However, the Deputy Leader of the Opposition has made an allegation that I have encouraged manipulation. I have never encouraged manipulation of any parliamentary system by anyone.

I have been a member of this place for 22 years. All of my travel arrangements have been reported correctly. When I have signed off on my travel it has been for a parliamentary purpose. I have gone through it. Where diaries have been required, I have furnished a diary. Where reports have been required, I have furnished a report. I have advised all members of Parliament accordingly. As for the member for Frankston saying that I have encouraged something that is improper, I do not think the member for Frankston requires advice from me on how to manipulate the system.

Public sector construction code

The SPEAKER — Order! The member for Mitcham.

Ms RYALL (Mitcham) — My question is to the Minister for Industrial Relations.

Ms Allan — On a point of order, Speaker, it is astonishing that a member can be called to ask a question when she was not even on her feet. I would appreciate some advice to the house as to how your powers of extrasensory perception seem to extend to knowing who has the next question from the government.

The SPEAKER — Order! There was no member on their feet, and the member for Mitcham, I have — —

An honourable member — You reminded her.

The SPEAKER — I did. The member for Mitcham has the call.

Ms RYALL — My question is to the Minister for Industrial Relations. How is the Victorian coalition government's reform of building and construction industry standards helping to build a better and safer Victoria, and are there any threats to this?

Mr CLARK (Minister for Industrial Relations) — I thank the honourable member for Mitcham for her question. As the honourable member will know, the guidelines the government has introduced for the

building industry construction code are a key part of building a better Victoria through ensuring law-abiding, safe and productive workplaces and obtaining value for money for Victorian taxpayers. These guidelines require everyone who tenders for Victorian government public sector construction work to commit to uphold the law, and we have established the construction code compliance unit (CCCU) as the watchdog to apply and enforce those guidelines.

As I have previously informed the house, those guidelines have recently been extended to include requirements for Victorian public sector construction sites to have in place arrangements for drug and alcohol screening and for site security. These guidelines and the work of the CCCU are a vital part of preventing the sorts of rorts and abuses that used to flourish in Victoria under the Labor government — rorts and abuses such as Victorians saw with the desalination plant and the West Gate Bridge project.

Of course there are some in the community who do not like what the government is doing to try to bring these rorts and abuses to an end. Some in the community do not seem to want law-abiding workplaces — indeed they seem to want the opposite. Some, like the Construction, Forestry, Mining and Energy Union (CFMEU), have been prepared to resort to litigation to try to block or delay vital projects, such as the Bendigo Hospital redevelopment; others, such as the member for Bendigo East, have been cheering on those attempts from the sidelines.

However, I am pleased to be able to inform the house that on Friday the High Court of Australia threw out the CFMEU's last desperate attempt to continue the case it brought against the Bendigo Hospital project. The High Court summarily rejected the CFMEU's application for leave to appeal against the full Federal Court's dismissal of the CFMEU's case and its upholding of the building and construction industry guidelines. The government warmly welcomes the High Court's decision. It will allow the government and the construction code compliance unit to continue with the work of ensuring that Victorian public sector construction sites are law abiding, safe and productive.

CFMEU members are well entitled to ask in whose interests Mr John Setka and the other leaders of the CFMEU have been acting, given their failed, costly opposition to the coalition government's reforms. These guidelines have helped ensure better value for money for Victorian taxpayers, and that in turn is meaning more money is available for more projects to provide more infrastructure and services and more jobs for construction industry workers.

It is concerning that time and again union officials seem to be increasingly putting their own personal and political interests ahead of the interests of the members who they purport to represent. The government has highlighted this threat in the submission that it has recently made to the royal commission on the trade unions. Our submission has highlighted three key issues — ending slush fund secrecy, protecting whistleblowers and making sure that union officials cannot keep breaking the law with impunity.

Secret union slush funds create clear incentives and opportunities for corrupt behaviour, such as when money from those funds is used to finance the political activities of union bosses within intra-union politics or within the ALP, thus putting the political interests of those union bosses in conflict with the interests of their members. Similarly it is completely unacceptable that some union bosses think they can get away with flouting the law. It is even worse when those union bosses donate large sums of members' money to the Labor Party. They look to the Labor Party to provide them with political protection, such as scrapping the CCCU, scrapping the guidelines or scrapping laws that give police greater powers to protect ordinary Victorians when they try to go to and from their work.

Members travel entitlements

Mr MERLINO (Monbulk) — My question again is to the Minister for Innovation, who is also the Minister for Tourism and Major Events. I refer to a report in the *Herald Sun* of 12 August, which says:

> Whistleblowers have claimed a senior government figure had instructed newer members of Parliament how to extend taxpayer-funded interstate travel without submitting the required documentation.

And also —

> The *Herald Sun* has been told by three coalition MPs that they believe that the scam has been used by other members of Parliament, but all have denied doing it themselves.

I ask: given that three coalition members are also alleging that this rort is rife, does the minister stand by her earlier comments?

Mr Ryan — On a point of order, Speaker, the standing orders require that any question which is purportedly based on fact has to have some source which can be traced to a factual basis. These are assertions made in a newspaper article about claims also purportedly made, which are said to have in turn been made by three members of Parliament, and those members being unnamed. The question is simply inadmissible in this form. If the member can nominate

the source or the factual basis upon which this question is founded, then it complies with the standing orders, but these sorts of rash assertions, which have no basis in fact, simply do not constitute a proper foundation for a question in this place.

Mr Andrews — On the point of order, Speaker, the Deputy Premier would seek to impose quite unreasonable tests. These individuals, reported in good faith as members of the government backbench and described as whistleblowers — —

Honourable members interjecting.

Mr Andrews — The Premier asks, 'Who?'. The nature of being a whistleblower is such that it would be inappropriate to name them. It is completely inappropriate to name them. The Deputy Premier, perhaps embarrassed by the earlier answers by the Deputy Leader of the Liberal Party, wants to lawyer up. That is not what is going to happen. The minister should answer the question. Does she stand by her comments or not?

Ms Allan — Here comes another lawyer.

The SPEAKER — Order! When the member for Bendigo East takes a point of order I seek silence for her.

Mr O'Brien — On the point of order, Speaker, I refer you to *Rulings from the Chair 1920–2013*, dated June 2013, page 154, paragraph 3 — —

Mr Andrews interjected.

Mr O'Brien — Settle down, Dan. Paragraph 3 states, 'Questions should not seek opinion' and, inter alia, 'ask whether press statements are correct'. In effect that is exactly what the member's question was asking of the minister, because it was inherent in the question. It is clearly contrary to standing orders, and I urge you to rule it out of order.

The SPEAKER — Order! I do uphold the question because it is asking the minister whether she provided advice. I ask the minister to answer the question.

Ms ASHER (Minister for Innovation) — I thank the Deputy Leader of the Opposition for the question. I reiterate that my advice to newer members of Parliament is always to abide by the rules. I have certainly said to members of Parliament that if they wish to extend their trip, they may do so at their own expense. That is in the rules. I refer the Deputy Leader of the Opposition to part 5 of the *Members' Guide* headed 'Travel and vehicle entitlements' and 'Guidelines for members vehicles and travel'. The advice that I have given members of Parliament is consistent with that advice, as I said before.

If members are required to provide a report after an overseas trip, they do so. If they are required to provide a diary for staying in excess of five nights, they do so. Obviously members of Parliament have to sign that the business they have conducted is parliamentary business and all documentation should be submitted. That is the advice that I have provided to members of Parliament. I might say I find it incongruous that a member of a political party that stole a dictaphone and smashed it is trying to — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Ms ASHER — I reiterate that I have at all times complied with the travel guidelines set out in part 5, and at all times I have advised members to comply with the rules, which require submission of documentation in order to get either the relevant travel release or travel refunds. I reiterate the point that my advice to newer members of Parliament is to adhere to the travel guidelines, which I have done consistently. I reject the assertion in the Deputy Leader of the Opposition's question.

Port of Hastings development

Mr BURGESS (Hastings) — My question is for the Minister for Ports. Can the minister tell the house: what are the Victorian coalition government's plans for Victoria's future port needs and are there any alternative proposals?

Mr HODGETT (Minister for Ports) — I thank the member for Hastings for his question and for his great interest in ports. The Napthine coalition government has a very clear policy and vision when it comes to ports, whether it be the port of Portland, the port of Geelong, the port of Melbourne or the port of Hastings. When it comes to the port of Hastings we have a clear plan for the development of Victoria's second international container port — a plan that is supported by the member for Hastings, the Labor candidate for Hastings and a plan that was fully supported by a former Minister for Ports. That is because when all the studies, reports and investigations were undertaken, Hastings was the only option that stacked up for the state's next container port.

Hastings is a confirmed location. That will not change depending on who is speaking on it or to what audience

they are speaking. It is an existing port, and it has been so for over 50 years, with existing deepwater shipping channels and zoned land for port use. In the 1960s former Premier Bolte zoned 3500 square hectares for port-related use. What great vision he had back in the 1960s. The port could be operational within 15 years, which means it will be ready by the time the port of Melbourne reaches capacity, and it does not need the massive dredging that is required by alternative proposals. Hastings can also be delivered within a reasonable time period at a reasonable cost. Indeed, Hastings is the only realistic option that ticks all the boxes for Victoria's next international container port.

I was asked about alternative proposals. There are one or two that have been mentioned by others, depending on whose turn it is to speak on the shadow ports portfolio. There is one ridiculous proposal floating around at the moment that is absurd in every way. There are some who want to build an island terminal 8 kilometres out in the bay, somewhere to the west of here. It would be a 10 million container island terminal stretching 8 kilometres and located out near Point Wilson. It would have a 3-kilometre jetty and 5 kilometres of wharf some 550 metres wide, making it at least 275 hectares in size — that is the size of 138 MCGs — and it would be built smack bang in the middle of Geelong. This ludicrous idea of an 8-kilometre island terminal poses a huge threat to the port of Geelong, a huge threat — —

Mr Andrews interjected.

Mr HODGETT — Dan, mate, the only three letters you removed from your name were L, I and E.

Honourable members interjecting.

Mr HODGETT — It would be a huge threat to recreational boating, a huge threat to fishing in the Bellarine — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr HODGETT — It could even impact on the future of the Yarra Street pier, not to mention the massive dredging that would be needed to accommodate future ship sizes, and the fact that it would be beneath the Avalon flight path.

Only the coalition government has a sensible, game-changing, visionary plan for Victoria's second international container port. Our direction is strong, focused and certain, and the opposition should stop playing politics with ports, listen to the ALP candidate Steve Hosking, and get on board with the development of the port of Hastings.

Members travel entitlements

Mr MERLINO (Monbulk) — My question is to the Minister for Innovation, who is also the Minister for Tourism and Major Events. Is it the minister's position that she has never given advice to any member of Parliament about how to arrange travel in order to avoid reporting to the Parliament?

Ms ASHER (Minister for Innovation) — I again thank the Deputy Leader of the Opposition for his question. I reiterate what I have now said for about five questions straight, and that is that when advising members of Parliament, be they Liberal members, Nationals members or the member for Frankston while he was a member of the Liberal Party and after he became an Independent, I have advised them of what they need to do to comply with the guidelines for members vehicles and travel. Those guidelines allow an extension of a trip for a parliamentary purpose to conduct private business, provided the primary purpose of the parliamentary travel is for parliamentary business.

I have provided advice to that extent to members of Parliament, and again my overwhelming message to members of Parliament when they are first elected is that they need to comply with the guidelines and the matters that you, Speaker, and the President set down in terms of travel entitlements. That has been my advice consistently — that members must comply with the guidelines.

East–west link

Mr KATOS (South Barwon) — My question is to the Minister for Roads. How will the Victorian coalition government's investment in the east–west link stage 2 reduce travel times and congestion for Victorian families and businesses, and are there any alternative proposals?

Mr MULDER (Minister for Roads) — I thank the member for South Barwon for his question and for his very strong interest in roads. I report to the house that it has now been 720 days since I have had a question on roads from the shadow Minister for Roads — 720 days!

The Victorian coalition government is making an unprecedented investment in our transport infrastructure — 100 per cent according to today's assessment in terms of Melbourne. Our commitment to the east–west link stage 2 is $8 billion to $10 billion.

The rationale for the east–west link stage 2 is that Melbourne's west is growing fast, and all those opposition members from the west would understand that. An estimated 500 000 additional people are expected to live in the west by 2050. We need to get ahead of the growth. Sitting down and doing nothing is not an option.

Victoria needs a real alternative to the West Gate Freeway. The benefits of the western section of the east–west link stage 2 will reduce congestion and our over-reliance on the West Gate Freeway; provide extra capacity for around 100 000 vehicles per day for commuters, for families, for tradespeople, for sales representatives and also for our freight operators; slash travel times to and from Geelong, Werribee, Altona and Laverton by 15 to 20 minutes; enable commuters to travel from the west to the east without facing a single traffic light; and boost the economy by creating 3000 jobs during construction, on top of the 3200 jobs that will be created as part of the east–west link.

I have some clippings with new information and new commentary in relation to this project. In the *Australasian Transport News*, which we dredged up from 16 September 2011, the member for Williamstown is quoted as saying:

> There is no way the western suburbs of Melbourne can support a growing population without an alternative to the West Gate Bridge …
>
> It's not just population growth driving demand for a second major river crossing, freight volumes are growing rapidly too …

Further, the article says the member for Williamstown:

> … believes the project will help drive urban renewal and create more jobs and opportunities in the region.

The member is an aspiring frontbencher and aspiring future leader.

We came across another article, from the *Herald Sun* of 7 May 2013, which offered this commentary from the member for Niddrie, another aspiring frontbencher:

> I think it's good the government is providing funding for the east–west link tunnel but I have a preference the funding should be directed to the western part of the project, given that's where our freight is.

Never a truer word was spoken.

Of course Mr Melhem, a member for Western Metropolitan Region in the other house, said in his contribution to the debate on the Major Transport Projects Facilitation Amendment (East West Link and Other Projects) Bill 2013:

> If it wants to be fair dinkum, if it wants to have a game changer, it should go for the lot.

That is the east–west link and east–west link stage 2.

> I will support it if the government goes for the lot.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk has used unparliamentary language. I ask him to withdraw his interjection.

Mr Merlino — I withdraw.

Mr MULDER — Obviously Mr Melhem supports the lot being done: east–west link and also the western section of the east–west link.

It is not just that. There are alternatives to our project. The alternative is no second crossing, a dud ramp that will funnel more trucks into the inner west and then back onto the West Gate Freeway — a dud ramp with no capacity to handle growth and that can only move 5000 trucks a day, which is 2.5 per cent of current traffic volume.

What are third parties saying? An article in today's *Australian Financial Review* states:

> The chamber of commerce and industry is concerned that if the Labor government is elected it will not go ahead with the $10 billion stage 2 of the east–west link, opting for a truck distributor at the port of Melbourne.
>
> 'We don't see the EW link as one or the other', Mr Stone said —

on behalf of the Victorian Employers Chamber of Commerce and Industry.

PRIVILEGES COMMITTEE REPORTS

Referral to Victoria Police

The SPEAKER — Order! I refer to the house's resolution of 11 June referring leaks in the Privileges Committee to Victoria Police for investigation. The Clerk has received a response from Victoria Police advising that this matter has been assessed and any additional police investigation would be unlikely to advance the matter.

INVASIVE SPECIES CONTROL BILL 2014

Introduction and first reading

Mr WALSH (Minister for Agriculture and Food Security) introduced a bill for an act to provide for monitoring, surveillance and control of invasive species in Victoria and for other purposes.

Read first time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2014

Introduction and first reading

Mr WALSH (Minister for Agriculture and Food Security) introduced a bill for an act to amend the Prevention of Cruelty to Animals Act 1986, the Domestic Animals Act 1994, the Livestock Disease Control Act 1994, the Veterinary Practice Act 1997 and the Plant Biosecurity Act 2010 to further improve the operation of those acts and for other purposes.

Read first time.

SENTENCING AMENDMENT (COWARD'S PUNCH MANSLAUGHTER AND OTHER MATTERS) BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Crimes Act 1958 and the Sentencing Act 1991 in relation to manslaughter and to make minor technical amendments to other acts and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS AND OTHER MATTERS) BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Planning and Environment Act 1987 to provide for a new system for levying and collecting contributions towards the provision of infrastructure and to make a related amendment to the Subdivision Act 1988 and to change the name of the Growth Areas Authority to the Metropolitan Planning Authority and make consequential amendments and for other purposes.

Read first time.

JUSTICE LEGISLATION AMENDMENT (CONFISCATION AND OTHER MATTERS) BILL 2014

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Confiscation Act 1997, the Criminal Organisations Control and Other Acts Amendment Act 2014, the Judicial Proceedings Reports Act 1958, the Juries Act 2000, the Personal Safety Intervention Orders Act 2010, the Road Safety Camera Commissioner Act 2011, the Sentencing Act 1991, the Summary Offences Act 1966 and other acts and for other Purposes.

Read first time.

IMPROVING CANCER OUTCOMES BILL 2014

Introduction and first reading

Ms WOOLDRIDGE (Minister for Mental Health) introduced a bill for an act to articulate the role and functions of the Secretary to the Department of Health with respect to cancer, to establish a framework for the collection, management, use and disclosure of information relating to cancer, to require the preparation of a plan providing a strategic policy framework for cancer in Victoria, to provide for the registration of the Anti-Cancer Council of Victoria as a company limited by guarantee under the Corporations Act and to repeal the Cancer Act 1958 and for other purposes.

Read first time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES FURTHER AMENDMENT BILL 2014

Introduction and first reading

Ms WOOLDRIDGE (Minister for Mental Health) introduced a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to certain licences, to make other miscellaneous and consequential amendments and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 6 to 15 will be removed from the notice paper unless members wishing their motion to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Myrtle Park, Balwyn North

To the Legislative Assembly of Victoria:

The petition of North Balwyn residents.

We, the undersigned, who are property owners/residents of homes, which either abut directly onto Myrtle Park or which are in close relation thereto, object to the installation of sportsground lighting on Myrtle Park, since we consider that such installation constitutes the tort of environmental nuisance, which will adversely affect both the amenity of our environment and the habitat of the local wildlife in the area, which is prolific. We consider that the existing lighting in the adjoining Macleay Park, while obtrusive, is sufficient for the use of all sporting club tenants.

By Mr McINTOSH (Kew) (58 signatures).

Local government rates

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Napthine and Abbott governments' planned tax increases.

We note that many local councils have continued to increase their rates well in excess of CPI in recent years.

Petitioners therefore request that the Legislative Assembly request the Napthine government to immediately legislate to cap council rates at CPI and force councils to justify any further increases.

By Mr PAKULA (Lyndhurst) (901 signatures).

Trafalgar noise barrier

To the Legislative Assembly of Victoria:

The petition of the residents of Trafalgar draws to the attention of the house:

Subsequent to the implementation of a large 3.1 m high and 384 m long sound retarding wall in the small town of Trafalgar with a population of approximately three thousand, the residents of Trafalgar have commenced a campaign to implement an assessment process for these types of barriers.

We, the undersigned, appreciate the natural beauty and history of Gippsland, and recognise that while new developments continue to proceed, it is important to preserve a sense of community and our natural environment. We support the modification of the existing sound wall, and would like future legislation to more sensitively reflect the culture of small rural towns.

The petitioners therefore request that the Legislative Assembly of Victoria review legislation in regards to sound wall regulation, and consider the impact of such walls on a town by town basis.

By Mr BLACKWOOD (Narracan) (137 signatures).

Northcote pedestrian crossing

To the Legislative Assembly of Victoria:

The petition of Northcote residents draws to the attention of the house the current lack of a safe pedestrian crossing on Victoria Street in Northcote near the intersection with Clifton Street.

In particular we note that:

l. the proximity of Wales Street Primary School means that this section of road is utilised by primary students travelling to and from school and;

2. there have been a number of accidents and near misses on this stretch of road;

3. the proximity of Clifton Street to the local kindergarten, childcare centre, YMCA and the Northcote Junior Football Club and Cricket Club.

The petitioners therefore request that the Legislative Assembly of Victoria direct the Minister for Roads to investigate installing a pedestrian crossing on Victoria Street to ensure the safety of pedestrians who use this stretch of road.

By Ms RICHARDSON (Northcote) (465 signatures).

Chandler Highway bridge

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria who travel across the Chandler Highway bridge draws to the attention of the house the Napthine government's failure to provide funding for or a commitment to, the duplication of the Chandler Highway bridge. In particular we note:

1. 97 per cent of respondents to a local survey supported the duplication of the existing bridge;

2. Chandler Highway bridge has been identified as a major thoroughfare and traffic congestion is continuing to get worse. It also poses a threat to cyclists and pedestrians.

The petitioners therefore request that the Legislative Assembly urges the Napthine government to provide funding for, and give a commitment to, the duplication of the Chandler Highway bridge.

By Ms RICHARDSON (Northcote) (229 signatures).

Tabled.

Ordered that petition presented by honourable member for Lyndhurst be considered next day on motion of Mr PAKULA (Lyndhurst).

Ordered that petitions presented by honourable member for Northcote be considered next day on motion of Ms RICHARDSON (Northcote).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 10 of 2014 on:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014
Crimes Amendment (Abolition of Defensive Homicide) Bill 2014
Criminal Organisations Control and Other Acts Amendment Bill 2014
Electoral Amendment Bill 2014
Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014
Gambling and Liquor Legislation Further Amendment Bill 2014
Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2014
Resources Legislation Amendment (BTEX Prohibition and Other Matters) Bill 2014
Sentencing Amendment (Emergency Workers) Bill 2014
Tobacco Amendment Bill 2014
Transfer of Land Amendment Bill 2014

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Gambling Regulation Act 2003 — Amendments and Monitoring Licence as amended under s 3.4.59C

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to Statutory Rules 39 (*Gazette G25, 19 June 2014), 54, 55, 56 (Gazette G29, 17 July 2014*)

Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) 2004 and Statutory Rule 59/2006 (*Gazette G33, 14 August 2014*)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside — C134

Boroondara — C189

Brimbank — C160

Casey — C196

East Gippsland — C112 Part 1

Frankston — C91

Greater Bendigo — C173, C204

Greater Geelong — C277, C302, C310

Horsham — C71

Hume — C180

Kingston — C125 Part 1

Latrobe — C82

Manningham — C103

Mansfield — C30

Melbourne — GC7

Mildura — C84, C88

Murrindindi — C50

Port Phillip — GC7

Swan Hill — C55

Wangaratta — C49, C52, C54

Whittlesea — C186

Wyndham — C201

Public Interest Monitor — Report 2013–14

Road Safety Camera Commissioner — Report 2013–14

Subordinate Legislation Act 1994 — Documents under s 16B in relation to the Road Safety Act 1986 — Declaration of Variation to Regulation 146 of the Road Safety (Vehicles) Regulations 2009

Youth Parole Board and Youth Residential Board — Report 2013–14.

CRIMES AMENDMENT (ABOLITION OF DEFENSIVE HOMICIDE) BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Mr CLARK (Attorney-General).

PUBLIC HEALTH AND WELLBEING AMENDMENT (HAIRDRESSING RED TAPE REDUCTION) BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Ms WOOLDRIDGE (Minister for Mental Health).

STATUTE LAW AMENDMENT (RED TAPE REDUCTION) BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Mr O'BRIEN (Treasurer).

ROYAL ASSENT

Message read advising royal assent on 12 August to:

Consumer Affairs Legislation Amendment Bill 2014
Filming Approval Bill 2014
Sentencing Amendment (Baseline Sentences) Bill 2014
Water Amendment (Flood Mitigation) Bill 2014.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Electoral Amendment Bill 2014
Emergency Management Amendment (Critical Infrastructure Resilience) Bill 2014
Gambling and Liquor Legislation Further Amendment Bill 2014
Tobacco Amendment Bill 2014.

BUSINESS OF THE HOUSE

Standing orders

Ms ASHER (Minister for Innovation) — By leave, I move:

That so much of standing orders be suspended so as to allow ministers' second-reading speeches, in relation to the bills listed on the notice paper for this sitting week, to be incorporated into *Hansard*.

Motion agreed to.

GAMBLING AND LIQUOR LEGISLATION AMENDMENT (MODERNISATION) BILL 2014 and GAMBLING AND LIQUOR LEGISLATION FURTHER AMENDMENT BILL 2014

Concurrent debate

Ms ASHER (Minister for Innovation) — By leave, I move:

That this house authorises and requires the Speaker to permit the second-reading and subsequent stages of the Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014 and the Gambling and Liquor Legislation Further Amendment Bill 2014 to be moved and debated concurrently.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Ms ASHER (Minister for Innovation) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m on Thursday, 21 August 2014:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014

Courts Legislation Miscellaneous Amendments Bill 2014

Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014

Gambling and Liquor Legislation Further Amendment Bill 2014

Resources Legislation Amendment (BTEX Prohibition and Other Matters) Bill 2014

Sentencing Amendment (Emergency Workers) Bill 2014

Tobacco Amendment Bill 2014

Transfer of Land Amendment Bill 2014.

In making a couple of comments in support of the government business program I am grateful to the opposition for agreeing to the government's proposal that the two gambling bills be debated in a cognate debate, referred to under standing orders as a concurrent debate. That will take place tomorrow, as only one of these bills is available for debate today.

The opposition has requested a consideration-in-detail stage for the Courts Legislation Miscellaneous Amendments Bill 2014 and the Children, Youth and

Families Amendment (Permanent Care and Other Matters) Bill 2014. The government has agreed to that, with consideration in detail of the Courts Legislation Miscellaneous Amendments Bill 2014 taking place today and the debate and consideration in detail of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 taking place on Thursday.

The matter of public importance this week is the government's. I do not anticipate any substantial debates other than what is on the business program. I think that whilst eight bills is more than the government has asked the house to consider in recent times, with a cognate debate seven is a reasonable workload for this Parliament. I hope that the opposition is able to support the government business program. With two consideration-in-detail stages the program for this week is a reasonable one.

Ms ALLAN (Bendigo East) — In rising to respond to the government business program I pick up on the comments of the Leader of the House regarding the reasonableness of the program this week. As the Leader of the House has indicated, there are eight bills on the program, two of which will be dealt with concurrently. The opposition is happy to agree to the two gambling bills being dealt with together.

I acknowledge and thank the Leader of the House for her agreement that two bills will go into consideration in detail — the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 and the Courts Legislation Miscellaneous Amendments Bill 2014. This is a landmark week for this Parliament. I do not think that so far in this term of Parliament we have had two bills go into a consideration-in-detail stage in the one week. It will be quite a workload for the Deputy Speaker. I hope he is up to the task of managing that process of debate. We look forward to seeing democracy in action and having the opportunity to take those two bills into the consideration-in-detail stage. We appreciate the work the Leader of the House has done in making sure that her colleagues bring themselves into the chamber for these debates.

However, I note that there are 22 bills on the notice paper right now. A further 7 were introduced today, and another 3 have now come into this place from the upper house, bringing to a grand total of 32 the bills the government has sitting on the notice paper. After today we have 11 sitting days to go in this term of Parliament. It does make you wonder which bills are going to get knocked off and what on earth the government has been doing to so badly mismanage its program that it has so many bills languishing on the notice paper. I think those of us who have been involved in government processes understand the power of work that goes on in departments, the work that stakeholders contribute to bills and what a gross level of disrespect it shows to those stakeholders and departmental staff to have such a large amount of work going unrecognised by this government, as bills will no doubt lapse when the Parliament concludes at the end of this year — in just 11 sitting days time, as I said.

I will turn briefly to the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014. There is going to be some unusual activity around this bill on Thursday when it comes before the house, because a monumental error was made by the Minister for Community Services in putting an incorrect statement of compatibility to the chamber during the last sitting week. I think this is indicative of the way the minister has handled this bill and the process on what is a very critical and sensitive matter. This is a serious matter for the Parliament to consider. I understand the government will be seeking the support and cooperation of the opposition in having the correct statement of compatibility tabled by leave so that the correct record will stand.

The issue here really is about how badly this minister has handled this issue, as well as her own portfolio. This is not the first time this minister has made mistakes of this kind. As I said, this bill is very sensitive and very detailed. It goes to a number of very serious matters that were canvassed in the Cummins report and that have been subject to much public debate, so you would think the minister would have taken the time to make sure that she got every document associated with this bill right before it came to the floor of Parliament.

It is my understanding that because of this mistake and because of the fact that this bill has been rushed into the Parliament many key stakeholders were not aware of the content of this bill until it came to the Parliament. That is again no way to treat stakeholders, particularly in an area that goes to the protection of the most vulnerable children in the community. There has not been an opportunity for those stakeholders to appropriately scrutinise and be briefed on the content of this bill. Given that, it is the view of the opposition that this bill should be delayed for one week and held over until the next sitting week of the Parliament.

I want to be very clear. I caution the government not to interpret the comments I am making as indicating one way or the other whether the opposition supports or does not support this bill. That is not the issue here. We

think that if the opportunity were given for a further parliamentary week in which to scrutinise this bill, it would make for a better debate, and we would make it a priority in the next sitting week. If the opposition supports the bill at that point in time, there will still be ample opportunity for it to proceed through the Parliament. For those reasons, with this bill on the program for this week we will not be supporting the government business program.

Mr TILLEY (Benambra) — I rise in support of the motion of the Leader of the House in relation to the government business program. As the Leader of the House has articulated, we have eight bills before the house this week, and two of those bills will be debated concurrently. I will not take too much of the house's time, because as the member for Bendigo East has said, a significant number of bills are sitting on the notice paper and we should get into those and stop wasting the Assembly's time. However, I will very quickly cover some of the bills before the house this week.

In particular, one that is very near and dear to me as a former serving member of Victoria Police is the Sentencing Amendment (Emergency Workers) Bill 2014, which results from the strong position the coalition government has taken on these matters. I can attest to having over the years dealt with offenders who did not take too kindly to the Queen's men and women who serve the state so well. On one occasion someone attempted to take my revolver from its holster — —

An honourable member interjected.

Mr TILLEY — That is for another time; there are other stories. The work those officers do is important. Debate in relation to the Resources Legislation Amendment (BTEX Prohibition and Other Matters) Bill 2014 and the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 will also be important. I strongly encourage the manager of opposition business to continue her negotiations with the Leader of the House, as will I as the Government Whip, to ensure the smooth running of the Assembly as the week proceeds. On that note, let us get down to business.

