

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT  
FIRST SESSION**

**Tuesday, 14 April 2015**

**(Extract from book 5)**

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**Deputy Speaker:**

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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McGuire, Mr Frank	Broadmeadows	ALP			

<sup>1</sup> Resigned 2 February 2015

<sup>2</sup> Elected 14 March 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, Ms D’Ambrosio, Mr Morris, Mr Mulder, Ms Neville, Ms Ryan, Mr Scott and Mr Wells.

**Standing Orders Committee**— The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

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(*Council*): Ms Bath, Mr Purcell and Ms Symes.

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

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

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

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

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

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

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

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

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

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



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**Tuesday, 14 April 2015**

**The SPEAKER (Hon. Telmo Languiller) took the chair at 12.03 p.m. and read the prayer.**

**CONDOLENCES**

**Daryl Hedley Robert McClure**

**The SPEAKER** — Order! I advise the house of the death of Daryl Hedley Robert McClure, member of the Legislative Assembly for the electoral district of Bendigo from 1973 to 1982.

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

**Honourable members stood in their places.**

**The SPEAKER** — Order! I shall convey a message of sympathy from the house to the relatives of the late Daryl Hedley Robert McClure.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Hospital policy**

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Health. Can the minister guarantee to the Parliament that the Victorian Comprehensive Cancer Centre (VCCC) will be fully delivered with an operational 160 beds, 42 critical care beds, 110 same-day places, 8 operating theatres and 2 day procedure rooms — yes or no?

**Ms HENNESSY** (Minister for Health) — The answer to the member's question is yes, we are building a Victorian Comprehensive Cancer Centre that does indeed have that capacity. I am delighted anytime to debate hospital beds with the opposition, given it had four years, it promised 800 and it delivered 41.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — With a loss of \$20 million in donations due to the government ripping up the plan for the private wing in the VCCC, will the minister guarantee there will be no operational scope reduction now in the planned VCCC?

**Ms HENNESSY** (Minister for Health) — It may have escaped the member's attention, but Labor governments do not cut health — unlike the Liberal government, which cut \$1 billion from the state health budget over four years.

**Ministers statements: defence equipment  
manufacturing**

**Mr ANDREWS** (Premier) — I rise to inform the house that today I will write to the Prime Minister asking him to require that all defence purchases include a minimum local content requirement. Such a requirement, as you know, Speaker, and as I am sure honourable members know, would be to replicate those provisions that operate under the Victorian industry participation policy, one championed by Labor in government and indeed championed by this Labor government now and for the future.

The defence technology and manufacturing sector represents about \$1.5 billion worth of output a year, about 300 different firms and the best part of 6000 jobs. These are the best workers and the best enterprises. These are people with skills and experience, and they want to do more. They want to make an even bigger contribution to our state, but they cannot do that unless the federal government is prepared to back them in and place an order. That is what is most important. Whether it be LAND 400, naval shipbuilding or a whole range of other defence procurements, at the end of the day these pieces of equipment, these pieces of engineering and manufacturing technology, are paid for exclusively by the Australian taxpayer, and they ought to support jobs in Victoria and other parts of our nation.

This government is supporting the expansion of this industry through the \$200 million Future Industries Fund. We are supporting it through a consistent position of saying to the commonwealth government: work with us to make sure that we have the training, the skills and the opportunities for this sector to grow over time. These jobs are worth fighting for. These workers do the best work in the world. They just need a federal government that is on their side and one that places an order.

**Hospital policy**

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Health again. With the Premier describing private health facilities that operate within a public hospital as greedy profit makers, can the minister inform the house if it is now government policy that Frances Perry House, located within the new Royal Women's Hospital, is no longer welcome?

**Ms HENNESSY** (Minister for Health) — I can understand why the Leader of the Opposition would attempt to verbal the Premier in his description. Indeed the Premier has a very strong history when it comes to investment in health in this state. May I remind the

Leader of the Opposition that in the last term of Labor government there was a \$3.2 billion capital investment secured by the now Premier, compared to the paltry \$230 million secured by the Liberal Party.

**Mr Clark** — On a point of order, Speaker, the minister is debating the question. I ask you to bring her back to answering it.

**The SPEAKER** — Order! The minister to continue and to come back to answering the question.

**Ms HENNESSY** — For the purpose of clarity for the Leader of the Opposition, the government is not opposed to private hospitals. We maintain our commitment that the Victorian Comprehensive Cancer Centre, a centre secured by the Labor Party — the Liberal Party would never do it — will remain a public facility.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — On a supplementary question, I wonder if the minister could confirm that in the expressions of interest for the VCCC — which she is now overseeing the construction of — launched in 2009, opportunities for commercial ventures similar to Frances Perry House, including facilities or services that are complementary to the operations of the new Parkville cancer centre, were promoted by the then health minister, now the Premier.

**Ms HENNESSY** (Minister for Health) — For the purposes of the Leader of the Opposition's clarification, in 2009 the decision was made that no private facility would be included in the Victorian Comprehensive Cancer Centre. May I note the circumstances in which the Leader of the Opposition starts to find his voice when it comes to health investment in this state, but we would appreciate it if he used it against Tony Abbott and the \$13 billion he wants to cut from our budget.

**Ministers statements: water policy**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I rise to inform the house for the very first time of the new action that the government is taking in relation to water management. I am very pleased to advise the house that the government will be reviewing all board positions for the 19 Victorian water corporations. This process will commence on 20 April.

**Mr Watt** — On a point of order, Speaker, sessional order 7 refers to 'new'. Just because the minister says it is new does not mean it is new. This is information that I learnt — —

**The SPEAKER** — Order! The member for Burwood will resume his seat.

**Ms NEVILLE** — As I was saying, Speaker, the process commences on 20 April, and I have agreed to extend the closing date to the end of May. We thought, with 66 of the 135 positions already due to expire in September and given our new agenda in relation to water, it was the right time to ensure that we had the right people with the right skills to provide the most effective management of our water across our state.

Victoria needs a diverse and highly skilled range of people to deal with the environmental and economic challenges of the future when it comes to water — climate change, rainfall variability and rapid population growth. We are aware that there are significant skill deficiencies in all of those areas. In fact we have got a couple of water boards that have no-one on them with financial expertise. Given that this is a \$40 billion industry, that is unacceptable.

When I was speaking to the water authorities last week I said that the current board members who have the right skills and a passion for water should look at reapplying and expressing an interest. But we are also looking right across the state to make sure that we have people with the right qualifications to run these very important water authorities.

We have a new agenda for water. We believe government needs to work in partnership with communities to deliver and to meet the needs of our families, our environment, our economy and our farmers. That is our commitment. That is what we will be doing, and this will help us do that.

**Hospital policy**

**Ms RYAN** (Euroa) — My question is to the Minister for Health. Given that almost 40 per cent of the Peter MacCallum Cancer Centre's patients are private, can the minister confirm that the proposed new 42 beds on the private floor of the *Victorian Comprehensive Cancer Centre* would actually mean more beds available for public patients by treating private patients currently in public beds?

**Ms HENNESSY** (Minister for Health) — There is a very simple answer to the member's question, and that answer is no.

*Supplementary question*

**Ms RYAN** (Euroa) — Given *Victorian Comprehensive Cancer Centre* the new 42-bed private cancer facility at the Victorian Comprehensive Cancer

Centre was at no cost to the Victorian taxpayer, why is the minister putting ideology ahead of the health of sick Victorians?

**Ms HENNESSY** (Minister for Health) — I remind the member that you cannot have a floor in a comprehensive cancer centre without building a comprehensive cancer centre, which is something that that side of politics has never done. The Victorian Comprehensive Cancer Centre will be a centre for all Victorians. It will be a combination of treatment, research, education, clinical trials, cancer beds, intensive-care units and high-dependency units, all funded by Labor governments. That is something that that side of politics has never done.

### Ministers statements: Anzac centenary

**Mr EREN** (Minister for Veterans) — I rise to inform the house about government initiatives on what is one of the most important anniversaries in our nation's history, the centenary of the Anzac landings at Gallipoli. It is pleasing that in commemorating the sacrifice of our brave men and women 100 years ago, this Parliament has worked across the aisle to deliver programs that help Victorians connect with the stories of the past, engage with the stories of today and help write the stories of tomorrow. It is these contributions that will keep the memory of heroism and sacrifice alive for future generations.

Yesterday I had the honour of opening the *Anzac Battlefield* — Landscape of War and Memory exhibition at the Shrine of Remembrance.

**Mr M. O'Brien** interjected.

**The SPEAKER** — Order! I warn the member for Malvern! I will not warn him again.

**Mr EREN** — Archaeologists have uncovered artefacts from the battlefield of a century ago.

I also had the honour of joining the Premier at the official opening of the Australian Turkish friendship memorial. It is a stunning and moving piece that symbolises the amazing friendship the two countries formed in battle and still share. It was a battle where acts of bravery and heroism were the norm and not the exception. Now, 100 years on, I can share stories of my grandfather who fought on that peninsula, and former Premier Ted Baillieu can share the stories of his grandfather, who fought for the Australian forces.

**Mr Southwick** interjected.

**The SPEAKER** — Order! I warn the member for Caulfield!

**Mr EREN** — In addition to attending a dawn service on Anzac Day, Victorians will be able to participate and engage in a series of government programs and initiatives. The Galleries of Remembrance is in many respects the centrepiece of the Victorian government's Anzac centenary program. Victorian Collections, Battle to Farm and the embarkation rolls are all programs that people can get involved in. Then there is the 100 Places for 100 Years app and the many brochures and maps that create a network of military heritage trails around Victoria. All these government initiatives are easily accessible at [www.anzaccentenary.vic.gov.au](http://www.anzaccentenary.vic.gov.au).

### Water policy

**Mr WALSH** (Murray Plains) — My question is to the Minister for Environment, Climate Change and Water. When the minister sacked 135 members of Victoria's 19 water boards last week she also claimed that the government may use desalination plant water to fill recreational lakes in northern Victoria. I ask: can the minister name all the recreational lakes she wants to fill?

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I could comment on the Leader of the Opposition's interjection, but I won't, because I will take this as a serious issue.

Members on this side of the house believe that water is absolutely critical to the social fabric of our communities. It is critical to social wellbeing, it is critical to health, it is critical to the economy and it is critical to our farmers and our irrigators. We are very serious about looking at opportunities across Victoria to share water and to support communities that are doing it tough. For example, I had a bit of a look today, and we know Melbourne is sitting at about 74 per cent in terms of its water storages but that somewhere like Geelong has dropped to 59.2 per cent. Luckily we built that Geelong pipeline and the desalination plant — —

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the question was very simple. It was about which lakes in northern Victoria the minister plans to fill with desalination plant water.

**Ms Allan** — On the point of order, Speaker, I think it is pretty clear to the house that the minister is providing some very important context to the — —

*Honourable members interjecting.*

**Ms Allan** — I appreciate that policy was not the former water minister's strong suit, and probity was not either; however, it is important that the minister, in the time she has available, be allowed to present the policy context and the challenges she has been left with in answering the shadow minister's question.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Mordialloc will come to order. There is no point of order.

**Ms NEVILLE** — The Leader of The Nationals actually changed the question there, but I am happy to deal with that as well. We need to see this in a context. If you see water as critical to the social fabric of your community, if you see it as absolutely critical, you do what we did last time we were in government — that is, build a water grid. If I could give a little bit of a sense of that water grid, 17 500 kilometres of the Wimmera–Mallee pipeline was replaced, which saw 103 gigalitres saved.

In addition to that there was also the goldfields super-pipe. I am sure the members for Bendigo are very pleased we built the goldfields super-pipe. In addition to that I was up in Shepparton with the member for Shepparton just last week looking at the connections program. As part of the food bowl modernisation, 9000 kilometres of channel has been replaced — —

**Mr Walsh** — On a point of order, Speaker, I renew my point of order around relevance. The question was very simple. The minister made a statement about filling lakes in northern Victoria with desalination plant water. The question was: which lakes? It is very simple. It does not require a geography lesson about every other part of Victoria.

**The SPEAKER** — Order! I uphold the point of order. The minister will now come back to answering the question.

**Ms NEVILLE** — The purpose of building that grid and the desalination plant was to ensure that we have water savings and a non-rainfall-reliant source of water. What that enables us to do, if we are smart enough — which those on the other side are not — and if we are innovative enough is to look at where we have water already sitting. For example, let us have a look at Lake

Eildon. My memory is that Melbourne Water has a whole lot of water sitting in Lake Eildon. We are not allowed to use the north–south pipeline, and therefore, as I said, we have a whole lot of water sitting in Lake Eildon. Can we do some trades? Can we use that water more efficiently?

What surprises me about the Leader of The Nationals, who claims to represent regional Victoria, is that he is doing everything he can to stop us distributing water, supporting regional communities and supporting recreational lakes. I stood with the Premier when we put water into Lake Toolondo. That is changing that community. It is building an economy there, it is building tourism there and it is about the health and wellbeing of the community. That is what we are about; supporting communities when it comes to water.

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 11(2), and I ask that you determine that the minister's answer to the question without notice was not responsive to the question. The question asked her to name the lakes that she intends be filled. She has not come anywhere near naming even one of those lakes.

**Ms Allan** — On the point of order, Speaker, if I recall correctly, the shadow minister as part of his preamble to the question — and as we all know the preamble forms part of the question that is asked — referred to water board appointments and to water infrastructure more broadly, which goes to the issue of water policy. I would have thought that the minister had touched on those issues and referred to those issues in the content of her answer.