Mr WYNNE (Richmond) — I rise to support the member for Bendigo East in opposing the government business program, although we acknowledge that there has been a level of cooperation between the government and the opposition in relation to two bills, including one of the judicial bills that will have a consideration-in-detail stage tonight. The Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 will be debated, and the consideration-in-detail stage will, I imagine, occupy pretty much all of Thursday.

As has taken place in many of the debates arising out of the implementation of the Cummins review, and as we have been following in the newspapers, the royal commission, which sat in Melbourne yesterday — —

Mr McGuire — The *Betrayal of Trust* report.

Mr WYNNE — The *Betrayal of Trust* report — I know that many speakers on this side of the house want to make a contribution in that debate. I will be leading the debate in this house on behalf of my colleague, Ms Mikakos, a member for Northern Metropolitan Region in the other place. I echo the comments of the member for Bendigo East that from the advice Ms Mikakos has provided to us it is clear that a number of key interest groups that have a direct and deep knowledge of and passion for many of the issues that will be canvassed in the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill were unaware of the bill. These are peak bodies; they are not individuals but people who have canvassed these issues and who have fought hard for years to have them ventilated in the public arena. In a couple of cases they have informed the opposition that they first heard only last Friday that the bill had been introduced into the house and was coming up for debate, and clearly that is inadequate.

Speaker, you have heard me speak on such bills on a number of occasions, and on such occasions Parliament can be at its finest — that is, when we reach across the chamber in a bipartisan way to address such profound issues. It is not just about the issues dealt with in this bill; there are other examples when we have come together as a Parliament to achieve quite profound results for the good of our communities. It is in that context that we submit, as my colleague the member for Bendigo East has suggested, that the matter be laid over for one sitting week so that an opportunity will be afforded to a number of the key interest groups to be fully briefed by the government, and indeed to have dialogue with the opposition as well, so they can fully understand and articulate any concerns they might have.

Ms Wooldridge interjected.

Mr WYNNE — If the minister had been in the house, she would have heard some of the justification that we — —

Ms Wooldridge interjected.

Mr WYNNE — The minister says I am wrong. I assure the minister that the shadow spokesperson has been intimately involved in her briefings, and we accept that absolutely, but she has also taken representations from a number of the peak bodies, which have said that the first they heard of the bill was last Friday. I submit that that is unacceptable. In the spirit of bipartisanship, and in view of the way I have conducted myself and indeed the way the minister has conducted herself in these debates, we should defer debate on the bill for one sitting week so that those matters can be addressed.

Mr BAILLIEU (Hawthorn) — I rise to support the motion moved by the Leader of the House. I pick up on the comments made by the member for Bendigo East when she implied that the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 had not been put out for consultation. It has had extensive consultation. Indeed, there are letters of support for the substance of the bill from the peak agencies.

Ms Allan interjected.

Mr BAILLIEU — To hear the member for Bendigo East say otherwise simply amounts to misleading the public and the stakeholders with whom she seeks to align herself. With regard to the statement of compatibility, there are some technical matters that need to be corrected. To suggest that it is something other than a technical correction is again seeking to mislead the stakeholders. I am reminded that during the term of the previous government a minister stood in this chamber, read a second-reading speech and was encouraged three times during that reading — —

Ms Allan — You really want to make that comparison, do you?

The SPEAKER — Order! The member for Bendigo East!

Mr BAILLIEU — The minister in the previous government was encouraged three times during that speech to reconsider whether she was reading the wrong speech. She insisted she was reading the right speech and proceeded, and of course she read the wrong speech for the wrong bill! To suggest that the corrections that have been made to the statement of compatibility are anything other than technical is ludicrous.

Given the comments of the member for Bendigo East, I am also reminded of the number of times during preceding months we have listened to the opposition filibuster and seek to delay at every opportunity the passage of bills in this house. The member for Bendigo East has suggested that there is a backlog of bills, but members opposite do not seem to remember the backlog of bills we saw in the previous Parliament, and they would not acknowledge their filibustering or their seeking to delay the passage of bills, which they have done over the last few months. The proposition in regard to the business of the house is quite clearly a reasonable one. It is one that the house is capable of handling, and I certainly support it.

Mr DONNELLAN (Narre Warren North) — As other members have mentioned, the opposition believes there is a need to hold over the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 for at least another couple of weeks. I was previously shadow minister for child safety, and my mother has worked in the community sector for over 23 years. I am aware that there is a high level of concern among peak bodies within the sector that there was not proper and extensive consultation prior to the drafting of this bill, which deals with incredibly sensitive and serious matters. I generally support the focus of the bill and its changes in emphasis; it has many worthy aspects. However, a significant part of the sector has serious concerns about the effect of these changes, and how their implementation will be supported, financially and otherwise.

The opposition supported the government's motion today relating to a concurrent debate on the Gambling and Liquor Legislation Amendment (Modernisation) Bill 2014 and the Gambling and Liquor Legislation Further Amendment Bill 2014 — it is happy to have those bills debated together. However, the change of tone and focus produced by the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014 needs to be implemented properly. As we have pointed out, this requires that the correct statement of compatibility be tabled. Above all else, this is about the minister, her advisers and the department ensuring that the sector is able to work with these changes, whether they be to the out-of-home care sector, foster parenting or child protection officers.

Peak providers within the sector have been accused of outrageous crimes. I know some of them are very angry about suggestions made by the minister that they do not take seriously their focus on out-of-home care. They feel very aggrieved that the minister has named them in order to try to avoid responsibility herself. That is why there needs to be proper consultation. The sector has concerns about the glass jaw attitude that the minister sometimes displays, and that she punishes those who question her decisions.

It is important that this bill is held over and that the minister, her staff and the department go back and consult more fully with the sector. As I have said, I support many parts of this bill, and I think it provides an appropriate change of focus. However, by the same token, if the government is going to introduce substantial changes, the sector needs to be able to work with it, whether this be the public service, the peak bodies or the service providers. That is why we are not supporting the government business program.

House divided on motion:

Ayes, 42

Angus, Mr	Napthine, Dr
Asher, Ms	Newton-Brown, Mr
Baillieu, Mr	Northe, Mr
Battin, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Smith, Mr K.
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Gidley, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kotsiras, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McIntosh, Mr	Watt, Mr
McLeish, Ms	Weller, Mr
Miller, Ms	Wells, Mr
Morris, Mr	Wooldridge, Ms
Mulder, Mr	Wreford, Ms

Noes, 42

Allan, Ms	Hutchins, Ms
Andrews, Mr	Kairouz, Ms
Barker, Ms	Kanis, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pakula, Mr
Garrett, Ms	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr

The SPEAKER — Order! The result of the division is ayes 42, noes 42. As the government business program is a long-established practice of the house and it provides members and the public with some certainty as to what will be considered during the week, I cast my vote with the ayes.

Motion agreed to.

MEMBERS STATEMENTS

Hume Global Learning Centre, Craigieburn

Ms BEATTIE (Yuroke) — On Sunday night in France, Hume City Council's Craigieburn library was named International Public Library of the Year. The Hume Global Learning Centre in Craigieburn beat libraries across England, the Netherlands and Denmark to take out the inaugural international Public Library of the Year Award 2014 auspiced by the Danish Agency for Culture. The award was announced at the International Federation of Library Associations and Institutions congress in Lyon, France.

I offer my congratulations to the former federal government and local federal Labor MPs Rob Mitchell and Maria Vamvakinou and thank them for their support and advocacy, which delivered the funding for this project. I also congratulate current and former councillors of Hume City Council, including mayor Casey Nunn and CEO Domenic Isola, for their foresight and vision in bringing such an exceptional facility to the people of Craigieburn.

The $17 million Hume Global Learning Centre in Craigieburn, designed by architects at Francis-Jones Morehen Thorp, is more than just a library; it includes an exhibition gallery, occasional care program, cafe, Hume City Council's Craigieburn customer service centre and a training and conference facility. I can assure members that it is far from being the white elephant that some less aware members of the community foretold. It is a great source of pride for our local community.

Victorian International Education Awards

Ms ASHER (Minister for Innovation) — On 11 August 2014 I announced the finalists for the 2014 Victorian International Education Awards. This is the second year of these awards. They are an initiative designed to acknowledge student and provider excellence in what is Victoria's single largest export, worth some $4.49 billion each year and responsible for over 30 000 jobs.

Victorian education providers from universities, vocational and educational training institutions and English language training institutions and students from more than 10 countries are finalists, and the awards ceremony will be held on 9 September. The finalists

include 17 education providers across eight categories, including overall excellence, excellence in innovation, student employability and student experience. The finalists also include students from 13 countries as diverse as China, India, Brazil, Italy and Fiji in four separate international student of the year categories.

Winners of the individual student awards will receive scholarships of up to $10 000 for study-related expenses at a Victorian educational institution. There are also two overall awards: the Premier's Award for International Education Provider of the Year and the Premier's Award for International Student of the Year.

The Victorian coalition government's international education strategy sets out its vision for growing this important sector of our economy by focusing on market development, quality, student experience and branding. These awards form an important part of that strategy.

Cranbourne electorate bus services

Mr PERERA (Cranbourne) — I have been approached by many residents living in the Cascades on Clyde and Selandra Rise estates expressing their concerns about the Napthine government. I have stood in this place on many occasions seeking a bus service to enter both of these estates. My requests, however, have fallen on deaf ears. The government had the chance to deliver a well-oiled bus service to the residents of Cascades on Clyde and Selandra Rise, but as usual it failed.

On 27 July this year an existing bus service from Cranbourne East was extended to run along an extra road, Linsell Boulevard, missing Cascades on Clyde and Selandra Rise. Over 1000 residents call Cascades on Clyde and Selandra Rise their home, with many moving in week after week. Many of these families are young families. Residents in my electorate have been waiting over three and a half years for some sort of new bus route or even an enhancement of an existing bus route, only to have this government turn its back on them time and again. Under the Napthine government if you do not drive a car, you are on your own. According to Mr Joe Hockey, federal Treasurer, poor people do not drive much anyway.

Country Fire Authority stations

Mr WELLS (Minister for Police and Emergency Services) — Since coming to government the coalition has invested $125 million to fulfil its election commitment to build or upgrade 250 Country Fire Authority (CFA) stations across the state. With 215 of these stations now completed we are well on the way to fulfilling this important election commitment. The other 35 will be completed by November 2014. This funding has helped replace dilapidated and ageing rural fire stations that were ignored by the previous government for more than a decade. Of the 250 stations, 6 are co-locations with State Emergency Service units, and 3 of those have been completed.

This investment is fostering growth in rural and regional Victoria and also building on the coalition government's significant work to strengthen Victoria's emergency services. These upgrades provide a significant contribution by the government to ensure that our volunteers have the most modern facilities. In addition to their primary function of providing adequate facilities to maintain a viable and operational brigade, in many places CFA stations benefit the wider community and contribute to the maintenance of the social fabric across regional Victoria. One of the great things about this program of construction is that local builders and tradespeople are being employed on the projects, and as a result a high percentage of the money stays in the regions concerned. That is great news for jobs in regional Victoria. We have opened brigades in such places as Tallangatta and Beechworth. I thank the CFA for its outstanding work.

Chandler Highway bridge

Ms RICHARDSON (Northcote) — There are a great many issues members of my community will focus on in the lead-up to the next state election. Jobs, education, health, congestion, cost of living, child care, kindergarten services, aged care, the environment, TAFE and access to higher education, crime and emergency services — all these issues and more will no doubt play a part in their consideration, just as they will in the consideration of so many other communities around the state. However, there is one key concern that to date only Labor has competitively addressed, and that is the need to fix the Chandler Highway bridge. Over $110 million has been committed by Labor to fix the bridge. This comes after Labor drafted plans to duplicate the bridge while it was still in government and after wide community consultation. The fix, which will relieve congestion and, most importantly, improve safety for pedestrians and cyclists, is overwhelmingly supported by residents in my community and also by people right across Melbourne.

The Liberals love highlighting their differences with the Greens, but on this critically important issue they stand shoulder to shoulder in their refusal to support a fix for the Chandler Highway bridge. The Greens have repeatedly stated their opposition to a fix, and government documents helpfully shoved under my

electorate office door also show that time and again the Liberals too have turned their backs on this most important project. Just like the Greens, an election sniff can do funny things to the Liberal Party, and pressure on their east–west tunnel may well result in a change of heart on the Chandler Highway bridge. However, members of my community know where both of those political parties have been in recent times, and that is nowhere near addressing our concerns with the Chandler Highway bridge.

Casey TigerSharks Swimming Club

Mr BATTIN (Gembrook) — Congratulations to the Casey TigerSharks community, which saw local swimmers Josh Beaver, Matson Lawson and Mitch Pratt compete at the 2014 Commonwealth Games. To have three swimmers in the games is a reflection of the dedication of the coaches and the committee. I congratulate head coach Ben Hiddlestone on his leadership. In the games this year the TigerSharks community celebrated with these boys, who brought home two silver and two bronze medals. Well done.

Gembrook electorate sporting clubs

Mr BATTIN — I would thank Brendon Gale and Damien Hardwick for taking the time to come to the Cardinia Cultural Centre in Pakenham to address the 200-strong crowd of local volunteer committee members from local football and netball clubs. The evening was well presented, and the passion exhibited by and the experience of all the speakers will assist local sporting clubs, which are looking at ways to improve in a world that is becoming more professional at the local sports level.

Gembrook fundraising trivia night

Mr BATTIN — On Saturday night I attended and was MC at the Hoffy's Community Burpee Challenge trivia night in Gembrook. I congratulate Julie Hoffman and Bec, who with their team of volunteers and sponsors raised much-needed funds for the family of Victoria and Jakob, two children with genetic health issues who need treatment in the USA. Well done to the team on such a wonderful and successful night.

Beaconsfield football and netball clubs

Mr BATTIN — I pass on my congratulations to the volunteers at the Beaconsfield Football Netball Club who put in so many hours in support of the club. This week the club committee held an event to thank those who have dedicated themselves to ensuring that all behind-the-scenes work is done. The volunteers do this work without thanks to build a stronger community. At Beaconsfield we are lucky to have so many strong and supportive life members and volunteers to support the players. Thank you very much to all our volunteers in our local sports clubs.

Philip Lovel

Mr NOONAN (Williamstown) — I rise to congratulate the outgoing executive director and former CEO of the Victorian Transport Association Inc., Philip Lovel, who recently retired after serving with the association for almost three decades. Mr Lovel commenced as CEO of the association in 1986 and held the position for 26 years. In 2012 he stepped aside to allow Neil Chambers, the then deputy CEO, to take up the top job. There are very few people in the transport industry who do not know Phil Lovel. He demonstrated a remarkable capacity to lead his industry through challenging times and build relationships that assisted his members and those they employed.

Phil understood that drivers and transport workers were the backbone of his industry, and he forged a positive alliance with the Transport Workers Union of Australia to achieve numerous safety reforms. He was never afraid to defend his industry in the media against those who would ignorantly label transport operators as cowboys.

Mr Lovel was a collaborator who held many representative positions with organisations such as the Australian Road Transport Industrial Organisation, the Victorian Ministerial Freight Advisory Council, the Transport Industry Safety Group, the Victorian Road Freight Advisory Council, the transport workers superannuation fund and Operation Countdown. In 2007 Mr Lovel was made a Member of the Order of Australia in the general division in recognition of his service to the transport industry and, in particular, his contribution to enhancing safety in the industry. On a personal note, I wish Phil and Jane all the very best for the future.

Horsham bypass

Mr DELAHUNTY (Lowan) — Last week the Horsham community held a public meeting to discuss the proposed Horsham bypass. I thank my colleagues Mr David O'Brien, a member for Western Victoria Region in the Council, and particularly the Minister for Roads, for providing the opportunity for Horsham residents and businesses to have their say on the best option for the future Western Highway bypass. Residents are mindful of the long-term implications of

any decision because it will shape the future of Horsham and the region for decades to come.

Pedrina Park, Hamilton

Mr DELAHUNTY — On another matter, last Sunday, in the company of Emma Kealy, The Nationals candidate for Lowan, I was privileged to officially open Hamilton's Pedrina Park soccer pitch. This all came about with the help of the coalition government, which provided $100 000, and other funds from the club, Geoff Handbury and ACE Radio, and the Southern Grampians Shire Council. This new soccer pitch will help secure the future of the game in the region, with the provision of competition lighting and two smaller fields as part of multipurpose ovals supporting other sports.

Country Fire Authority Lowan electorate brigades

Mr DELAHUNTY — Last Sunday, with The Nationals candidate for Lowan, Emma Kealy, I also had the pleasure of opening the new $291 000 Charam fire station. This new station provides for the brigade's 33 volunteers. It will be a great community resource that will meet the region's current needs and the future needs of the community. I also had the opportunity to hand over the keys to a new $335 000 medium tanker to the Pigeon Ponds Country Fire Authority brigade. The new four-wheel-drive will carry a crew of five to protect the community. The Pigeon Ponds brigade has 49 members, and I was pleased to present long-service awards to some of them. I take this opportunity to thank all Country Fire Authority volunteers in the Lowan electorate for their ongoing service to the community in protecting life and property.

School governance

Mr BROOKS (Bundoora) — In 2012 the government set up an inquiry into school governance and promised a white paper by the end of 2013. The Victorian Competition and Efficiency Commission was asked to investigate school devolution and accountability and provide options for reform. It delivered a draft report in May 2013 and a final report in July last year, but the Napthine government has chosen to keep this report secret.

This shake-up of school governance was supposedly part of the Napthine government's 'ambitious' reform agenda in education. We heard media reports that school councils could be replaced with multi-school boards or 'super councils' and that parents could be given the power to sack principals. After creating uncertainty in school communities about the future of school councils and the important role they play, the Napthine government failed to deliver its vision for school governance by the end of last year. In fact with just over 100 days until the end of this term of Parliament and hopefully the end of this anti-education government, Victorians still have not seen this government's plans for school councils and school governance.

This leaves people to assume one of the following two reasons for this policy no-show: either the Napthine government has botched another education policy process and has lost the desire to finalise this policy area that it previously thought so important or it has some radical plans in store for school councils and it is sitting on them until after the election, hoping that if it wins a second term, it will be able to implement them posthaste. The Minister for Education should come clean with school councils across Victoria and clarify his government's intentions in this area. Schools have already endured four years of cuts from this government.

The DEPUTY SPEAKER — Order! The member's time has expired.

Aspendale Senior Citizens Centre

Ms WREFORD (Mordialloc) — I recently attended the Aspendale Senior Citizens Centre annual general meeting. What a fantastic group. I was really impressed by its vibrancy and positive approach. It is doing a terrific job of keeping its membership active, involved and cared for. The meeting was well attended, with Cr Tamsin Bearsley presiding over the election of the new committee. Well done to President Jim Lancaster, the committee and all the members.

Aspendale railway station

Ms WREFORD — I am proud to say that Aspendale station now has protective services officers (PSOs). That means that all five stations in my electorate have PSOs from 6.00 p.m. until the last train. PSOs are also just over the boundary at Mentone, Cheltenham and Highett stations. The community response is fantastic.

Parktone Primary School

Ms WREFORD — Last week I had the privilege of being principal for a day at Parktone Primary School. It is a great school. I have mentioned before the outstanding Leader in Me program the school operates. However, this time I really got to see the entire school

community in action. Its members have created a wonderful environment. Well done to principal George Danson, staff, parents and students.

Parkdale Vultures Amateur Football Club

Ms WREFORD — Recently I attended the Parkdale Vultures Amateur Football Club luncheon. Matt Rendell, a former Fitzroy great and current Collingwood recruiter, made a fascinating guest speaker for the audience. That event closely followed the club's recent fireworks night. Parkdale footy club is a fantastic part of the community. Well done to the Parkdale Vultures.

Australia Post employment

Ms HUTCHINS (Keilor) — I rise to speak in support of Australia Post workers, and in particular those who are living in my electorate, who are facing uncertain times due to massive restructures that have been announced by Australia Post. Australia Post has announced it will cut 900 jobs over the next year, despite posting a $312 million profit in the 2012–13 financial year. Hundreds of Victorians are facing job losses at the head office in Melbourne but also across the two distribution centres — the western delivery centre and the Ardeer parcel facility.

Australia Post is also proposing to cut back from providing a standard daily delivery service to providing a two-tiered pricing system with standard delivery two to three times per week. This is on top of a severe lack of postboxes in the growing outer suburbs.

There has been an increasing casualisation of the workforce, and Australia Post workers have presented concerns to me regarding a 10 per cent decrease in the workforce, wage constraints and a 27 per cent rise in the price of stamps. Staff morale at Australian Post is at its lowest, and community services are currently under threat. In contrast, the chief executives received over $11 million in remuneration, including $4.75 million per year in the CEO's salary. Australia Post has been an Australian institution for decades. It needs to meet its social obligations.

Mount Moriac Reserve

Mr KATOS (South Barwon) — On Saturday, 9 August, I was delighted to join the Minister for Roads at the official opening of stage 1 of the upgrade of the Mount Moriac Reserve master plan implementation project. Mount Moriac Reserve is the home of the Modewarre Football and Netball Club, Modewarre Cricket Club and Modewarre Tennis Club. The redevelopment of the sports pavilion will see the upgrade and expansion of the netball and tennis court and a multi-age and multi-abilities play space.

I am proud that the Napthine government provided $650 000 in funding towards this $1.35 million project. I thank the Surf Coast Shire for providing $650 000, and I also thank the football and netball club and the cricket club for providing $25 000 each. I know the member for Lowan will have fond memories of this project, and I thank him for providing the funding as minister.

Barwon Health

Mr KATOS — On Monday, 11 August, I was delighted to join the Premier to announce that Barwon Health will receive an additional $25.4 million funding, or a 6.4 per cent increase, in 2014–15. The coalition has delivered year-on-year increases to Barwon Health to a total of $99.7 million, or 31.1 per cent, since coming to government. A record $15 billion in health funding was announced in the 2014–15 budget in May.

Torquay P–6 College

Mr KATOS — On Tuesday, 12 August, I was delighted to participate in the principal for the day program and spend a day in the life of a Victorian school principal at Torquay P–6 College. I thank principal Pam Kinsman and students for making me welcome. It was great to meet staff and students and to join in class activities. This program is a great way to promote the terrific work that schools and school principals do every day.

Sri Durga Temple

Mr LANGUILLER (Derrimut) — I rise to recognise the great community service done by Sri Durga Temple, which is a Hindu temple situated in Rockbank, in the western suburbs of Melbourne. This temple is run by a not-for-profit organisation — Sri Durga Arts/Cultural and Educational Centre Inc. This temple is the second biggest Hindu temple in the Southern Hemisphere and the biggest in Australia. Its building is almost complete, and construction has already cost around $4.5 million. Members of Melbourne's Hindu community have primarily self-sufficiently contributed towards raising funds to build this temple, for which I must congratulate them. Members of the Indian community living in my electorate attend service at this temple regularly and make a contribution to temple operations.

The temple has donated more than 1 tonne of food to SecondBite, an organisation that distributes food throughout Australia. The temple has also supported breakfast clubs in partnership with the Australia India Welfare and Cultural Society in various schools in the western suburbs and provided ongoing food donations. The program has been providing a healthy breakfast for young people aged between 14 and 20 years undertaking education programs at Wyndham Community & Education Centre. These young people have disengaged from mainstream schools and are considered very much at risk. Most face a range of serious issues, including family breakdown, illness and even homelessness. Sri Durga Temple also supports the nutrition outreach support and health van — NOSH van — which runs an outreach program for homeless youth in the city of Wyndham.

Such projects are true reflections of Indian culture. This work is also a reflection of the success of Australian multiculturalism, where a migrant community is making strong donations to the most disadvantaged in the wider Australian community. We are proud of the work done by the Sri Durga Temple. Members of Victoria's Hindu community are very fortunate to have it operating in Melbourne's western suburbs.

Phyllis Gill

Dr SYKES (Benalla) — Yesterday I attended the celebration of the life of Phyllis Gill, who passed away suddenly last week. Phyllis lived a very full and productive life, with many people and communities benefitting from her and her husband Ian's positive, well-directed energy. I extend my sympathy to Ian, Jeffrey and Matt and their families.

Benalla electorate constituents

Dr SYKES — On a brighter note, today I had some long-term friends join me for lunch. Brian and Reta Sheppard, Marion and David Evans, and Lorna Essenhigh and Ernie Handcock came from beautiful north-east Victoria to admire this beautiful building and observe the proceedings of this place. Each of them has been a wonderful contributor to their community. Lorna has contributed to Swanpool Red Cross and local junior football for many decades. Ernie has also been involved locally for decades and incidentally is a descendant of the Handcock family that had eight sons who enlisted and fought in World War I. Brian and Reta also give generously of their time, as do David and Marion. David represented northern Victoria for 20 years in this place. I am grateful, as are many others, for the ongoing selfless giving of these people.

Benalla and District Memorial Hospital

Dr SYKES — Yesterday I attended the Benalla and District Memorial Hospital auxiliary annual general meeting. After 14 years as president, Shirley Robertson handed over the reins to Ann Sloan. Well done to Shirley and team for their ongoing service to our community.

I would also like to congratulate Lois Jackson, who related to us the story of her daughter Kate's battle with melanoma. She was measured, calm and concise. I know where Kate gets her strength from. Well done, Lois.

Ian Paroissien

Mr HERBERT (Eltham) — I rise to pay tribute to the late Ian Paroissien, a man who was valued and greatly admired by everyone who knew him. Ian sadly passed away on 6 July aged 78. An indication of the impact Ian had on the lives of others was given at his memorial ceremony, with several hundred people attending the celebration of his heroic journey.

Ian was a fighter. At the age of nine he was struck down with polio, but he never saw this as a disability, and he never let it stop him from doing anything in life that he felt was important. Ian walked with the aid of calipers and crutches most of his life, until the 1990s, when his shoulders gave out and he was confined to a wheelchair. Despite these physical difficulties, he drove everywhere and was fiercely independent. Ian made a career for himself as a talented jeweller and many people at his memorial were wearing his pieces. I personally will always treasure my own wedding ring, which he created from the remains of my mother's and grandmother's rings.

Importantly, Ian was a true believer in and a magnificent contributor to the Labor Party, of which he was a life member. He was a great thinker and a great believer in equity and caring for and looking after all. He was a great supporter of the Eltham branch in particular — a branch he loved, along with the people in it — and he was a great supporter and friend to me. Ian suffered a stroke just over a year ago, and I commend the amazing commitment that Ian's wife, Fran, made to him, and to giving Ian the best possible life under the circumstances. Vale Ian Paroissien — we will all miss him greatly.

East Ringwood Junior Football Club

Ms RYALL (Mitcham) — Congratulations to East Ringwood Junior Football Club. This Sunday the

under-12As achieved a stunning victory in winning the premiership; it was a fabulous game. The club volunteers and parents do a fantastic job — they make sure that everything runs smoothly and all needs are met.

Ringwood Prostate Cancer Support Group

Ms RYALL — On 29 July I attended the Ringwood Prostate Cancer Support Group's 20th anniversary celebrations in Mitcham — 20 years dedicated to the support of men diagnosed with prostate cancer and their families is a commendable effort. It was great to listen to radiation oncologist Dr Michael Chao speak on how far we have come in the diagnosis and treatment of prostate cancer, and to hear from the Prostate Cancer Foundation of Australia. I thank these very important community organisations for the wonderful work they do in supporting and promoting awareness of prostate cancer.

Box Hill to Ringwood bike path

Ms RYALL — On 30 July it was fabulous to join Minister Terry Mulder and the Whitehorse Cyclists to open a section of the Box Hill to Ringwood shared bike path between Nunawading and Mitcham stations. The Whitehorse Cyclists have advocated strongly for the construction of the path, and it is wonderful to see that this government has listened and acted on improving the local amenity by funding the construction of a huge recreational and commuting asset for our community and those visiting.

Sri Guru Nanak Satsang Sabha gurdwara, Blackburn

Ms RYALL — Recently I joined the Premier and the Minister for Multicultural Affairs and Citizenship at the Sri Guru Nanak Satsang Sabha gurdwara in Blackburn. We live in a fabulous multicultural society, and I have always been made welcome at our local Sikh temple. Volunteers at the temple prepare and serve thousands of meals every week, joined by the community, and the Punjabi school, funded with the assistance of this government, serves to teach important language skills.

Hampton Park football club

Ms GRALEY (Narre Warren South) — It was great to attend the Hampton Park football club for its 300 Club sponsorship function. The guest of honour was Jim 'Frosty' Miller, a Victorian Football Association legend who kicked 883 goals for the Dandenong Football Club, the Redbacks. MC David Spencer described him as a deadly accurate shot at goal. Miller was full-forward in the Dandenong Team of the Century. David owned up to having been a victim of Frosty's brilliance, with Frosty kicking 14 goals on him in one match. At 70 years of age, Frosty looked in great nick; he was not far from his playing weight. It is terrific to have him as a local resident in Narre Warren South.

Football has certainly come a long way. Frosty recounted receiving a pair of socks for a best on ground performance. Also present was life member Ken Reedy and his delightful wife, Joy, doyens of the Hampton Park community. They have done so much to support clubs and community groups. It was terrific to see them there, and for the Hampton Park football club to acknowledge their long and special contribution to the club.

Many members of the victorious 1997 grand final side were at hand to recount old stories, including Shane and Mick O'Brien, Dale Jenkins, Brad Williamson, Leigh Bomford, Chris Hussey, Matt Egan and Darren Arbon. I also had the pleasure of meeting the young, strapping William 'Bill' Thomas, who I sponsor. Bill was very impressive — he started at full-forward and was involved in the first goal of the game.

I commend the president, John Nunan, and other Hampton Park football club committee members — Craig Seers, Mick O'Brien, Don Amos and Melissa O'Brien — for putting on a great day. With the coaches revving up the players, the celebratory singing of the club songs and the cheers of the Hampton Park community, it was a fantastic day to be at the football. Don't you just love the footy? Go Redbacks!

Bentleigh West Primary School

Ms MILLER (Bentleigh) — Last week I was pleased to meet with the student leadership team at Bentleigh West Primary School for morning tea. I enjoyed talking with Matilda Armstrong, Darcy Vissenjoux, Ellie Begg, Ewan Cumming, Jack Lawless, Alice John, Sophie Barber and Patrick Mullane about issues that are important to them, and about how they are working hard for their school in their leadership roles. Congratulations, and keep up the great work.