If those opposite want to explore this option further, they can ask that by way of a supplementary question, which opportunity is afforded under the new sessional orders that this house operates under. But I suggest, Speaker, that you rule out of order the point of order of the manager of opposition business.

**Mr R. Smith** — On the point of order, Speaker, you had already ruled that the minister had not been answering the question that was asked, so your previous ruling still stands.

**The SPEAKER** — Order! I do not uphold the point of order.

*Supplementary question*

**Mr WALSH** (Murray Plains) — Can the minister confirm that any filling of recreational lakes in northern Victoria, such as Lake Eppalock, from the desalination plant will require up to 6 million truck movements, or

will she build another white elephant, like a south–north pipeline?

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — What I can confirm is that there are not going to be 6 million truck movements, and only those opposite would be silly enough to have that in their heads, seriously. That is why you build a water grid. I am surprised that the former minister does not understand that we have a water grid. The water grid is about how you move water.

I just mentioned some of the water grid, including the Wimmera–Mallee pipeline, the goldfields super-pipe and the pipe from Melbourne which connects to the desalination plant for Geelong, which is now sitting at 59.2 per cent and declining significantly. We are trying to do preparation for what is coming, which is the next drought, and we are already seeing it in north-western Victoria. Luckily for Victorians the opposition is no longer in charge of water.

### Ministers statements: HIV provision repeal

**Mr PAKULA** (Attorney-General) — I rise to inform the house of the government’s new legislative measure to ensure that all Victorians are entitled to equal treatment before the law. Later today the government will introduce the Crimes Amendment (Repeal of Section 19A) Bill.

Section 19A of the Crimes Act 1958 relates to a charge of intentionally infecting another person with a very serious disease, which is defined to exclusively mean HIV. Singling out the transmission of HIV for a higher penalty unfairly characterises people living with HIV as a danger to the community. It perpetuates negative stereotypes and does not reflect current medical advances. This in turn can have negative public health impacts, as people may be less willing to get tested for HIV.

Section 19A is the only offence of its kind in Australia. It has been rightly criticised by legal and health advocacy groups, most recently during the 2014 International AIDS Conference. Other sections of the Crimes Act and the Public Health and Wellbeing Act 2008 can be used to deal with those who intentionally infect another person with HIV, and Victoria has non-criminal measures to manage the risk of infectious diseases.

In opposition Labor committed to repealing this outdated and discriminatory law, and I am proud to join the Premier and the Minister for Equality in delivering on our promise to Victorians living with HIV. The

government developed this legislation in consultation with Living Positive Victoria, the Victorian AIDS Council, the Human Rights Law Centre, the Law Institute of Victoria, the Criminal Bar Association and Liberty Victoria. I commend them and thank them for their advocacy.

Repealing this offence will reduce the stigma and discrimination faced by people living with HIV and further promote equality for all Victorians. Our Premier has said that equality is not negotiable. Repealing section 19A is another step towards making Victoria a more equal and inclusive state. I trust those opposite will offer their bipartisan support for the bill, and I look forward to its speedy passage.

### East–west link

**Mr M. O’BRIEN** (Malvern) — My question is to the Treasurer. Given the international damage the government is doing to Victoria’s investment reputation through its reckless decision to rip up a binding contract, I ask: will the Treasurer guarantee not to further trash Victoria’s financial reputation and now rule out legislating to repudiate the east–west contract?

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order. That includes the member for Melton, who I can hear very clearly today.

**Mr PALLAS** (Treasurer) — I thank the member for Malvern for his question. On occasion I wonder why he is still here, why he is still in this place. What measure of probity and appropriateness allows this man to sit on the front bench of the opposition? He should never be allowed in public — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members and opposition members will come to order!

**Mr M. O’Brien** — On a point of order, Speaker, I would be happy to answer the Treasurer’s question, but he should get back to answering the question I asked.

**The SPEAKER** — Order! The Treasurer, to continue.

**Mr PALLAS** — It is quite clear that those opposite were more than happy to subvert the interests of Victorians for their short-term political objectives — to sign Victorians up to a purported contract for \$1.2 billion for nothing, to attempt to trash the interests of Victorians and to subvert the sovereign right of our

electorate to determine the priorities of government. That is what they did.

This is not the first time international pressure has been brought to bear on the state of Victoria. It was not so long ago that we had pressure exerted from the United States of America when Miley Cyrus twerked her magic and we saw — —

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBERS

### Members for Mordialloc and Footscray

**The SPEAKER** — Order! The member for Mordialloc and the member for Footscray will withdraw themselves from the chamber for half an hour.

**Honourable members for Mordialloc and Footscray withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### East–west link

**Questions and statements resumed.**

**Mr PALLAS** (Treasurer) — The member for Malvern and those opposite will not be able to wiggle out of this one — you can be sure of that. They will not be able to wiggle out of it. The people of Victoria will hold them to account. We take our international reputation seriously.

**Mr Clark** — On a point of order, Speaker, the Treasurer is now debating the question. It was a question relating to the government’s intention regarding legislation to dishonour the east–west link contract, and I ask you to bring him back to answering that question.

**The SPEAKER** — Order! I uphold the point of order.

**Mr PALLAS** — We take our international reputation seriously. That is how Labor managed to get a double-rated AAA credit rating. Let me be very clear: we will never subvert the interests of the state of Victoria, as those opposite did. We will reserve all and every right available to this sovereign government to protect the interests of Victoria.

*Honourable members interjecting.*

### Supplementary question

**Mr M. O’BRIEN** (Malvern) — Given that the Treasurer refuses to rule out legislating to scrap a valid multibillion-dollar contract, what advice has he received from his department and Victoria’s overseas trade offices about the damage this is doing to Victoria’s investment reputation?

**Mr PALLAS** (Treasurer) — Now the member for Malvern is concerned about Victoria’s international reputation. What a Damascus-like conversion! When the previous opposition — the now government — urged him to allow a mandate to work its way through the Victorian political system, he did not care what Victorians said. He did not care about our international reputation.

**An honourable member** interjected.

**The SPEAKER** — Order! I warn the minister for housing.

**Mr M. O’Brien** — On a point of order, Speaker, the supplementary question was very narrow. It related to advice received from the Treasurer’s department and overseas trade offices about our international reputation as a result of his actions. Attacking the opposition is not part of the answer to a supplementary question.

**The SPEAKER** — Order! I uphold the point of order. The Treasurer will answer the question.

**Mr PALLAS** — Let me be very clear. I have received advice from my department that Moody’s Financial Services has made it clear that the Victorian government can manage with sufficient headroom its responsibilities under the east–west arrangements. I can also confirm that we continue to maintain a commitment to working positively with international interests, but we are not going to compromise Victoria’s rights — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will resume his seat. The government and the opposition will come to order and allow the Minister for Public Transport to make a statement.

### Ministers statements: Cranbourne Pakenham rail upgrade

**Ms ALLAN** (Minister for Public Transport) — I am very pleased to be providing new information to the

house about how the Andrews government has a bigger and better plan for passengers on the Cranbourne-Pakenham rail corridor, Melbourne's busiest rail corridor. The Andrews Labor government is getting on with the job. We will be purchasing 37 new high-capacity trains with 50 per cent local content, meaning they will be built here in Victoria, not overseas. We will be removing all nine level crossings between Dandenong and — —

**Mr Watt** — On a point of order, Speaker, sessional order 7 calls on information to be new — —

**An honourable member** interjected.

**Mr Watt** — No, not information — initiatives, projects and achievements, but not fanciful stories.

**The SPEAKER** — Order! There is no point of order.

**Ms ALLAN** — We will be removing all of the level crossings between Dandenong and the city. We will be rebuilding four new stations — at Clayton, Carnegie, Murrumbeena and Hughesdale — and we will be building a new train depot at Pakenham. Plus we will be introducing a trial of high-capacity signalling on the Sandringham line. This program of works combined will see a boost to capacity of 42 per cent on this corridor. It is a program of works that puts passengers first.

There was an alternative proposal that was riddled with problems. There were cost blowouts and delays. In that proposal there were not enough trains, not enough level crossings removed and not a care in the world for supporting Victorian rail industry jobs. It did not even deliver what the failed Liberal government had promised the community — that is, high-capacity signalling along the corridor, a proposal which was secretly shelved in the week before last November's election.

**Mr Clark** — On a point of order, Speaker, as you have ruled on several occasions, ministers statements are about informing the house about new government initiatives, projects and achievements. They are not about debating the record of previous governments.

**Ms ALLAN** — On the point of order, Speaker, the new information I am providing to the house goes to a program of works the government has announced on the Cranbourne-Pakenham rail corridor and must be seen in the context of a failed proposal put forward to the community by the failed Liberal government, which was riddled with problems that we had to come in and address as part of a new program of works for this

corridor, which is about putting passengers first along this line. It is about removing all of the level crossings between Dandenong and the city, it is about making sure that we increase capacity along the line and it is entirely in context with the question.

**The SPEAKER** — Order! I thank the Leader of the House for a very comprehensive explanation on the point of order. I do not uphold the point of order advanced by the manager of opposition business.

**Ms ALLAN** — Under the Andrews Labor government's plans there will be no level crossings between Dandenong and the city, which means for people in the community, whether they travel by car, travel by train or travel by bus, under our program of works people will get to work quicker and get home earlier, which is something the failed Liberal government was never going to deliver to the community of the south-east of Melbourne.

## CONSTITUENCY QUESTIONS

**Mrs Fyffe** — On a point of order, Speaker, I refer to sessional order 9.2. I would like to draw your attention to constituency question 87, directed to the Minister for Mental Health, which is now outside the 30-day time limit. It is a very important question that refers to synthetic marijuana, and it urgently needs attention. Synthetic marijuana is causing great damage to many people. It is highly addictive, and it is sold in places such as sex shops from under the counter. I ask that you ask the minister to provide an answer in writing as quickly as possible.

**The SPEAKER** — Order! I thank the member for Evelyn for her point of order. May I say to the house that the office of the Clerk has today received in excess of 50 responses to constituency questions which will be processed as quickly as possible. We will take the point of order on notice and provide a report later today if required.

**Ms Staley** — On a point of order, Speaker, I also refer to sessional order 9.2. On 25 February I asked a constituency question of the Minister for Planning. I have just refreshed the database, and as of now it has not been answered. I request that you ask the minister to respond to it.

**The SPEAKER** — Order! If I may, I will put the same answer to the member for Ripon — that is, that the office of the Clerk is now processing the responses and has not yet had time to update the information on the website. I ask members to be patient. These matters will be followed through.

**Ms McLeish** — On a point of order, Speaker, on 25 February I raised constituency question 78 for the Minister for Environment, Climate Change and Water. As the time for the response is well outside the 30-day time limit referred to in sessional order 9.2 I seek your assurance that the response will be coming very shortly.

**The SPEAKER** — Order! I can assure the member that the office of the Clerk is processing these responses as quickly as it can. The website will be updated and responses to members will be provided as quickly as possible.

**Mr R. Smith** — On a point of order, Speaker, with respect to your comments about the office of the Clerk, I submit it is not the responsibility of the office of the Clerk to get these answers to constituency questions in on time. I had the distinction of being the first member of Parliament to raise a constituency question in this house. It was for the Minister for Roads and Road Safety. While I have received an answer, the answer was two weeks late. Given that it was two weeks late, we on this side of the house would like to know what the process will be to ensure that ministers provide their answers in the time frame that has been put forward by the government. These are the government's own authored sessional orders. It seems that given the very first question in this place, the government fell at the very first hurdle.

I also received an answer from the Minister for Youth Affairs, which contained a blatant lie.

*Honourable members interjecting.*

**Mr R. Smith** — It is extraordinary that the calling out of the lie in this house is more offensive than actually telling the lie. The fact of the matter is — —

*Honourable members interjecting.*

**Questions interrupted.**

### SUSPENSION OF MEMBER

#### Minister for Housing, Disability and Ageing

**The SPEAKER** — Order! Under standing order 124, the Minister for Housing, Disability and Ageing will withdraw himself from this chamber for half an hour.

**Minister for Housing, Disability and Ageing withdrew from chamber.**

### CONSTITUENCY QUESTIONS

**Questions resumed.**

**The SPEAKER** — Order! Has the member concluded his very extensive point of order?

**Mr R. Smith** — No. I have been sent to this place by the people of my electorate, and I have a right to stand here — —

**Ms Allan** interjected.

**The SPEAKER** — Order! The Leader of the House! The member is entitled to raise a point of order.

**Mr R. Smith** — I have a right to stand here and raise matters. I have the same right as any member of the house, be it the Premier or the newest backbencher, to make a statement regarding the understanding of the processes that those opposite authored and are failing to uphold. When I receive answers that are late, when I receive answers that do not address the question asked and when I receive answers that contain blatant untruths, if that fits the Attorney-General's — —

**The SPEAKER** — Order! The member for Warrandyte will resume his seat. I have heard sufficient on the point of order.

**Mr R. Smith** interjected.

**The SPEAKER** — Order! The member for Warrandyte will resume his seat. I have asked the member for Warrandyte to resume his seat, and he will do so immediately. I have heard sufficient on the point of order. The member for Warrandyte knows that he is not to reflect on the rulings and decisions of the Chair.

**Ms Allan** — On the point of order raised by the member for Warrandyte, Speaker, there are two issues.

**Mr R. Smith** interjected.

**Ms Allan** — No, he has not ruled on the point of order. Are you awake over there?

**The SPEAKER** — Order! I warn the Leader of the House. The Leader of the House will come to the point of order immediately and succinctly.

**Ms Allan** — There are two issues that have been raised — —

*Honourable members interjecting.*

**Mr Battin** interjected.

**The SPEAKER** — Order! The member for Gembrook is warned.

**Ms Allan** — The member for Warrandyte is being incredibly self-indulgent when he comes in here crying crocodile tears over — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House will make the point of order or she will resume her seat.

**Ms Allan** — Do you really want me to withdraw ‘crocodile tears’?

**The SPEAKER** — Order! The Leader of the House will resume her seat. There is no point of order.

**Ms Allan** interjected.

**The SPEAKER** — Order! The Leader of the House!

In relation to the matter raised by the member for Warrandyte, responses will be provided. The office of the Clerk is working through in excess of 50 responses which were received today. The office has not yet had an opportunity to conclude processing those responses. It will do so as soon as it can.

**Mr Pakula** — On a point of order, Speaker, a moment ago during his point of order the member for Warrandyte made the claim that he had received correspondence from the Minister for Youth Affairs which contained, in his words, ‘a blatant lie’. That is unparliamentary, and I ask that you direct him to withdraw.

**The SPEAKER** — Order! I do not uphold the point of order.

### Caulfield electorate

**Mr SOUTHWICK** (Caulfield) — (Question 133) My question is for the Treasurer. Caulfield is an amazing and vibrant multicultural electorate with a particularly large Jewish community. Regrettably, due to recent global events, there has been a rise in hate and anti-Semitic attacks on the Jewish community, and over a number of months the community has been on high alert, with an increased security presence being required.

In the 2014 state election there was bipartisan support for security funding for schools and community organisations, including promised funding for emergency management plans. On behalf of Caulfield residents I ask the Treasurer to deliver vital funding in

the 2015–16 Victorian budget to address the immediate security concerns of our multicultural centres, synagogues and Jewish day schools.

### Pascoe Vale electorate

**Ms BLANDTHORN** (Pascoe Vale) — (Question 134) My constituency question is to the Minister for Health. It concerns the future of the Brunswick Business Incubator, which operates from a facility owned by the Department of Health and Human Services. In July 2002 the Brunswick Business Incubator was opened on Victoria Street in Brunswick; it is an important initiative that is jointly funded by the Australian government, the Victorian government and the Moreland City Council.

At its current location the Brunswick Business Incubator offers 66 office spaces for prospective tenants and provides a range of services and support to new and emerging businesses to assist them in becoming established and profitable organisations. The Brunswick Business Incubator holds a lease on the property which is soon to expire, and members of the local business community are concerned about whether they will be able to renew their lease on the property for the long term or whether the department has other plans for the property. It is vitally important that emerging businesses retain access to this facility.

I ask that the Minister for Health detail plans for this property and request that, whatever plans are made, they provide for the continued operation of the Brunswick Business Incubator from this location.

### Gippsland East electorate

**Mr T. BULL** (Gippsland East) — (Question 135) My constituency question is for the Minister for Environment, Climate Change and Water. The information I seek relates to the Gippsland Lakes Environment Fund and whether the minister will continue this important fund. The fund, which is overseen by the Gippsland Lakes Ministerial Advisory Committee, has supported an enormous amount of work in the areas of research, education and investigation of matters pertaining specifically to the Gippsland Lakes, none more important than its work on the unique burrunan dolphins and on understanding more about marine pests and water monitoring.

It is very clear that these programs need to continue and there are other important projects to be undertaken, and that is why this funding is so critical. The coalition committed a further \$8 million pre-election, but with the clock ticking there are many in my community of

Gippsland East, including members of community groups who were the beneficiaries of much of this study work, awaiting news. Funding for the Gippsland Lakes has always attracted bipartisan support, and I ask the minister if she will continue to support the Gippsland Lakes via this fund.

### Bundoora electorate

**Mr BROOKS** (Bundoora) — (Question 136) My constituency question is to the Minister for Education. An indicator of the Andrews Labor government's strong commitment to public education was the capital improvement package it took to the last election. In particular I was thrilled that Labor committed to rebuild Greensborough College in my electorate, with a specific amount of \$10 million allocated in its first term to complete the first stage of this project. It is a great local school, but its facilities were shamefully neglected by the Liberals. The school community is keen to begin formal planning of its new school facilities as soon as possible, and I ask the minister if he can advise when funding to commence planning work will be provided.

### Ripon electorate

**Ms STALEY** (Ripon) — (Question 137) My question is for the Minister for Health. Will the minister ensure that funding is provided in this year's state budget to deliver the Ararat Active City program. Funding this exciting initiative will ensure that the great strides towards better health already made by the Ararat community are sustained. I refer the minister to recent comments made by the mayor of the Rural City of Ararat, Cr Paul Hooper, reported in the *Ararat Advertiser*. He said:

It is vital we continue this effort and that the state government support this program to succeed.

Cr Hooper pleaded with the new government to:

... come back on board and assist our community to convert this very successful program into a long-term lifestyle of choice.

The Liberal-Nationals government established the Healthy Together Victoria program in 2011, and Ararat rural city was an inaugural site. To continue this work the Liberal-Nationals government committed \$2.5 million to fund a new and innovative preventative health program developed in Ararat for local needs. This should now move forward. All the development work has been done; all that is needed is the current government to provide funding.

### Yan Yean electorate

**Ms GREEN** (Yan Yean) — (Question 138) My constituency question is to the Minister for Education and relates to the Andrews government's commitment to build a new technical school in the Whittlesea region. This promise is in contrast to what the coalition presided over — that is, savage cuts to education, a lack of school capital investment in growing suburbs and the shameful closure of the Greensborough TAFE. Can the minister outline initial works and consultation regarding the location of the Whittlesea region technical school and what curriculum and industry participation are envisaged?

### Polwarth electorate

**Mr MULDER** (Polwarth) — (Question 139) My constituency question is for the attention of the Minister for Police on behalf of the residents of Colac and district and Colac police officers. Last week, in an article in the *Colac Herald* of 6 April, the secretary of the Police Association Victoria, Ron Iddles, backed my call in this house for the state government to fund a new police station in Colac. The Colac police station has been identified as one of the top three stations in the state that need to be replaced. The last upgrade was carried out in the 1970s, and occupational health and safety officers have flagged a number of factors at the station that impact on the way police officers carry out their duties.

The funding of a new station for Colac was an election commitment of the coalition government and is strongly supported by the Colac community and the Police Association. My question is: will the minister provide an assurance to Colac police officers and to Colac and district residents that he will prioritise funding in the upcoming state budget for a rebuild of the Colac police station, which is necessary to support Colac police officers with a modern workplace from which to carry out their day-to-day activities?

### Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) — (Question 140) My question is to the Minister for Emergency Services and concerns the Hampton Park Country Fire Authority (CFA) brigade. I had the great pleasure of visiting this fantastic fire brigade late last year to meet with the volunteers and see the state of the current facilities. The station lacks change rooms, adequate training areas and secure parking for members, and has limited meeting room facilities. In fact everything, including the equipment, is located within one small space. The brigade is also forced to do

its training away from the station. The brigade is growing, which is great news, yet the facilities are preventing further growth.

I have written to the CFA on the brigade's behalf. However, I have been advised that the CFA does not have any immediate plans or funding allocated to replace or upgrade the Hampton Park fire station. It is an unfortunate situation. It is a great team that works hard, and if it had a better facility, it would be able to serve the area much more effectively. I ask the minister to visit the Hampton Park CFA to meet with the outstanding volunteers, who do so much for our local community.

### **Box Hill electorate**

**Mr CLARK** (Box Hill) — (Question 141) My question is to the Minister for Public Transport. I refer the minister to the Labor Party's election promise to establish a ministerial advisory group on the Box Hill transport interchange — a promise made only after I had already initiated arrangements for ongoing consultation between the previous government and stakeholders about the redevelopment of the Box Hill interchange and shopping centre — and I ask: given that it is now more than four months since the election, when will this promised ministerial advisory group finally be established?

### **Eltham electorate**

**Ms WARD** (Eltham) — (Question 142) My constituency question is to the Minister for Planning. One of Victoria's treasures is our green wedges. These are the result of a visionary approach taken by the late Rupert Hamer to protect and preserve unique and diverse natural spaces of non-urban areas in metropolitan Melbourne. My electorate of Eltham is a place where the advantages of the green wedges are obvious to see. It is surrounded by beautiful parks, bushland, native trees and wildlife. Kangaroos can be seen grazing every evening only a few kilometres from my home. Before last year's state election Labor promised that it would enshrine the green wedges in legislation to ensure that the benefit of these wonderful parts of our city would be preserved for future generations. This commitment was welcomed in my electorate, where many people were concerned at the cavalier approach taken to planning by the previous government. I ask the minister for an update on the government's position on the preservation of the green wedges.

**Ms Victoria** — On a point of order, Deputy Speaker, on 23 December 2014 I submitted a question

on notice to the Minister for Roads and Road Safety regarding the timing of the lowering of speed limits on Canterbury Road in Heathmont for safety reasons to 60 kilometres per hour. Could I ask that the Speaker write to the minister to ascertain why this question was not answered within 30 days, as outlined in sessional order no. 12?

**The DEPUTY SPEAKER** — Order! I will refer that matter to the Speaker.

## **CRIMES AMENDMENT (REPEAL OF SECTION 19A) BILL 2015**

### *Introduction and first reading*

**Mr PAKULA** (Attorney-General) introduced a bill for an act to repeal section 19A of the Crimes Act 1958 and for other purposes.

**Read first time.**

## **SENTENCING AMENDMENT (CORRECTION OF SENTENCING ERROR) BILL 2015**

### *Introduction and first reading*

**Mr PAKULA** (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Sentencing Act 1991 to provide further for the correction of sentencing errors and for other purposes.

**Mr CLARK** (Box Hill) — I ask that the Attorney-General provide a brief explanation of the bill further to the long title.

**Mr PAKULA** (Attorney-General) — The purpose of the bill is to give sentencing judges the power to correct minor or clerical errors in sentences they have imposed and to give them the ability to reopen a proceeding in which a penalty that is contrary to law has been imposed and for other minor purposes.

**Motion agreed to.**

**Read first time.**

## **JUSTICE LEGISLATION AMENDMENT BILL 2015**

### *Introduction and first reading*

**Mr PAKULA** (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Confiscation Act 1997, the Control of Weapons Act 1990, the Emergency Management Act 2013, the Emergency

Management Amendment (Critical Infrastructure Resilience) Act 2014, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998, the Crimes Act 1958, the Working with Children Act 2005, the Family Violence Protection Amendment Act 2014, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Corrections Act 1986, the Working with Children Amendment (Ministers of Religion and Other Matters) Act 2014 and the Road Legislation Amendment Act 2013, to repeal the Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010 and to make miscellaneous amendments to various acts and for other purposes.

**Mr PESUTTO** (Hawthorn) — I seek a brief explanation of the bill.

**Mr PAKULA** (Attorney-General) — As the member for Hawthorn may have gleaned from the introduction, this is an omnibus bill, and it contains a number of small amendments to various items of legislation in the portfolios of Attorney-General, Minister for Police, Minister for Corrections, Minister for Roads and Road Safety and Minister for Emergency Services. As I have indicated, it makes minor amendments to a range of bills, including the removal of the sunset provisions for the assessment and referral court list and other matters.

**Motion agreed to.**

**Read first time.**

## REGIONAL DEVELOPMENT VICTORIA AMENDMENT (JOBS AND INFRASTRUCTURE) BILL 2015

*Introduction and first reading*

**Ms ALLAN** (Minister for Public Transport) introduced a bill for an act to amend the Regional Development Victoria Act 2002 to establish a Regional Jobs and Infrastructure Fund and to establish a Regional Development Advisory Committee and to repeal the Regional Growth Fund Act 2011 and for other purposes.

**Read first time.**

### PETITIONS

**Following petition presented to house:**

#### Preston high school

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for a high school in the northern suburb of Preston.

In particular we note:

1. Preston currently has a high number of secondary school-age children with more young families arriving. By 2019 there will be over 2000 secondary school-age children in this suburb, the most populated suburb within 10 kilometres of Melbourne.
2. There is currently no local coeducational year 7 to 12 high school in the suburb.
3. Preston kids are currently zoned to three different high schools and these high schools are filling up, with some already over enrolled.

The petitioners request a commitment by the Victorian state government to reopen Preston Girls Secondary College (Cooma Street site, Preston) as a coeducational high school to service the increasing population of this community.