St John's Anglican Church, Bentleigh

Ms MILLER — Recently I enjoyed an afternoon with St John's Anglican Church in Bentleigh for its midwinter feast. Thank you to Reverend Rachel McDougall, Yvonne Bannon and the committee, comprising Gwen and John Wilson, Shirley Nisbet, Jill

Baker, Jan Thiedeman and Glynis Rose, for preparing the wonderful food and organising the event.

Southmoor Primary School

Ms MILLER — Congratulations to Chris Horton and Carolina Tarantino, environmental students at Southmoor Primary School, for their wonderful efforts in winning this year's Marriott Cup vegetable growing competition. Students grew two varieties of beetroot from seed that was kindly donated by Sally Buck and the team at Arnotts Vegetable Farms. A special thankyou to judges Geoff Marriott, Frank Oswald and Sally Buck for touring the schools in the Bentleigh electorate over a period of two days to judge the produce. I awarded Southmoor Primary School the Marriott Cup at its school assembly last week, along with competition namesakes Geoff and Wilma Marriott.

Temple Society Australia, Bentleigh

Ms MILLER — Congratulations to Marianne Hermann and her team for coordinating a successful community event at the Temple Society Australia in Bentleigh. It recently held a fundraising Christmas in July Market, featuring craft goods and plants. I attended the market, where I enjoyed German-style food and purchased a hand-knitted scarf and some herbs for my kitchen. I also enjoyed attending the winter concert on Sunday, celebrating and showcasing the German language in the Bentleigh electorate.

Melton electorate schools

Mr NARDELLA (Melton) — I thank the shadow Minister for Education, the honourable member for Monbulk, for coming out to Melton and Bacchus Marsh and inspecting the Melton Secondary College, Melton Specialist School, Exford Primary School and Bacchus Marsh Secondary College in order to see the extent of the abject neglect and failure of the Napthine and Baillieu Liberal governments in providing not one red cent towards the growing needs of these communities. The shadow Minister for Education was shocked by what he saw, and he appreciated the help of the school captains and the school council presidents on the day.

Halletts Way bridge, Bacchus Marsh

Mr NARDELLA — I call on the Minister for Roads to immediately start work on the Halletts Way bridge entry and exit ramps in Bacchus Marsh. The Moorabool Shire Council, led by the mayor, Paul Tatchell, has made strong representations to me and the government for this work to be undertaken after the government knocked back the proposal for Woolpack Road. Given the dangerous and unnecessary congestion in Bacchus Marsh, this work needs to be started immediately and completed as soon as possible. The money being wasted, including millions on advertising, for the dud road tunnel would be better spent on real and necessary local road and bridge upgrades for this terrific community.

Leo Johnson

Mr NARDELLA — I recognise the recent passing of Leo 'The Tiger' Johnson, OAM. He was husband to Elaine and a great local resident. He was my campaign chair, a fantastic Labor Party member and councillor, and past master and mentor to me. Vale my friend Leo.

John Ord

Mr BURGESS (Hastings) — I was pleased to be invited to attend on 2 July at the Caulfield Racecourse the presentation of the RSL meritorious service medal award to Crib Point RSL President John Ord. John has been a continuous member of the RSL for some 38 years and president of the Crib Point sub-branch for 30 of the past 31 years. John was awarded life membership by the RSL national executive in 1993. John has been a very dedicated community life member who has served the RSL and the local community extremely well and is a very worthy recipient of the meritorious service medal.

Hastings CCTV camera installation

Mr BURGESS — I sincerely thank the Minister for Crime Prevention, Edward O'Donohue, who on 30 July launched the operation of new CCTV cameras in Hastings and a monitoring post at the Hastings police station. Hastings is safer and more secure now that the Victorian coalition government has provided funding of $250 000 for new CCTV cameras, which have now been switched on. The cameras have been installed in seven locations around Hastings. The location for the cameras was chosen to help deter assaults, vandalism, graffiti, theft from motor vehicles and other antisocial behaviour. The cameras will make a big difference by assisting police in preventing crime in the busy Hastings city centre by using the camera to investigate criminal activity and detect offenders. We want Hastings to be an open and inclusive place where people feel safe and welcome at all hours.

Hastings electorate events

Mr BURGESS — On 23 July I was pleased the join the Minister for Small Business at the Westernport Chamber of Commerce and Industry business breakfast in Hastings. The breakfast was well attended by a good cross-section of the local community and local government representatives. On 28 July I was pleased to be invited to open the adjoining project office of the Port of Hastings Development Authority in High Street, Hastings.

The DEPUTY SPEAKER — Order! The member's time has expired.

Kangan youth foyer

Mr McGUIRE (Broadmeadows) — I acknowledge the opening of the Kangan youth foyer in Broadmeadows, which is a partnership between the Brotherhood of St Laurence, Hanover, the Victorian government, Kangan Institute, the Rotary Club of Melbourne and the Victorian Employers Chamber of Commerce and Industry to provide better futures, particularly for homeless youth.

COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2014

Second reading

Debate resumed from 25 June; motion of Mr CLARK (Attorney-General).

Mr PAKULA (Lyndhurst) — It gives me pleasure to rise to speak on the Courts Legislation Miscellaneous Amendments Bill 2014. This is indeed a miscellaneous bill. It does various things. It proposes to reform the Supreme Court Act 1986 in relation to leave to appeal. It amends the powers of the Victorian Civil and Administrative Tribunal (VCAT) in hearing and determining some disputes. It provides for some new practices in the Coroners Court and for some new rules with regard to the recording of court proceedings. It proposes to enhance the independence of judicial registrars, and it makes a number of consequential amendments in regard to other acts.

The opposition will propose amendments to the bill. Those amendments are designed to ensure that grieving families and those who have an interest in the proceedings of the Coroners Court are not disadvantaged by the shortening of the time frames for appeals in the Coroners Court. We will also seek to ensure that there is appropriate reporting of decisions of the Coroners Court in line with current practice and that the time to appeal Transport Accident Commission decisions at VCAT is not reduced for some victims of road trauma. All of the amendments moved by the opposition are designed to maintain existing practice. They are not designed to change the current practice with regard to those matters covered by the amendments, and under standing orders I advise the house of the amendments and request that they be circulated.

Opposition amendments circulated by Mr PAKULA (Lyndhurst) under standing orders.

Mr PAKULA — I provided a copy of those amendments to the Attorney-General about 90 minutes ago. He and I had a brief discussion, and I understand that there will be a consideration-in-detail stage at some point today. It is certainly the opposition's hope that those amendments will be acceptable to the government and that we may proceed with a unanimous view in the house about the bill. However, the opposition waits to hear from the Attorney-General in regard to that matter.

I move now to the matter of leave to appeal to the Supreme Court. The bill introduces universal leave requirements for civil appeals in the Supreme Court, eliminating as-of-right appeals. There are some exceptions to that situation, such as appeals against a refusal of habeas corpus cases arising under the Serious Sex Offenders (Detention and Supervision) Act 2009 and other cases provided for in Supreme Court rules.

The purpose of the provisions in the bill as they have been described to us are to ensure that there is an application for leave to appeal in civil matters. The test will be whether or not that appeal has a real prospect of success. As a consequence of that, the time available for a leave application in the Supreme Court will be extended to 28 days from the current 14 or 21 days. There will need to be an application filed with the court for leave to appeal rather than simply service of notice on the respondent, which is presently the way it is done. Those applications for leave to appeal will be able to be determined without there necessarily being an oral hearing, and if an application is found to be totally without merit, the applicant will not be able to appeal against that application being set aside.

The opposition has no issue with the notion that in civil matters there ought to be a step where leave is requested from the court for an appeal if it has the effect of ensuring that vexatious or unmeritorious appeals do not unduly take up the court's time. We in the opposition are of course very alive to the fact that the rights of parties before the court need to be maintained,

that decisions in the first instance are not always correct and that there ought to be a process by which those decisions can be appropriately appealed. However, we do not believe the requirement to seek leave is unduly onerous. We will support that element of the bill.

There are some changes proposed regarding the Victorian Civil and Administrative Tribunal. As I have said in debate on a number of other bills before the house, there are ongoing additional obligations being placed on VCAT which are putting it under enormous pressure. It is no longer the quick or low-cost tribunal that it was designed to be. Unless the government appropriately resources VCAT, all of these additional responsibilities will simply see justice delayed — and in some cases denied — in that jurisdiction.

The changes proposed in the bill include a provision for any party entitled to intervene in a proceeding to be entitled to be joined as a party. It clarifies that a single member might exercise the powers of the tribunal in some circumstances, including the power to award costs.

There are some other changes. Currently a VCAT member who has mediated a matter may not constitute the tribunal for the purposes of a hearing. The bill now allows for a member to hear the proceeding that the member has mediated on unless one of the parties objects. That is currently the situation with regard to residential tenancy matters, and provided the ability of one of the parties to object to that remains we in the opposition do not have an issue with that.

With respect to the reopening of orders made in the absence of a party, VCAT will be required to consider whether any prejudice has occurred to the party and whether that might be addressed by an order for costs or by the reimbursement of fees. Again, that may help to prevent the unnecessary re-litigation of old or stale matters.

Of a more contentious nature are the changes in relation to the planning and environment list. Under the provisions that have been proposed, a responsible authority or other person will be able to apply for an injunction restraining someone from contravening an enforcement or interim order. At the moment a party would have to go via the courts to do that. But of greater concern is the new presumption proposed in this bill that VCAT might order a responsible authority to reimburse fees paid by an applicant in certain planning matters if the responsible authority has not granted a permit within the prescribed time.

To unpack that into layman's terms, the responsible authority in almost all these cases will be a local council and the applicant will be a developer. So the bill is effectively providing for a presumption in favour of the developer in circumstances where the council has not dealt with a permit application in the prescribed time. The bill creates a presumption whereby the council will have to reimburse the fees of the developer in those circumstances. The Municipal Association of Victoria (MAV) has expressed concern about that, particularly the notion that councils may be forced to pay the application fees of developers in situations where it is very difficult, or in some circumstances perhaps impossible, to meet the legislative time lines.

Some of the matters that come before local councils — and sometimes local government has many such matters before it — are very complex. It is not always possible for local government to deal with those applications within the relevant time lines. There is no doubt that sometimes local governments are somewhat recalcitrant and difficult to deal with — and nobody who deals with local government would deny that — but that is not the case in every circumstance. Sometimes, despite the best of intentions, local governments simply cannot meet the time lines that are proposed by legislation.

That matter is of concern to the local government sector and the opposition. However, the opposition is not proposing an amendment with regard to this element of the bill, because the bill creates an exception or a circumstance where the presumption does not apply. That exception is where the responsible authority is able to satisfy VCAT that there was reasonable justification for failing to grant the permit in the time frame, having regard to the nature and complexity of the permit application, the conduct of the applicant and any other matter beyond the reasonable control of the responsible authority.

Whilst a presumption has been inserted in the bill that local governments may need to reimburse applicants if they have not dealt with a permit in a timely manner — and that is of some concern to the MAV — the bill does create an exception to that presumption which takes into account questions of complexity, the actions of the developer and any other matters. We make the point that this is likely to lead to additional disputation at VCAT as parties argue about the reasonableness or otherwise of the local government's failure to meet the time lines and argue about the reasonableness or otherwise of the applicant's behaviour, and that may indeed clog VCAT up even more. I think it would be of use to the opposition, and particularly to the local government sector, if government contributors outlined

the practical intention regarding the way that provision will work.

The bill does some other things in regard to VCAT, including providing that VCAT can make orders against guarantors and indemnifiers of tenants in retail tenancy list matters and that the valuer-general can intervene in land valuation list proceedings and become a party to the matter, and the opposition views those amendments as being non-contentious.

One of the matters the opposition will move an amendment on involves the Transport Accident Act 1986. Parties to proceedings under the Transport Accident Act who are aggrieved by the decision of the Transport Accident Commission are able to review that decision at VCAT if they lodge an application within 12 months of becoming aware of the decision. There are protocols to resolve disputes before VCAT, but due to the inherent time limits parties often lodge applications at VCAT prior to the dispute protocols being worked through in case their dispute is not resolved, and if the matter is resolved under the protocols then the VCAT application is withdrawn. That creates unnecessary administrative work for VCAT and for the parties involved. This bill proposes to grant a three-month period at the conclusion of the protocols in which parties are able to go to VCAT if disputes are not remedied through those protocols.

We support that notion, but we believe that provision might result in the current 12-month total period which is available being reduced. The proposed section says that the time limit will be up to 3 months after the conclusion of the protocols review, but if a protocol review is all done and dusted in, say, 4 months and then applicants have another 3 months, that is only a total of 7 months as against the current total of 12. That reduction would only apply if a party seeks to first resolve the matter under the protocols, and it might therefore discourage parties from using the protocols because their overall time frame to lodge a dispute may well be reduced. We do not want to create an incentive in the act for parties not to use the dispute protocols.

The opposition, therefore, is proposing a very simple amendment which supports the element in the bill of a process of three months at the conclusion of the protocol but which says that the total period of 12 months will still be available also — it would be whichever is the later. Our amendment to clause 58 would ensure that the appeal period would not be less than 12 months in total regardless of whether parties commence activities under the dispute protocols or not. That means we will have the best of all worlds. Parties will still be encouraged to use the dispute protocols, but their overall time frame to utilise their appeal rights will not be reduced.

With respect to the Coroners Court there are a number of changes, and the opposition will be moving amendments relating to some of them. The coroner will no longer be required to hold an inquest into deaths in custody resulting from natural causes, though the coroner will retain the power to do so if the coroner wishes to. That has been the subject of criticism from the Federation of Community Legal Centres, because it does in effect go against one of the recommendations of the Royal Commission into Aboriginal Deaths in Custody — that all deaths in custody should be required by law to be subject to a coronial inquiry. It is important that special attention be given to deaths that occur in custody, but in relation to non-disputed deaths from natural causes we agree that it is appropriate for the coroner to rely on a report from a medical investigator that provides an opinion that the death was due to natural causes, provided that is published on the internet. Whilst we accept that wherever there is any kind of suspicion in relation to a death in custody there ought to be an inquest, if it is very clear that a death in custody occurred by way of natural causes, an inquest should not be a requirement, though it is of course important that the coroner retain the discretion to conduct an inquest if necessary.

Of more concern is that the bill changes the current requirement for inquest findings, comments and recommendations to be published on the internet to one where such material may be published. That may downgrade the public reporting function of the court. We think it is important that the community, including researchers, media, interested parties, bereaved families and everyone else who may have an interest, has an opportunity to be apprised of the decisions and findings of the Coroners Court, so we will be proposing an amendment to omit clause 65 of the bill. The effect of that omission would be to retain the current publication requirements for inquests.

A decision not to hold an inquest or not to reopen an inquest will be subject to appeal to the Supreme Court where it is deemed necessary or desirable in the interests of justice to allow an appeal. At present those appeals can only be made on questions of law. Of concern is that the bill reduces the time period for appeals, including appeals in relation to a coroner's determination not to hold an inquest and appeals against a refusal to reopen an investigation, from three months to 28 days and reduces the time period in which to appeal against coronial findings from six months to two months. That has been subject to quite severe criticism, both from the Federation of Community

Legal Centres and from a number of advocates on behalf of aggrieved family members.

A number of those criticisms were reported in the media last week — in the *Age* of 5 August in an article by Jane Lee. The parents of a deceased person who had hired lawyers for the inquest into the death of their son found the entire process to be very expensive and very time consuming, and there is a great deal of concern among families of victims and on the part of the Federation of Community Legal Centres about the reduction in the time frame available for appeals.

The Federation of Community Legal Centres has indicated that in many cases even now bereaved families are caught out by the time frames that currently exist in the act. Many do not become aware of the specific processes of coronial jurisdiction or how to seek help until the time frame has almost run out or expired. Shortening those time frames to either 28 days or two months will only compound those problems. Therefore we are proposing amendments that would delete clauses 68 and 69 of the bill.

The deletion of clause 68 of the bill will have the effect of retaining the current three-month time period to appeal against a refusal to hold an inquest or reopen an investigation. The deletion of clause 69 will have the effect of retaining a six-month period for appeals against the finding of the coroner. We think the retention of these more generous time frames for those family members of a deceased person who are going through a very traumatic time is appropriate.

I understand the government's position has been that these changes have been requested by the court. I am sure the court would like to be able to dispose of some of these matters more rapidly. However, the fact is that these provisions are there for the benefit of the families of the deceased, who are expressing significant concern about the reduction in time. We hope the government accepts the amendments we are putting forward. They are not radical amendments; they are simply about giving a bit more time to grieving families to get their affairs in order, understand their rights, get an understanding of how the legal system works and seek assistance from legal counsel with regard to the conducting of inquests.

A number of distressed families have spoken out about the changes proposed in this bill. We applaud their strength in doing so. We have listened to them and hope the amendments we have put forward will find support from the government.

As I indicated at the outset, there are also some changes with regard to court security and the recording of court proceedings, with which we have no issue. We understand there are some exceptions in the bill for the recording of proceedings by media organisations, lawyers and where express permission is given by the judge. They seem to be appropriate.

In conclusion, this bill contains a number of welcome changes and amends a number of different acts. The opposition has no difficulty with the changes with regard to leave to appeal, some of the VCAT powers and court security matters. We do have difficulty with some of the changes with regard to the Transport Accident Commission and in particular to the Coroners Court. We have proposed what we believe to be some modest amendments that retain the status quo and which we hope the government finds acceptable. We reserve our position on the second reading until the government makes its position on those amendments known.

Mr NEWTON-BROWN (Prahran) — I rise to speak in support of the Courts Legislation Miscellaneous Amendments Bill 2014. As the name suggests, this bill covers various miscellaneous items in relation to the Coroners Court, civil appeals to the Court of Appeal, the Victorian Civil and Administrative Tribunal and various lists within that body.

Turning first to the Coroners Court, the amendments proposed to the Coroners Act 2008 will assist the court in continuing to reform its operational practices to reduce delays — while still remaining sensitive to the needs of the next of kin — in order to more expeditiously deal with the issues the Coroners Court deals with, such as fires and deaths.

Under this bill, deaths in custody or care which are the result of natural causes will no longer be subject to a lengthy inquest; instead there will be a full investigation of deaths that occur as a result of natural causes. Findings will be made and published according to the rules. It will still be open to the coroner to hold an inquest, and any person may request the coroner to hold such an inquest.

The motto of the Coroners Court of Victoria is 'To speak for the dead to protect the living'. This motto encapsulates the function of the Coroners Court, which is to investigate the deaths of people that have occurred inexplicably, anonymously, violently or unexpectedly. I understand that in any year there are roughly 5000 deaths of these types.

The other function of the Coroners Court is to stop people dying in such ways. The Coroners Court is the means by which unexpected, unexplained, violent or anonymous deaths are investigated and lessons learnt so that through those deaths the wider community can better protect the living. This means ensuring that the Coroners Court is as transparent and efficient as possible.

In April this year the *Age* reported the tragic story of Mary Thomas, an 86-year-old grandmother living in Warragul, who had a fall and ended up dying of an allergic reaction in the West Gippsland Hospital. The circumstances around Mary's death were somewhat mysterious. To this day, members of her family have never received any proper answers as to how or why Mary died. The investigation of her death did not proceed to an inquest. Under the current rules her family was unable to challenge the coroner's decision not to hold an inquest or to appeal to the Supreme Court.

The issue of appeals to the Coroners Court was considered by the Victorian Law Reform Committee as far back as 2006. One of the committee's recommendations was that the right of appeal be provided. In 2008 the Labor government acted on many of the recommendations made by the committee, but inexplicably it tightened the legislation such that appeals to the Supreme Court on whether or not to hold an inquest were allowed only on narrow points of law. I note that the member for Lyndhurst has indicated support for this change in the bill but has offered no defence of the decisions of the Labor government.

The *Age* welcomes the decision of the Attorney-General and the Napthine government to reverse this decision. Through this bill there will be a restoration of appeal rights to the Supreme Court so that any Coroners Court decision can be reopened by the Supreme Court. At the same time this legislation will ensure that there will not be a wave of frivolous legal action.

There are two well-publicised cases which to date have not been able to go to appeal in relation to inquests which have been extensively covered in the media over recent years. The first is the death of Jennifer Tanner. At the 1998 inquest the brother-in-law, Denis Tanner, was named as the killer of Jennifer Tanner, which he denied. He has never been charged with causing her death, and the family has never been able to have a full inquest into her death. This legislation means that an appeal to the Supreme Court would be permitted. The other high-profile case which has appeared in the media is that of The Family cult. A number of cult members died in suspicious circumstances, and former members of the cult or relatives of those who have died may seek to appeal to the Supreme Court for an inquest. There are some quite interesting changes to the operation of the Coroners Court which will be welcomed by the community.

Turning now to the Court of Appeal, under this bill the system of civil appeals will be changed. Firstly, there will be a requirement that in most cases leave must be obtained for civil appeals to the court. There are some exceptions. This changes the current situation, where a party may appeal to the Court of Appeal as of right and have their full appeal heard and determined by three judges, even if the appeal lacks merit. The current situation is that a lot of court time and costs to parties are wasted in unmeritorious appeals. The universal leave requirement for civil appeals will enable the court to, at an early stage, assess the merits of a full hearing and make that call. This will ultimately reduce costs for all parties.

The bill also modernises and simplifies the tests for leave to appeal, so that leave will only be granted if there is a real prospect of success. This replaces the existing common-law test for granting leave to appeal, which requires an applicant for leave to demonstrate that the original decision is attended by sufficient doubt to warrant it being reconsidered on appeal. The bill also extends the time in which an application for leave to appeal can be filed from 14 to 28 days. This will give parties time to comply with the new procedural requirements. The appeals process will be commenced by filing rather than service, which will also streamline the system. The bill also allows the court to determine applications for leave to appeal without an oral hearing.

Turning to VCAT, this bill will improve the operations of VCAT by clarifying the powers that the tribunal has, reducing the time for parties to have disputes heard and allowing the tribunal to hear a greater range of matters. Significantly, under this legislation if a party goes to VCAT on the basis that they find themselves in a situation where they are held up by a council failing to make a decision on a permit, they will have their fees reimbursed. That will encourage councils to deal with planning matters in a more timely manner and provide better certainty for all parties. I commend the bill to the house.

Ms DUNCAN (Macedon) — I rise to speak on the Courts Legislation Miscellaneous Amendments Bill 2014. I will not go into a lot of detail about the various elements of this bill, because the shadow Attorney-General has given a good run-down of those and highlighted the areas in which we will be proposing

a number of amendments. Briefly, the bill proposes to reform the Supreme Court Act 1986 in relation to leave to appeal. It enhances and clarifies the powers of the Victorian Civil and Administrative Tribunal (VCAT) in hearing and determining disputes, reforms operational practices in the Coroners Court, provides for situations where recordings of court proceedings may be permitted and enhances the independence of judicial registrars, as well as making a number of other consequential amendments.

In relation to leave to appeal in the Supreme Court, the bill introduces a universal leave requirement for civil appeals in the Supreme Court, eliminating as-of-right appeals in civil matters. There are a number of exemptions made in that area and other cases that are provided for under the rules of the Supreme Court. A new test will apply for this leave to appeal based on whether the appeal has real prospects of success, and the time available for a leave application will be extended from 14 or 21 days to 28 days.

There are a number of amendments affecting VCAT. One that we are particularly concerned about relates to when a responsible authority fails to make a timely decision in relation to the grant or refusal of a permit. An applicant seeking a review by VCAT will be able to seek reimbursement from the responsible authority. As we know, this will almost certainly involve developers seeking costs against local governments. I see the member for Prahran supports the amendment. I believe he was involved in local government, so he would understand that there are often tight time frames and complicated proposals that members of local government bodies must get their heads around. While the bill creates exemptions if reasonable reasons are given and allows some discretion for VCAT, we have some concerns in regard to the amendment.

Other amendments are being made that will affect other lists. One of particular concern provides that parties to proceedings under the Transport Accident Act 1986 can apply to the Transport Accident Commission for dispute resolution without affecting their ability to apply to VCAT for review. We will be proposing some amendments in this space as well to fix an alleged drafting error that has the effect of reducing the time available in which to seek a review at VCAT in some circumstances.

We also have concerns in regard to the amendment to the Coroners Act 2008, as was outlined by the member for Lyndhurst. The coroner will no longer be mandated to hold an inquest into deaths in custody resulting from natural causes, although they may still be able to do so if it is deemed necessary. This decision will be subject to appeal in the Supreme Court if it is deemed necessary or desirable in the interests of justice to do so. At present such appeals can only be made on questions of law. We are concerned about the reduction in the time available to elect to make that appeal. We will therefore propose amendments in this area to retain the three-month period in which an appeal against a decision not to conduct an inquest may be made, as well as the six-month period for appeals against findings of the coroner.

There are a number of proposals in regard to court security which the opposition has no issue with. In regard to judicial registrars, I am pleased that the Attorney-General is intending to maintain judicial independence in this area, and in fact to increase it. That is in contrast to many of the other changes that have been made under this government which actually seek to remove judicial independence.

The area of this bill that we have the greatest concern about relates to impacts on or changes to the Coroners Court. The Federation of Community Legal Centres has a number of concerns about this, and I will quote Dr Chris Atmore, who is the senior policy adviser with the federation. A press release issued on Tuesday, 5 August, quotes Dr Atmore as saying:

> We welcome the proposed broadening of grounds of appeal of coronial decisions to matters of both law and fact, because this acknowledges an important justice principle. However, broadening appeal avenues means little if families are left without legal help in the face of prohibitive costs of appeal in the Supreme Court, and when the proposed changes narrow the time frame within which families can appeal the refusal to hold or reopen an inquest, or to challenge inquest findings.

The press release goes on to say:

> In the main, the proposed changes appear to be more about attempting to help the system cope with inadequate resources than they are about achieving justice for families and avoiding preventable deaths. There is no substitute for properly funding the system to do its job.

This sentiment has been expressed time and again by most professionals working in the court system — that our courts are finding it increasingly difficult to manage their lists. On a daily basis we see the failure of the Department of Justice to provide for people to appear in court. We have listed hearings being deferred and costs being awarded against the state for its inability to bring prisoners to court. We see witnesses who are geared up to give evidence in court — and have no doubt had many sleepless nights in the lead-up to their case — being turned away at the last minute because the case can no longer proceed. All of this is in stark contrast to the claims of the government that it is supporting

victims and trying to deal with justice issues in a timely manner.

The changes proposed by this bill that the opposition is concerned about may be a result again of a government in its 11th-hour bid to win an election in 102 days. What we are seeing is not a tough-on-crime agenda but an attempt to con the community with a bit of smoke and mirrors. The government's policies are all tip and no iceberg in regard to some of these matters. What we are seeing is a court system in crisis. While there are many elements of this bill that we would support, we have a range of concerns and our amendments go to trying to address some of these issues. Instead of funding services appropriately, the government is making changes that give the appearance of being tough but in fact do nothing to reduce crime in our state or make Victoria a safer place. With those words, and with further debate to come on these amendments, I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution to the Courts Legislation Miscellaneous Amendments Bill 2014. This proposed legislation supports the government's commitment to improving Victoria's civil justice system and introduces a series of significant reforms. As you know, Speaker, we have made significant reforms over the last three years to many parts of the law through our law reform reviews, and I think it is very important that we continue down this track.

This bill includes a range of reforms to improve the effectiveness, integrity, good order and security of court and tribunal proceedings. It provides greater administration and operational flexibility to the system and modernises and simplifies the appeal processes while at the same time improving the flexibility of the courts and the Victorian Civil and Administrative Tribunal (VCAT). It reduces the administrative burdens on the tribunal.

Part 2 introduces measures to reduce the amount of time taken to finalise civil appeals in the Court of Appeal including the introduction of a requirement that leave be obtained for civil appeals to that court.

Part 3 makes a number of amendments to the Victorian Civil and Administrative Tribunal Act 1998 to clarify and enhance the powers of VCAT and to improve the operations of the tribunal for the benefit of its users. Division 1 of part 3 includes amendments to VCAT directed at reforming various aspects of the tribunal's practices and procedures, including setting out the circumstances in which a single tribunal member may exercise the powers of the tribunal. It also permits a member of the tribunal who has conducted a mediation to hear that proceeding, subject to the objection of any of the parties, and that is a practical outcome. It introduces threshold requirements that the tribunal must consider before it reopens a proceeding determined in the absence of a party. It sets out the circumstances in which a tribunal member may appear as an expert witness before the tribunal, and it empowers the tribunal to make rules regarding the service of the tribunal process outside of Australia. I will not go into the other amendments at the moment. There is a lot to the bill.

Division 2 includes amendments to the VCAT act relating to arrangements for non-judicial members of the tribunal to amend the processes for altering modes of service for non-judicial members and to clarify that the Governor in Council may determine the terms and conditions for the appointment of a non-judicial member to the tribunal. Again I will not go into that in great detail, because other members may cover this part.

The bill amends various enabling enactments directed at reforming aspects of the tribunal's practices and procedures relating specifically to the tribunal's jurisdiction under those enactments. Among other things it amends the Retail Leases Act 2003 to allow the tribunal to make orders against a guarantor or indemnifier of a tenant's obligations under a retail premises lease.

Others have spoken at great length about the changes to the Coroners Act 2008. The bill removes the requirement that inquests be held into the deaths of people in custody or care where the death is clearly the result of natural causes. Instead, an investigation must be held and findings must be made and published on the Coroners Court website. The coroner will continue to have the discretion to direct that an inquest be held. Giving the coroner that discretion is a common-sense approach, rather than requesting that an inquest be held when clearly a death has occurred through natural causes.

The bill expands the jurisdiction of the Supreme Court to hear appeals against coroners' decisions by allowing senior next of kin and persons with sufficient interest to appeal a decision of a coroner to not hold an inquest or reopen an investigation into a person's death other than on a matter of law. The Supreme Court will be able to allow an appeal where the court considers that it is necessary or desirable in the interests of justice. The government considers that existing grounds for appeal can result in unfair outcomes for families. As we have heard from members on both sides of the house, it is

important that we make sure the wishes of a family can still be considered. The expanded grounds for appeal will allow family members to be better heard in the coronial process.

The bill reduces the appeal limitation periods in the Coroners Act so they are more consistent with the appeals provisions for other Victorian courts and tribunals. These amendments are expected to reduce the number of appeals made in relation to coronial decisions, potentially resulting in efficiencies in the Coroners Court and Supreme Court which may be applied to existing backlogs.