**By Mr SCOTT** (Preston) (561 signatures).

**Tabled.**

### SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

#### *Alert Digest No. 3*

**Ms BLANDTHORN** (Pascoe Vale) presented *Alert Digest No. 3 of 2015* on:

**Domestic Animals Amendment Bill 2015**  
**Jury Directions Bill 2015**  
**Mental Health Amendment Bill 2015**  
**National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015**  
**Road Safety Road Rules 2009 (Overtaking Bicycles) Bill 2015**

**together with appendices.**

**Tabled.**

**Ordered to be published.**

### DOCUMENTS

**Tabled by Clerk:**

Australian Crime Commission — Report 2013–14

*Commissioner for Environmental Sustainability Act 2003* — Strategic Audit: Environment Management Systems in Victorian Government 2013–14

*Crimes Act 1958* — Instrument of Authorisation under s 464Z

*Crown Land (Reserves) Act 1978*:

Orders under s 17B granting licences over:

Gasworks Park Reserve

Lynch's Bridge Historical Precinct Reserve

St Kilda Botanical Gardens Reserve

Orders under s 17D granting leases over:

Gasworks Park Reserve

Mitchell Park Reserve

*Drugs, Poisons and Controlled Substances Act 1981* — Report 2014 under s 96

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Guidelines for assessing fitness to drive under s 27 of the *Road Safety Act 1986* (*Gazette S60, 25 March 2015*)

*Parliamentary Committees Act 2003*:

Government response to the Family and Community Development Committee's Report on the Inquiry into Social Inclusion and Victorians with Disability

Government response to the Public Accounts and Estimates Committee's Report on the review of the Auditor-General's Reports 2009–11

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

Bayside — C135

Boroondara — C108

Casey — C157

Frankston — C108

Greater Geelong — C323

Greater Shepparton — C165

Maribymong — C125

Melton — C70

Moonee Valley — C100, C155

Mornington Peninsula — C174 Part 1

South Gippsland — C83 Part 2

Stonnington — C192

Victoria Planning Provisions — VC124

Whitehorse — C163

Whittlesea — C130

Wodonga — C108

Wyndham — C150 Part 1

Yarra — C182

Statutory Rules under the following Acts:

Building Act 1993 — SR 21

Forests Act 1958 — SR 17

Heritage Act 1995 — SR 20

Inquiries Act 2014 — SR 22

National Parks Act 1975 — SR 18

Racing Act 1958 — SR 19

Wildlife Act 1975 — SR 16

*Subordinate Legislation Act 1994*:

Documents under s 15 in relation to Statutory Rules 16, 17, 18, 19, 20, 21

Documents under s 16B in relation to the *Gambling Regulation Act 2003*:

Notice under section 3.6.5A, fixing the value of the supervision charge

Victorian Pre-commitment System Requirements Standard

*Victorian Energy Efficiency Target Act 2007* — Independent Review of the operation of the Act.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 24 February 2015:

*Primary Industries Legislation Amendment Act 2014* — Whole Act (except s 15 and Parts 4, 5, and 6) — 11 April 2015 (*Gazette S66, 31 March 2015*)

*Tobacco Amendment Act 2014* — Whole Act — 13 April 2015 (*Gazette S66, 31 March 2015*).

## ROYAL ASSENT

Message read advising royal assent on 25 March to:

**Back to Work Bill 2014**

**Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015**

**Interpretation of Legislation Amendment Bill 2015**

**Summary Offences Amendment (Move-on Laws) Bill 2015.**

## BUSINESS OF THE HOUSE

### Program

**Ms ALLAN** (Minister for Public Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 5.00 p.m. on Thursday, 16 April 2015:

Address-in-reply to the Governor's speech

Domestic Animals Amendment Bill 2015

Jury Directions Bill 2015

Mental Health Amendment Bill 2015

National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015.

In making a few short comments on the government's business program that has just been moved, I indicate that there are a number of elements to the bills on the program this week that go to the implementation of the government's election commitments. I have no doubt that debate on these bills will involve contributions from many members on both sides of the house as we discuss issues put forward as part of implementing the government's election agenda, which of course was endorsed by the Victorian community on 29 November 2014.

In addition to the bills listed for debate, also listed on the program is the address-in-reply to the Governor's speech. I am open to discussions around that to make sure that people who want to speak have the opportunity to do so, and, if there are no further contributions, we may also conclude that debate by the end of the week.

Also on the program for this week is the joint sitting of the Parliament tomorrow evening to undertake the appointment of a new member of the upper house representing The Nationals for Eastern Victoria Region. I am sure that that will be an occasion The Nationals in particular will want to see concluded because that will double its representation in the upper house from one member to two members. That lucky person will become the Deputy Leader of The Nationals in the upper house by default because there will be only two of them. They will have a fun time in the upper house.

I have not been approached by the opposition, so I have no indication as to what it wishes to see achieved over the course of this week or what bills may or may not be a priority in terms of the number of speakers. I am sure all the bills are a priority for the opposition, but it has not given an indication of which ones it would like more time given to and how it would like to see the work flow. That provides some challenges in trying to anticipate how the week may go, but challenges are the order of the day for governments, and I am sure we will work through that over the course of this week.

I look forward to hearing the contributions from those opposite to get a sense of what they wish to achieve out of the week, because it has not been something that has been communicated to me or the government. The government, though, is clear about what it wants to achieve. We are about delivering on our election commitments and getting on with the program we

committed to at last November's election. The government's business program is another iteration in that work.

**Mr CLARK** (Box Hill) — This is an interesting government business program the Leader of the House has put forward. The business program is perhaps somewhat confused by her remark in passing that the address-in-reply may be concluded by the end of the week, implying some discretion in it, albeit that it was proposed to be included on the government business program. The implication was that it will be concluded by the end of the week unless there is some motion moved to take it out again. Perhaps that is indicative of some of the confusion that has been the hallmark of the government's management of the house since it was elected.

The Leader of the House complained that the opposition had not raised with her how it believed the week should flow, and there is a very simple answer for that. Regardless of what we raise the minister is determined to go ahead and do whatever she wants to anyway, and when we do raise matters they are comprehensively ignored. In the last sitting week we were prepared to not oppose the government business program on the understanding that we would deal with each of the bills properly and thoroughly, including a consideration-in-detail stage of those bills that ought to be considered in detail as part of standard practice. That was the government's election commitment, and it has already been comprehensively broken.

However, we found that the government did not make the address-in-reply debate available when debate on the bills had been concluded, as we had expected and as would have been the sensible way to do it, but instead used it as a way of filibustering debate and gagging an opportunity for the opposition to raise matters during consideration in detail on bills. This happened notwithstanding the fact that we had made it clear in the course of discussion of the government business program that there were a number of bills on which we would have liked to have seen a consideration-in-detail stage.

It is a matter for the government as to how it handles the sequencing of business, and, as we were subjected to in the last sitting week, we will just have to fit in with the government's wishes because it is quite determined not to give those of us in the opposition an opportunity to have a say on bills on which we might want to have a say. A number of bills on this week's program would benefit from going into a consideration-in-detail stage, and it will be interesting to see whether, for the second

time since it was elected, the government allows for the consideration of bills in detail.

I want to make it clear that when the Leader of the House refers to items on the government business program being part of the government's agenda and election platform, there is certainly one bill that does not fit that description. The Jury Directions Bill 2015 is basically a reintroduction of a bill that was brought to this Parliament by the previous government. It is a bill that is very important for further reform in jury directions in this state to avoid criminals either getting off on technicalities or clogging up the courts with appeals on those technicalities. When the previous government brought that bill to the Parliament members of the then opposition filibustered for an entire week on bills they did not oppose in order to team up with their new best mate Geoff Shaw, the former member for Frankston, to defeat it.

Any suggestion that this bill is part of this government's agenda is completely untrue. It is a bill that was brought to the Parliament by the previous government, and it is a bill that should have been on the statute book and operating properly to uphold the law a long time ago to allow trials to be determined in accordance with a decent and proper process and not let crooks off on technicalities. This bill should have been dealt with a heck of a lot earlier than it has been.

Given the government's behaviour last sitting week — given the complete contempt with which it treated this Parliament and its election commitments, and the manner in which it misused the address-in-reply debate — the opposition will this week be opposing the government business program.

**Mr McGuire** (Broadmeadows) — I rise to support the government business program because it is significant. I do not understand the issue the manager of opposition business raised about confusion, because let me be clear: what the Leader of the House is attempting to do is make sure that all MPs who want to respond to the Governor's speech are able to do so and that we are able to finish the address-in-reply debate this week. She is being generous and gracious, but her offer is being met with this false claim of confusion. The proposition here is that the Governor will be able to receive all of the responses to his address before he finishes his term in service to the state of Victoria as a distinguished Victorian. That is what the Leader of the House as the manager of government business is doing. She is graciously offering all members of the Parliament an opportunity to stand above the rancour and make their contributions in time for the Governor to receive them before he completes his term — which, as I said, has

been a distinguished term completed by a distinguished Victorian.

I then found it difficult to understand the argument the manager of opposition business made about the Jury Directions Bill 2015. Surely he is arguing that he wants this bill to be passed. That is exactly what the government wants. This is a significant piece of legislation that goes to the heart of the criminal justice system, trial by jury. I look forward to bipartisan support for these reforms. The aim of the legislation is to simplify the complex and to provide greater clarity to juries so that the directions from judges are relevant, helpful and as fair as possible. Here is the opportunity for the opposition to join with the government to get this legislation through. In recent years, as the Attorney-General has informed the house, there has been a need to amend common law and legislation in this area, so here is the opportunity for the coalition to help get this passed. There is nothing more vital than ensuring that in the criminal justice system there is no conflict between the directions that are given — —

**An honourable member** interjected.

**Mr McGuire** — There is the opportunity to vote this week. That is the proposition, here is your chance. Let us get on with it. There is a range of detailed and often complicated directions, which in Victoria take longer to deliver than in any other state, and that has led to confusion. Obviously what we want to do is remove any confusion so that the system works in the fairest possible manner. Research has also shown that jurors are less likely to listen to, understand or apply directions that are long and complex or of questionable usefulness.

**The Deputy Speaker** — Order! This is a narrow debate. The member for Broadmeadows is debating a bill that is before the house, and I suggest he do that when the time comes. I ask the member to return to debating the motion before the house.

**Mr McGuire** — Thank you, Deputy Speaker. I take that point. I wanted to raise some issues to clarify the detail and importance of this bill, and therefore I question why the coalition is opposing the business program. The point is, here is your chance to actually vote, and vote in favour of it.

**An honourable member** interjected.

**Mr McGuire** — Through the Chair, here is a chance for the coalition to actually do it, so I do not know why it would mount this narrow argument at this stage. That is the point at hand: here is its opportunity.

Then there is the Domestic Animals Amendment Bill 2015, which is something that needs to be taken care of, and I presume there will be support for it. The debate on the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 will see various views expressed on the issue, and so it should. It should be argued from all perspectives by members in this chamber, so I also look forward to that debate.

I want to make sure it is understood that the point of significance, in my view, is that here is a chance to get the Jury Directions Bill 2015 through — here is the opportunity. There is no confusion from the government's perspective, as has been put forward. A generous proposition was put by the Leader of the House which said, 'Here is your opportunity to get this done, and it can be delivered to the Governor before he completes his term'.

**Mr KATOS** (South Barwon) — I rise to speak against the government business program put forward today by the Leader of the House. There are five bills that will be put before the house. Regarding the Jury Directions Bill 2015, it was said that we have got an opportunity and should now vote for it, and a question was asked as to why we are voting against it. That bill was opposed by the now government when it was originally put before this house, not because of the substance of the bill, not because of what was in it, not because of the good aspects of the bill, but purely for political opportunism because the then opposition saw the opportunity to vote with the former member for Frankston. That is all it was about. However, now the government — demonstrating the height of hypocrisy — wants to bring the bill back before the house and make itself out to be the saviour of the world, saying that it will look after juries and that it is worried about law and order, all of a sudden.

When in opposition, the now government could have agreed to the passage of that bill the last time it was before the house, in the 57th Parliament. That bill would now have been in operation for well over a year, but instead it is back before the house because of blatant politicking back then and blatant hypocrisy by the Labor Party now.

With regard to the other bills before the house, there are also the Domestic Animals Amendment Bill 2015 and the Mental Health Amendment Bill 2015. I am sure the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 will be quite vigorously debated — perhaps it should be renamed the Greens Preferences Bill 2015. There were perhaps some 21 members on the other side who relied on Greens preferences to be elected. On this bill they will all be chummy, whereas

at every other opportunity government members seem to be at the throats of Greens members. On this bill it will no doubt be about comrades in arms — and I do not want to pre-empt the voting on the bill but I would venture to say that will be the case.

Although the address-in-reply debate is important, particularly to all the new members who need to make their maiden speeches — every member who needed to contribute to the address-in-reply has now done so — we feel it should only be on the program once the bills before the house have been thoroughly debated. Last week that was abused, and the address-in-reply debate was used to filibuster when important legislation should have been debated and the house should have gone into the consideration-in-detail stage on them.

The issue of having a consideration-in-detail stage is another problem, because when in opposition the Labor Party made a commitment to make the consideration-in-detail stage a standard practice if it were elected to government. The Labor Party was elected to government, but for the last two weeks there has been no consideration in detail on any bills. I am sure that there are some bills in regard to which it would be good to go into consideration in detail, and I venture to say the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 would be one of them. I am sure that there will be quite vigorous debate on that, with many members from both sides of the house wishing to speak on it.

I draw the attention of government members to the fact that it was Labor's election commitment to make consideration-in-detail standard practice in the house. That was the commitment made by the now government, and that has not been happening — I believe we have only gone into consideration in detail on one bill. We are not doing that at the moment. The job of the opposition is to hold the government to account.

I look forward to participating in debate on some of the bills, but regrettably I cannot support the government business program.

**Mr PEARSON** (Essendon) — I rise to support the government business program. As has been outlined, there are four bills on the program, which is a solid workload for the house. We are getting on with the job after four years of inertia — four lost years of wastefulness. The kindest thing you could say about the former government is that it reigned, but it never ruled.

I listened with great interest to the contribution from the manager of opposition business. It was a confused

diatribe — that is the most polite way to describe it. Having listened to that contribution, we have no knowledge as to which bills the opposition wants to go into consideration in detail, we are none the wiser as to how much time the opposition wants to allocate to each piece of legislation and we do not know in what order the opposition would like them to be debated. We are none the wiser. Instead we had a lengthy contribution in which he simply relitigated the past. The dysfunctionality of the previous Parliament continues to reside in the members who sit opposite us. They are just interested in relitigating the past, and they fail to accept the verdict of the people. We won, and they lost. That is why we are on this side of the house and they are on the other side. We are none the wiser as to how they want to approach the government business program.

As I said, we are getting on with the job of delivering on our promises. I will highlight two bills in particular: the Mental Health Amendment Bill 2015 and the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015, both of which fulfil our election commitments. We will implement our election commitments by developing a 10-year mental health plan for Victoria and an annual report into the state of Victoria's mental health services. These are important initiatives. Similarly we are banning cattle from grazing in the high country through the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015. Again we are getting on with the job of acquitting our election commitments. We on this side of the house make no apologies for setting out a government business program that does exactly that.

We were elected. We have a mandate. We are getting on with the job of governing and delivering good government to the state of Victoria, unlike what we saw in the last Parliament with the former government, which failed to govern and failed to provide a coherent narrative or vision, which is being perpetuated now. Members opposite cannot even work out which bills they want debated, in what order and for how much time. We have no idea on which bills they want to go into consideration in detail.

This week, as in the previous weeks, we will set out diligently to implement our election agenda, which we have a mandate to do. That is what the people of Victoria voted for, and that is exactly what we are going to give them.

**Mr HIBBINS (Pahran)** — Last week I made a contribution to debate stating that obviously we need a bit more cooperation across the chamber — from the government, crossbench and opposition — if we are to have smooth running of the house and avoid needless

procedural debates. Unfortunately it seems we have taken a step in the wrong direction — —

**An honourable member** — Thank God you're here!

**Mr HIBBINS** — Unfortunately it seems that has not been taken up, as demonstrated by the member's interjection, and we are going in the other direction. It appears that we are going to have a number of debates regarding procedural matters, which is unfortunate.

The Greens will not be opposing the government business program this week. We certainly welcome the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015, which is a priority for us, and wish it speedy resolution.

We welcome the Jury Directions Bill 2015, particularly its clarity around sexual offences and family violence. We have some concerns regarding the non-mandatory nature of the directions, which I will go into in further detail during my contribution to the debate on the bill. We welcome the focus on mental health. Mental health was certainly a priority issue in Prahran during the election and it remains a priority issue, so we welcome the transparency and accountability provisions in the Mental Health Amendment Bill 2015. The subject of the Domestic Animals Amendment Bill 2015 is obviously a contentious issue in the community. Greens representatives in previous parliaments have spoken at length on this issue, and our contributions will reflect those previous contributions.

As I said, the Greens will not oppose the government business program this week, but as I have said previously, the cooperation of the government, opposition and crossbench, which is essential for the smooth running of this house, is not happening. We have taken a step in the wrong direction; hopefully we can take a step in the right direction.

#### **House divided on motion:**

*Ayes, 47*

Allan, Ms	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Neville, Ms
Carroll, Mr	Noonan, Mr
Couzens, Ms	Pakula, Mr
D'Ambrosio, Ms	Pallas, Mr
Dimopoulos, Mr	Pearson, Mr
Donnellan, Mr	Perera, Mr
Edbrooke, Mr	Richardson, Mr
Edwards, Ms	Richardson, Ms
Eren, Mr	Sandell, Ms
Foley, Mr	Scott, Mr

Garrett, Ms  
 Graley, Ms  
 Green, Ms  
 Halfpenny, Ms  
 Hennessy, Ms  
 Hibbins, Mr  
 Howard, Mr  
 Hutchins, Ms  
 Kairouz, Ms  
 Kilkenny, Ms

Sheed, Ms  
 Spence, Ms  
 Staikos, Mr  
 Suleyman, Ms  
 Thomas, Ms  
 Thomson, Ms  
 Ward, Ms  
 Williams, Ms  
 Wynne, Mr

*Noes, 37*

Angus, Mr  
 Battin, Mr  
 Blackwood, Mr  
 Bull, Mr T.  
 Burgess, Mr  
 Clark, Mr  
 Crisp, Mr  
 Dixon, Mr  
 Fyffe, Mrs  
 Gidley, Mr  
 Guy, Mr  
 Hodgett, Mr  
 Katos, Mr  
 Kealy, Ms  
 McCurdy, Mr  
 McLeish, Ms  
 Morris, Mr  
 Mulder, Mr  
 Napthine, Dr

Northe, Mr  
 O'Brien, Mr D.  
 O'Brien, Mr M.  
 Paynter, Mr  
 Pesutto, Mr  
 Ryall, Ms  
 Ryan, Ms  
 Smith, Mr R.  
 Smith, Mr T.  
 Southwick, Mr  
 Staley, Ms  
 Thompson, Mr  
 Tilley, Mr  
 Victoria, Ms  
 Wakeling, Mr  
 Walsh, Mr  
 Watt, Mr  
 Wells, Mr

**Motion agreed to.**

**MEMBERS STATEMENTS**

**Luke Shambrook rescue**

**Mr NOONAN** (Minister for Police) — I rise to thank the dedicated men and women who helped find Luke Shambrook. Luke is an 11-year-old boy with autism who wandered away from his family's camp site near Lake Eildon on the morning of Good Friday. Five days later he was found sitting on the edge of a ridge, exhausted, dehydrated and suffering hypothermia. The outcome could have been so different. The bush can be a harsh place. I am sure all in this house felt incredible relief when Luke was found.

Luke's rescue has been called a miracle, but it was not. Luke is alive because almost 100 police as well as Victoria State Emergency Service volunteers, bushwalkers and other volunteers amassed their expertise to find him. Whether from a police helicopter sweeping over the ridges and gullies or on the ground tramping through the scrub, these people searched from dawn until last light. Luke is now back at home with his family. He is a very lucky boy.

Victoria is lucky to have people like Senior Sergeant Dan Hilton, who was the first police officer to reach Luke. We are also lucky to have Sergeant Gerard

Warrin from Cobram police station, who was on the search team; Senior Constable Michael Gale from the dog squad; Sergeant Rebecca Phillip, who searched for Luke on horseback; and Leading Senior Constable Brad Pascoe of the air wing, who first saw Luke. These names are a small selection — I cannot name all of those involved in the search for Luke, but I would like them to understand how grateful Victorians are for their dedicated service.

**Government performance**

**Mr MORRIS** (Mornington) — In barely 100 days this Labor government has all but destroyed the international reputation of Victoria, including its reputation as a safe place to do business. As the *Australian Financial Review* noted recently, the Andrews government is trampling on Labor's Victorian legacy. This is a government driven by ideology. The narrow, sectional interests of Labor and its mates determine the outcome of every decision. Good public policy outcomes are something to be talked about, not something to be pursued. They have been supplanted by a partisan ethic driven by the Socialist Left. Anyone with a different view, regardless of their expertise or the esteem with which they are held in the community, will be summarily dealt with.

Firstly, the paramedics had to be bought off and the board of Ambulance Victoria sacked. Then it was the turn of Linking Melbourne Authority members and staff. If the Premier had kept them in place and taken their advice, perhaps he would not now be facing international condemnation for his cavalier treatment of the successful tenderers for the east-west link. The CEO and chair of WorkSafe Victoria were ordered to resign by the Minister for Finance, but only after he conferred with a higher authority. Then it was the turn of members of water boards across the state, who will no doubt be replaced with Labor hacks in very short order. Those boards deliver critical infrastructure and life-giving water across the state. They must not be allowed to be just another arm of this Victorian cultural revolution.

Finally, the chair of the Victorian Comprehensive Cancer Centre is gone, and Labor is walking away from \$20 million in philanthropic funds for the sake of a discredited ideology. As the Treasurer said, we face a real risk of reverting to a AA credit rating, which was confirmed today.

***The Fallen***

**Mr RICHARDSON** (Mordialloc) — We are now less than two weeks from marking the centenary of

Anzac on Saturday, 25 April — a truly significant occasion when as a nation we will reflect on the sacrifices of our men and women during World War I. Across our communities, local RSLs, community groups and schools will pay their respects and reflect on the nation we have become over the past 100 years.

One such commemoration comes from local historian Margaret Diggerson, who has produced the book *The Fallen*. The book details the lives of 59 men who lived in the Chelsea and Carrum region and served in World War I. In the book Margaret states:

For nearly 100 years these men have existed as words on wood. This is an attempt to bring their names to life.

This really encapsulates the story of these individuals — some of them barely out of school — who went off to serve their nation.

I recently had the chance to reflect with Margaret on her contribution. One comment she made stuck with me: while these young men were lying wounded on the battlefield it was common for them to call out to their parents and families. I think this illustrates the callous nature of war and the devastating toll it took on these young individuals, their families and our nation. I encourage everyone in the city of Kingston and across Victoria to attend their local centenary commemorations and pay their respects to fallen servicemen and women.

### **Dr Alf Bamblett**

**Mr WALSH** (Murray Plains) — I rise to pay my respects to Aboriginal elder and leader Dr Alf Bamblett. On 26 March I, together with the former Minister for Aboriginal Affairs, Jeanette Powell, had the privilege of representing the Liberal-Nationals coalition at Uncle Alf's state funeral in Moama. Uncle Alf will be remembered as a proud Yorta Yorta, Bangerang and Wiradjuri man, an outstanding leader and tireless advocate for the Aboriginal community over many decades and a fair and considerate person who consistently challenged injustice and remained true to his values. Uncle Alf played a very significant role in Aboriginal affairs and was instrumental in shaping many Aboriginal community organisations. In government the Liberal-Nationals coalition was proud to name Uncle Alf as one of the first inductees into the Victorian Indigenous Honour Roll.

Uncle Alf was larger than life, with a strong voice which resounded well beyond Victoria — a voice that continually championed the need for equality regardless of race, colour or religion. In death, Uncle Alf's life

was summed up succinctly by his granddaughter Nikayla Bamblett:

Pop had a great ability to make people from all walks of life feel special, from ministers to grassroots community leaders — he had time for everybody.

Uncle Alf's grandson Dixon described his grandfather as:

... a leader, a family man, a father, a grandfather ... a devoted husband, a community person, a politician, a warrior and a man of God.

Surely there can be no greater legacy than this profound and meaningful one, which will extend well beyond the grave, instilling hope and strength in the generations to follow.

### **SunFest**

**Mr J. BULL** (Sunbury) — On the weekend of 14 and 15 March I had the great pleasure of joining the Sunbury community at the 39th annual Sunbury festival, known as SunFest, which is the biggest festival in my electorate. On Saturday, with the sun shining, I was honoured to be a judge at the street parade, which was watched by thousands and which showcased more than 30 community groups and individuals in a spectacular parade through the centre of town. The festival had a full carnival and activities for all ages, and the community support and engagement was sensational. I would like to thank volunteers, friends and locals alike — it was a fun day for all.

On Sunday, day two of SunFest, I took part in the Sunbury Walk or Run for Fun, with all proceeds going to the scouts, the Sunbury State Emergency Service and the Leukaemia Foundation. The participation in this event was fantastic. I would like to acknowledge all the runners who braved the steep Goonawarra hill, in particular Rob Follett, the male winner of the 10-kilometre event, and my sister, Kirstin Bull, who was the first female to cross the line in the 10-kilometre event. I congratulate the volunteer organisers on all their hard work in putting together yet another great SunFest.

### **Boilerhouse Theatre Company**

**Mr J. BULL** — On Saturday, 14 March, I was invited to the Sunbury Boilerhouse Theatre's final performance of *The Jungle Book*. This production showcased the amazing talent we have in Sunbury.

### Country Fire Authority Beaconsfield brigade

**Mr BATTIN** (Gembrook) — Today I rise to talk about the Beaconsfield Country Fire Authority (CFA) brigade. It is a wonderful group of volunteers, about 50 in number, who have been involved in the community for many years. One member has served our electorate for nearly 55 years. The Beaconsfield community has changed rapidly, particularly in the last 10 to 15 years, and it is about time this government acknowledged that.

After I raised an adjournment matter with the Minister for Emergency Services recently, a letter came back from the minister in relation to this CFA station saying, 'Please don't talk to us; nothing to see here'. That is nothing short of a disgrace. The station at Beaconsfield was built in 1944. Its only upgrade was back in the 1970s, and that was just to put a meeting room on at the back. In the last four years we have worked with that local group to ensure that land was secured for a new station. The reason it has been secured is that the person who owned the land passed away. Members opposite can challenge that if they like, but the person who owned the land passed away and wanted to give it back to the community.

This government needs to acknowledge that the previous government committed \$2.2 million to the Beaconsfield CFA; and it now has a responsibility to do the same. The Beaconsfield CFA station does not have enough facilities or space for its members to get changed in. It has zero car parks and is relying on no cars driving past it or, if they do, parking across the road to get to it. I will continue to stand up for this community. The government needs to ensure that this budget contains the protection and safety measures required for the Beaconsfield CFA station.