It is proposed that where a coroner has determined an autopsy should be performed, the requirement that the medical investigator wait 48 hours before conducting an autopsy may be waived by the senior next of kin. The amendment allows the Coroners Court and the Victorian Institute of Forensic Medicine to better manage their work in conducting autopsies.

The bill also contains changes to court security, and I might go into that if I have time. However, this is an extensive bill with many parts to it, so I might leave that to the member for Forest Hill in his contribution.

Part 6 enhances the office of judicial registrar. Specifically, it amends various court acts to require that judicial registrars take a prescribed oath of office, consistent with the approach for judicial officers and non-judicial members of VCAT, and that is important. It also protects the salary and aggregate allowances of currently appointed judicial registrars from reduction.

Under the various court and tribunal acts judicial registrars are appointed for up to five years by the Governor in Council on the recommendation of the Attorney-General. They may be reappointed for up to five years by the Governor in Council on the recommendation of the Attorney-General. The bill provides that the Attorney-General may only recommend the reappointment of a person nominated by a head of jurisdiction when making a recommendation to the Governor in Council that a judicial registrar be appointed, and that is another important part of the bill.

Currently all decisions made by judicial registrars are reviewable by way of a hearing. Under the amendments, court rules will determine the manner of review of a registrar's decision. Allowing court rules to specify a more limited form of review will allow registrars a greater degree of independence from the oversight of tenured judicial officers in that the scope of some appeals will be limited and the decisions of the judicial registrars therefore of greater effect. As the member for Prahran said earlier, these amendments will improve the efficiency of court administration by enabling the courts to keep the length and associated costs of the review of the decisions of judicial registrars proportional to the matter being dealt with.

With the limited time I have available, I will briefly touch on the role of judicial registrars, who assist courts to manage their workloads by dealing with less complex matters. The judicial functions performed by judicial registrars are generally of a minor or limited nature and are subject to the supervision of tenured judicial officers. There are other issues I could discuss, but I will leave my contribution at that and commend the bill to the house.

Mr ANGUS (Forest Hill) — I am pleased to rise this afternoon to speak in support of the Courts Legislation Miscellaneous Amendments Bill 2014 and to follow the great contribution of my friend and colleague the member for Murray Valley. This bill amends four main acts — the Supreme Court Act 1986, the Victorian Civil and Administrative Tribunal Act 1998, the Coroners Act 2008 and the Court Security Act 1980 — and a range of other court and tribunal acts to make various provisions and changes as required.

At the outset, I note that this proposal supports the government's commitment to improve Victoria's civil justice system by introducing a series of significant reforms across a number of jurisdictions. The bill introduces a range of reforms to improve the effectiveness, integrity, good order and security of court and tribunal proceedings; to provide for greater administrative and operational flexibility; to modernise and simplify appeal processes; to improve the flexibility of courts and the Victorian Civil and Administrative Tribunal; and to finalise unmeritorious cases to reduce the administrative burden on courts and the tribunal.

The amendments contained in this bill are symptomatic of this government's approach to a range of legislative areas, particularly those pertaining to legal matters and the justice system. The government's objective has been to improve the efficiency and effectiveness of the systems in place to make them easier and more cost effective for those involved. This has been one of the signature aspects of all of the coalition's legislation regarding the court system. I commend the Attorney-General for his great work in this area. He has had a massive workload in a range of areas, but this is yet another example of how he has worked diligently with his team over a long period to introduce important

reforms that will make a real difference to the lives of participants in the civil justice system.

Part 2 of the bill introduces measures to reduce the amount of time taken to finalise civil appeals in the Court of Appeal. It introduces a requirement that leave must be obtained for civil appeals to the Court of Appeal. These amendments will enable the Court of Appeal to engage in more effective front-end management of appeals and more quickly finalise appeals of marginal or no merit. That is another important reform in this bill, because over the years we have seen examples of the court system being clogged up with what some would describe as frivolous or vexatious matters, which need to be moved on and dealt with on a more efficient and effective basis.

Part 3 of the bill proposes a number of amendments in relation to the Victorian Civil and Administrative Tribunal Act 1998, also known as the VCAT act, and certain enabling enactments, to clarify and enhance the powers of VCAT and improve the operations of the tribunal for the benefit of users. We can see again that these amendments are aimed at the users of the system. There will be benefits downstream to those users as a result of the amendments we are introducing in this place today.

Division 1 in part 3 of the bill includes proposed amendments to the VCAT act that are directed at reforming various aspects of the tribunal's practice and procedures. There are nine of these changes, and I will touch on a couple of them. The proposed amendments set out the circumstances in which a single tribunal member may exercise the powers of the tribunal. They provide that a person with a statutory right to intervene in a proceeding before the tribunal, including someone such as the valuer-general, may also become a party to the proceeding. The proposed amendments permit a member of the tribunal who has conducted a mediation in a proceeding to hear the proceeding, subject to objection by any other party. That is a common-sense reform.

The amendments introduce threshold requirements that the tribunal must consider before it reopens a proceeding determined in the absence of a party. They set out the circumstances in which a tribunal member or past member may appear as an expert witness before the tribunal. That is another significant and important reform, because it enables those who have had other roles in that jurisdiction to come back and make an additional contribution. The amendments empower the tribunal to make rules regarding service of tribunal processes outside of Australia. They also provide that in certain applications under the Planning and Environment Act 1987 the relevant responsible authority will reimburse fees paid by the applicant.

The bill covers a range of matters. I have not touched on them all, but it can be seen from the ones I have touched on that these are very comprehensive, far-reaching, common-sense and advantageous reforms for those involved in this process.

Division 2 in part 3 of the bill includes amendments to the Victorian Civil and Administrative Tribunal Act 1998 relating to the service arrangements for non-judicial members of the tribunal. In this case the proposed amendments will amend the processes for altering modes of service for non-judicial tribunal members and amend the VCAT act to clarify that the Governor in Council may determine the terms and conditions for appointment of a non-judicial member to the tribunal.

Division 3 in part 3 of the bill includes amendments to various enabling enactments directed at reforming aspects of the tribunal's practice and procedure relating specifically to the tribunal's jurisdiction under those enactments. There are a range of amendments to confer on the tribunal jurisdiction to issue injunctions restraining breaches of enforcement orders made pursuant to the Planning and Environment Act 1987, to amend the Retail Leases Act 2003 to allow the tribunal to make orders against a guarantor or indemnifier of a tenant's obligations under a retail premises lease and to provide that an application for review of a Transport Accident Commission decision may be lodged with the tribunal within three months of negotiations having been concluded under specified no-fault dispute resolution protocols.

Part 4 of the bill deals with the Coroners Court. Others have very capably dealt with some of the important reforms there. I will leave that for the moment and perhaps come back to it if I have time.

Part 5 of the bill proposes to amend the Court Security Act 1980 to create new offences designed to prevent the intentional and unauthorised recording, transmission or publication of court proceedings. That is a fairly topical reform in light of some recent events in Victoria.

Part 6 of the bill includes proposals to enhance the independence of the office of judicial registrar in the Supreme, County, Magistrates, Coroners and Children's courts. The proposed amendments require judicial registrars to take an oath of office. They protect the salary and aggregate value of allowances of currently appointed judicial registrars from reduction and provide for an enhanced role for the head of

jurisdiction in the reappointment process. Very important matters are dealt with under part 6 of the bill.

Under part 6 the court rules will be able to provide for alternative modes of determining an appeal from a determination of a judicial registrar, other than a complete rehearing of the matter. That is a very common-sense approach to these matters. Rather than getting bogged down in a whole lot of procedural matters, we have provided simplification. This important reform will enable outcomes from within these jurisdictions to be obtained on a much more timely basis.

Division 1 of part 7 of the bill proposes to amend the Supreme Court Act 1986 to expand and clarify the regulation-making power for or with respect to fees payable in respect of a matter in the court. The proposed amendments will empower the making of regulations that prescribe different fees for different classes of proceedings or different classes of party. The existing power to waive a fee due to financial hardship will remain and be made subject to the regulations. The proposed amendments will facilitate the making of fee regulations that are better able to support efficient court operations, including providing for payment of fees in advance; providing for the consequences of failure to pay a fee; providing for the reduction, waiver, postponement, remission or refund of a fee in whole or in part and for the reinstatement of such a fee; and providing for judicial officers and court officials to make certain decisions — that is, affording them powers of sub-delegation.

Division 2 of part 7 of the bill amends section 32(13) of the Interpretation of Legislation Act 1984, which I will not go into at this stage. Part 4 of the bill deals with the Coroners Act 2008. As time is against me, I will not go into that at this stage. In conclusion, I commend the bill to the house. I think it is another great reform from a very hardworking and learned Attorney-General. It has made a significant contribution to a range of legislative matters in this place, especially in the area of civil jurisdiction.

Mr THOMPSON (Sandringham) — It is a great pleasure and privilege to follow the member for Forest Hill, who has given an insightful analysis of the Courts Legislation Miscellaneous Amendments Bill 2014.

There was a French advocate who included a clause in his will bequeathing his estate to the local madhouse, noting that during his lifetime he took his money from lunatics and upon death it was only equitable that he made fair restitution. In wider terms the cost of delays in the court process can be highly disadvantageous to the interests of litigants. For a couple of hundred years the cost of litigation has in itself represented a notable impediment to the taking of legal proceedings. This in turn has led to disputes not being resolved owing to the significant impost of the costs.

There are also processes where, under different governments and the different tiers of court structures, there have been a range of other tribunals appointed to hear matters. We have tribunals, such as a small business tribunal, a residential tenancies tribunal, a planning tribunal and a tribunal dealing with compensation for the victims of crime, which have primary jurisdiction to hear certain matters. One object of tribunals being established has been to enable a more economic use of time and to reduce layers of expensive matters heading towards the Supreme Court.

Hansard of yesteryear would show myriad examples of debate in this house where there was once a suggestion that the then coalition government was removing access to the jurisdiction of the Supreme Court. The reality in that particular case, if I recall correctly, was that the Labor government had removed access to the jurisdiction of the Supreme Court on some 300 or so occasions, and generally rightly so, because there are other mechanisms for dispute resolution. There are other examples that I have had occasion to analyse, including that of a person taken to the Alfred hospital as a result of a motor vehicle accident and the people there being empowered to take blood samples. Access to the jurisdiction of the Supreme Court for proceedings was not allowed on the basis that the doctors there were lawfully exercising a power which would not invoke, I surmise, questions of assault in order to effect the purpose of the law, which was to obtain a blood sample to work out the injured driver's blood alcohol level.

There is an interesting series of comments in this house that were made yesteryear on the jurisdiction of the Supreme Court and the removal of that jurisdiction where there are other tribunals. The Courts Legislation Miscellaneous Amendments Bill 2014, which is before the house, has as one of its objectives the purpose of fulfilling the government's commitment to support the just and effective functioning of Victoria's courts and judiciary and to ensuring that the framework within which the tribunal operates is fair and effective.

Just by words in passing, it only recently came to my attention that one of the definitive judgements in the common-law system that applies in Australia is the work of the House of Lords in the case of *Donaghue v. Stevenson*, which emanated from a Scottish court. In that case there was a snail in a bottle. While the case related to a town in Scotland — Paisley, or near

Paisley, as I recall — one of the lords who developed the law and the application of the law actually started his life in Australia, in Queensland, as a youngster. So there is a significant link between Australia and the development of that law, one of the great legal cases of all time, where the question was asked, 'Who is my neighbour?'. It related to foreseeability and the tort of negligence and the extension of a legal principle.

The bill before the house includes a range of reforms to improve the effectiveness, integrity, good order and security of court and tribunal proceedings; provides for greater administrative and operational flexibility; modernises and simplifies appeal processes; improves the flexibility of courts and the Victorian Civil and Administrative Tribunal (VCAT) to finalise unmeritorious cases; and reduces the administrative burden on courts and the tribunal.

I note in particular that in division 1 of part 3 of the bill there are the proposed amendments to the Victorian Civil and Administrative Tribunal Act 1998 which are directed to reforming various aspects of the tribunal's practice and procedure. The proposed amendments include the setting out of the circumstances in which a single tribunal member may exercise the powers of the tribunal; providing that a person with a statutory right to intervene in a proceeding before the tribunal, including the valuer-general, may also become a party to the proceeding; permitting a member of the tribunal who has conducted a mediation in a proceeding to hear the proceeding, subject to objection by the parties; introducing threshold requirements that the tribunal must consider before it reopens a proceeding determined in the absence of a party; setting out the circumstances in which a tribunal member or past member may appear as an expert witness before the tribunal; empowering the tribunal to make rules regarding service of tribunal process outside of Australia; providing that the tribunal may admit in a proceeding evidence that has been admitted in another proceeding; providing that the tribunal is only required to provide reasons for orders for substantive relief; and providing that in certain applications under the Planning and Environment Act 1987 the relevant responsible authority will reimburse fees paid by the applicant.

In wider terms I would like to make some general remarks in relation to VCAT, which is the tribunal sitting on planning matters that has had the most contextual relevance to the Sandringham electorate, where for the last 20 years or so myriad town planning applications have gone on to appeal following council determinations, with appeals made on the part of an applicant or where a group of residents appeals against the decision of a council. While there has been an air of mystery, generally it ought to be stated that as a matter of principle VCAT applies the law set by this house when it sits in its planning jurisdiction.

As a result of planning amendments introduced in June this year by the Minister for Planning which provided for three planning zones, there will be the implementation of a neighbourhood zone within the city of Bayside whereby some 83 per cent of residential streets will be protected. This will mean that there will not be this entourage going from my electorate to VCAT on a regular basis. It represents the greatest planning reform in many decades, if not of all time, to preserve the residential streetscape and the amenity of suburbs within my electorate, such as in Hyatt, Hampton, Sandringham, Black Rock, Beaumaris, Mentone and Cheltenham. There is a focus on activity being developed in areas around railway stations and, in principle, activity centres as well, where there will be higher density of development.

While one way to reduce the cost is through efficient court structures and efficient administration levels, another way to impact upon the role of VCAT is to reduce the volume of cases actually going to VCAT. It is my view that the work undertaken by the Minister for Planning in this regard has been groundbreaking and will serve to protect the amenity of my electorate in days ahead. I commend the bill to the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise this afternoon to speak on the Courts Legislation Miscellaneous Amendments Bill 2014. Part 2 of the bill contains measures to allow the Court of Appeal to streamline and finalise civil appeals in a timely manner and to make the most efficient use of judicial resources whilst maintaining fairness for all parties.

It is well known that legal processes are slow and frustrating to the community with the time that they take. This government is getting on with trying to address those issues. The bill introduces a requirement that leave to appeal be obtained in all civil appeals to the Court of Appeal except in limited situations. It introduces a new test for the granting of leave to appeal. It extends the time for commencing the appeals process from 14 days to 28 days. It provides that the appeals process be commenced upon the filing of a leave application, and it enables the Court of Appeal to determine leave applications without an oral hearing. It enables single judges of appeal to determine leave applications.

As I mentioned before, the current system of managing civil appeals in the Court of Appeal is not providing the level of timeliness expected of a first-class appellate system. The median time taken for finalising civil appeals in the 2012–13 financial year was nine months. This was the case notwithstanding that the court adopted a number of efficiency measures to improve performance. The court wants to achieve a median time of six months or less for the disposition of civil matters. Timely disposition of civil appeals after a trial is important in all matters, regardless of whether they concern personal issues or commercial interests, but it is particularly important in commercial matters, where corporate decision-making and assessment tends to be focused on year-to-year performance.

In order to achieve the more timely resolution of civil appeals, part 2 of the bill introduces measures that will give the court greater flexibility to manage civil appeals. Part 2 applies to all civil appeals to the Court of Appeal, including an appeal by way of rehearing and judicial review. The reforms do not apply to criminal appeals or quasicriminal appeals. The reforms do not affect appeals to any court other than the Court of Appeal. Specifically, they do not affect appeals to the trial division of the Supreme Court.

As is the habit of this government, before bringing in these major changes which will help with the efficiency of the running of the courts it consulted widely. The Civil Procedure Advisory Group considered the reforms and a draft of part 2. The advisory group is chaired by the Chief Justice of the Supreme Court and comprises senior members of the Supreme, County and Magistrates courts, the Victorian Civil and Administrative Tribunal, the Victorian Bar, the Law Institute of Victoria, the Federation of Community Legal Centres Victoria, Victoria Legal Aid and the Australian Corporate Lawyers Association. The members of the advisory group either supported or did not oppose part 2. In particular, the chief justice and the judges of the Court of Appeal strongly endorse the reforms under part 2 and regard them as central to the broader procedural reforms that the court wishes to make to its rules. The government has consulted with a very important group.

Mr Delahunty — Widely.

Mr WELLER — We consulted widely with a group that is highly qualified to make decisions and give advice on Victoria's legal system and how it could be run more efficiently. We have listened, and the result is what we are dealing with here with this bill.

A number of acts have been amended by the bill, including the Accident Compensation Act 1985, the Casino Control Act 1991, the County Court Act 1958, the Disability Act 2006, the Fisheries Act 1995, the Land Acquisition and Compensation Act 1986, the Legal Profession Act 2004, the Status of Children Act 1974, the Urban Renewal Authority Victoria Act 2003, the Victorian Civil and Administrative Tribunal Act 1998 and the Workplace Injury Rehabilitation and Compensation Act 2013. The amendments to these and other acts make the changes necessary to give effect to the reforms introduced under part 2. The bill is wide. It will free up the system so that more timely decisions can be made, particularly when it comes to commerce. We do not want to bog down commercial operators who wish to get on with creating employment and export income for Victoria. We do not want them held up in the Court of Appeal.

At present some types of civil appeals to the court are as of right and some are by the court's leave only. Under part 2 it will become a requirement that leave be obtained in all civil appeals to the court, except in appeals against a refusal to grant habeas corpus, appeals arising under the Serious Sex Offenders (Detention and Supervision) Act 2009 — which are deemed to be civil appeals — and in other cases that may be provided for in the court rules. Members may ask, 'Why impose a leave requirement?'. Currently in cases where a party may appeal as of right, that party can have their full appeal heard and determined by three judges of the Court of Appeal, even if the appeal lacks merit. The result is that a significant amount of the court's time and the parties' costs are taken up hearing and determining such appeals because they cannot be disposed of at an earlier point.

Part 2 does not remove the right of any person to appeal to the Court of Appeal. Part 2 introduces a merit threshold for commencing an appeal in the Court of Appeal: if a prospective appellant can demonstrate that their appeal has a real prospect of success, the appeal may proceed. Here we have a bit of common sense. If an appeal has a prospect of success, it will definitely go ahead.

There is a risk that a meritorious case could be refused leave. This is a risk with any judicial decision-making. An applicant who is refused leave could seek special leave to appeal the refusal to the High Court. Further, the test for leave requires only that the appeal have a real prospect of success. It is appropriate that those whose appeals do not have real prospects of success should not be able to use the court's time and resources in having their appeals proceed all the way to a full hearing. Preventing such appeals from progressing to a

full hearing will also save the parties a significant amount of time, money and stress. It will free up the courts up to do what they need to do — that is, to get on with making judgements in cases where there is a real prospect of success. It will get courts running more smoothly and reduce the backlog of cases.

A universal leave requirement for civil appeals will enable the Court of Appeal to determine which matters merit a full hearing at an earlier stage. This will bring cost savings to parties because application hearings usually cost less than the hearing of full appeals. For the court the time savings will mean that resources can be reallocated to appeals that merit a full hearing, enabling those matters to be dealt with more promptly. Once again, it is about getting the courts moving.

A universal leave requirement for civil appeals will enable the Court of Appeal to adopt a more efficient listing regime. In the case of matters of arguable merit, the registry's usual practice will be to list the leave application to be heard at the same time as the substantive appeal. Accordingly, the great bulk of litigants will experience no change, as there will still be only one hearing.

Currently the test for granting leave to appeal is a common-law test. An applicant for leave to appeal must demonstrate that the original decision is attended with sufficient doubt to warrant it being reconsidered on appeal, and that a substantial injustice would be caused were the decision allowed to stand. There is an actual test here should leave be granted, and there are two points that have to be considered, so it is quite clear on what grounds leave should be granted and that appeals should only be heard if they have a chance of success. I once again congratulate the Attorney-General on the work he has done in bringing us a more efficient legal system in Victoria.

Ms RYALL (Mitcham) — I rise to speak on the Courts Legislation Miscellaneous Amendments Bill 2014. The bill amends a number of acts — the Victorian Civil and Administrative Tribunal Act 1998, the Coroners Act 2008, the Court Security Act 1980, the Supreme Court Act 1986 and the Interpretation of Legislation Act 1984. The bill goes to the heart of this government's commitment to making sure that there is improvement in our civil justice system and that we make significant reforms across the jurisdictions. It goes to the heart of integrity, effectiveness and fairness in court security and tribunal proceedings. The operational flexibility will simplify and modernise the appeal process, both for the courts and for the Victorian Civil and Administrative Tribunal (VCAT), assisting particularly with unmeritorious cases and reducing the administrative burden on the courts and tribunals. We all want to see more effective processes within all systems, and certainly in the courts and VCAT. This will make things better for the user of the system and enable resources to be applied to areas where they are most needed and most effective. It will provide an opportunity to get improved outcomes in a more systematic and better way.

On civil appeals, the bill will put in place measures that reduce the time taken to finalise appeals in court. This is important because you do not want these things going on and on. With some limited exceptions, the courts will be able to improve effectiveness and efficiency by finalising appeals that have no merit, or only marginal merit, more promptly. That will improve outcomes for the court, while maintaining the just manner in which the outcomes are achieved. In relation to VCAT, the bill clarifies and improves its powers — once again to benefit the user. The amendments include indicating the circumstances in which a single tribunal member can exercise tribunal powers; enabling a person who has a statutory right to intervene in a hearing that is before the tribunal, including the valuer-general; and putting in place threshold requirements that the tribunal will need to take into consideration before it reopens a proceeding that is being determined in the absence of a party.

In relation to the Coroners Act, the bill provides a number of amendments. I will touch on a couple. We see a significant improvement with the removal of the requirement for an inquest to be held into the death of a person in custody or care where the person has clearly passed away as a result of natural causes. That makes absolute sense; rather than an inquest, there will be an investigation, with those findings being made available on the Coroners Court website. The safeguard here is that the coroner will have discretion to direct that an inquest occur. This is another area where we are improving efficiencies and outcomes, not just for the Coroners Court but also for the Victorian Institute of Forensic Medicine. Where the coroner has directed that an autopsy occur, the most senior next of kin of the deceased person will be able to provide a waiver for that autopsy to be conducted. At present the medical investigator has to wait 48 hours. Enabling the investigator to conduct an autopsy in a prompt manner, with the right consents in place, makes absolute sense. We start to get an outcome where the process occurs more promptly and is more responsive, and it therefore significantly assists both the coroner and the Victorian Institute of Forensic Medicine.

In relation to court security, the bill sees a new offence created to prevent the intentional and unauthorised

recording of court proceedings. There are significant amendments in the bill covering a range of areas, including judicial registrars, further miscellaneous amendments and repeals. In terms of the overall context of the bill, it is consistent with this government's commitment to ensuring that we support both the just and the effective functioning of our courts and our judiciary and that the framework that exists, within which the tribunal operates, is also fair and effective. We want to improve outcomes, efficiency and operations but at the same time ensure that things are applied appropriately and in a just, fair and effective manner.

In relation to the Court of Appeal, the court wants to shorten the time it has been taking to finalise civil appeals. This bill enables the court to streamline those civil appeals so that they are done in a more efficient and effective manner, and once again the other side is ensuring that these things are done in a fair and just way. Improving efficiency and effectiveness does not necessarily mean taking away the fairness factor; it is about ensuring that they go hand in hand, and this bill very much takes into consideration those factors in its application.

The bill also amends the Supreme Court Act to enable the government to create better fee structures in the Supreme Court, once again improving the effectiveness of this area. In relation to the service of non-judicial members of VCAT, this is based on a model for part-time judicial officers enacted by the government in the Courts Legislation Amendment Act 2013 and is able to be supported by the president of the tribunal.

In terms of the overall bill, I commend the Attorney-General on the extraordinary work he has done so far in this term of government in making our systems more robust in his portfolio, not just in the courts and tribunal area but certainly in the law and order space altogether. He has done a remarkable job, and there has been a remarkable improvement across the board in the legislative areas to ensure that people who do the crime do the time and that sentences are more in line with community expectations. He is also making sure our court systems can function more effectively and improve their output by ensuring that the processes are applied in a way that reduces repetition and reduces waste in terms of the activities of staff within the court system and the tribunal, and I commend the bill to the house.

Mr DELAHUNTY (Lowan) — It is a great thrill for me to rise on behalf of the greater Lowan electorate to speak on this important bill — the Courts Legislation Miscellaneous Amendments Bill 2014. The bill supports the government's commitment — and I am proud to be part of the government — to improving the Victorian civil justice system by introducing a series of significant reforms across a number of jurisdictions. Like the member for Mitcham, I commend the Attorney-General for the work he has done on the bill and particularly the work he does for the community of Victoria. It is an enormous workload, because he is not only Attorney-General but also the Minister for Finance and the Minister for Industrial Relations, so I thank the Attorney-General enormously for the work done by him on the bill.

The reforms he has introduced include the establishment of a judicial commission of Victoria to promote the highest standards of judicial conduct and to receive and act on complaints about misconduct and poor conduct. This was an election commitment. We said we would establish a judicial commission to handle complaints about judicial conduct. It does not matter what form of work in our society we are talking about, there are always a couple of bad eggs who are not doing the right thing in their work, and importantly the judicial commission will be able to handle those complaints.

The commission will provide independent investigation of complaints, and it will also be able to issue guidelines on ethical and professional standards of judges. The reforms will also ensure that complaints to the commission will not be able to be used as a back door substitute for appeals simply because the party disagrees with a judge's findings on a case. Again, this was an election commitment, and I am pleased we are delivering on it in our term of government.

Importantly, this bill streamlines appeals to the Court of Appeal in civil cases. This is done to weed out unjustified appeals and allow the court to hear and decide appeals on genuine merit more quickly. It has been happening too often that courts and legal processes have been used to stall and stymie proceedings and not allow things to move forward in a proper manner, so I think the streamlining of appeals to the court of appeal in civil cases will be very welcome. It will also provide greater flexibility for magistrates to ensure that committal proceedings focus on the key issues and avoid unjustified cross-examining of witnesses.

I am not sure if too many people in this place have done jury service, but I have. Years ago when I was a young bloke I thought that I would like to do jury service, and many years ago I was selected for jury service on an incest case. It went for over a week, and it was an extremely arduous and mentally consuming time of my

life because I wanted to do the right thing by the court process. However, I was disappointed with the legal argy-bargy that went on. I thought it was more of a game between the barristers involved. It was a time-consuming exercise that was not only a cost to the people involved and to me as a jury person but also a cost to justice here in Victoria. I hope the arrangements in this bill will help allay some of those concerns, and that is why I strongly support this legislation.

One of the reforms includes empowering the Children's Court to hear and decide issues about whether an alleged child offender was mentally impaired at the time of offending or is unfit to stand trial due to mental impairment, rather than such matters being referred to the County Court. I think this is good common-sense legislation. If there is one thing we need a dose of in the legislation that goes through this place, it is common sense. I am very pleased that this bill empowers the Children's Court in this way. The court will be able to make a decision about the alleged child offender's mental state, and that is very important.

Another reform in this bill is a prohibition on the unauthorised making or publication of audio or videorecordings of court proceedings. It is a very arduous task for many people to front court and be involved in the court process, apart from the lawyers and legal people for whom it is their daily workload. It is important to make sure we have appropriate protection for those who do not go to court very often. We need to make sure that audio and videorecordings of court proceedings are made appropriately.

Another reform is simplifying the processes for Victorian Civil and Administrative Tribunal (VCAT) members to change their hours to transfer between sessional and non-sessional service. I would hate to know how many members the VCAT panel has, but it must be an enormous number. In my time in this place we have pushed more and more work onto VCAT, and we need more sessional and non-sessional members to do that work. This is another common-sense change that is strongly supported by the people of the Lowan electorate and by me as their representative.

I heard the member for Rodney speak about the consultation process. As we know, this legislation covers a lot of matters, and I am pleased to look through the list of organisations that have been consulted. It includes the Victorian Civil and Administrative Tribunal, and the Supreme, County, Magistrates, Children's and Coroners courts. Most of the changes in the legislation pertain to those areas. The Office of the Victorian Small Business Commissioner is also on the consultation list. I was very fortunate that last Thursday the Minister for Small Business and the Small Business Ministerial Council came up to Halls Gap. There was a request for the minister to visit, which I think was initiated by the small business council because it wanted the minister to see the damage that was done to small business in Halls Gap following not only the fires this year but also the floods in 2011.

Halls Gap is a fantastic resource. The Grampians is the second most visited place in Victoria, but every second year we get either a flood or a fire, which unfortunately drives a lot of people away. Sometimes it is poor reporting by the media but sometimes it is other things, and that has a big impact on small business in the area. I was pleased to see the Minister for Small Business come to Halls Gap with his council and meet with a lot of small-business people, councils and other economic development groups about initiatives and programs that can address some of the issues and opportunities in that area.

Also involved in the consultation process were the Transport Accident Commission, the Victorian Bar and the Municipal Association of Victoria. I note that the former Minister for Local Government is sitting here beside me. The Municipal Association of Victoria is one of the peak local government bodies in Victoria, and I am pleased it has been consulted. The Civil Procedure Advisory Group, the Victorian WorkCover Authority, Victoria Police and, importantly, Court Services Victoria have also been consulted. Another group I am pleased to see has been consulted is the Victorian Institute of Forensic Medicine. The bill covers a lot of areas that these groups are involved in, and other groups were also consulted.

I want to raise a couple of other matters. In its changes to the Victorian Civil and Administrative Tribunal, the bill proposes to include amendments to the Victorian Civil and Administrative Tribunal Act 1998 directed at reforming various aspects of tribunal practice and procedure. It sets out the circumstances in which a single tribunal member may exercise the powers of the tribunal. It also provides that a person with a statutory right to intervene in a proceeding before the tribunal, including the valuer-general, may also become a party to the proceeding. The bill also permits a member of the tribunal who has conducted a mediation in a proceeding to hear the proceeding, subject to objection by the parties. A lot of work has been done on mediation in various areas, and I commend the work done there, but we are probably not getting the results we should. The bill also sets out the circumstances in which a tribunal member or past member may appear as an expert witness before the tribunal. There are many changes to the VCAT act.