### Hume Relay for Life

**Ms SPENCE** (Yuroke) — I acknowledge the outstanding efforts of all those involved in the Hume Relay for Life over the weekend. This is the 10th year the Hume Relay for Life has been held, raising over half a million dollars. This year the event relocated to its new venue at Craigieburn Central. Organisers agree that this is a terrific venue which really connected the community to the event.

With 18 teams and over 325 participants, the event provided the Craigieburn community with an opportunity to recognise and celebrate local cancer survivors, patients and their carers, to honour and remember loved ones lost to cancer, and to raise money to help save more lives. And raise money it did. So far,

approximately \$25 000 has been raised this year, all going towards the research, prevention, information and support services of Cancer Council Victoria.

But the participants did not just raise money; the event was also a celebration of hope. It was terrific to see participants and organisers singing and dancing their way around the track to YMCA, and for the runners to pause for a few minutes while everyone lined up for a dance to *Nutbush City Limits*. I did not! The energy shown by participants was clearly contagious, despite these events coming at the end of an 18-hour overnight relay, during which many had not slept. Suffice it to say coffee sales were high, and the egg and bacon rolls were a real hit.

To the chair of the event, Jason Moore, the entire organising committee and the MC, Brad Guy, well done on a terrific effort.

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

### Warrnambool hospital

**Dr NAPHTHINE** (South-West Coast) — I call on the government to commit funding in the upcoming state budget to the building of stage 2 of the redevelopment of the Warrnambool hospital. The coalition government provided a record \$4.7 billion for vital hospital capital infrastructure across the state, including rebuilding the Box Hill Hospital, funding the new Bendigo Hospital, the Victorian Comprehensive Cancer Centre and providing major upgrades at Geelong, Ballarat, Frankston, Northern Werribee and Echuca hospitals, among many others.

The coalition completed and opened stages 1 and 1A of the Warrnambool hospital redevelopment. It also provided \$15 million for the integrated cancer care centre, which is currently under construction; \$4.2 million for a new prevention and recovery care mental health facility; and \$2.3 million for additional short-stay emergency beds. Now funding is needed to complete stage 2 of the Warrnambool hospital redevelopment.

Stage 2 will include a new and expanded emergency services department, new and additional operating theatres, upgrades to medical imaging and diagnostic facilities and an expanded day surgery capacity. It is absolutely essential that stage 2 be funded in this year's budget as part of the ongoing development of health facilities in south-western Victoria to meet the needs of a growing and ageing population and increasing demand. For example, emergency department

presentations have increased by 100 per cent in the past decade, theatres are at absolute capacity at 8000 procedures per year, and the population is expected to increase by 40 per cent over the next 20 years. We need funding for the state — —

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

### **Anzac centenary**

**Mr McGUIRE** (Broadmeadows) — A sapling from Gallipoli's poignant Lone Pine stands proudly in a school playground in Broadmeadows, commemorating the centenary of the Anzac battle that forged a unique relationship between Australia and Turkey. It serves as a reminder of William Faulkner's insight, 'The past is never dead. It's not even past'. Nowhere is this more significant than in Broadmeadows. One hundred years ago thousands of valiant men from an adolescent nation trained at the Broadmeadows army camp before being dispatched to Gallipoli, where they matured into diggers and light horsemen and became recipients of the highest award for bravery, the Victoria Cross.

Australia and Turkey forged national identities at Gallipoli after their soldiers fought in trenches sometimes only metres apart, shooting to kill and then exchanging water and chocolate amid the heat, snow and carnage. The Turkish general at Gallipoli, Mustafa Kemal, became the founder of modern secular Turkey and was given the surname 'Ataturk', meaning 'Father of the Turks'. In 1934, he declared:

Those heroes that shed their blood and lost their lives ... You are now lying in the soil of a friendly country. Therefore rest in peace. There is no difference between the Johnnies and the Mehmeds to us where they lie side by side now here in this country of ours ... they have become our sons as well.

Broadmeadows is where the Johnnies and the Mehmeds now live side by side. To mark the ebb and flow of history and the evolution of the largest Turkish-Australian community, I will donate a seedling from the Lone Pine to the Victorian Parliament as a symbol of how communities can grow and thrive beyond the burden of history, side by side.

### **Public housing**

**Mr HIBBINS** (Pahran) — I recently attended a community barbecue hosted by the South Yarra Public Tenants Association at the Horace Petty estate. There I had a chance to meet residents and discuss any concerns they had. Many residents are elderly and have a Russian background, and we spoke with the assistance of a Russian interpreter.

The Pahrnan electorate has several public housing estates: Horace Petty in South Yarra, one on Bangs and King streets in Pahrnan, one on Union Street in Windsor and Inkerman Heights in St Kilda. Around 90 per cent of my office's constituent casework is on behalf of public housing tenants, addressing issues such as security, maintenance and tenancy, and it is work my office is proud to do. Since my election we have covered incidents of public housing tenants being exploited through the offering of inducements to sign up to inappropriate vocational education and training courses and raised the unacceptable conditions created by pigeon infestation.

It is clear that staff from the office of housing do a good job under often difficult circumstances and with limited resources. We need greater investment from the government to improve and increase the supply of public housing. As stated by South Yarra Public Tenants Association chairperson Ana Rufatt-Ruiz, it is critical that tenants, staff and elected representatives work together to improve our public housing estates. Ana and the community are passionate about sticking up for tenants, as are staff, and I share in that passion. There is still far too much stigma associated with public housing estates and residents. Many public housing tenants are house proud and community minded. The Greens and I will be standing up for them in Parliament.

### **Southern Football Netball League**

**Ms KILKENNY** (Carrum) — Last Saturday evening I attended the season launch of what until then was known as the Southern Football League. In attendance were the Premier and the members for Mordialloc, Bentleigh and Sandringham, as well as the beyondblue CEO and the Netball Victoria CEO. In a historic announcement on the night, the league officially became the Southern Football Netball League. This is a great development that recognises the growing trend among member clubs to change their own club names following the incorporation of netball into those clubs. This is positive news and is a first significant step in helping to increase the participation of girls and women in sport and local sporting associations.

One of the clubs doing this is Carrum Patterson Lakes football netball club. Under the leadership of president Stephen Barnes this club is going from strength to strength. The club is a terrific example of an inclusive and diverse sporting club in my electorate of Carrum and a club with tremendous community spirit. Not only am I very proud to have this club in my electorate, I am extremely honoured and delighted to be named no. 1

ticketholder for the 2015 season. I thank Stephen Barnes and Carrum Patterson Lakes football netball club for this wonderful opportunity, and I look forward to a very successful and fulfilling 2015 season of football and netball. Go the Lions and Lionesses!

This week's seniors game will be played in tribute to one of Carrum's great community members, David 'Nutty' Neale. David passed away in December 2014. Together with his wife, Evelyn, David contributed more than 50 years of service to the Carrum community. A best-on-ground player medal has been established in honour of David.

### Public holidays

**Mr T. BULL** (Gippsland East) — There is considerable angst amongst the small business sector in my community over the intended grand final eve public holiday. On Friday I hosted a forum with the member for Hastings, the shadow minister for small and medium enterprises, in Bairnsdale. There were representatives present from Bairnsdale, Lakes Entrance, Paynesville, Bruthen, Stratford and Metung to talk to the member for Hastings about the impact this will have on their businesses. The shadow minister heard from one operator who said, 'We just can't afford the wages. We opened Easter Sunday and had fairly good patronage but lost money. Grand final eve being a holiday is just ludicrous and will devastate small business'.

This was a common theme across all the businesses represented. I call on the government to listen to the small business sector — something it should have done before gazetting extra holidays. If the Minister for Small Business, Innovation and Trade would like to come down and meet people at a similar forum, I would be more than happy to host him.

### Cells Cafe

**Mr T. BULL** — On Friday I had the honour of opening Cells Cafe in Bairnsdale, a social enterprise that will provide employment and skill training for those in the community with special needs. It was great to see the project come to fruition, and I am delighted that the previous government contributed \$350 000 to this enterprise, which will be run by Noweyung, our local disability service. The facility includes a community meeting room and offices for visiting specialists and therapists. I would like to recognise the great efforts of the Noweyung team and in particular chief executive officer Ernie Metcalf and East Gippsland Shire Council for their assistance, which has

brightened up an old police station that had been a derelict site for many years.

### Bus services

**Mr CARBINES** (Ivanhoe) — I rise to welcome the Minister for Public Transport's announcement that changes proposed by bus operator Transdev were inconsistent with the Andrews Labor government's focus on better bus services across metropolitan Melbourne based on community consultation. If Transdev cannot offer the services it signed contracts to deliver, it should consider whether it is capable of continuing to deliver those services. There are many local bus operators in my electorate who were undercut by Transdev when these contracts were signed and who have provided and continue to provide high-quality bus services across my electorate.

It is also very important to note that this plan has been rejected by the Minister for Public Transport; this is the plan the Liberal Party would have foisted on Victorians had it been successful at the last election. The Liberal Party wished to rip services away from the northern and western suburbs and throw them across to the south-eastern suburbs.

I wish to recognise the member for Niddrie for the work he did in developing our bus policy and in coordinating with members of Parliament and candidates, along with the Bus Association Victoria and the then shadow minister. That work will be driving Labor's plans in government to deliver appropriate bus services.

I flag that the consultation in relation to these matters that has been outlined by the government does not offer another opportunity for Transdev to walk away from the commitment it signed with the government to make sure that it provides quality bus services in the northern and western suburbs of Melbourne.

### Police numbers

**Mr WELLS** (Rowville) — This statement condemns the Andrews Labor government for its failure to commit at the 2014 state election to additional police numbers. Unlike the coalition government, which during the campaign promised significant extra police resources in addition to exceeding its 2010 commitments by delivering 1900 extra police and 950 protective services officers during its term, the then Andrews opposition committed to not one net additional police member.

The recently released crime statistics for 2014 demonstrate the clear benefits of having additional

police members on the front line protecting the Victorian community. In my police service area of Knox, whilst it is concerning that overall crime was up 3.5 per cent, an analysis of the statistics reveal why it was up, as well as the benefits of extra police on the beat. Drug offences are largely detected crimes, not reported crimes, so additional police out on the streets usually means increased drug offences being detected. This was the case with drug offences in Knox, which were up 22.7 per cent. Likewise, there are now substantially more police available to respond to family violence incidents and to investigate and charge offenders for breaches of orders pertaining to family violence. Family violence incidents were up 6.3 per cent in Knox whilst justice procedures offences — largely offences relating to breaches of orders — were up a massive 123 per cent.

The Andrews government must demonstrate to the Victorian community that it is not going soft on law and order and commit to additional police numbers in the forthcoming May budget.

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

### **Newroz**

**Ms BLANDTHORN** (Pascoe Vale) — I rise today to acknowledge the outstanding contribution the Kurdish community has made to Australia; a contribution that has made Australian society far kinder, richer and more understanding. I recently had the privilege of attending the Kurdish Newroz celebrations at Coburg Lake Reserve. Newroz is the national day for the Kurdish people; it is a day that marks the beginning of a new year and a day that offers new beginnings, new hopes and new possibilities for the Kurdish community.

It is also a day that provides us with the opportunity to reflect on the past struggles of the Kurdish people and acknowledge their ongoing fight for independence and recognition. For centuries the Kurdish people have had to endure oppression, prejudice and persecution, but throughout these injustices they have managed to remain positive and above all else unwavering in their commitment to an independent Kurdistan. Although Kurdistan may not be recognised as a state today or even tomorrow, I hope that they succeed in their quest for independence in the not-too-distant future.

I was pleased to speak on behalf of the Victorian government and reaffirm Labor's support for this important community, and indeed for the great cultural diversity that defines Victoria and which is so evident

in the district of Pascoe Vale. The Kurdish Association of Victoria itself is based in Pascoe Vale. Every year, but perhaps this year more than ever, Newroz celebrations recognise the story of the Kurdish people, a story that to date has been marked by struggle, resilience and triumphs against the odds and, above all else, a story that has so many important chapters yet to be written. I look forward to continuing to work closely with the Kurdish community in Pascoe Vale over the coming years and wish them all the best in their ongoing struggle for an independent Kurdistan.

### ***Gallipoli 1915 — The Fallen Diggers from Bayside, Victoria***

**Mr THOMPSON** (Sandringham) — I pay tribute to Bayside City Council, the Hampton RSL sub-branch, the Rotary Club of Hampton and the Sandringham and District Historical Society for the recent launch of the publication titled *Gallipoli 1915 — The Fallen Diggers from Bayside, Victoria*.

### **Beaumaris Football Club**

**Mr THOMPSON** — I pay tribute to the Beaumaris Football Club, and I acknowledge its decision 20 years ago to join the Victorian Amateur Football Association. The club had a great opening game of the season on Saturday in which it tied with its opposition. I also note the great contribution made by a first-game player, Callum Beattie-Powell, who was among the best players.

### **Central Bayside Adult Community Options**

**Mr THOMPSON** — I pay tribute to the Central Bayside Adult Community Options program in Sandringham, which is conducted from a former guide hall in Trentham Street, Sandringham, and the great work being undertaken through the range of programs under the leadership of its CEO, Chris Fox, and supervisor, Angela Schepis.