The bill also makes changes to the Coroner's Act 2008. Here I want to mention the work done in relation to the bushfires. Unfortunately a lot of lives were lost but the people who worked in the Coroners Court did an enormous amount of work that has not been talked about. I commend them on the work they did, particularly with the bushfires but also in a lot of other areas. I am very happy on behalf of the Lowan electorate to support this significant Courts Legislation Miscellaneous Amendments Bill 2014. I commend the minister on his hard work and diligence in this area, and I wish the bill a speedy passage.

Mr CLARK (Attorney-General) — I thank honourable members for their contributions to the second-reading debate on the Courts Legislation Miscellaneous Amendments Bill 2014. Unfortunately I had another commitment that prevented me being present for much of the debate, but from all the accounts I have been given the debate has been constructive and has been approached in a spirit of seeking to achieve the best outcomes for the community. This bill makes a wide range of significant improvements to how our courts and tribunals operate. Some of these changes may be regarded as technical or specialist, but nonetheless each of them will make a significant contribution to how the various levels of our courts operate if the bill is passed.

The reforms to civil appeals in the Court of Appeal, for example, were developed after extensive consideration by the court itself. Some honourable members will know that going back some years the Court of Appeal and the Supreme Court as a whole pioneered some far-reaching reforms to criminal appeals. The reforms, referred to as the Ashley-Venne reforms, sought to ensure that before an appeal was initiated, parties had thought through what the grounds for their appeal were — so they did not appeal first and think about it subsequently — and also provided for a leave-to-appeal process so that unmeritorious appeals could be weeded out and appeals that had merit could be focused on and attended to more expeditiously and more thoroughly. Those criminal law reforms have proved highly successful. In a sense to parallel those reforms, the Supreme Court has developed proposals for reforms to civil appeals which are incorporated in this bill.

There was extensive consultation and dialogue between the court, the profession and the government to come up with the model in this bill, which achieves the twin objectives of ensuring that people get a chance to have their say and put their case and of nonetheless allowing unmeritorious appeals to be identified and weeded out quickly to save time for all litigants and to enable people to get final judgements more quickly. From the point of view of a party seeking redress in the courts it is not sufficient to obtain a trial decision expeditiously — as has increasingly been the case in the Supreme Court in Victoria — if obtaining a final resolution of any appeal takes a long time. The key thing for the litigant is: when will they get finality? When will they get a judgement? When will they be able to recover what they have brought proceedings for?

It is only when litigants can have confidence that the Supreme Court is able to deliver the totality of the outcome and that they will get a final decision if the matter goes to appeal within a reasonable time frame that they will have the confidence to issue in the court — either to issue proceedings at all or to do so in the Supreme Court rather than in another court such as the Federal Court or an interstate Supreme Court where they may have the option to do so. Clearly it is in everybody's interests to have expeditious delivery of justice. As the saying goes, justice delayed is justice denied. I commend the court and the profession for the work that has been put into this bill, which will make a very considerable difference for the better in the conduct of civil appeals within the Supreme Court.

The bill also contains a range of measures to enhance various aspects of the operation the Victorian Civil and Administrative Tribunal (VCAT), and again I commend Justice Garde, the president of VCAT, and its other members for the extensive work they have done in identifying right across the board opportunities to improve the way VCAT functions, a number of which have been incorporated into this bill. I gather the opposition has raised concerns about one of those provisions, and we can address those in more detail when we proceed to consideration in detail.

The bill also contains valuable reforms in relation to the Coroners Court. Perhaps the standout initiative there is to allow a right of appeal to the Supreme Court concerning a decision of the Coroners Court not to hold an inquest or not to reopen an investigation into a death. This is important given the decisions of life and death that are made in the course of determining why a life has been lost — why there has been a death in unexplained circumstances — and where there is a community interest, including an interest of loved ones, in knowing exactly what has happened and what lessons can be drawn to help avoid similar deaths occurring in future.

There are also a range of other measures relating to the improvement of the functioning of the Coroners Court. A number of those have been identified by Justice Gray since he took on the role of State Coroner. I commend

His Honour for the attention he has given to improving the way the court operates, both in relation to potential legislative reforms and in relation to a range of the administrative and structural reforms His Honour has undertaken within the court. Again in relation to the Coroners Court the opposition has raised some amendments — and we can address those in more detail in the consideration-in-detail stage of the debate — relating to time limits and to an initiative that would allow outcomes of investigations to be published on the internet. Without anticipating debate I simply make the point that some of the changes to time limits in the bill are ones that have been sought by the court rather than by the government, but we will address the merits of that issue during the consideration-in-detail debate.

Other provisions of the bill address matters of improving court security, the standing and functions of judicial registrars and regulations of the Supreme Court. As I said at the outset, this bill contains a range of measures to improve how our courts and VCAT operate so they can deliver justice and deliver redress to members of the community, and I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 57 agreed to.

Clause 58

The DEPUTY SPEAKER — Order! Before calling the member for Lyndhurst, I advise that if his amendment 1 is not agreed to, he cannot move amendments 2 and 3, as they are consequential.

Mr PAKULA (Lyndhurst) — I move:

1. Clause 58, line 9, after "made" insert "by the later of".

In doing so, I offer my thanks to the Attorney-General for being prepared to engage me in dialogue with regard to the opposition's amendments. I also thank the member for Narre Warren North as the shadow minister for road safety and the Transport Accident Commission (TAC) for his advice on and assistance in this matter.

The opposition's amendment 1 and consequential amendments 2 and 3 would have the very simple effect of changing the clause before the house to read:

> An application under subsection (1) must be made by the later of —
>
> (a) 12 months after the person becomes aware of the decision; or
>
> (b) if the decision has been the subject of an application for a pre-issue review under the Protocols, 3 months …

The amendments remove the two 'within's and add 'by the later of'.

The simple purpose of amendments 1 to 3 is to ensure that the total time period available is not less than 12 months in order to ensure there is no disincentive to use the protocols, because once they are invoked it becomes the length of time of the protocols plus 3 months, which may well be less than 12 months in total. We do not want to see TAC victims face any reduction or diminution in the total time period available to them. I understand that may not have been in any respect the intention of the provision as it is before the house. However, for the purposes of certainty, I am moving amendment 1, and by consequence amendments 2 and 3 standing in my name, before the house today.

Mr CLARK (Attorney-General) — The government doubts whether these amendments will make a great deal of difference. If they do, it doubts whether they will operate for the benefit of the injured motorist or their lawyers.

The amendment being made by the bill seeks to ensure that injured motorists do not lose an opportunity to make an application to the Victorian Civil and Administrative Tribunal (VCAT) because of the length of time taken for matters to be determined under the protocols. It provides that if a decision is subject to an application for a pre-issue review under the protocols, then it must be made within three months of the person being notified within the protocols of its decision. That replaces the current provision that simply fixes a 12-month total period after the person becomes aware of the decision so that if the protocols run into that 12 months, the person does not lose their right to make an application. Paragraph (b) is only triggered if the protocols are involved. If they are not, the straight 12 months under the amendment in the bill would continue to operate.

The honourable member's amendment is saying that the application must be made by the later of 12 months from the decision or 3 months after the conclusion of a review. I am informed that generally the protocols would not operate, so 3 months after the conclusion of a review of the protocols would lead to a shorter period

than 12 months. I am told the amendment moved by the honourable member is not likely to have any operation in a significant number of cases.

In those instances where a review under the protocols may have been determined earlier, then instead of what the bill provides — which is that an application needs to be made within 3 months — if there are more than 3 months remaining within the 12 months overall, the person will have that greater period to make an application.

As I indicated in my initial remarks, an important question is whether that operates to the benefit of the injured person or to the benefit of their lawyers. You would think that in the vast majority of cases 3 months should be adequate to decide whether or not an application should be made. There is a risk that if more time is allowed, the law firm acting for the injured person will take longer and will end up operating to prolong the period before they obtain their final redress.

The government has doubts as to whether this amendment will make much difference at all and if it does, whether it will operate to the benefit of the injured motorist. Nonetheless, if the opposition, having heard those concerns, still wishes to persevere with its amendment, the government is not going to put this bill at risk on that account, so we will accept the amendment.

Mr PAKULA (Lyndhurst) — If the house requires confirmation that the opposition intends to pursue its amendments, I can confirm that it will. I note the comments of the Attorney-General. It may well be the case that this will not make a difference in the majority of circumstances, but in the small number of cases that it does, it may well be important. It would certainly be our expectation that lawyers acting for injured motorists always act in their best interests. I am sure that the Attorney-General — —

Honourable members interjecting.

Mr PAKULA — I am sure that neither the Attorney-General nor the Minister for Agriculture and Food Security would seek to cast any aspersions on members of the profession who are regulated by this Parliament and the courts more generally. I seek to pursue amendment 1 and by consequence amendments 2 and 3 standing in my name.

Amendment agreed to.

Mr PAKULA (Lyndhurst) — I move:

2. Clause 58, line 10, omit "within".

3. Clause 58, line 14, omit "within".

I do not feel the need to elaborate on these amendments given that they have already been covered by my contribution on amendment 1.

Amendments agreed to; amended clause agreed to; clauses 59 to 64 agreed to.

Clause 65

The DEPUTY SPEAKER — Order! Because the member for Lyndhurst is proposing to delete this clause he does not have to formally move an amendment in his name.

Mr PAKULA (Lyndhurst) — Again I make reference to the fruitful conversations that have taken place between the Attorney-General and myself and consequently I indicate that I do not intend to pursue amendment 4 or to oppose the insertion of clause 65 into the bill.

Clause agreed to; clauses 66 to 67 agreed to,

Clause 68

Mr PAKULA (Lyndhurst) — I move:

5. Clause 68, lines 33 and 34, omit all the words and expressions on these lines.

I will be brief because I covered the substantive elements of my amendment during the second-reading debate. I should say at the outset that I accept the Attorney-General's commentary that some of these changes to time limits are occurring at the request of the Coroners Court; I do not dispute that assertion at all. Clause 68 is about the determination not to hold an inquest and reducing the time period for an appeal against that decision from three months to 28 days.

As I indicated during the second-reading debate, we are talking about bereaved and distressed families who are often going through enormous difficulties, not to mention grief, in relation to legal and financial issues and the like. The advice is that they are already sometimes struggling to receive appropriate advice in order to make those decisions within the current three-month period, and reducing that period to 28 days would be too onerous. That does not mean that in all circumstances it will take three months for a decision to be made about whether to appeal or not, but that time period needs to be available to people.

Of course it would be within the power of the Coroners Court to make sure that those families are aware of their rights in a timely way, and perhaps the same effect in terms of the court's resources and time lines could be achieved by the court making sure that those families

are aware of their rights and obligations quickly so that sometimes they can make those decisions in much less than a three-month period. However, given the onerous situation that many distressed families find themselves in it is our view on balance that the current three-month period should remain available, and that is the substance of amendment 5 standing in my name.

Mr CLARK (Attorney-General) — Again the government is not necessarily persuaded of the merits of the amendments proposed by the opposition, but it is a judgement call and again we are not prepared to put the bill at risk in argument about this matter. As I indicated earlier, these amendments have been included in the bill at the request of the Coroners Court. They bring appeal provisions in relation to coronial jurisdiction not only more into line with appeal provisions for other Victorian courts and tribunals but on a basis that would often be more extensive than comparable provisions in other Australian coronial jurisdictions such as, for example, in relation to inquest decisions where there is an appeal period of 14 days in Queensland and seven days in Tasmania.

An extended appeal period comes at the price of a delay in the finality of coronial proceedings, and judgements about this need to be made having regard to that fact. Of course also there would still remain rights to make an out-of-time application regardless of what time limits are set. We believe on balance that there should be some limitations set in relation to the reduced periods in the act now that it has become established. I should also say that under the previous Coroners Act there were no limitations at all, as I understand it. It was when the current act was introduced that time limits were set. These were intentionally, so I am told, set so as to minimise the amount of the change from the lack of time limits previously.

Notwithstanding that and having regard to all of those considerations it is ultimately a judgement call and, as I said, the government is not going to put this bill at risk with an argument about the appropriate time limits.

Amendment agreed to; amended clause agreed to.

Clause 69

The DEPUTY SPEAKER — Order! I advise the house that because the member for Lyndhurst is proposing to delete the clause, he does not have to formally move amendment 6 in his name.

Mr PAKULA (Lyndhurst) — I will not formally move amendment 6 standing in my name, but I indicate that I will oppose clause 69 standing part of the bill. This is for very similar reasons to those given in regard to the amendment to clause 68. This is a provision currently in the bill that would reduce the time for appealing findings of the coroner from six months to two months. We believe that in the circumstances, and for the reasons previously conveyed, retaining the current six-month time period is more appropriate. For those reasons I will be opposing clause 69 standing part of the bill.

Mr CLARK (Attorney-General) — For the reasons I indicated in relation to the amendment to clause 68, the government will accept the omission of this clause.

Clause defeated.

Clauses 70 to 83 agreed to.

Clause 84

The DEPUTY SPEAKER — Order! I call the member for Lyndhurst to move amendment 7 in his name in an amended form.

Mr PAKULA (Lyndhurst) — The remaining amendments are consequential amendments which relate to the renumbering of clauses as a consequence of the amendments that have already been carried by the house. I therefore move, by leave:

7. Clause 84, line 32, omit "84" and insert "83".

Amendment agreed to; amended clause agreed to; clauses 85 to 88 agreed to.

Clause 89

The DEPUTY SPEAKER — Order! I call the member for Lyndhurst to move amendment 8 in his name in an amended form.

Mr PAKULA (Lyndhurst) — By leave, I move:

8. Clause 89, line 11, omit "89" and insert "88".

Amendment agreed to; amended clause agreed to; clauses 90 to 93 agreed to.

Clause 94

The DEPUTY SPEAKER — Order! I call the member for Lyndhurst to move amendment 9 in his name, which is in an amended form.

Mr PAKULA (Lyndhurst) — By leave, I move:

9. Clause 94, line 11, omit "94" and insert "93".

Amendment agreed to; amended clause agreed to; clauses 95 to 99 agreed to.

Clause 100

The DEPUTY SPEAKER — Order! I call the member for Lyndhurst to amendment 10 standing in his name in an amended form.

Mr PAKULA (Lyndhurst) — By leave, I move:

10. Clause 100, line 11, omit "100" and insert "99".

Amendment agreed to; amended clause agreed to; clauses 101 to 104 agreed to.

Clause 105

The DEPUTY SPEAKER — Order! I call the member for Lyndhurst to move amendment 11 in his name in an amended form.

Mr PAKULA (Lyndhurst) — I move:

11. Clause 105, line 25, omit "105" and insert "104".

Amendment agreed to; amended clause agreed to; clauses 106 to 111 agreed to.

Bill agreed to with amendments.

Third reading

Motion agreed to.

Read third time.

SENTENCING AMENDMENT (EMERGENCY WORKERS) BILL 2014

Second reading

Debate resumed from 26 June; motion of Mr CLARK (Attorney-General).

Government amendment circulated by Mr CLARK (Attorney-General) under standing orders.

Mr NOONAN (Williamstown) — It is my great pleasure to rise on behalf of the opposition to speak on the Sentencing Amendment (Emergency Workers) Bill 2014 and to indicate from the outset that Labor will not oppose the bill.

The second-reading speech outlines a range of issues. It provides for statutory minimum sentences for violent offences against emergency workers on duty. It authorises departures by way of statutory minimum sentences. It deals with young offenders and detention in a youth justice facility. It establishes a baseline sentence for the murder of an emergency worker on duty. It creates new offences for assaults on emergency workers on duty. It makes amendments in relation to the use and purpose of community correction orders. It also makes changes in relation to arson offences.

I will start with the aspects dealing with emergency workers. I want to record my appreciation and the appreciation of this Parliament for the great work that emergency workers do right across the state 24 hours a day, 7 days a week, 365 days a year. I am sure other members will also want to make that sort of statement on behalf of their electorates.

Clause 4 lists who our emergency workers are. It refers to police, fire officers, firefighters, Country Fire Authority members, paramedics and ambulance officers, people providing emergency treatment in hospitals, Department of Environment and Primary Industries employees on emergency duties, the State Emergency Service, and contractors and volunteers within the meaning of the Emergency Management Act 2013. I have the great pleasure in my role as shadow Minister for Police and Emergency Services and shadow Minister for Bushfire Response of meeting many of these workers and supporting them as best I can.

It would be fair to say that some of these workers and some of these volunteers are at this point feeling let down by the Napthine government. Obviously we have ongoing problems in relation to paramedics, and they will be well known to anyone who has seen an ambulance passing by. Many of the ambulances carry signage — in effect they are mobile billboards — about the protracted pay dispute the paramedics have with the government. Today the Minister for Health put out a further press release attacking the union that represents paramedics, and I do not think that is particularly positive. The government ought to consider the fact that when it attacks the union that represents paramedics, it is attacking the average paramedic wherever they might be across the state. I met many of those officers in my former role as shadow Parliamentary Secretary for Health.

The government has been in court with the union that represents career firefighters. The firefighters are trying to maintain their agreements around their conditions and safety. Sadly the government is pursuing a path of trying to resolve the situation through the courts. I am sure many members in marginal seats are at the moment a little sensitive about firefighters knocking on doors to alert their constituents about why they are having genuine difficulties with the government.

The bill has been a little while in coming; in fact it has been a few years in coming. In the lead-up to the 2010

election the coalition promised to introduce this legislation and flagged its intention to bring in the bill back in April 2012. It is more than two years on, and we are only now debating the bill. Ironically this is the same period of time that our paramedics have been locked in battle with the Napthine government to secure a pay rise. There is real synergy in terms of the delays for those workers the bill seeks to support. If you went out and spoke to the average paramedic, you would find they would much prefer to have a resolution to that dispute, notwithstanding the importance of bills such as this. The bill is unlikely to come into effect until next year, and by that stage there will be a new government. I can assure emergency services workers that in government those on this side of the Parliament will treat them with respect, which is what they are seeking.

The bill proposes that increased sentences should apply to anyone who attacks police, paramedics, firefighters, protective services officers (PSOs), State Emergency Service staff or lifesavers — that is, anyone who works for an emergency department or falls within the definition of 'emergency worker'. Labor will support measures to improve the safety and protection of our police and emergency services workers. During this Parliament one of our PSOs was attacked late at night. Sadly, a long period of hospitalisation and recovery followed for that PSO. This Parliament sent our best wishes to this man, whose job was to protect us and the staff of the Parliament. I understand he has made a relatively good recovery, but this incident illustrates that even as we debate bills such as this, the people who protect us can be attacked anywhere up to the steps of the Parliament House in Spring Street.

Section 4 of the bill inserts a new provision for certain offences against emergency workers on duty, which sets a minimum non-parole period. Minimum sentences are prescribed for four offences: five years minimum for intentionally or recklessly causing serious injury in circumstances of gross violence; three years minimum for intentionally causing serious injury; two years minimum for recklessly causing serious injury; and six months minimum for intentionally or recklessly causing injury.

The court can avoid imposing the mandatory minimum if a special reason exists to do so. These reasons are by and large the same ones that were contained in the Crimes Amendment (Gross Violence) Bill 2013; namely, that the offender is aged between 18 and 21 and is particularly psychosocially immature or had impaired mental functioning at the time of the offence; that they assist law enforcement authorities in the investigation or prosecution of an offence; or that they would be subject to a hospital treatment order. There is also what might be described as the cover-all exception, which is described as substantial and compelling circumstances to avoid a manifest injustice. This bill provides so-called minimum sentences, but the opposition is confident that judicial discretion is absolutely retained because of those broad circumstances, as I have outlined, that the courts may determine a lesser sentence or a deviation from a minimum mandatory sentence.

Concerns have been raised in legal circles, including by the Federation of Community Legal Centres, over any watering down of judicial discretion. However, as I said, the provisions that I have outlined allow for the continuance of such discretion, especially in cases involving people with mental illnesses or mental impairment. I know this is a difficult area. Many of the assaults, for example, are on police, paramedics or people working in emergency departments or settings by people who are mentally ill, or at the very least mentally impaired. This has been recognised by the courts in previous cases. One case was reported in the *Age* of 19 June, under the headline, 'Psychotic ice user jailed over police officer stabbing'. The article summarises the judge's summing-up as follows:

> The gravity of offending would normally have warranted a long jail sentence but there were mitigating circumstances and aspects of the case that made it 'out of the ordinary' …

given the defendant had suffered a significant but temporary mental illness. That incident goes to some of those special reasons that will be preserved in this bill. While we want to send a strong message to the community, it is important that judicial discretion be allowed where the court has determined that there were circumstances involving, in particular, mental illness or mental impairment.

Currently under the Sentencing Act 1991 where a young offender has a reasonable prospect of rehabilitation or may be particularly impressionable, immature or likely to be subject to undesirable influences in an adult prison, the court may sentence them to a youth justice facility. This is commonly referred to as 'dual track', and it is a model that other jurisdictions across Australia look to as best practice in relation to dealing with young offenders. It is worth pointing out that this bill will retain the dual-track sentencing option for the offence of causing injury to an emergency worker, and the court will not be bound by the mandatory minimum sentence. For more serious offences the young offender may still be sentenced to a youth justice facility, but the mandatory minimum non-parole period must be served unless those special reasons apply.

The bill amends the Crimes Act 1958 and introduces a baseline sentence of 30 years for the murder of an emergency worker on duty. It is important to point out again that while baselines do not force judges to give sentences of particular length, judges are required to justify their decision to hand down a greater or lesser sentence in each case by identifying mitigating factors or circumstances.

The bill also expands the category of assault. The offences of resisting, obstructing, hindering or delaying, which currently under the Summary Offences Act 1966 apply to offences committed against paramedics and police, will now apply to all emergency workers.

I know we are butting up against the dinner break, but I want to make reference to the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 9 of 2014, which makes comments on non-consensual medical treatment and deals specifically with this bill in relation to the offence of resisting, obstructing, hindering or delaying an ambulance or hospital emergency treatment employee.

I want to read into *Hansard* the first paragraph. I will see how far I can get. It states:

> The committee considers that, to the extent that a patient's refusal of medical treatment may amount to resisting, obstructing, hindering or delaying an ambulance service employee or hospital emergency treatment employee attempting to provide medical treatment to the patient, clause 14 may engage the patient's charter right not to be subjected to medical treatment without his or her consent. The committee notes that the charter's right against non-consensual medical treatment may be reasonably limited in the case of patients who lack the capacity to give informed consent. The committee will write to the minister seeking further information.

Alert Digest No. 9 is available for members to view themselves, but it would be useful for government members to provide some information during the course of this debate about whether or not the minister has provided some clarity in relation to that particular issue.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr NOONAN — Just before the break I was keen to elicit from government members a response in relation to matters raised by the Scrutiny of Acts and Regulations Committee. There would be a valuable contribution to make if that were the case.

I want to look at the issue of assaults. Victoria Police crime data provides a 10-year spreadsheet in relation to all sorts of offences. It is worth noting that assaults on police on duty and summary offences of assault have been rising in recent years, the former by over 6 per cent over the last 12 months and the latter by more than 15 per cent in two years. Only last month a plain-clothes police officer was stabbed in the face and leg in Wendouree. Fortunately the injuries were not life threatening, but the incident underlines that there are clearly dangers for those men and women who are charged with the task of protecting us.

I also bring members' attention to the continued problems faced by our nurses, doctors, paramedics and other allied health workers in emergency departments. My attention is drawn to an article written by Henrietta Cook in the *Age* earlier this month, on 8 August, which is headlined, 'One in three mental health workers attacked — report'. The report goes through and talks about what has happened over the last 12 months and the fact that one in three Victorian mental health workers has been physically assaulted. This study was done by the Health and Community Services Union and the University of Melbourne. The *Age* article says:

> The findings, which have been described as 'distressing', reveal that in the past year, 83 per cent of mental health workers were victims of a form of abuse or violence, with 81 per cent verbally assaulted, 34 per cent physically attacked and 14 per cent racially attacked. Seven per cent were victims of sexual harassment.

The Health and Community Services Union points to a number of factors in relation to why these sorts of incidents are occurring. They include the demand for mental health services, particularly in our hospitals; cuts to services; inadequate staffing levels; poor training; and a growing number of ice-affected patients. These factors have created unsafe conditions. We need to be clear that whilst we are looking at a bill in relation to what will happen to offenders if they offend, there can be significant systemic contributing factors as to why some of our emergency workers may come under greater pressure. It is always important for the government of the day not to lose sight of the fact that these contributing factors are just as important to tackle as are the laws that hold these offenders to account once these offences have occurred.

There have been ongoing issues in relation to emergency departments and hospitals. I acknowledge and draw members' attention to the work of Marcus Kennedy of the Royal Melbourne Hospital, who wrote about violence in emergency departments in a piece published in the *Medical Journal of Australia*. Since that work was done a number of strategies that were suggested by Marcus have been implemented. His work went to advocacy for a safer workplace, support for workers affected by workplace violence, the presence of security staff, improved physical design and layouts,

duress alarms, staff training and workplace culture improvements. There has been a bit of work done in that area. The Drugs and Crime Prevention Committee also made a number of key recommendations that other members might speak to in their contributions. That report was tabled back in 2011.

I want to draw the house's attention to a recent petition asking the Premier not to attack our emergency services workers, which is relevant in the context of this particular debate. This was in regard to action by the government to severely limit the ability of paramedics, firefighters and police to receive compensation for post-traumatic stress disorder suffered from attending a car accident as off-duty attendants. Part of the petition on change.org states:

> The new definition of what will constitute severe psychiatric injury will be so hard to satisfy that it will make these critical workers' common-law rights effectively meaningless.
>
> This is a disgraceful act.
>
> The community will not tolerate our sick and injured emergency services workers being targeted by a selfish and vindictive government.
>
> Please tell Premier Napthine: don't strip away their rights.

On behalf of the Labor Party I say to those workers that I am happy to reject those attacks on our emergency services workers, because Labor has committed to reverse those changes to legislation the Napthine government has put through.

There has been some obvious feedback on this bill from those representative unions and associations that represent the workers concerned. It is worth noting a couple of those responses, in particular from the Police Association and Ambulance Employees Australia of Victoria. Obviously the Police Association welcomes those harsher penalties for offenders who assault or injure workers on duty; however, it acknowledges that these proposed laws are unlikely to change or deter offending behaviour. The ambulance union does not believe, sadly, that these changes will lead to more arrests, as many of the assaults are committed by people who are affected by drugs, alcohol, psychosis or mental illness. The chances of securing convictions can be tricky under those particular scenarios.

I want to move to the issue of community correction orders (CCOs) because there are some changes proposed in this bill. The bill extends the limit of a prison sentence that can be imposed in conjunction with a CCO from three months to two years. Community correction orders involve the management and supervision of offenders in the community. These offenders are serving court-imposed orders either as an alternative to imprisonment or as a condition of their release on parole from prison. This means they must report regularly to their community correction officers and they have to participate in unpaid community work and rehabilitation or education programs. At the time of sentencing a court may impose a term of imprisonment of up to two years and then add a period of time that the offender must be on a CCO, up to a maximum length that could have been applied as imprisonment.

As an example, the maximum penalty for robbery is 15 years, and a court may impose a two-year sentence in jail and order a CCO, for example, for the further 13 years of that sentence. An offender may still be eligible for parole and serve a period of parole before then going on to a CCO, or they may serve them in conjunction. The bill proposes that the two-year limit on the jail sentence accompanying a CCO will not apply to arson offences as defined in the Sentencing Act 1991. Therefore a person convicted for intentionally causing a bushfire, which has a maximum penalty of 15 years, may be sentenced to longer than two years in jail and thus be subject to a CCO up to a combined total of 15 years. There are mandated conditions that a court can attach to a CCO. The opposition understands this to include electronic monitoring.

The opposition does not oppose changes to the CCO arrangements. With regard to those CCOs, members should be aware of the Sentencing Advisory Council's monitoring report of February this year, in which it was made clear that almost 11 000 CCOs were issued over the 18 months to June last year and that many of the offenders had been sentenced prior to receiving a CCO. CCOs were introduced as suspended sentences were phased out. Labor does not oppose the proposed changes but notes the concern of the Federation of Community Legal Centres Victoria that the proposed new system, in extending the application of CCOs, might lead to less effective supervision of those released from jail and less support to improve reintegration upon release.

The minister noted in the second-reading speech:

> It is expected that in many cases the courts will opt for an offender to go straight from jail to a CCO.

I will make some concluding comments in relation to arson, which is another aspect of this bill. The bill contains new provisions on the sentencing of offenders who commit arson. The bill adds the offences of 'placing inflammable material for the purpose of causing fire' and 'causing fire in a country area with intent to cause damage' as arson offences. I am sure that these are important issues in relation to arson for

your electorate, Acting Speaker, and that you would understand the damage that can be caused right across the community by these sorts of offences. Clause 18(1) of the bill inserts new section 44(1A), allowing for an extended CCO for arson offenders beyond their jail sentence, which I covered earlier. Once again, this side of the house does not oppose those provisions.

In summary, the opposition does not oppose the bill but will continue to vigorously oppose the government, which is failing our emergency services workers — and I dealt with that in detail during the earlier part of my contribution before the dinner break. We look to the government to examine the contributing factors that cause these problems in the first instance.

It needs to be clear that we reserve our position on the amendment that was circulated at the start of the debate, which I understand will be moved by the Attorney-General. It is technical in nature. We take it on face value, but we are disappointed that the amendment was delivered to us across the table at the start of this debate. The government will understand why we reserve our position on it. I contrast the way this amendment has been dealt with in this debate with the approach of the Minister for Police and Emergency Services, whose office contacted me earlier today about a bill that has not been listed for this week — the firearms bill — where the government has identified some amendments and given us plenty of notification in relation to dealing with those amendments before the bill comes on for debate. With those words, I conclude my contribution on the bill.