### **Sandybeach Centre**

**Mr THOMPSON** — I pay tribute to the Sandybeach Centre for its ongoing great work and the programs run through its community centre, including the neighbourhood house, the learn local organisation, the registered training organisation, the disability service provider and the home and community care provider range of programs.

### Cheltenham Pioneer Cemetery

**Mr THOMPSON** — I pay tribute to the friends of the Cheltenham Pioneer Cemetery, Margaret Osborne and Rosemary Reddick.

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

### Kyneton Men's Shed

**Ms THOMAS** (Macedon) — I rise to pay tribute to the Kyneton Men's Shed, the first men's shed in Victoria, which has the registration number, no. 1. Last Wednesday I was thrilled to be invited to become an honorary member of the Kyneton Men's Shed, along with the mayor of Macedon Ranges, Jennifer Anderson, and the federal member for Bendigo, Lisa Chesters. We three women were awarded a certificate and invited to attend afternoon tea. We were given this great honour following donations made by each of us to enable the shed to purchase a defibrillator — the one piece of equipment that we sincerely hope will be left to gather dust in the shed.

After 15 years under the auspices of Cobaw Community Health Centre, the shed is now going it alone as an incorporated organisation. Under the leadership of shed chairman, John Mitchell, and treasurer, Brian Ward, I have no doubt the Kyneton Men's Shed will go from strength to strength. The shed is open on Wednesday, Thursday and Friday from 9.00 a.m. to 4.00 p.m. and embodies all that is terrific about our men's sheds: purposeful activity, linkages with local schools, an open and inclusive environment for men of all backgrounds, a regular barbecue and a good cup of tea.

The modern men's shed is an updated version of the shed in the backyard that has long been a part of the Australian culture, but this common shed has added benefits. We know many men are less healthy than women, drink more, take more risks and suffer more from isolation, loneliness and depression. Men's sheds provide valuable companionship, a busy environment and a reason to get up and get out.

### Julie Ryan Dancers

**Mr NORTHE** (Morwell) — I was pleased to attend a fundraising event last Saturday evening for Julie Ryan Dancers. The combined event was a fundraiser for the dance school's upcoming trip to New York and a retirement gala for Julie Ryan. Julie is hanging up her dancing shoes after a 44-year commitment to teaching young people in our region in their love of dance.

Congratulations to Julie on her retirement. I wish her all the best in her transition.

### Neil Akers

**Mr NORTHE** — While I am talking about community service, I also congratulate Neil Akers on being honoured for his 45 years of service with Ambulance Victoria. That is a fantastic achievement for Neil, recognising his dedication, duty and commitment to the safety and wellbeing of the general community. Neil began his career in 1970 with Ambulance Victoria in the Latrobe Valley. Neil has since worked throughout Victoria as a relieving officer, and more notably as a health commander overseeing firefighters and the community during the Hazelwood mine fire.

### Emergency services

**Mr NORTHE** — While I am speaking about the Hazelwood mine fire, I was also pleased recently to attend thankyou events to recognise the outstanding efforts of our emergency services, volunteers and community organisations during the initial response to the fire and subsequent recovery supports. In stark contrast, one cannot help but be disappointed in the Premier. We all remember his outspoken criticism of all and sundry during and after the Hazelwood mine fire when he was Leader of the Opposition, but where is the Premier now that, under his watch, local Environment Protection Authority air monitoring equipment has failed in recent weeks? When the local community is seeking answers and confidence from the government, the now Premier, whilst he was all talk in opposition, has been nowhere to be seen or heard on these issues. This is simply a disgrace.

### George Crouch

**Ms GREEN** (Yan Yean) — I rise to pay tribute to one of the finest and most humble human beings that I have known in my life. Last Thursday I joined with the family and friends of George Crouch to celebrate his full and rich life and to mourn his passing, aged 90 years. I seek leave to incorporate into *Hansard* detail of George's naval and distinguished police service, including his valour badge.

*Leave granted; see document pages 942–944.*

**Ms GREEN** — I first met George and the love of his life, Lorna, more than 25 years ago, when he was a member of the Reservoir East branch of the Labor Party. I could hardly contain my delight when I discovered shortly after I was elected that the now, sadly, widowed George had settled in Whittlesea

township. George was a joiner, a solid community man, a Labor man to his bootstraps. He was a member of the Kinglake-Whittlesea and then Yan Yean Labor Party branches. Whittlesea Lions employed his cleaning skills to keep the barbecues in the local park clean. He volunteered for the agricultural society at the annual Whittlesea show.

Like all members of the RSL sub-branch, I will miss him this Anzac Day. I will especially miss our special time after the march and service, when George and I would share a pot while watching the final quarter of his beloved Magpies and my Bombers. George, a naval veteran and humble but highly decorated police officer, was still a handsome, straight-backed man with a cheeky and engaging smile and an enviable thatch of hair that was still not completely grey. This made him enormously sought after company by the widows of Whittlesea. I have no doubt that Labor's improved election results in the town were due largely to George's popularity.

### **Anzac centenary**

**Ms RYALL** (Ringwood) — Congratulations to Ringwood RSL for its initiative of commissioning mural art under the Ringwood railway bridge to commemorate the centenary of Anzac. When asked to assist, I was very pleased to promote a pathway between Ringwood RSL and Metro Trains Melbourne to enable this to happen, and it is wonderful to see those murals come to fruition as a reminder to all in the Ringwood community of the sacrifice and commitment made by our Anzac men and women for our country and for our freedom.

### **Ringwood electorate football clubs**

**Ms RYALL** — Following the commencement of the Eastern Football League season last weekend, I would like to wish the best for this season to my local football clubs of East Ringwood, Norwood, Ringwood and Mitcham. Our local community loves its sporting clubs and the footy season. Our clubs are hubs of community spirit, teamwork, relationships and mutual support. Thank you to each club and club committee, to the coaches, to the team managers, to the players and to the volunteers for the amazing work they do in upholding such an important part of the fabric of our community.

### **Mitcham Football Club**

**Ms RYALL** — It was a pleasure to hand out jumpers to the Mitcham Football Club juniors. With its first under-eights team included, the club is this season

fielding eight teams. Junior football provides kids with life skills, including teamwork, fair play, respect and fitness. I wish the juniors all the best for the season. I thank the committee, coaches, team managers and volunteers for helping our young people on their life journey and in their personal development.

## **JURY DIRECTIONS BILL 2015**

### *Second reading*

### **Debate resumed from 18 March; motion of Mr PAKULA (Attorney-General).**

**Mr PESUTTO** (Hawthorn) — I am pleased to speak on this bill today and to say that the opposition does not oppose it. Why would it? This was our bill. The government does not stand vindicated by today's bill. It stands condemned by it and for delaying the previous bill and this important reform for more than 12 months. What was this reform supposed to do? It was supposed to shorten criminal trials. It was supposed to mitigate the burden on victims of violent crime in particular. It was supposed to mitigate the burden on our justice system by making sure that with shorter trials criminal justice outcomes could be achieved more promptly. This could have been achieved last year, when the house debated the Jury Directions Amendment Bill 2013, after it was introduced by member for Box Hill, the then Attorney-General. Why did it not pass?

**Ms Ryall** — Why?

**Mr PESUTTO** — Why, you ask? I will tell you why it did not pass. It was because of rank opportunism. Members of the government — then in opposition — sided with the then member for Frankston to defeat legislation which everybody in this house today agrees is sensible and long overdue. Those opposite stand condemned for putting their politics before good policy and for putting tactics before good outcomes for Victorians. How would victims feel today — those who have had to sit through trials that have been prolonged because these jury reforms were not brought in 12 months ago when they could have been?

We should have great sympathy for those victims, especially at a time when this government is showing it is not committed to good policy outcomes and is putting political opportunity first. I wonder how the French and Spanish governments feel. They are victims of this government. I wonder how firefighters feel. I think they are victims of this government. I think health workers feel they are victims of this government. These

are people who were made promises before the last election only to be told something different after the election.

The member for Box Hill brought in a bill last year that would have achieved the same outcomes as this bill. Whilst the government has gone to great lengths to reconfigure the bill — to change the terms and the order of sections in the bill — the truth is it is the same bill. It should not escape anyone with eyes to see that the government is trying to mask the fact that its actions delayed a good outcome.

When we turn to the second-reading speech on the Jury Directions Amendment Bill 2013 of the then Attorney-General, we see that he made it clear to this house that the legislation had been introduced after deep and long consideration of the work done by His Honour, Justice Weinberg, whose work has continued since, in looking at aspects of jury reform and at how best to achieve reforms that will shorten trials and ease the burden on victims in particular and also ensure that our courts can move through cases with far greater dispatch.

The then Attorney-General made it clear that he and the government had considered the work of the then Department of Justice and the expert advisory panel appointed to look at justice reform in this area, something which was long overdue. When the bill came to this house more than a year ago — in fact if I recall correctly, it was introduced in late 2013 — it did so with all stakeholders, including the department, the courts and professionals, understanding the bill and having contributed to it and what it contained, so there can be no argument from the now government that it had a reason to oppose the bill for any reason other than rank expediency.

When we go through the bill before the house today, we can see just how similar it is to the 2013 bill. However, one needs to do a little bit of work because the government has rearranged the clauses in the bill so it does not admit of easy comparison. Let us go through it. Let us look at part 1, which is the introductory part of the bill. There is no great controversy there. Part 2 of the bill deals with some general principles, things like guiding principles for jury directions and particular forms of words that are designed to make the job of judges far easier. We find that those provisions — clauses 5 to 8 — were dealt with already in part 2 of the 2013 bill, which the honourable member for Box Hill brought in, and also in the provisions of the current act. There is nothing new in part 2 of the bill.

When we go to part 3 headed ‘Request for directions’, we see that it deals with the change in jury directions, which started with the Jury Directions Act 2012, designed to involve all the parties to criminal proceedings to ensure that the best directions will be given, that those directions can be targeted and that judges will not be left merely to their own resources to determine jury directions in criminal trials.

Part 3 sets out the purposes and application of the part; deals with the role of counsel in assisting the court when determining what jury directions ought to have been given; provides that legal practitioners must request particular directions be given or not be given; and deals with the rights of unrepresented accused to ensure that those who appear in criminal trials without the benefit of legal counsel can be better protected when jury directions are given. Further clauses deal with the role of the trial judge when requests are made, the role of trial judge when directions have not been requested but the trial judge feels that directions ought to be given in the particular circumstances, and the role of the trial judge when trial judges must give directions regardless of the parties’ views. All of part 3 is already dealt with in part 3 of the act and part 2 of the bill, so there is nothing new in this part of the bill. There is nothing whatsoever in the bill which could give this government a reason for thinking that there was a reason for it opposing the bill last year.

We move to part 4 of the bill, which deals with evidential directions in relation to post-offence conduct — that is, conduct after an alleged criminal event which suggests an accused has incriminated himself or herself. It is already dealt with in part 6 of the existing act, which it almost replicates entirely, so there is nothing new in that part of the bill.

We move to division 2 of part 4, which deals with other misconduct evidence. Again there is nothing new there — nothing which would have justified opposition to the bill last year. This section deals with other misconduct evidence which is adduced by the prosecution, directions on other misconduct evidence adduced about a co-accused, directions to avoid risks of improper use of other misconduct evidence and abolition of certain common-law rules. But again these matters were dealt with in part 7 of the bill which the previous government introduced last year. Are we seeing anything new? No. There is nothing new here.

We move to division 3 of part 4, which deals with unreliable evidence. It contains a definition and deals with direction on unreliable evidence, prohibited statements and suggestions in relation to children’s evidence and abolition of common-law rules. They are

all good provisions, but they are all identical to those that were within part 8 of the 2013 bill. Again, there is nothing new here.

Division 4 relates to two reforms to identification evidence and contains a definition, directions on identification evidence and abolition of common-law rules. There is nothing new; it was dealt with in part 9 of the 2013 bill.

We move to division 5 which, not surprisingly, contains nothing new. It applies to delay and forensic disadvantage and contains a definition, directions on significant forensic disadvantage and abolition of common-law rules. It is not new; it was dealt with in part 10 of the 2013 bill.

Division 6 deals with failure to give evidence or call witnesses and includes directions on an accused not giving evidence or calling witnesses, so that no prejudice can be visited upon an accused for not giving evidence; prohibited statements and suggestions in relation to accused who do not give evidence or call witnesses; directions on prosecution not calling or questioning a witness and abolition of common-law rules. Once again, it is no surprise to find nothing new; these provisions were dealt with in part 12 of the 2013 bill.

Part 5 of the bill deals with sexual offences. Like the other provisions I have referred to, this is an important reform and is trying, amongst other things, to introduce common law and cultural changes to ensure that juries do not make or draw prejudiced inferences about complainants of sexual offences as a class. Once again, this contains nothing new compared with what was in the 2013 bill.

**Mr Noonan** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Someone is either trying to break in or break out.

**Mr PESUTTO** — They are trying to break in, Acting Speaker; the speech is that good!

Part 5 includes application of divisions, definitions, prohibited statements and suggestions in relation to complainants and direction on delay in complaints or lack of complaints. That direction is important as it ensures that juries understand that it is not easy for complainants to make complaints in a timely manner. There is all manner of reasons why a complainant may require some time before making a complaint to relevant law enforcement authorities or anyone else. It is a good reform. It also contains a provision dealing with additional directions on delay in a complaint or

lack of a complaint as well as abolition of common-law rules. These were dealt with in part 11 of the 2013 bill.