Mr SOUTHWICK (Caulfield) — It is a pleasure to rise to speak on the Sentencing Amendment (Emergency Workers) Bill 2014. Every worker has the right to feel safe in their workplace, and this is particularly relevant for emergency services workers. In my role as Parliamentary Secretary for Police and Emergency Services I have had the privilege of visiting many of our emergency services workers, whether it be in the police, the State Emergency Service, the Country Fire Authority, lifesaving organisations, St John Ambulance and other non-funded agencies that we work with, and seeing the great work that they do. The bill ensures that the people who work at the coalface in saving lives and property are protected in the best way possible — by strengthening the laws to ensure that they are kept safe.

The bill implements a comprehensive suite of changes. I commend the Attorney-General, the Minister for Corrections and the Minister for Police and Emergency Services on the work that has been done. The provisions include sentencing changes where there is a gross act of violence against an emergency services worker. There will be a five-year minimum sentence, three years for intentionally causing serious injury, two years for recklessly causing serious injury and six months for less serious attacks. In the case of the most serious of attacks, the murder of an emergency services worker, the sentence increases from 25 to 30 years. Elements of the bill look at special provisions, particularly regarding younger people between the ages of 18 and 21, where there are extenuating circumstances and there are other means available to help rehabilitate those young offenders.

In talking about emergency services workers it is important to point out that among those workers are volunteers who give of their time during emergencies, whether they be fires, floods or other natural disasters. Some 100 000 volunteers do a fantastic job in keeping Victorians and their property safe. They can feel comfortable that the changes made by the bill we are debating will ensure that there are tougher sentences if they are attacked while they are doing their jobs. They ought to feel protected. They ought to be able to get on with doing what they do and focusing on doing their job rather than worrying about these sorts of attacks.

We have already heard about a whole range of circumstances, such as the use of ice in our community. Our ambulance workers are trained to keep people safe, and when they are attending situations the last thing they expect is to be attacked by an ice-affected person. The member for Williamstown made a comment in his contribution about the effect of this bill if somebody is ice affected. I make the point that if somebody is on drugs, they will not be able to put that forward as an excuse. At the end of the day if they assault our workers, whether they are drug affected or not, they should be dealt with with the full force of the law. The bill does take into account mental health issues, but that is a separate matter to drug use.

The member for Williamstown said that the emergency services have been let down by this government, but it was the previous government that let down emergency services workers. We are introducing a bill in this house which Labor had 11 years to introduce, and it failed to do so. I would like to draw members' attention to a letter written by the president of the Australian Medical Association (AMA) to former Attorney-General Rob Hulls in November 2007. It was calling for the very laws that we are talking about here. The response was alarming: 'We've already got laws in place. Thank you very much for your letter, but we're pretty much going to stick with the status quo'. There was an opportunity for the previous government to get up and do something for our emergency services workers, and it

failed. Every one of our emergency services workers who has been assaulted and who has not been supported by the full force of the law can attribute it to that fact. This letter written by the president of the AMA is evidence of the previous government's failure to act.

I am sure the opposition would say, 'Yes, but that was a previous Attorney-General. He is not in this house now, so therefore we cannot be held responsible for it'. Let me add that the letter was carbon copied to the then Minister for Health, now the Leader of the Opposition. It was also carbon copied to the honourable member for Bellarine, who was the then Minister for Mental Health. Here we have a letter specifically looking at preventing violence against health professionals and calling on the previous government to get up and do something, yet Labor absolutely failed. It is a disgrace that the member for Williamstown and the opposition would turn up and say that we have not done enough when it comes to keeping our emergency services workers safe when the numbers speak for themselves.

We need to ensure that every single emergency services worker who is assaulted has the full force of the law behind them, and that is what we are doing. Former Police Association secretary Greg Davies called on both sides for a number of years to stand up and take some action, and I am sure he, along with the current Police Association secretary and every other person who works in the emergency services sector, would be very happy that this bill has been put before the house. It is an important area, and one that needs reform.

In the time I have remaining I will direct my attention to some of the changes to arson sentencing in this bill. It will allow community correction orders for arson offences. This gives courts discretion to ensure that there is proper monitoring post-release of those who have committed arson offences. This is very important, because in the previous — —

Mr Noonan — How many have been tracked? One!

Mr SOUTHWICK — The member for Williamstown can interject, but he knows that a lot of the February bushfires were caused by arson attacks.

We are very proud to stand up here and say that we are strengthening the laws when it comes to arson attacks and emergency services protection. The proof of the pudding is in the bill. There were 2046 assaults on police recorded in 2012–13. This bill will ensure that our police feel safe. There were almost 2500 offences relating to assaults on emergency services workers recorded in that period, and they can now feel comfortable that this government is acting. We are standing up and introducing a bill to protect our emergency services workers and ensure that they can feel safe doing their job.

It is all very well for the opposition to carry on and suggest that this was not its responsibility during its 11 years in government, but I say that it failed. The president of the AMA has said so, because he called for action and Labor failed to act. It did not have the guts to stand up and look after our emergency services workers. I commend the minister, and I commend this very important bill to the house.

Ms HUTCHINS (Keilor) — I rise to speak on the Sentencing Amendment (Emergency Workers) Bill 2014. I would like to begin my contribution by putting on the record my support for the great work that emergency services workers do — police; fire officers; Country Fire Authority members; ambulance officers; people providing emergency treatment in hospitals, including nurses, doctors and those in mental health support; Department of Environment and Primary Industries employees on emergency duties; State Emergency Service members; and contractors and volunteers within the meaning of the Emergency Management Act 1986.

This bill provides for the introduction of statutory minimum sentences for offenders convicted of violent offences against emergency services workers on duty, as we have heard from previous speakers. It introduces baseline sentences of 30 years for murder of an emergency worker and the creation of summary assault offences against emergency workers on duty. The bill permits the courts to impose a sentence of imprisonment of up to two years and a community corrections order (CCO) as the sentence for an offence. The bill also allows the courts to combine a sentence of imprisonment of any length with a CCO when sentencing an offender convicted of an arson offence. Labor does not oppose the bill, and I want to touch on some examples of the cases to which this sort of sentencing would apply and on examples of the effect of violence on emergency services workers and their families.

Many in this chamber would have seen the WorkSafe advertisements which have run on television for many years now, where a worker's family is at home and you might see a kid in the driveway playing basketball waiting for dad to arrive home and there is tension as the family is wondering whether or not mum or dad will come home from their workplace. Many of those ads have a happy ending, but some of them have a sad ending where we see a police officer knocking on the

door because someone has been seriously injured or killed on the job. Unfortunately this is a much more common occurrence among our emergency services workers, and I want members and people in the gallery to think about what it would be like to get ready for work each day, to get dressed, to sit at the breakfast table sharing breakfast with your family, to say goodbye and head out the door or maybe drop off the kids at school and then go to a job in an emergency department or as a police or ambulance officer and daily face the sort of incident that this legislation is designed to prevent. It is intended to protect workers who are out on the job facing a potential life-threatening injury or death in the course of a day's work.

There is one particular example to which I direct the attention of members. It is centred around Senior Sergeant David Reither, who only a number of months ago faced life-threatening injuries after he pulled over a driver late at night on a country road. The car was swerving, and it transpired that a psychotic drug user in the passenger seat had pulled on the handbrake. As the officer was dealing with the incident the passenger took a knife and stabbed this police officer multiple times. There was a period in all of the frenzy where the officer dragged himself to the side of the road and rang his wife because he was not sure that he would survive. He wanted to say what he needed to say to her while he was lying on the side of the road. Fortunately he survived, and that matter has since been before the courts. The person in question, who was charged, was an ice user.

Previous speakers have touched on the issue of ice, and I am sure it will be touched on by more speakers tonight, but the offender had spent three of the previous days before this attack in a psychiatric ward after using the drug ice, and he actually had an episode while he was a passenger in the car that his girlfriend was driving down the Midlands Highway. The police officer pulled him over and called 000 to assist this man who was having the episode, but then unfortunately the officer was stabbed four times by the offender. This man had been a police officer for 26 years. He was airlifted to the Alfred hospital suffering massive internal bleeding. Fortunately he survived, having spent the next seven days in intensive care. The recovery from a trauma like that will take many years, with significant pain and the anxiety of having to return to work and face similar sorts of risks when you are just going about your daily duties.

I put that point on the record to paint a picture of the risk that our emergency services workers face. Unfortunately we have seen an increase in these sorts of episodes involving emergency services workers. I think there have been in the vicinity of 260 incidents like this, if not more, in the last 12 months involving doctors in our emergency departments, police officers or ambulance officers. There appears to be a clear link between the increase in these incidents and the use of drugs in our communities, particularly ice and alcohol abuse.

While we are not opposed to mandatory sentencing in this instance, we are reserving our right to examine the amendment that was been put on the table tonight as debate was underway. We certainly believe that the courts are able to avoid imposing mandatory minimum sentences if there is a special reason involved, as is outlined in the Crimes Amendment (Gross Violence Offences) Bill 2012 — namely, that the offender is between 18 and 21 years and is psychotically immature or has impaired mental functioning. We see more and more officers of the law and ambulance officers having to attend situations where people are having or are on the verge of having psychotic episodes. The families of these people are desperate to get some sort of intervention because they have been let down by the general system, so they have to call law enforcement or ambulance officers to intervene in cases that are spiralling out of control. Those suffering psychotic episodes need assistance, but of course not all officers are equipped to handle such situations.

We acknowledge that while the Police Association and the Victorian branch of Ambulance Employees Australia welcome harsher penalties for offenders who assault or injure workers on duty, we believe there is unlikely to be a major change or deterrent to this behaviour. The solution is more about resourcing the system and about having in place better systems for families to access when their adult children or family members are either drug or alcohol dependent or have mental health problems. They need access through a reliable system that responds quickly rather than having to wait until it is necessary to call an ambulance or the local police.

We are currently facing an ambulance crisis. As a member who represents residents in the outer suburbs, I can say that we have real problems obtaining sufficient resourcing of our local ambulances. The average waiting time for Melton branch ambulances has increased from 10.4 minutes to 14.13 minutes. This is an increase of about 3.5 minutes from when Labor was in government. Lives are being put at risk and ambulances are taking too long. It is the same story right across Victoria. A few minutes can make a real difference when a family is in need and is calling in an emergency to get support.

Mr BATTIN (Gembrook) — I am very proud of what we are delivering here today for Victoria Police members and other emergency services workers. I am proud that during my time in Victoria Police I got to work beside people like Sergeant McCormack in Chapel Street. When we were driving down the street in the van and there was a fight sometimes a crowd of a hundred people would turn on two police officers in the middle of the street.

I am also proud that I could stand side by side with Senior Sergeant Gillespie out in Dandenong, who during one incident had his face basically rearranged. At court when he was seeking compensation he was told just to expect it, that it was part of his job. I will never, ever forget his response in court that day. He said, 'I remember signing a contract to join Victoria Police, I remember signing a contract to protect the community and I remember signing a contract to work within the community, but I never signed a contract to become a punching bag — that was never part of the deal'. But it is a reality for Victoria Police these days.

I am proud to stand by Sergeant McGuire White, who we used to refer to as 'Two Dads'. He would work around Chapel Street quite regularly and bring people into the cells for a range of offences — from drugs-related offences to drunk and disorderly offences. Inevitably when you are halfway into a cell with somebody who has had a few drinks or is high on drugs, you will find that they will often fire up and want to fight you on the way through. There were many injuries to staff, particularly police, at those times.

During my time in the police force I had the privilege of receiving the Silk Miller Scholarship for working with youth. Gary Silk and Rod Miller are two of our slain police officers, both shot in Moorabbin. I am proud that I was able to serve at Prahran. I was able to serve where Tynan and Eyre served their last shift, when they went over to help out in St Kilda, doing what any two young constables would do — that is, assisting others in the area. They were unlucky that night: they were called out to a job that was not even in their own patch. They crossed over into Walsh Street, South Yarra, to help out because officers from the St Kilda station were not available at the time. We all know what happened next on that night.

I am proud to have served beside Senior Constable David McHenry. Dave McHenry is probably one of the most recently shot-at officers of Victoria Police. Some members may have heard about this. He was following two offenders in a cab. He got out and chased them across a roof, and one of them turned around — he did not realise they had a gun — and shot at him. He was very lucky to have been shot only in the arm. Those who know Dave would be well and truly aware that he counts that wound as a proud moment in his life, a badge of honour, but it really put the fear of God into him at the time.

I was proud of my time in Victoria Police when I got to work side by side with ambulance officers. We used to go out to various places, particularly around Prahran because there was a big drug problem there at the time. The ice epidemic was not quite as big then, but heroin was huge on the market. You would go out on jobs with ambulance officers who had training not just as medics but also in dealing with situations like that. They received training in calming down somebody who was fired up on drugs, because they had to calm them down before they could treat them and get them into the back of an ambulance. They were given this training because there is not always a police officer available to back them up when they go out on a job. The police cannot always guarantee that backup. It is sad but true: on occasion the ambulance officers go out on jobs, get into an apartment in a position that is quite dangerous and do not have anyone to back them up.

Listening to 3AW this morning I heard an ambulance officer talking about a knife being swung at him and just missing his throat while he was working. At the time police officers had been there with him, and they had thought the situation was under control. It is sad that these moments happen in our society and our community. Our job as legislators is to make sure we protect our officers in Victoria Police, the State Emergency Service, the Country Fire Authority, the Metropolitan Fire Brigade, the Department of Environment and Primary Industries, Ambulance Victoria and all of our health workers. They are our front-line workers. They are the people who face everything in our community. When you pick up a phone and dial 000, they are the ones you expect to turn up.

The last speaker wanted to turn this debate into a political argument about ambulance times, but the provisions of this bill will protect ambulance officers. They will make sure that if anyone assaults our ambulance or police officers, there will be laws and sentences in place to give the thugs who perpetrate these assaults the time they deserve — and they deserve long sentences if they take on anyone who represents our community.

The bill introduces sentences of five years for intentionally or recklessly causing serious injury in circumstances of gross violence, three years for intentionally causing serious injury, two years for

recklessly causing serious injury and six months for intentionally causing serious injury. I spoke about Silk and Miller, and Tynan and Eyre; the bill also introduces a 30-year baseline sentence for the murder of an emergency services worker on duty. That will operate as a guideline sentence to inform the sentencing function. These sentences should be and need to be in place. People in the community need to be aware that any time they take on or attack any of our emergency services workers, they are actually attacking everybody in our community — and these assaults do affect everybody.

You only have to mention a name like Bandali Debs to send a shiver down your spine. It is hard to believe that there are people like this in our world. Bandali Debs, as most will know, came from Narre Warren way. Along with a young guy named Jason Roberts, he was involved in the Silk and Miller murders. They went out with the aim of killing two police officers. Anyone who has read the book about what happened from there will know that they also made the threat to kill more police officers to take attention away from the area in which they killed Silk and Miller. We need to make sure we have sentences in place to protect our protectors, so I am proud to stand up and support this bill.

Since the coalition came into government, Victoria's protective services officer (PSO) numbers have increased from just over 100 to just over 1000. They are now on our trains and at our train stations. It is important that they know that whilst they are on those platforms they are protected as well. They are going out and protecting members of our community, and people generally now feel safer going home on a train at night. Many people in my community have approached me about this. They talk about how much safer they feel. We need to return that favour and make sure that if anyone attacks our PSOs they will feel the full force of the law.

I will put this on the record, 100 per cent: in the Victorian police force, usually two officers will drive around in a van, and they might have four or five jobs on a quiet night. Obviously those officers will talk, and one of the things they will most commonly talk about is the leniency of sentencing, particularly for those who have attacked emergency services workers. Obviously in the police force, we concentrated on and spoke more about Victoria Police officers. The number of assaults against police officers — which has now gone above 2000, including attacks on emergency workers — has always been quite high. You are in a job where it is going to happen. It is inevitable that it will happen, although we would like to think it would not.

The thing that hurts police most is not the fact that they get assaulted, even though on the way to a job they talk about the fear they have on the way in. And they do have that fear when they are turning up to some job in the unknown, driving around dark streets without knowing what they are getting into, with only a torch and no idea about the area. Also on their minds is — even then — the matter of sentences later. They want to know that if anything happens, there is going to be a fair sentence imposed on anybody who does something to them. I was lucky. In my time in the police force I only got assaulted once — when I say that, I mean a genuine assault. That was in Prahran. We had four kids; it was an armed robbery. Basically we had just pulled over to have a chat to them outside a railway station in Windsor. They decided to do a runner. We ended up chasing them down. I got assaulted on the ground in the street. I was lucky. The only injury I have had was a broken finger, but the sentence for that young person was nothing. It was absolutely nothing. If you looked through his background, you saw he had a whole history of crime. He had a list as long as your arm, and he kept getting off for the things he was doing, and there were no programs in place to genuinely help him with rehabilitation.

It is important to note that at that time — and he was above 18 — the thing that hurt me more than the broken finger and the nine weeks off and the rehabilitation was knowing that after everything I had gone through, we ended up going to court for a penalty that was not appropriate for the crime that had been committed. In finishing my contribution I will go back to square one and will say how important this is. As legislators in this house, we must ensure there is sentencing in place to protect those who are going out in our community, and we must send the message out there not just now but forever. Every time somebody wants to attack any of our front-line emergency workers or health workers, they are making a genuine attack on our community. If they want to attack our community, our community will respond and ensure we have adequate sentences in place to make sure that they reconsider their actions and hopefully will not do the same thing again.

Mr CARROLL (Niddrie) — It is my pleasure also to speak on the Sentencing Amendment (Emergency Workers) Bill 2014, and I acknowledge the contribution and firsthand experience of the member for Gembrook. Like him — but only for a short period — I have worked with the Victoria Police. I have also worked in legal aid, I had an uncle who was an ambulance paramedic and I have seen what a marvellous job our emergency workers do. I want to put on the record very early in my contribution my acknowledgement of the

role of our emergency workers and my belief that this is good legislation. We have some comments to make about it and some concerns, but by and large the thrust of this legislation and its intent — to protect our emergency services workers and to put in place harsh penalties for those who may attack them — is a step in the right direction.

The second-reading speech for this bill outlines its key parameters: statutory minimum sentences for violent offences against emergency workers on duty, authorised departures from statutory minimum sentences, young offenders and detention in youth justice facilities, baseline sentencing for murder of an emergency worker on duty — I want to say a little bit more about baseline sentences — new offences for assaults on emergency workers on duty, a new purpose and use for community correction orders, the imposition of sentence of imprisonment and community correction orders, and sentencing of offenders who commit arson offences.

Essentially the bill introduces stronger penalties for violent offences against emergency workers on duty. When we talk about emergency workers we are referring to police; protective services officers; paramedics; hospital employees; the staff of the Metropolitan Fire Brigade, the Country Fire Authority and the State Emergency Service; and lifesavers as well as others. We are also talking about nurses, doctors and hospital staff who may fall within the definition of an emergency worker. As I said earlier, we support the improvements this legislation will make for the safety and protection of our police and other emergency services workers.

It has been a great pleasure for me, since being elected to this place, to work with emergency workers in the Niddrie electorate. In particular I have got to know one of the ambulance paramedics, Guy Hampshire, who has given me a firsthand account of what he encounters every day in his role. With the member for Caulfield I am a member of on the Law Reform, Drugs and Crime Prevention Committee and have seen firsthand through our investigation into the drug ice its impact not only on police but — and probably even more so — on paramedics, who get the call-outs to deal with the aggression and who put themselves in in the way of harm and danger day in and day out. In some ways it would have been good if this bill had been introduced a couple of years ago when it was first proposed, but I understand as a result of stakeholder management and contact that such legislation does take a while to develop.

The bill amends the Sentencing Act 1991 to provide a statutory minimum sentencing regime for offenders found guilty of causing injury or serious injury to emergency workers. The prescribed minimum sentence for each offence is a non-parole period which will be amended, in accordance with new section 10AA of the Sentencing Act, to five years minimum for intentionally or recklessly causing serious injury in circumstances of gross violence, three years minimum for intentionally causing serious injury, two years minimum for recklessly causing serious injury, and six months minimum for intentionally causing reckless injury.

At the outset I spoke about judicial discretion in courts. Courts can avoid imposing a mandatory sentence if there is a special reason — in particular that the offender is aged between 18 and 21, and especially if they are psychosocially immature, had an impaired mental functioning at the time of the offence, assist law enforcement authorities in the investigation and prosecution of the offence or are subject to a hospital treatment order.

The coverall exception applies where it is warranted in substantial and compelling circumstances to avoid a manifest injustice. These provisions put some safeguards in place to preserve judicial discretion. I want to put on the record that I was reading through the latest issue of the *Law Institute Journal* entitled *Call to Parties — State Election 2014 — Key Issues*. There is a section about baseline sentencing. I think it is worth noting what Chief Justice Marilyn Warren and Chief Judge Michael Rozenes said. The journal article says:

> Chief Justice Marilyn Warren and Chief Judge Michael Rozenes expressed their concerns about the economic cost of baseline sentences in a letter to the government that was published in the media in April.
>
> …
>
> A 2011 … report into the deterrent effect of imprisonment found that it had a 'small general deterrent effect' that did not increase with the length of a sentence.

The article also quotes another person as saying:

> If it's $98 000 a year to keep someone in jail and there's a capital cost of building more prisons, we think the money could be far better spent to get effective justice by using parole systems, using non-custodial sentences and introducing a raft of measures that the courts can use to deter repeat offenders …

We should take note of the words of Chief Justice Marilyn Warren and Chief Judge Michael Rozenes, who are two eminent professionals in the legal fraternity.

We on this side of the house understand the need to protect our emergency services workers. I have had firsthand experience of this matter through the parliamentary inquiry into the drug ice. I have also had firsthand experience of this matter in working with paramedics in my local community of Niddrie. When it comes to ice, we are dealing with not only a drug of choice but also one that has an impact on dopamine and serotonin levels in the brain, which alter mood. It is having an enormous impact in terms of levels of violence. People who are susceptible to being violent are taking this drug, and that is having an impact not only in family homes but also on the paramedics called out to them.

I refer members to a report in the *Age* of 19 June entitled 'Psychotic ice user jailed over police officer stabbing' where a judge is quoted as saying:

> The gravity of offending would normally have warranted a long jail sentence but there were mitigating circumstances and aspects of the case that made it 'out of the ordinary', given Power had suffered a significant but temporary mental illness …

This bill brings in a new single offence for assaulting, resisting, obstructing, hindering or delaying an emergency worker on duty, but we must be very mindful that where perpetrators are brought before the courts it is necessary for judges and magistrates to weigh up every situation carefully, which is what Marilyn Warren and Michael Rozenes were getting at when they outlined their concerns about baseline sentencing. However, I acknowledge that there are safeguards in this legislation for the courts to have discretion.

According to my research, stakeholders concerned with the passage of this bill include the Police Association and the Victorian branch of Ambulance Employees Australia (AEA), which have both welcomed the harsher penalties for offenders who assault injured workers on duty. However, they have also acknowledged that they believe that some of these laws are unlikely to change or deter offending behaviour. In particular the AEA does not believe these changes will lead to more arrests. Many assaults are committed by people affected by drugs, alcohol, psychosis or mental illness, and the AEA is not confident that convictions will be secured in such cases.

If we look at the latest figures for crime in the 12 months to the end of March, we see that it is a fact that offences are up. Crimes against the person are up 2.7 per cent, crimes against property are up 4 per cent, drug offences are up 17.8 per cent and other crime is up 21.3 per cent.

Going back to my earlier comments, this legislation was promised in 2010. We are now in 2014. It would have been a lot better if we could have had this legislation earlier. If members look back over that same period, they will see that the paramedics dispute has been dragging on ever since this legislation was first talked about.

This is good legislation. It is a positive step, particularly for those paramedics on the front line. We should be proud of them. As I said, I have an uncle who is a paramedic. We have the highest trained paramedics with the best cardiac arrest survival outcomes anywhere in Australia. They are also in need of further entitlements in terms of wages and conditions. Today members on both sides of the chamber have talked about what a great job they do. We all acknowledge their work. However, they need to be supported. We do not want to see an exodus of paramedics. Paramedics like Guy Hampshire in my electorate welcome this legislation, but I know he would also welcome a positive resolution to the ambulance officers' ongoing enterprise bargaining agreement dispute.

The Law Reform, Drugs and Crime Prevention Committee has investigated the effects of the drug ice on members of our community. This legislation takes a very positive step. It is good to see that there are safeguards in relation to judicial discretion. We do not oppose the bill, but we want to see that it does what it is meant to do — that is, protect paramedics, police officers and emergency services workers on the front line. With that, I wish the bill a speedy passage.

Mrs POWELL (Shepparton) — I am proud to stand to support the Sentencing Amendment (Emergency Workers) Bill 2014. I congratulate the Victorian government and the Attorney-General on what they have done to bring this bill forward. It has taken some time because we wanted to make sure the legislation was right. The Minister for Health has also been involved in bringing forward this bill, and I know he supports it as well.

The member for Williamstown made the lead speech for the opposition, and he criticised the government, saying that it took too long for it to introduce this legislation.

The member for Niddrie gave a very balanced and good speech. He talked about his experience on the Law Reform, Drugs and Crime Prevention Committee and its inquiry into methamphetamines, and he obviously has a lot of knowledge. He said that the bill took too long to be introduced.

The member for Caulfield spoke about a letter dated 20 November 2007 from the Attorney-General in the former government, the Honourable Rob Hulls. He put on the record some of the comments made by the Honourable Rob Hulls to Dr Douglas Travis, the then president of the Australian Medical Association (AMA). The letter is headed 'Preventing violence against health professionals'. In it Mr Hulls said:

> Thank you for your letter dated 3 October 2007 seeking a review of the penalties applicable under a number of provisions of the Crimes Act 1958, with a view to increasing their severity, where the relevant offence is committed against a health professional.

In the three-page letter the former Attorney-General went on to say that it is a terrible thing when health professionals are targeted in this way. He gave a lot of excuses as to why they were not going to bring in legislation specific to helping professionals. At the end of the letter, Rob Hulls said:

> Further, the Department of Human Services is looking at how health services can assist health workers who wish to report an assault to the police and to provide the police with adequate information to ensure a satisfactory outcome. Victoria Police is looking at better ways to respond to health services and at how those local relationships can be enhanced.

While I understand that in 2007 the AMA wanted a review and increased penalties to counter those attacks against health workers, the Attorney-General at that time paid a little bit of lip-service in that letter and actually did nothing after that. It took this government to bring in this important legislation. The Attorney-General has been consulting to make sure this legislation is right.

I now turn to the purposes of this legislation. They are to amend the Sentencing Act 1991 and the Crimes Act 1958 to provide a custodial sentence for certain violent offences committed against emergency services workers. The bill also amends the Crimes Act 1958 to fix a baseline sentence for the murder of an emergency worker. That baseline sentence is 30 years for the murder of an emergency services worker on duty. That part of the legislation is so important. This is the community saying to the government, 'We want to make sure that those people who murder on-duty emergency services workers are given a baseline sentence of 30 years in prison'.

The bill also amends the Crimes Act 1958 and the Summary Offences Act 1966 to expand certain existing assault offences to include emergency workers. This introduces statutory minimum sentences for assaults. It makes a number of amendments in relation to community correction orders. It expands the list of arson offences. It amends the Children, Youth and Families Act 2005 in relation to the release on parole of persons in respect of whom a youth justice centre order has been made.

The bill has a number of very important provisions for which the community has been waiting for a very long time. I am very proud to be part of a government that has brought in this legislation. The opposition has criticised the length of time it has taken the government to bring it in. We note that this legislation is right. I am pleased to see that the opposition does not oppose this bill.

As I said earlier, the community is sick to death of the attacks against our emergency services personnel. You see on the television — —

Mr Herbert — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mrs POWELL — Can I say that putting on a political stunt in the midst of debating this important legislation is quite abhorrent. While I know that members want to come into the house and listen to my speech, to lose minutes just waiting while the opposition does political point-scoring is really terrible. It is shameful, as the Leader of the House has said.

I am really proud of this government, which has brought in legislation to protect our ambulance officers, our paramedics, our nurses, our doctors, our State Emergency Service personnel and our lifesavers — those who are treating and caring for our community; those who are on the front line.

The member for Gembrook spoke about constables Damien Eyre and Steven Tynan. I would like to put on the record the great job they did as young constables and recall the very sad time when they lost their lives in the line of duty. Damien Eyre grew up in Shepparton, and I know his father and his brother well. They are both members of the police force; Frank has just retired. That family has been absolutely devastated by the loss of those two young constables, and every year the Blue Ribbon Foundation has a memorial service to make sure we value, remember and commemorate police officers who have lost their lives in the line of duty.

This bill will hopefully deter people from doing those sorts of things; if they do, they will be put away for a very long time. My son is a police officer in the Northern Territory, so I understand what they go through every day. Their families wave them out the door every night and hope they will come back. This

legislation will hopefully make people think before they attack a police officer, a paramedic or a firefighter.

The bill introduces two further serious arson offences, which are placing inflammable material for the purpose of causing a fire and causing a fire in a country area with the intent to cause damage. A number of fires have been lit that have caused the loss of homes, property and life; therefore, where people deliberately light a fire there have to be severe consequences. Some of those attacks have been on our firefighters acting in the line of duty, so I think the community is saying that when people maim, assault or intentionally kill our emergency services personnel, some of whom are paid and some of whom are volunteers, we need to make sure we send a very strong message that there are severe consequences.

While the Black Saturday fires were not all lit by arsonists, 173 people lost their lives. Fires have been lit time and again in Tatura over a number of months, and while nobody has lost their life and luckily there has been no property loss, the fires have been a nuisance. Our Country Fire Authority volunteers have been called out time and again because someone has wanted the thrill of lighting a fire. We need to make sure that people who think they would like to light a fire understand that there are consequences and there will be severe penalties. I am really proud that the government has introduced this legislation, and I wish the bill a very speedy passage through the Parliament.

Mr HERBERT (Eltham) — It is a pleasure to speak on the Sentencing Amendment (Emergency Workers) Bill 2014, and as has been indicated, Labor is supporting this bill. The bill does a range of things, and we have just heard the member for Shepparton talk about the tragic consequences for communities when fires are lit deliberately and the impact that has on both economic and human resources.

Mr Watt — On a point of order, Acting Speaker, I refer to *Rulings from the Chair 1920–2013*, in particular chapter 7, dealing with the conduct of debate, under the heading 'Refusal to replace coat'. In that ruling the Speaker said that he considered the member's conduct disorderly. I ask you to ask the member to put his coat on.

The ACTING SPEAKER (**Mr Crisp**) — Order! I do not uphold the point of order.

Mr HERBERT — Thank you, Acting Speaker. If the member had been more observant, he would realise that after the dinner break members often remove their coats, particularly when it is hot in the house. The member for Shepparton talked about raising frivolous matters during a serious debate. What can you say about that little interjection from the member for Burwood? My goodness.

While the bill provides for statutory minimum sentences for violent offences against emergency workers while on duty, it also authorises departures from statutory minimum sentences in relation to young offenders detained in a youth facility. There is baseline sentencing for the murder of an emergency worker and a new offence for the assault of an emergency worker on duty, with the imposition of a sentence of imprisonment. There are a whole range of offences which get tough on people who commit arson. Members on this side of the house fully support those measures.

One of the criticisms we have had on this side of the house is how long it has taken to bring the bill into the Parliament. Whilst most of us would agree that the measures in the bill are important, we cannot ignore the fact that it has taken so long to bring in this legislation. It was flagged as a promise in 2010, and it has taken the government virtually the entire parliamentary session — with only three weeks to go — to bring it in. It is an important piece of legislation that frankly should not have been delayed this long. It has been delayed for far too long.

It is interesting that the time frame for the delay of this legislation amounts to about the same amount of time that the government has been locked in a bitter industrial dispute with paramedics in this state — a dispute that has been dragging on and on as a result of the government's incompetence, much to the disgust of the Victorian public. The bill has come into this house after the government took its eye off the ball and stripped some $113 million from the police whilst failing to solve the ambulance pay dispute.

Ms Ryall — On a point of order, Acting Speaker, I am sure the member for Eltham knows he has strayed from the bill. He should stick to the substance of the bill, which is about penalties and jail sentences for people who attack emergency workers on duty.

Mr HERBERT — On the point of order, Acting Speaker, the bill contains a range of measures. Anyone who has been in this chamber listening to the debate knows that there has been broad-ranging debate on this, which has been allowed by successive Chairs.

The ACTING SPEAKER (**Mr Crisp**) — Order! I uphold the point of order and ask the member to come back to the substance of the bill.

Mr HERBERT — The bill proposes to increase sentences applied to anyone who attacks police, paramedics, firefighters, protective services officers, State Emergency Service staff, lifesaving nurses and other hospital staff who fall within the definition of emergency services personnel. We support these measures because we know they are important. However, there is both fact and fiction here. We all know that emergency services workers work in a whole range of environments — including, when it comes to the Country Fire Authority (CFA), in the station.

We know that the front of house of the station is particularly important for the protection of emergency services officers. Labor knows that, and we know that in Eltham because on 21 October 2010 Labor announced $9.6 million for a new CFA station to better protect the Eltham community and to protect and provide better conditions for hardworking firefighters, who are a lifeline for many parts of Eltham and surrounding areas, where there are green wedge areas. This is important. I was really proud to support that great Labor initiative. How surprised I was to read in this pamphlet which arrived in my letterbox that the Napthine government is claiming that $9.6 million as its own. How irresponsible! What hypocrisy!

Ms Ryall — On a point of order, Acting Speaker, I fear that the member for Eltham refuses to accept your initial ruling in relation to sticking to the substance of the bill. He has now gone off on a completely different tangent, and I ask you to draw him back to the bill.

The ACTING SPEAKER (**Mr Crisp**) — Order! I do not uphold the point of order, but I ask the member to return to the bill.

Mr HERBERT — I am returning to the bill. This pamphlet says that the Napthine government is committed to substance over spin. It is really interesting that in claiming this very important protection for CFA workers, this new station of $9.6 million, the front of the pamphlet is headed 'The truth about Eltham's fire services'. It was printed by the candidate himself, although he would not put his name on it.

Ms Ryall — On a point of order, Acting Speaker, the construction of a fire station has nothing to do with a perpetrator who harms, injures, seriously injures or murders an emergency worker. I ask you to draw the member back to the bill.

Mr HERBERT — On the point of order, Acting Speaker, supporting firefighters and their health and protecting them is an integral part of the front of house of any CFA station. The major point about this ludicrous, misleading pamphlet is that it reflects the government's real intention.

The ACTING SPEAKER (**Mr Crisp**) — Order! I uphold the point of order and ask the member to return to the substance of the bill.

Mr HERBERT — The bill adds two new arson offences under the Country Fire Authority Act 1958 and the Forests Act 1958 to toughen up the penalties under community corrections orders for people who deliberately light fires. As many members of The Nationals will know, I have substantial land up in Gippsland; it is bushland, up in the mountains there, and it has been surrounded on any number of occasions — —

Mr Battin interjected.

Mr HERBERT — The honourable member seems to think bushfires in Gippsland are funny. My goodness me. You can see he is a city-based MP. We have seen incredible devastation from fires lit by arsonists in Gippsland over a number of years and on a number of occasions. Not only does it do massive damage to our bushland, it also does massive damage to timber plantations right throughout Gippsland — renewable timber plantations which take stress off our native forests in terms of timber production. It also does damage to local communities right through that area. We are talking about a silly person, a person who deliberately lights fires that create havoc over vast areas, often in uninhabitable terrain that you cannot get firefighting facilities into. This puts an enormous number of firefighters' lives in danger.

In that regard, I think it is good that we have a strong approach to this and that we send a message to those arsonists before the next fire season that we are not going to allow it. If you commit arson, if you cause damage like this and deliberately put human life — of both CFA firefighters and members of the community — in danger, you are going to get a really tough penalty. With those few words, I commend the bill to the house.

Mr ANGUS (Forest Hill) — I am very pleased to rise this evening to speak in support of the Sentencing Amendment (Emergency Workers) Bill 2014. At the outset I want to commend the Attorney-General on another great piece of work that he and his team have brought into this place. I congratulate him on his terrific efforts in the area of law and order; they have been outstanding.

The purpose of the bill is to amend the Sentencing Act 1991 and the Crimes Act 1958 to provide for custodial

sentences for certain violent offences committed against emergency workers, to amend the Crimes Act 1958 to fix a baseline sentence for murder of an emergency worker, to amend the Crimes Act 1958 and the Summary Offences Act 1966 to expand certain existing assault offences to include offences against emergency workers, to amend the Sentencing Act 1991 in relation to community corrections orders and to expand the list of arson offences in schedule 1, and to amend the Children, Youth and Families Act 2005 in relation to the release on parole of persons in respect of whom a youth justice centre order has been made in accordance with new section 10AA(2) of the Sentencing Act 1991.

The statement of purposes is very comprehensive in dealing with an issue that the community said some time ago it was not prepared to put up with any longer. It wanted additional protection put in place for emergency workers in the course of their duties.

The bill defines 'emergency worker' to cover a wide range of persons who provide emergency services to the community. These include police and protective services officers; paramedics; persons employed or engaged to provide or support the provision of emergency treatment to patients in a hospital; employees of the Department of Environment and Primary Industries with emergency response duties; employees of the Metropolitan Fire Brigade (MFB), the Country Fire Authority (CFA) and the Victorian State Emergency Service; and volunteer emergency workers, such as a lifesaver acting at the request of Life Saving Victoria or a volunteer auxiliary worker appointed by the CFA. The definition of 'emergency worker' also includes a person who, although not a member or employee of a particular organisation, may be required to respond to an emergency. This includes persons who are engaged by a government agency to perform work in relation to a particular emergency.

The bill defines 'emergency treatment' as unplanned or unexpected treatment that may be necessary as a matter of urgency to save a patient's life, prevent damage to a patient's health or prevent a patient from suffering or continuing to suffer distress. They are a very broad range of definitions.

I want to record my thanks to our emergency workers, as has been done by a number of other contributors to the debate on the bill. The people in the categories I have just read out perform outstanding community service for each and every one of us in Victoria, and I commend and thank them for their tireless work and for the fact that they often go into situations that are very dangerous and unknown. The contribution we heard earlier this evening from the member for Gembrook was outstanding. He recounted his firsthand experiences from his time in the Victoria Police. He often had to go into very difficult and dangerous circumstances not knowing what was awaiting him and his partner at the time. I take my hat off to those workers and congratulate them on their tireless efforts for the broader community.

In September 2010 the West Australian government announced that assaults on police officers had dropped by 28 per cent since the statutory minimums had been introduced in the previous year. In June 2011 the West Australian government announced that there had been a further 13 per cent decrease in the number of assaults against police officers. In June 2014 a report into the effectiveness of the legislation was tabled in state Parliament which concluded that crime statistics tended to support the proposition that assaults on public officers had decreased as a result of the 2009 amendments, although that could not be proved conclusively. The West Australian Attorney-General and police minister said the report showed that the number of assaults against police had decreased from 1346 to 892 over a four-year period. They also noted that there had been a reduction in the number of charges laid for assaults on other public officers.

This seems to indicate that this well-crafted legislation, as implemented in another jurisdiction, has been successful, and that is something for us to look forward to. As other contributors have mentioned, there is nothing more important to a civilised society than for it to protect those members who go out to protect us and serve us in various ways, whether it is in relation to responding as an ambulance officer or as a CFA or MFB fireman or indeed as a police officer. It is important that as a Parliament, as a community and as a society we back up those tireless workers who go into very difficult and dangerous circumstances on our behalf to protect or to rescue any one of us at any time. It is vital that they have the backup they need.

The bill provides for the imposition of increased sentences against offenders who injure, seriously injure or murder an emergency worker on duty. The reforms will bring sentences for offences against emergency workers on duty into line with community expectations so that the incidence of occupational violence against this class of victims is reduced and offenders are adequately punished.

The bill improves sentencing processes and provides for better sentencing outcomes by encouraging the greater use of community correction orders (CCOs) and by providing more flexibility for the courts in the use of

CCOs by permitting the courts to impose longer jail sentences of up to two years in combination with a CCO. The bill also permits the courts to impose a sentence of any length, subject to the maximum penalty, for an arson offence in combination with a CCO. This aligns with the government's commitment to introduce greater supervision of serious arsonists following their release from jail, and that is a very important protection for the community. In Victoria we have an extraordinary history of some dreadful arson attacks in relation to bushfires and other fires that have had some tragic consequences, and it is important that this government and this Parliament send a very clear message to anybody who is thinking about embarking upon such an outrageous attack on the broader community.

The bill introduces provisions into the Sentencing Act 1991 that require sentencing courts to impose a statutory term of imprisonment for adult offenders who are convicted of particular offences against emergency workers on duty unless a special reason, as set out in section 10A of the Sentencing Act, exists. The offences and minimum terms are: five years for intentionally or recklessly causing serious injury in circumstances of gross violence; three years for intentionally causing serious injury; two years for recklessly causing serious injury; and six months for intentionally or recklessly causing injury. The existing special reasons in section 10A cover where the offender has provided assistance to the Crown or police; the offender has impaired mental functioning in certain circumstances; the offender has a particular psychosocial immaturity, if the offender is aged over 18 years but under 21 years; or there are substantial and compelling circumstances that warrant the imposition of a lesser sentence. There is some flexibility, as there should rightly be in relation to these matters, if someone falls within one of the categories.

The bill introduces a new special reasons provision for offenders aged between 18 years and 21 years found guilty of causing injury to an emergency worker on duty. The court may impose a sentence other than the prescribed minimum if it believes there are reasonable prospects for the rehabilitation of the young offender or if the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison. Again these are sensible inclusions.

The bill deals with a whole range of issues to do with community correction orders and other matters, but time is against me and I will not be able to go into the details.

In conclusion, as I said at the outset I congratulate the Attorney-General and his team on introducing another fine piece of legislation, one that will send a clear message to the broader community but obviously in particular to those who are contemplating behaving in such a way towards our emergency services workers. They will be dealt with appropriately and with the full force of the law. I commend the bill to the house.

Mr PALLAS (Tarneit) — I rise to speak on the Sentencing Amendment (Emergency Workers) Bill 2014, and in so doing I indicate that Labor does not oppose the bill. One of the great challenges in a modern society is to ensure that the legislation we bring to this place reflects the aspirations of our communities and highlights those things that are most important to our communities and also our values. While the bill purports to be about protecting our protectors — those who perform the most vital of services to the community, our emergency services workers — it falls far short of providing the sort of justice those workers ultimately desire and deserve. While we do not support the idea of mandatory sentencing, in our view this bill still preserves a substantial amount of judicial discretion — certainly a level sufficient to argue against a view that this is a mandatory minimum sentencing regime.

The Police Association and the Ambulance Employees Australia of Victoria have indicated their support for harsher penalties for offenders who assault and injure emergency workers on duty. However, they have acknowledged that these laws are unlikely to change or deter offender behaviour. This should not be about shutting the gate after the horse has bolted, but rather it should be about avoiding situations that put our emergency services workers at risk. In many ways that is the nub of the divide that separates those on the government side of this Parliament from those on the opposition side. The idea that you should be tough on crime but not take action to avoid crime or the causes of crime ultimately leads to a bidding war for higher and higher penalties. It does not do much for those who are at risk, particularly if this legislation fails in what should be its fundamental objective: changing behaviour and deterring behaviour that puts the lives and welfare of emergency workers at risk.

The people who have to deal with these situations, our emergency services workers and their representatives, should be seen as having the greatest capacity to form a view about them. As has been put to me by representatives of the Police Association, these workers have looked into the eyes of angry men and therefore they have the greatest understanding of how they can be protected and how a regime can be put in place that

does not simply seek to be hard on crime but attempts to avoid the crime in the first place through effective regimes that put our emergency services workers in situations where they are not at risk.

In our view the bill continues to illustrate the failures of this government to deal with an area that it is intent on claiming as its own — what it describes as law and order but which should be known as community protection. This is about protecting the people for whom there should be a premium on protecting, because they perform work for us in our most necessitous and dire circumstances.

What we have seen as a result of this government's so-called 'tough on crime', law and order policies is an increase in the crime rate, a crisis in our prisons and a continuing ignorance about how to deal with the causes of crime. This bill is a further illustration of this government's myopia and its blinkered approach to dealing with crime. As well as cuts to Victoria Police, the Metropolitan Fire Brigade, the Country Fire Authority, the Transport Accident Commission and the ambulance workers' enterprise bargaining agreement, there have been changes to compensation for mental injuries — —

Ms Ryall — On a point of order, Acting Speaker, this is similar to the point of order I raised regarding the speech by the member for Eltham. The member for Tarneit is straying into areas that do not deal with the substance of the bill, which relates to community correction orders, arson and crime related to emergency services workers and the penalties associated with those crimes. I ask you to draw the member back to the bill.

The ACTING SPEAKER (**Mr Crisp**) — Order! I do not uphold the point of order.

Mr PALLAS — The failed 'tough on crime' approach reveals a government that has failed to identify what should be the principal objective for preserving a sense of community purpose and safety. It is turning its back dramatically on emergency services workers by simply saying to them, 'Our job is to put in place provisions whereby we can hold one group of people accountable for the circumstances that confront you in your workplace', and by not dealing with the overall issues that confront them on a day-to-day basis. I put on the record this side of the chamber's appreciation for the great work done by our emergency services workers, whether they be police officers, firefighters, ambulance officers or people who provide a variety of emergency service treatment — —

Mr Watt interjected.

Mr PALLAS — The empty suit at the back, a man of sartorial elegance, sits back and badgers a substantial contribution to debate on this bill.

The ACTING SPEAKER (**Mr Crisp**) — Order! The member for Tarneit, without assistance from the member for Burwood.

Mr PALLAS — What a sartorial sycophant! He is a compassionless, empty suit, who sits in the back row demeaning a contribution which deals directly with the circumstances that confront emergency services workers in this state. That really does spell out the lack of compassion in this government's approach to dealing with a very serious issue. The government lacks seriousness, because it is all about sloganeering. It is turning its back upon the underlying issues that confront emergency services workers. If you want to see a more dramatic illustration of this, listen to the jabbering that comes from the back benches of the government.

During the course of my duties I have the great pleasure of dealing with emergency services workers in Werribee. I would particularly like to acknowledge the great work they do. The Werribee Country Fire Authority brigade, for example, is one of the most awarded emergency service organisations in this country. It has won a number of awards for its capacity to deal with — —

Ms Victoria — A volunteer brigade.

Mr PALLAS — It is a volunteer brigade that has consistently won recognition and reward for its efforts in accident rescue. However, the post-traumatic stress that these workers suffer as a result of their work cannot be dealt with through the processes this government is putting in place to punish offenders. This is about their livelihoods and their work, and they require respect from this government. Quite frankly if the government was at all interested in the welfare and wellbeing of these workers, it would not strip over $113 million from police while failing to resolve a pay dispute for ambulance officers and while failing to reduce crime in our state. Crime across this state is up some 18 per cent since Labor left office.

The ACTING SPEAKER (**Mr Crisp**) — Order! I ask the member to return to the bill for his last minute.

Mr PALLAS — A rise in crime has a direct impact upon the welfare of emergency services workers. After all, this bill is about crimes against these workers. There could be nothing more apposite in terms of this bill than the fact that this government has presided over a rising crime rate and now seeks to resolve the problem by

saying it is going to get tougher on crime. It should address the causes of crime and show the respect it should have for these workers, not just through slogans but through recognising that they are entitled to that respect and the reward of having a community that acknowledges the valuable contributions they make.

Ms RYALL (Mitcham) — I rise to speak on the Sentencing Amendment (Emergency Workers) Bill 2014. I must pick up some of the statements made by the member for Tarneit. It is quite extraordinary when we see that when Labor was in office it had the lowest per capita spend of the mainland states in relation to police numbers. The member spoke about rising crime. He might choose perhaps to analyse how, when you have the lowest per capita spend on police numbers in the mainland states, that might reflect on the ability to detect and report on crime. The member for Tarneit can pontificate about the relationship between police numbers and crime reporting, but I ask him to draw some conclusions based on that from when Labor was in office.

I also want to draw the member's attention to what the president of the Australian Medical Association said in 2007 when he asked why things were not done sooner. In 2007 the president of the association called for these very laws to be introduced. Former Attorney-General Rob Hulls failed to act. Who was the Minister for Health at the time? The minister at the time was the current Leader of the Opposition, Dan himself. When we look at that, we might say, 'How dare Labor members stand there and say we have not acted soon enough. They failed to act at all'. Everyone I know respects and admires the work that our emergency services workers do in all circumstances. Those opposite talk about preventing crime, but they had the lowest per capita spend on police. This government, by contrast, has provided over 1700 additional police and protective services officers at railway stations. I would say that the protective services officers at stations are doing a fantastic job. They assist police in detecting crime, but their presence alone is a deterrent and a preventer of crime as well.

The purposes of this bill are threefold. The bill imposes longer sentences for offenders who seriously injure or murder emergency workers who are on duty. It improves the sentencing processes. It enables better outcomes in relation to sentencing through the encouragement of greater use of community correction orders. These outcomes will be facilitated by affording the courts more flexibility in using community correction orders and by enabling the courts to give a longer jail sentence of up to two years in conjunction with such an order. The bill also gives permission to the courts to hand down a sentence of any particular length — within the maximum penalty, of course — for an offence of arson in conjunction with a community correction order. That will enable much better supervision of serious arsonists who have been released from jail. That absolutely needs to happen.

I will concentrate on the first part of the bill in relation to sentencing for those who seriously injure or murder our emergency services workers. Emergency services workers can be police, protective services officers or paramedics. They can be someone employed to provide support or emergency treatment to a person in hospital. They could be a Department of Environment and Primary Industries employee who has responsibilities for emergency response. They could be from the Metropolitan Fire Brigade, the Country Fire Authority or the State Emergency Service. They could even be a volunteer emergency worker, such as a lifesaver. That classification can also be applied to someone who might be required to respond to an emergency even though they are not actually employed as a member of an emergency response organisation. Somebody from the government might be engaged in relation to a particular emergency, be it fire or another horrendous circumstance.

Emergency services workers find themselves in myriad circumstances while on duty and face a variety of situations. Inherent in their profession as responders is the requirement that they put themselves in circumstances where they may need to treat someone or protect people that may put them at risk of attack, or they may need to enter into a situation where one party is injuring another party. The nature of the role needs to be respected by every member of the community. This bill makes sure that everybody knows that the work our emergency services workers do is vital and that they should not ever be attacked, provoked, injured, assaulted or murdered in the course of the work they are doing in attending to situations where they may be treating or protecting people or property. The amendments in the bill send a loud and clear message that if anybody injures or murders an emergency services worker, they will feel the full force of the law.

In terms of the statutory sentence provisions that this bill applies, the courts will be required to apply a minimum jail term for adult offenders, and there are some particular special circumstances there. As to the term of imprisonment, for the murder of an emergency services worker on duty we are looking at a baseline sentence of 30 years. It is 5 years for intentionally or recklessly causing serious injury in circumstances of gross violence, 3 years for intentionally causing serious injury, 2 years for recklessly causing serious injury and

6 months for intentionally or recklessly causing injury. The bill also creates new indictable and summary assault offences against on-duty emergency workers.

I know emergency workers across a large range of emergency response professions, and I am familiar with some of the circumstances they face. It may be that they have entered into a family situation where violence has already occurred or is in the process of occurring. A neighbour may have called, and the police need to intervene or ambulance officers may need to treat a person. They are often highly volatile situations where it is difficult, and an emergency services worker is torn between needing to assist and needing to protect themselves.

There are situations where a person with a mental health concern may be in the midst of a psychotic episode where they are exhibiting aggressive behaviour. It may be a situation where a drug-affected person is exhibiting aggressive behaviour. It may be a violent situation where a shooting or a brawl has occurred or indeed where a violent protest has occurred. Our emergency workers put themselves at risk in the interests of the community in such situations, so it is very important for us to ensure that the strongest deterrent is provided in the form of the jail terms applied to these offenders.

In terms of the general circumstances and from a WorkCover, WorkSafe or occupational health and safety perspective, we want to make sure that people go home safe. We want our emergency services workers to go home safe as well. I am very proud that this government has acted, and certainly the work of the Attorney-General over the last nearly four years has been extraordinary in improving the laws, improving the court system and improving sentencing to make sure that sentencing is in line with community expectations. This bill rings true in making sure that those who attack our emergency services workers, those who injure them and those who use gross violence against them are exposed to the full force of the law. The community expects that; the community wants that. I commend the Attorney-General on the bill and on making sure that that actually happens. I wish the bill a speedy passage through both houses.

Ms GREEN (Yan Yean) — I take great pleasure in joining the debate on the Sentencing Amendment (Emergency Workers) Bill 2014. My electorate has been well served by emergency services workers over many years. It is the most populous and fastest growing electorate in the state, and it has been beset by Australia's worst ever natural disaster. At the outset I again put on the record my deep gratitude and thanks for the work of members of Victoria Police, the Country Fire Authority (CFA), the Metropolitan Fire Brigade, as well as Department of Environment and Primary Industries firefighters, our paramedics and State Emergency Service (SES) personnel. More than anyone else they know how difficult their job is in not just responding to Australia's worst disaster but also in dealing with the consequences that follow. Sadly a more distressed community has led to many more ambulance call-outs, many more family violence issues and many more suicide attempts. Worse than that, some of those attempts have been successful. It has been an incredibly difficult time.

We on this side of the house have always thought that it is important to support emergency services workers in what they do, whether it be in relation to their pay or in relation to their workplaces. I know that those opposite like to think that the world began in 2010 and that nothing was done before that, and I know that they might have that in the speaking notes they have been given, but let me tell them that funding for police and emergency services in the most populous and fastest growing electorate in the state has halted. There are now 70 000 electors in the Yan Yean electorate, and it beggars belief that this government has so significantly ignored their needs in relation to police and emergency services.

Labor looked after the workplaces of the employees and volunteers assigned to serve the Yan Yean electorate. We built 6 police stations, 17 CFA stations, 3 SES buildings and 6 ambulance branches. In the last four years there has been a commitment to build an ambulance station in Wallan. The government said it would be operational by the coming election, but in the end all we have seen is a piece of land being acquired and paramedics working some 17 kilometres away in Kilmore. That is not an example of looking after these workers or their workplaces, and it is certainly not looking after the community those workers are supposed to serve. In the four years under this government crime in the Whittlesea police service area has climbed by 43 per cent. It is really difficult for those who turn up to deal with these crimes. Family violence in particular has increased.

Mr Watt interjected.

Ms GREEN — It is hard. Even though I have a microphone I seem to have to speak very loudly because of the noise that is coming from the empty vessel sitting on the back bench over on the other side. The member for Burwood might not want to hear and might want to whistle and sing and not listen to the

horrific statistics that show the number of families that have been — —

Mr Watt interjected.

Ms GREEN — Acting Speaker, are you going to act or not? Really, come on.

The ACTING SPEAKER (**Mr Crisp**) — Order! I ask the member to return to the bill. We are on a sentencing bill.

Ms GREEN — Thank you for your protection, Acting Speaker.

The incidence of family violence has risen enormously. This presents a very large problem for the police who respond. There has been no police station built in the Doreen and Mernda area. That area is as large as Shepparton. To reflect what the Minister for Planning has said, it beggars belief that you would not invest in a place that is going to be as big as Shepparton. It beggars belief that there is no police station in that area. Women who need the assistance of police because of family violence are not calling 000 for the low-level, early incidents — although no-one should regard any family violence as low level. When the police are finally called, they find that there have been numerous incidents that have gone by without being reported because women know how far away the police are. When the police arrive it is much more likely that weapons will be involved or that there has been a serious assault. It is not only particularly bad for women and children in such situations but it is also more dangerous for the police when they turn up to such events.

I also refer to the commentary of the Police Association and Ambulance Employees Australia of Victoria on this bill. Both organisations have welcomed the harsher penalties for offenders who assault or injure emergency services workers on duty, but they both also say that these proposals are unlikely to change or deter offending behaviour. I note the scurrilous comments that have been made by the Minister for Health, calling the ambulance employees union a rogue, radical union rather than actually sitting down and talking to these valued paramedics.

It is very easy to make statements and talk, but it is another thing to sit down, do something and actually assist the employees not only in relation to their pay dispute but also in terms of the great difficulties they are finding in their work. They say they feel there will be just as many assaults, because many of them are committed by people affected by drugs, alcohol, psychosis or mental illness, and police are not confident that they can secure a conviction.

The other reason paramedics and police have to deal with many more people in this situation is the lack of funding and support for drug and alcohol services. Changes have been made that have simply not worked in terms of support for people with mental health issues. It is a no-brainer that this means emergency services workers have to deal with this more often. Rather than dealing with the causes of it and actually funding those services that would support those people, they have to be dealt with by police and emergency services workers, who should not be dealing with them. It really is the ambulance at the bottom of the cliff. We can have a greater penalty for killing or injuring one of these workers, but we would not need these penalties in the first place if the government acted to prevent this kind of behaviour by the ill or alcohol-affected or drug-affected person.

This is a serious matter, but the government has not taken the needs of these workers seriously at all. I draw the house's attention to a petition on change.org that responds to the government's actions, which states that the Premier is introducing legislation:

> … to severely limit the ability for paramedics, firefighters and police to receive compensation for post-traumatic stress disorder suffered from attending car accidents. The new definition of what will constitute severe psychiatric injury will be so hard to satisfy that it will make these critical workers' common-law rights effectively meaningless.

The ACTING SPEAKER (**Mr Crisp**) — Order! The member is straying from the bill.

Ms GREEN — I should be able to make a contribution that contrasts what the bill is doing with what the employees are saying.

Mr Watt — On a point of order, Acting Speaker, on relevance, the member for Yan Yean has strayed quite far from the bill. The topic she is discussing at the moment has no relevance to the bill. I call on you to draw her back to the Sentencing Amendment (Emergency Workers) Bill 2014 so that we can hear her views.

The ACTING SPEAKER (**Mr Crisp**) — Order! I uphold the point of order, and I ask the member to return to the bill.

Ms GREEN — Thank you for your ruling, Acting Speaker!

In conclusion, far from showing respect for these workers and looking at the causes of the increase in

assaults on them, this bill is easy politics. It is something the coalition has taken a long time to bring forward. It promised to do it in 2010; it then said it would do it in 2012. Here we are at the death knell, just before the election, and the government is saying it will do it. The government does not support these workers, it does not support good workplaces in growing corridors, and it does not support these workers in all sorts of other ways. I commend the bill to the house, but I think the government is not serious in its support.

Mr DELAHUNTY (Lowan) — I rise on behalf of the great Lowan electorate to speak on the Sentencing Amendment (Emergency Workers) Bill 2014. As we all know, the bill provides for the imposition of increased sentences against offenders who injure, seriously injure or murder an emergency worker on duty. It also improves the sentencing processes and provides for better sentencing outcomes.

I have to say I am extremely disappointed with the member for Yan Yean. I listened to her speak for 10 minutes, and it is interesting that she did not say one good thing about this legislation except in the last sentence, in which she said she supported the bill. The reality is that this measure was promised by the former Labor government. I will highlight that by quoting from a letter of 20 November 2007 in response to correspondence by the president of the Victorian division of the Australian Medical Association (AMA). The letter, signed by the then Attorney-General and headed 'Preventing violence against health professionals', says:

> Thank you for your letter dated 3 October … seeking a review of the penalties applicable under a number of provisions of the Crimes Act 1958, with a view to increasing their severity, where the relevant offence is committed against a health professional.

The AMA raised this back in 2007. The Attorney-General at the time, the Honourable Rob Hulls, went on to explain in the letter:

> Violence against health professionals is something that the Victorian government —

the Labor government at that time —

> takes very seriously as it harms not only the individuals involved, but the health system as a whole, and consequently the community and all Victorians.

He said this in 2007, when the then government had three more years before election, but nothing was done. The Attorney-General went on to say:

> The government has decided that there is some scope to clarify the existing law relating to acts of violence against the person. In 2004, I released the justice statement, which expressed my vision for the Attorney-General portfolio.

He went on to say in relation to a review announced in that statement:

> Part of this review is to examine the offences involving violence against the person …

I cannot believe that despite this letter, which was carbon copied to the then Minister for Health, now the Leader of the Opposition, and the then Minister for Mental Health, the member for Bellarine, nothing was done. This government is delivering on its promise to protect our very important emergency services workers, police and the like.

I take up the point that has been raised by a couple of members of the opposition tonight, who have complained that there is now more crime. The reality is that there is more reporting of crime. This has come about for a couple of reasons. One is that there are more police and there are more and more protective services officers, commonly referred to by the opposition as 'plastic police', and therefore there is the ability for more reporting to be done. When we read the reports put out by the Chief Commissioner of Police, we would all agree that there is more concern about family violence and that type of thing, but again we need to protect our important police officers and others involved in emergency services work.

In the Lowan electorate, which is the biggest Legislative Assembly electorate in the state, I have a lot of police and emergency services workers, including paramedics, State Emergency Service (SES) workers, Country Fire Authority (CFA) firefighters and the like. This government is providing more police and more support for our paramedics in relation to facilities. We finally built the Horsham ambulance station, something promised by the previous government. We are giving more support to the SES. We are about to open a new SES facility at Edenhope. We are giving more support in facilities, training and equipment to our CFA and its volunteers, such as 250 new fire stations that will be completed before the end of this Parliament. We are providing more trucks and more equipment. Not only are we doing all that, but we are now giving more protection to these very important people.

This bill introduces provisions into the Sentencing Act 1991 that require sentencing courts to impose a statutory term of imprisonment for adult offenders who are convicted of particular offences against emergency services workers unless there are special reasons, as set out in section 10A of the Sentencing Act. The offences and minimum terms are five years for intentionally or

recklessly causing serious injury in circumstances of gross violence, three years for intentionally causing serious injury, two years for recklessly causing serious injury and six months for intentionally or recklessly causing injury. I will say thank you, two words that are not said enough by us to these very important people within our community. Thank you for the work you do in protecting our lives and property.

The bill also provides a special reason provision for offenders aged between 18 and 21 found guilty of causing serious injury to an emergency worker. A court may impose a sentence other than the prescribed minimum if it believes there is a reasonable prospect of rehabilitation of the young offender — and we would all strongly agree with that — or that the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison. These are ways in which we are trying to help the younger ones within our community.

Importantly, the bill also introduces a 30-year baseline sentence for the murder of an emergency services worker on duty. The members for Shepparton and Gembrook spoke about police officers who were murdered on the job. Emergency services workers need to know that they have the support of this government, and of government in general, when they go out and do the very dangerous work they do. I was pleased to look through the consultation that has taken place with the courts, Victoria Police and the Director of Public Prosecutions, as this is a very important bill. These special people are fantastic at protecting lives and property within our community, and in a time of emergency we all want a policeman, a firefighter, an SES worker or an ambulance person to attend if needed. We need to make sure they know they are protected by us.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Elenara rooming house, St Kilda

Mr FOLEY (Albert Park) — The matter I raise on the adjournment is for the attention of the Minister for Housing. The action I seek is that the minister rule out the possibility that her office of housing will sell or in any way trade away the ownership and title of the property known as Elenara in Fitzroy Street, St Kilda. Elenara currently operates as a home to approximately 35 of St Kilda's most vulnerable residents and is operated by St Kilda Community Housing. It has come to my attention that the minister and this government have been directly involved in a deeply cynical and manipulative move to pretend to be championing the cause of social housing whilst directly undermining this successful housing community.

The background to this relates to a well-supported community campaign that sought to save a series of low-income rental properties housing long-term low-income elderly citizens in Emerald Street, South Melbourne. Those long-term residents were at risk of losing their homes due to changes in the ownership of the facility, which had been running since the 1970s. After a community campaign led by South Port Community Housing Group and South Melbourne's own parish priest without borders, Father Bob Maguire, the government was dragged kicking and screaming to come up with the money to partner with South Port Community Housing Group to secure these units. As the people at the housing group put it in a recent letter, they were grateful for the community campaign that helped force the government to come to the table with a $2.3 million grant to save these 31 low-income elderly citizens units in Emerald Street, South Melbourne.

Imagine the shock when the local community learnt that the Office of Housing had been told to find the money for the grant to South Port by selling other people's homes. This shock turned to outrage when the planned investment in the Fitzroy Street property Elenara and its planned upgrade were scrapped and St Kilda Community Housing was informally advised that the property was on the government's sale hit list. To save 31 low-income housing units in South Melbourne, this government plans to quietly sell 35 rooming houses in St Kilda that have been home to people in our community since 1983. This cynical and despicable move must be stopped. We condemn it for what it is — a betrayal of some of our most vulnerable residents. The minister must rule out her secret plan, which has now been leaked.

This is of course only part of the government's wider plan to abandon community and social housing. We know this minister has inflamed campaigns to demonise inner city public housing tenants whose homes sit on expensive real estate. We know her secret plan involves getting through the November election and then seeking to flog off or privatise, however she can, the management or the ownership of public housing. We know that this will increase rents, lift the rental cap of 25 per cent of pensions and introduce short-term tenancy arrangements.

Mordialloc Aboriginal gathering place

Ms WREFORD (Mordialloc) — I wish to raise a matter for the Minister for Local Government and Minister for Aboriginal Affairs. The action I seek is for the minister to meet with representatives of the City of Kingston to discuss the potential to incorporate an Aboriginal gathering place into the new Mordialloc coastal resource centre and lifesaving club.

Prior to the 2010 election I was made aware of the situation facing Mordialloc Life Saving Club. After years of being neglected by the then state Labor government the clubhouse was deteriorating. It was riddled with concrete cancer and heading for trouble. Labor offered a last-minute promise to patch up the problem, and the club asked me to match the commitment. I took a look and refused, because it needed more than just a bandaid solution.

Upon being elected I embarked on a mission with the Minister for Police and Emergency Services to fix up the place. The Kingston City Council and Life Saving Victoria shared our concerns about the future of the clubhouse, and after some very deep, lengthy and productive discussions we all agreed to replace it with a coastal resource centre. It is a real win for the community. The coastal resource centre will be far more of a community resource than a stand-alone lifesaving club. It will blend in with its surrounds and offer a broader range of activities involving a range of community groups.

Whilst going through the negotiation process Kingston council offered a range of options for the coastal resource centre. One of the options included space for an Aboriginal gathering place. At this point in time Kingston's Indigenous community does not have a meeting place of an appropriate standard. The coastal resource centre offers some terrific opportunities. A major part of reconciliation is helping the community to understand Aboriginal culture, particularly in the local area. The name 'Mordialloc' is derived from the Boonwurrung term 'moordy yallock', which means muddy creek or little sea. It is a significant place for the Boonwurrung. Mordialloc Creek and the beach were an important part of Boonwurrung life. They were great places to fish, hunt, play and enjoy activities. To incorporate an Aboriginal gathering place in the resource centre would offer everyone a great chance to better understand the area's significance.

The Kingston Aboriginal community could have a meeting place in the same building as one of Kingston's biggest and most vibrant clubs — a building that would be used by a number of other groups. The building would be accessed by a very large number of members of the broader community. Kingston councillor Geoff Gledhill, a good man, advises me that Kingston is still in a great position to incorporate a gathering place in the final design for the resource centre, and all the parties involved would save a significant amount of money by having the project completed in one go. I therefore ask the minister to come to meet with Kingston council representatives to discuss the matter.

Bendigo West electorate constituent disability support

Ms EDWARDS (Bendigo West) — The matter I raise tonight is for the Minister for Community Services. The action I seek is for an individual support package to be made immediately available to a constituent in my electorate, who in seven weeks time will have run out of disability support transitional funding, to ensure that he can remain in his own home. Gregory March has been living in his current home for 13 years. Mr March and his family would like to see him allocated an individual support package as a long-term support arrangement so that he will have the funding available to enable him to remain living independently and not be forced into an aged-care facility.

Mr March is registered on the disability support register. His current transitional funding will run out in seven weeks, and his family members are extremely concerned that he will be forced to leave the home that has been modified over the years to meet his needs. Modifications to Greg's home include the recent installation of a power chair and ceiling hoist to assist with getting him in and out of bed each day. Since 2005 there has been the installation of a two-way switch to a bedroom light at the bedhead, the installation of a slide-out shelf under the hot plate and a shelf under the wall oven, alterations to the kitchen cupboards, installation of an exhaust fan and many other modifications, including a keypad and electric lock for the front door and a smoke detector designed for the hearing impaired.

Mr March suffers from spina bifida. He is 90 per cent deaf, is diabetic, has an intellectual disability and has had his right lower leg amputated, meaning he is wheelchair bound. Mr March's unit in Moran Street, North Bendigo, is a department of housing property. Mr March requires a high level of care, yet is capable of living independently with support measures in place. He has recently received transitional funding through Bendigo Health and the post-hospital transition program, and federal funding through the geriatric evaluation and management program, with home and

community care services also being provided. This transitional funding is due to expire in seven weeks. The funding has meant that Mr March has been able to remain in his home.

In July I wrote to the minister requesting that an individual support package be granted to Mr March, who at the age of just 52 is at risk of having to enter aged care, which he does not want to do. The minister has advised that Mr March's situation is currently receiving attention and that a response will be forwarded at the earliest opportunity. This matter is becoming quite urgent and Mr March's family, including his brother and parents, has contacted me because they are rightly very worried about his future. They are adamant that he should not be forced into an aged-care facility when he has been so well settled in his unit for 13 years. The number of people waiting on the disability support register has increased every year under this government, and there are now 4200 people on the register. Mr March does not deserve to be forced into an nursing home, and I implore the minister to consider his situation and allocate him an individual support package.

Bentleigh RSL Day Club

Ms MILLER (Bentleigh) — I direct my request to the Minister for Veterans' Affairs. The action I seek is for the minister to visit the Bentleigh electorate to meet with patrons of the weekly group, the Day Club, at the Bentleigh RSL, in commemoration of the Anzac centenary. With over 3100 members, the RSL is located in central Bentleigh and offers patrons a family-friendly atmosphere, including great dining, a sports bar, function room and children's playground.

The Bentleigh RSL is an important place for locals of all ages. The staff — Ian Butcher, the branch president; Sylvia Lindsay, the welfare coordinator; and Sophie Kalageros, the welfare assistant — do a great job of looking after the seniors and families at the club. As RSL Sub-branch of the Year in 2013, the Bentleigh RSL is a central meeting point for many senior residents in the Bentleigh electorate who attend meetings of the Day Club every Tuesday. The group, which attracts approximately 100 attendees each week, begins the morning with an exercise class consisting of balance exercises and strength training, followed by lunch and afternoon entertainment. The Bentleigh RSL Day Club would welcome a visit from the minister, especially given that this year Victoria begins to commemorate the Anzac centenary.

The Bentleigh RSL plays a pivotal role in supporting the Bentleigh community, drawing both senior patrons and also young families to the venue. It offers two main forms of membership: service membership for those who have served in the armed forces and affiliate membership for those who are related to people who are eligible for service membership, of which I am one. The club also offers a further two levels of membership in the form of social and community memberships. The benefits of membership include the use of all facilities; discounts on drinks, meals and entertainment; access to member activities and sporting clubs; regular newsletters; and being part of a club that strongly supports the local community.

Bentleigh members are very proud of their RSL, and the Bentleigh RSL's population is a positive and reaffirming sign of the community's desire to commemorate those soldiers who have defended or are currently defending Australia in the Australian Defence Force. The action I seek is for the minister to come to the Bentleigh electorate to commemorate the Anzac centenary and speak with the senior citizens who meet at the Bentleigh RSL weekly through the Day Club program.

Kent Street, Ascot Vale

Mr MADDEN (Essendon) — The matter I raise is for the Minister for Roads. It relates to issues in Kent Street, Ascot Vale. I ask the minister to have VicRoads investigate the matter, report back to the minister and hopefully undertake some mitigation measures that might allow local residents some relief from the traffic concerns they have in the area.

In February this year roadworks were undertaken along Mount Alexander Road. Tramlines were refurbished and Mount Alexander Road was closed for a fortnight or so. As a result, a lot of the traffic was diverted down Kent Street and then down to Ascot Vale Road in both directions. No doubt people found that this was not a bad way to travel through some of those suburbs and decided to continue to use those streets even though Mount Alexander Road has been remediated. Therefore we are now seeing an increased number of larger vehicles using those roads, including using rat runs along the back streets, as they find Kent Street a more agreeable route for getting back to Mount Alexander Road or Racecourse Road. One of the key reasons is that the Craigieburn rail line has a bridge over it in Kent Street but further along the rail line, whether it be at Puckle Street, Park Street or Buckley Street, there is no bridge over the line and no grade separation, and people have to queue for some time at the lights. People have therefore worked out that they can save themselves some waiting time at peak hour by using Kent Street on

top of a bit of a rat run through some of the back streets of Ascot Vale and Moonee Ponds.

A number of people from Essendon, Moonee Ponds, Maribyrnong and surrounding areas are using Kent Street as a significant street at peak times but also throughout the night and day. The major issue is that there are a number of heavy vehicles using it also. I ask the minister to have VicRoads look at the matter and consider any possible mitigation measures, particularly because I understand this is what is known as an overdimensional route, which means that traffic mitigation or diminishing measures are not necessarily easily implemented. I therefore ask the minister to address these issues as quickly as possible in order to relieve the burden local residents have to put up with.

Hopetoun Community Centre

Mr CRISP (Mildura) — I raise a matter for the Minister for Sport and Recreation, and the action I seek is for funding to be provided to assist the Yarriambiack Shire Council to upgrade the Hopetoun Community Centre. The Hopetoun Community Centre is a facility that provides changing rooms for netball and football umpires and players.

Hopetoun is the geographic centre of my electorate, and it is a very active community. It has developed its recreational lake foreshore into an award-winning facility offering accommodation, meeting and catering facilities. These facilities were developed in a partnership between the locals and all levels of government. Of course the starting point was always the locals with the support of the Yarriambiack Shire Council. Again it is the users of the Hopetoun Community Centre and the Yarriambiack Shire Council who are seeking a partnership with the coalition government to deliver an expansion and upgrade of this facility. The proposal is to expand the facilities by enlarging the function area, enlarging and refurbishing the shower and toilet areas and providing better changing room facilities for female and male umpires and players.

The improvement of these facilities will do more for the community than simply service those who play sport. Although sport is very important, the Hopetoun Community Centre also provides vital support — and is the main building in fact — for the agricultural show as well as for meetings, birthday celebrations and other special community events. The project will complement the excellent catering facilities at the Hopetoun Community Centre, which have been upgraded and developed over recent years. This project has been nearly 15 years in the making. I call on the minister to support this important project for the Hopetoun community.

Bowls Victoria

Mr CARROLL (Niddrie) — I rise to bring a matter to the attention of the Minister for Sport and Recreation in his capacity as the minister responsible for state sporting associations, most specifically Bowls Victoria. The action I seek is that the minister review Bowls Victoria's recently announced new method for determining and collecting affiliation fees to be levied by clubs over the next three seasons.

In its special bulletin dated 9 April 2014 Bowls Victoria announced it was moving away from a scheme whereby affiliation fees are paid per member to a scheme where they will be paid per club. The new system will initially apply to seasons 2014–15, 2015–16 and 2016–17. There will be a single fee based on total affiliation fees paid by each club in 2013–14 and this will be adjusted annually until 2016–17 for operating cost increases incurred by Bowls Victoria. Bowls Victoria has determined the adjustment for year 1, 2014–15, to be 7 per cent, but this figure will be different year on year. The core concern is that this new system of collecting affiliation fees has the potential to inadvertently hurt clubs, especially clubs already operating in a tough competitive market with dwindling membership numbers.

On Friday, 15 August, I met with Ray Capuano, chairman of the Buckley Park Bowls Club, and Bob Duddington, secretary of Keilor Bowls Club — two wonderful bowls clubs in my electorate that I am proud to be a member of. Bowls Victoria is the governing body for the sport of bowls in the state of Victoria. In order for clubs to participate in competitive bowls across Victoria and Australia, they must be affiliated with Bowls Victoria. Affiliation fees have traditionally been charged annually at the beginning of the bowls season for each member of a club who plays pennant bowls. The new method will be based on a club's total affiliation fees in 2013–14 with an adjustment for operating costs to be applied each season until 2016–17. This is very unfair on clubs which have dwindling membership, as they will be expected to pay the same fees for the next three years, plus costs, regardless of how many pennant players they actually have.

This new affiliation fees framework may be highly beneficial to clubs where membership numbers are on the rise, but it is highly disadvantageous to clubs such as Buckley Park and Keilor where membership numbers are not rising. This method of payment will

serve to further reduce numbers due to the increased costs. In the case of the Buckley Park Bowls Club, it has lost 34 members since last season through death, illness, retirement or transfer. The new calculation method will cost the club $1027 for Bowls Victoria affiliation for pennant players they no longer have. It will apply till 2016–17. If Buckley Park Bowls Club is unable to attract new pennant players and indeed loses more players over the next three seasons, this will have a disastrous compounding financial effect.

Buckley Park Bowls Club is not the only club in this difficult situation. Many suburban bowls clubs across the state will be under mounting pressures. The Bowls Victoria website states:

> … it also has a social objective to enhance existing bowling communities and to position bowls clubs and the sport in the wider community.

It also states:

> Clubs can lean on Bowls Victoria for support in a range of areas.

Struggling bowls clubs are looking for more support. I want to stress that both Buckley Park Bowls Club and Keilor Bowls Club came to me seeking assistance and that they had already been in contact with Bowls Victoria. As the no. 1 ticketholder at Buckley Park Bowls Club and a social member of the Keilor Bowls Club, I request that the Minister for Sport and Recreation investigate this new model of affiliation fees implemented by Bowls Victoria and consider the detrimental impact of the charges on bowls clubs in my electorate and around the state.

Anti-Semitism

Mr SOUTHWICK (Caulfield) — I raise a matter for the Minister for Higher Education and Skills. It is in regard to racist attacks on university campuses in recent weeks, which have largely been due to the escalated Israel-Hamas conflict. The action I seek from the minister is that he meet with representatives of the Jewish community, including Nina Bassat from the Jewish Community Council of Victoria, Dvir Abramovitch from the Anti-Defamation Commission and representatives of the Australasian Union of Jewish Students and the Community Security Group, in addition to university heads of campuses, to discuss this important matter of dealing with hate on campus.

No matter what political beliefs or opinions they hold when it comes to the Middle East — that is, whether they believe that Israel has the right to defend itself or for that matter even to exist — students in Victoria should not be subjected to racial attacks or prejudice on university campuses because of their religion. An unfortunate student at La Trobe University faced a relentless bullying campaign following her successful opposition to an anti-Israel motion moved at the La Trobe Student Union. As of Wednesday, 13 August, the students responsible are still on campus and the university is still undertaking an investigation and considering punishment. On 12 August one of the students responsible was calling into a speaker system at the university for an intifada against the Zionists in the student union, effectively calling for a violent uprising against Jewish students.

Recently at Monash University the Monash University Student Association passed an extremely offensive motion, and later sentiment on campus led to the targeting of Jewish students. As a direct consequence Jewish students are feeling constantly harassed on campus by members of the Socialist Alternative. On 30 July five Jewish students were barred from entering a political event just because they said they were Jewish. At RMIT a Jewish student wearing a kippah — a head covering — approached a Socialist Alternative stall, was asked questions about his affinity with Israel and was harassed by people using anti-Semitic language, including being called a ‘dirty effing Zionist pig’ and ‘disgusting people supporting genocide’. I am told that these students are fearful of attending campus.

Thankfully some of the reactions from the university administration have been very positive on this campus. I congratulate the vice-chancellors of Monash University and La Trobe University on their efforts in trying to stem these attacks. Regrettably the anti-Semitic climate around campuses is much worse than we have seen in the past. In 2012 I spoke to the then Minister for Higher Education and Skills about organising a forum to deal with these sorts of matters.

I call on the Minister for Higher Education and Skills to meet with various members of the Jewish community and with campus heads to look at developing a positive strategy to deal with this sort of hate. Hate in any form and targeting any people is totally unacceptable, and I think we need to work together to try to combat this sort of hate on our university campuses in Victoria.

Federation Training

Mr HERBERT (Eltham) — I raise an issue for the Minister for Higher Education and Skills. The action I seek is that the minister fully outline transitional arrangements for Federation Training in Gippsland. Whilst I thank the departmental officers who gave me a private briefing on the issue a while ago, a range of issues still need to be addressed.

The minister needs to publicly release details of exactly how TAFE transitional funding for the merged Federation Training will be allocated and the time line for that allocation. This matter has become even more urgent since last Friday's announcement of the loss of 26 jobs at Federation Training. These job losses once again demonstrate that the minister and his government are responsible for the decimation of training opportunities in Gippsland. The responsibility for this terrible news lies clearly at the feet of the minister and his government, which in 2013 cut over $15 million in operational funding for the two TAFEs prior to the merger. Federation Training's annual report tells an even worse story, with Advance TAFE reporting a $9 million loss and GippsTAFE reporting a $5 million loss in 2013.

With job losses already announced at this new TAFE, the need for certainty and public information on the transitional funding for Federation Training is clearly urgent. At the time of the merger I said that I could not see that it made sense to merge two broke TAFEs because all that would be produced from the merger of two small broke TAFEs would be one large broke TAFE. Unfortunately — and tragically for the staff involved — this prediction is becoming all too true. The minister needs to stop hiding behind his Treasury Place desk and make some categorical guarantees to the people of Gippsland. This issue cannot be put on the backburner until after the election; that simply is not satisfactory.

The minister needs to guarantee that all existing campuses of the former Advance TAFE and GippsTAFE will remain open and will be fully supported. He needs to provide public details on how priorities for the $40.2 million bailout will be allocated, what capital upgrades will occur, whether campuses will be allowed to close or will be sold off, whether courses will be cut, whether more jobs will be lost, the conditions of the Federation University Australia takeover in 2016, whether money will be spent to keep Federation Training afloat before it is integrated with Federation University Australia and, importantly, what guarantees there are that Federation Training will maintain or strengthen its training provision in the area once absorbed into Federation University Australia.

TAFE provision in Gippsland is simply too important for the government to allow it to wither and die on the vine. I request that the minister provide clear, public information on the transitional funding arrangements for Federation Training and give a guarantee to all those people in Gippsland who need to get quality skills, quality certificates and quality training to get a job that their rights, their hopes and their aspirations will be met by the new Federation Training.

Cockatoo township graffiti

Mr BATTIN (Gembrook) — My adjournment matter tonight is for the Minister for Crime Prevention. I call on the minister to work with the Cockatoo community to institute crime prevention measures relating to graffiti. Over the years the Cockatoo community has faced many challenges, including challenges at a social level and natural disasters. No-one can forget the horrendous Ash Wednesday fires of 1983. The town has also had some wonderful highlights, including the way the community worked together following Ash Wednesday to rebuild the town. A visit from Princess Diana was motivation for the community to continue on the path of rebuilding the town and the community.

In the past few years the community has bonded to protect the local kindergarten. This was the building in which up to 300 people took refuge in 1983. The community has fought hard to protect this building. The current state of the building leaves a lot to be desired. There are plans to fix the building to create something the town is proud of and that will honour that moment in time. I would like to put on the record appreciation and thanks to Jason Wood, the federal member for La Trobe, for ensuring that the federal government will assist with the funding needed to restore and display the old kindergarten.

It is important to note the New York-related broken windows theory here. In Cockatoo we see this building and the building known as the Bailey Road shops sitting idle in the town. The Cockatoo township committee, the men's shed participants, the local shop owners and all the sports clubs want to see the town return to its glory. They are proud to be members of the Cockatoo community. Recently more graffiti has appeared in the town. As a government we have supplied a graffiti clean-up kit to the Cockatoo men's shed which will allow the local community to get rid of graffiti as soon as it hits the walls. I know this is a lot to expect from volunteers in the community, but residents in Cockatoo are sick of graffiti in the town they are proud to call home. As a member of the only government in Australia that has a crime prevention minister, I call on us to act. The community has approached me to ask for help, and I would like to work with the minister's office to find positive outcomes in the area of crime prevention.

Since the November 2010 election the government has delivered a new police station in Emerald. The station

has a new senior sergeant, and I am confident we will see new police officers in the near future. It will be a positive for the hills area to have more police officers available for not just reactive but also preventive measures. However, it is important to work within the community to have a successful crime prevention program.

The Cockatoo community needs assistance. It has a couple of council facilities that create issues, and it is important that as a government we support the community in its call for assistance. I will work with the minister's office to find a solution that will engage the community to ensure that Cockatoo residents can remain proud of their town.

Responses

Mr BULL (Minister for Aboriginal Affairs) — I respond to the matter raised by the member for Mordialloc, and I congratulate her on her interest in the local Indigenous heritage of her electorate. I inform her that I would be delighted to meet with City of Kingston representatives to discuss the potential location of a gathering place for the local traditional owner groups within the municipality. I am aware that the member stated that some work had already been done by the City of Kingston in relation to identifying a suitable location at what will be the new Mordialloc coastal resource centre and lifesaving club.

I also take this opportunity to say that recognising and creating community awareness of our Aboriginal heritage is very important for getting true recognition of our Aboriginal people — the traditional owners — within this great state of Victoria. I take on board some of the member's comments when she said that traditional owner groups presently do not have such a facility or an appropriate meeting place of an appropriate standard in the municipality. The coastal resource centre offers some significant opportunities for that. It was also interesting to learn the origins of the name Mordialloc from the local member. It is derived from the Boonwurrung term 'moordy yallock', meaning muddy creek or little sea. I did not know that, and it was enjoyable and interesting to learn that tonight. I look forward to joining our hardworking member for Mordialloc to meet with her local council to discuss its plans for that future facility within her electorate.

Mr WAKELING (Minister for Higher Education and Skills) — I rise to respond firstly to the adjournment matter of the member for Caulfield. He has raised a very important matter tonight in regard to the anti-Semitic attacks on university campuses. I am sure that everyone in this place would be gravely concerned by the actions of those who see it as appropriate to take it upon themselves to attack people on the basis of their race. As we know, the member for Caulfield has been a very strong advocate for his community but more importantly for the Jewish community here in Melbourne. He has been very helpful to many in this house in providing education and information about Jewish customs and beliefs and the issues affecting Israel.

Israel has done significant work around the world and clearly that country has the right to defend itself. We need to ensure that people of the Jewish faith in this state can operate in an educational setting without fear of being attacked. I am gravely concerned about the issues that the member has raised. I am aware that in 2012 he and my predecessor conducted a forum on this issue and that he is seeking for me to deal with this issue again. We know there have been racial attacks on campuses. We know of the reports from Sydney of young Jewish children being racially attacked on a school bus. Clearly this is something that all of us in this house, not only those on this side, would deem to be very inappropriate and highly unacceptable.

The government through its multicultural policy, Victoria's Advantage, launched in March 2014, promotes unity, diversity and opportunity, which is the measure of the success of multicultural affairs and citizenship in this state. This side of politics prides itself on our multicultural community, and I am sure all people in this house share that view. For those members of the Jewish community — not only on campuses but in the broader community — who have fears, purely on the basis of their race, this is an abhorrent situation to be happening in the 21st century. We would have thought that Victoria would have left that in the last century.

I look forward to working with the member to see how we can meet with members of the Jewish community in our university campuses and help them undertake the important work needed to overcome this horrific problem.

The member for Eltham raised a matter in regard to Federation Training and the $40.2 million funding allocation for the provision of that new facility. The establishment of the facility has been embraced by the Gippsland community, but clearly not everyone is supportive of that merger. It is a shame that those opposite are not seeking to support our important TAFE sector. Recently I had the benefit of talking to many of our TAFE providers, and they made it very clear that they wish for all sides of politics to support and

promote TAFE. We know that in this state under this government enrolments in the higher education and vocational sector have risen by 50 per cent. We know they have risen in the TAFE sector, and they have grown exponentially in the private sector. We know that people are choosing to vote — —

Mr Foley interjected.

The DEPUTY SPEAKER — Order! The member for Albert Park!

Mr WAKELING — The question was raised with me by the member in terms of dictating the outcomes for future sites of Federation Training. This side of politics firmly believes that we should empower TAFEs through their boards to make decisions about matters that affect their local communities. This side of politics firmly believes that if you appoint a board to make decisions on behalf of a TAFE institution, that board is best placed to make those decisions. That is why we have a new board in place at Federation Training, which is working with Wendy Wood, the new chief executive officer, to make decisions.

Let me make it very clear: I will not be dictating to any TAFE in this state what courses it should operate out of what buildings. We will not be dictating what courses those TAFEs should run. However, tonight, for the benefit of TAFEs in this state, we now know that the position of the opposition is to dictate to the TAFE boards what courses they should run, at what facilities and who they should employ. That is in stark contrast to how we will operate. We firmly believe that the governance of our TAFE sector is significant. That is why we empower our TAFEs to make those local decisions.

We are very proud of the $40 million funding contribution we have made to that facility. The concern we had for the Gippsland region was that prior to the merger one in three Gippslanders who sought to undertake vocational training left Gippsland to train. We know that when people leave the region to undertake training, it is very difficult to get them back. Federation Training has as its mantra 'Wanting to become the principal provider of vocational training for Gippslanders'. I stand committed to working with that organisation. I appreciate the fact that the opposition does not support Federation Training, but this side of politics, which has local members from the Gippsland region, stands ready to work shoulder to shoulder with Federation Training.

We know Federation Training has a great opportunity ahead of it. That is why this side of politics is working with it, unlike those opposite, who as we have heard tonight have made it very clear that if they are elected in November, they will be dictating the operation of not only the board of Federation Training but the boards of all TAFEs around the state.

The member for Albert Park raised a matter for the Minister for Housing with regard to the potential sale of Elenara in Fitzroy Street, St Kilda, and I will refer that matter to the minister.

The member for Bendigo West raised a matter for the Minister for Community Services regarding the potential provision of an individual support package for Mr Gregory March, and I will refer that matter.

The member for Bentleigh raised a matter for the Minister for Veterans' Affairs to meet with members of the Bentleigh RSL Day Club, and I will refer that matter.

The member for Essendon raised a matter for the Minister of Roads regarding an investigation by VicRoads into ways to mitigate traffic pressure on Kent Street, Ascot Vale, and I will refer that matter.

The member for Mildura raised a matter for the Minister for Sport and Recreation regarding Yarriambiack Shire Council's request for an upgrade to the Hopetoun Community Centre, and I will refer that matter.

The member for Niddrie raised a matter for the Minister for Sport and Recreation requesting him to make representations to Bowls Victoria regarding the collection of fees from bowling clubs, and I will refer that matter.

The member for Gembrook raised a matter for the Minister for Crime Prevention regarding potential crime prevention programs particularly relating to graffiti in the Cockatoo community, and I will refer that matter.

The DEPUTY SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 10.39 p.m.