Part 6 of the bill before the house deals with family violence. Like those provisions which deal with sexual offence components, this is important, but again it is already covered in part 7 of the existing act. Part 6 includes a definition, request for direction on family violence, content of direction on family violence and additional matters for direction on family violence. These are all worthwhile and necessary reforms, but they were introduced by the previous government and are in the current act, which means that nothing new is being introduced in this bill in that respect.

Part 7 of the bill deals with general directions as to what must be proved beyond reasonable doubt. The section includes the abolition of common-law obligations to give certain directions in relation to matters beyond reasonable doubt, provisions dealing with when trial judges may explain proof beyond reasonable doubt and how explanations may be given in response to jury questions. Again, these are all worthwhile and sensible provisions but are covered in part 5 of the current act.

Part 8 is headed 'Trial judge's summing up' and contains provisions which again are worthwhile. It deals with trial judges' obligations when summing up, trial judges being required to identify only evidence necessary for determination of issues and trial judges giving integrated directions, which is where they give directions to juries in a way which helpfully combines matters of law and fact. That is dealt with in part 4 of the existing act.

Part 10 deals with, amongst other things, changes to the Evidence Act 2008. For the most part the provisions contained in this part are either already in the existing act or were pursued in the 2013 bill that came before the house but was defeated.

What we see is a bill which almost entirely in substance replicates the work of the previous government. I make those points to reinforce for those who are watching and for those who will read this debate that there was never any justification for opposing the previous government's jury directions reforms back in 2013, which had been preceded by a great deal of work. I pay tribute to the member for Box Hill for the work he did in bringing together the work of Justice Weinberg, the department and the experts who were engaged on that process to bring in the Jury Directions Bill 2012, which I note the then opposition did not oppose.

We do not oppose this bill, but I want to sound a warning that more needs to be done in the justice base.

In recent times we have seen community uneasiness and concern, and in many areas, community despair. People want to see a government that is responding to the community's cry to have more work done in the justice space. They want to see more work done in sentencing and on bail reforms. Those reforms can be achieved in relatively short order. The Sentencing Act can be toughened up to ensure that community safety is paramount in all sentencing decisions. The Bail Act can be toughened up to make sure that community safety and deterrence are in place that will allay community concerns that the additional things that can be done are not being done.

I say on behalf of the coalition that we did a lot in the last four years. We would have liked to have done more but the intervention of the election meant that we were no longer in that position. However, I call upon the government to take up those reforms. The community wants them; they make sense and they need to be done. More work needs to be done where sexual offenders are concerned. We have seen recent incidents reported in the media showing that there are obvious loopholes in that legislation and again I call on the government to do something about those laws.

At the moment we are waiting to see what the government will do in relation to community correction orders, particularly in light of the Court of Appeal's decision late last year in *Boulton v. The Queen*. Members of the opposition want to ensure that community correction orders are not used as a means by which violent offenders — those who commit serious offences such as rape, aggravated assault or other forms of serious abuse — are allowed back out on the streets. That was never the intention of community correction orders, and I hope and trust that this government will adopt the same view and ensure that community correction orders, super-correction orders or extended forms of community correction orders are not introduced to weaken the reforms that the previous government brought in.

There is also the matter of police numbers, which is so important to deterrence and to reducing crime over time. When you put more police on the beat, you can expect that more crime will be detected. That is one of the very principles and purposes for which you engage more police. A strong presence of protective services officers is very important, not only to give members of the community the sense that they are safer but because in the minds of criminals and those who will potentially commit crimes the idea that they will be identified and brought to justice in some way is one of the important elements of deterrence. That is why a strong police presence is very important.

These jury reforms are necessary. They are long overdue. They could have been brought in a long time ago. But they sit in an area of justice where they may not achieve the purposes for which they are being enacted if the other matters I have mentioned — all of those strong law and order enforcement measures — are not pursued, maintained and built upon. We do not oppose this bill. I condemn the government for its behaviour last year, but otherwise, subject to those remarks, I commend the bill to the house.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise to speak about the Jury Directions Bill 2015. I want to correct a bit of history that the member for Hawthorn conveniently overlooked. There is a man the member's predecessor in the electorate of Hawthorn, former Premier Ted Baillieu, would know very well, and that is Geoff Shaw, the former member for Frankston. If the member for Hawthorn wants to tell the truth about what happened with this legislation in the previous Parliament, he should say the Liberal Party preselected and endorsed the former member for Frankston, who gave his inaugural speech on the back bench here. If the former government had kept the former member in the tent when he became an Independent, if it had looked after him, treated him with respect and consulted him on legislation, the second tranche of this jury legislation would possibly have gone through. But no, the member for Frankston was treated with contempt, and the then opposition, led by the then Leader of the Opposition, now Premier, and the then shadow Attorney-General, now Attorney-General, were also treated with contempt and not given the appropriate briefings.

We are here today because of the neglect of the previous government in consulting the opposition, doing the due diligence and making sure that in proposing legislation it was consultative and bipartisan. We have no problem with this bill; we have never had a problem with it. We all agreed on and signed up to the content, but we did not agree with the former government trying to ram through legislation, just as it rammed through the east-west link contract, which the member for Hawthorn, in his contribution on this bill, also brought up. The former government tried to ram through an airport rail link, which went through my electorate, and no-one was even told about it. Not one person was consulted.

Let us not let the coalition off the hook. It preselected Geoff Shaw. If you go to the *Age* of 4 April 2014, there is an article headed 'No debate, so jury bill voted down', and in that article there is a photograph of Mr Shaw. He voted down the legislation; he was not prepared to do it. The coalition tried to hoodwink him. In the article Mr Shaw is quoted as saying:

This bill was not afforded that opportunity. And therefore I did not vote in favour of it.

Let us call a spade a spade. We are here today purely because of the coalition.

I want to thank the Attorney-General for bringing through this reform. I also want to acknowledge the work of the Department of Justice and Regulation, which over a period of five years has done an immense amount of work in getting to this stage.

This bill is important, because we all know that juries are a complex component of the criminal justice system. They are required to apply facts to the law and work out guilt or innocence. Juries are an important component, but as the law has changed, as reforms have gone on, we have seen more juries dealing with more complex matters.

I quote Lord Mackay, who said the ‘supreme test’ for a jury direction is that it should be ‘comprehensible to an ordinary member of the public who is called to sit on a jury and who has no particular acquaintance with the law’. We must remember that juries are generally made up of members of the public who have, more often than not, no prior history with the law. It is a very good thing to make matters simple for them and to make reforms simpler and easier.

Before I got up to speak I had a quick look at the website of the Department of Justice and Regulation. The Attorney-General is quoted on that website, and his statement is worth reading into *Hansard*. He said:

Over the years, jury directions in Victoria have become overly long and complex, and this legislation will help deliver shorter criminal trials, and fewer appeals and retrials based on jury directions ...

This legislation contains important reforms that will reduce appeals, streamline the process and help juries apply the law to the facts. In creating this legislation the government has had significant contributions from the Victorian Law Reform Commission, the Criminal Law Review, Justice Weinberg and the Judicial College of Victoria. An incredible amount of work has gone into creating this legislation. There have been various reports and there has been various commentary on it. I have looked at the report *Jury Directions — A Jury-centric Approach*, which goes through the process of how we got here today and outlines some of the research that has been done. The laws we are making and passing here today are important. Research over two decades has highlighted deficiencies in jury directions to date but has also pointed a way forward for making more effective jury directions. The report indicates that:

Research has shown that:

jurors struggle to understand jury directions containing double negatives and conceptual or complex matters

some jury directions have the opposite effect from that which is intended (this is known as the ‘reactance theory’)

there is a significant difference between jurors’ subjective beliefs in their understanding of jury directions and objective testing of their understanding

jurors bring certain assumptions into the jury room with them (e.g., misconceptions about sexual assault and family violence) —

and today’s jury directions target those areas; and —

jurors are much better at dealing with factual issues than understanding legal issues.

The bill is an important area of reform. The Andrews Labor government has put family violence firmly and squarely as its no. 1 agenda item. It has said firmly and squarely that once the report of the Royal Commission into Family Violence comes in, all of the recommendations will be followed through and implemented.

I acknowledge that the first tranche of these jury reforms, the Jury Directions Act 2013, was passed by the Parliament in 2013, and here we are today with the second tranche of reforms. The bill we are going to pass, with bipartisan support that I welcome, will refine the operation of the act. I will go through some of the key components of the bill because they are important.

The bill is targeted at specific areas to help jurors with the directions given by judges. It will simplify directions on what must be proved beyond reasonable doubt — the only matters a trial judge may direct the jury must be proved beyond reasonable doubt are the elements of the offence and the absence of any defences. The bill will abolish complex common-law directions to the contrary that are confusing and in some instances reflect misconceptions about sexual offences. It will provide for simplified directions on ‘other misconduct evidence’ — that is, tendency, coincidence, context or relationship evidence, removing complex distinctions between these types of evidence. It will replace provisions in the Evidence Act 2008 in relation to dealing with children’s evidence with new provisions in the Jury Directions Act.

Importantly, in relation to the effect of delay on forensic disadvantage, the bill will replace statutory and common-law directions with a simplified direction that may be given when the accused has experienced a significant disadvantage because of delay. It will

require a direction on delay and credibility in relevant sexual offence cases to address common misconceptions. This is designed to prevent unfair generalisations about sexual offence complainants as a class while allowing the parties to argue about delay as it relates to the specific case. The bill will also rectify a problematic direction on consent in sexual offence trials with amendments to the Crimes Act 1958 to clarify that a person does not consent to a sexual act where the person does not say or do anything to indicate consent or where, having initially consented to an act, the person later withdraws that consent.

The *Jury Directions — A Jury-centric Approach* report I referred to earlier has been published on the Department of Justice and Regulation website. It is essential reading. Again I congratulate all the staff at the Department of Justice and Regulation for their work on this matter to date and those involved at the Victorian Law Reform Commission as well. The reforms in the bill provide significant legal and cultural changes for criminal trials and it is likely they will be tested on appeal, so it is desirable to provide detailed information on how the reforms have been developed. The work done by staff at the Department of Justice and Regulation, and going back to the 2009 report by the Victorian Law Reform Commission, are important steps. I acknowledge again the team led by the Honourable Justice Weinberg of the Court of Appeal, which published a report in August 2012. The Jury Directions Advisory Group examined the report's recommendations in detail and identified further improvements to refine and simplify those proposals.

I welcome the commentary from other members — we have had a lot of robust reform in this area and this is another important piece of legislation. It recognises and reorganises the provisions in the earlier legislation and includes new provisions. The bill provides a great opportunity to restructure the legislation so it flows logically and is easier to read. I welcome the opposition's support because the bill is a great step for our criminal justice system in terms of reducing appeals, streamlining the process and the application of the law to the facts. This legislation is vital because jury directions are a vital component of the criminal justice system.

I once again congratulate the Attorney-General, and I commend the opposition on its efforts. The opposition should note that we consulted it, and it would have been nice if we had been consulted on all the previous government's justice bills when we were in opposition, but that was not the case. Here we are today fixing up the opposition's mess and passing vital legislation for

our courts. I welcome this legislation and I wish it a speedy passage.

**Mr McCURDY** (Ovens Valley) — I am delighted to rise to make a brief contribution to debate on the Jury Directions Bill 2015. I want to pull up the member for Niddrie, who indicated in his contribution that the opposition is not supporting the bill. We are certainly not opposing the bill, and we agree with most of the sentiment contained in it because, as was stated by the member for Hawthorn, it is pretty much a carbon copy of what we started out to achieve. It is no good looking at the former member for Frankston as a way out when talking about why the now government when in opposition chose to vote against the bill because all that did was delay the process. We are past that point now, and I am pleased that we are moving forward with this bill, which will offer substantial benefits for Victoria.

We know that some criminal trials are very complex. Lawyers, barristers, clerks, judges and magistrates are all professionals and most have trained for many years. Australian criminal law was originally derived from English common law, and we know that Victoria is a common-law jurisdiction. On top of that, there is the Crimes Act 1958 and a multitude of other pieces of legislation that underpin the criminal system. However, the bulk of that underpinning comes under the Crimes Act.

It is ironic that in criminal trials the most inexperienced and the most underprepared of all those involved are those who make the decision — the jury. Hence this bill will primarily do three things. It will reduce the complexity of jury directions in criminal trials, it will clarify and simplify the issues that juries must determine in criminal trials and it will re-enact the Jury Directions Act 2013 with some minor amendments. Anything that reduces complexity is a good thing, hence we are not opposing the bill. Furthermore, the Jury Directions Act 2013, which was opposed in Parliament, was intended to achieve similar outcomes.

Addressing the main provisions of the bill, clauses 55 to 60 deal with directions relevant only to trials involving family violence and replicate the effect of the introduction of new directions into the Jury Directions Act 2013 by the Crimes Amendment (Abolition of Defensive Homicide) Act 2014, which are specific outcomes. Clauses 48 to 54 provide for changes to directions on delay and credibility in sexual offences cases — as was pointed out by the member for Hawthorn — by replacing sections of the Crimes Act and the common-law rules, and those are also important changes. Clauses 45 through 47 introduce new jury directions on rape and sexual assault in specific

provisions. Clauses 38 to 40 change the law on directions on delay and forensic disadvantage by replacing sections of the Evidence Act 2008 and the Crimes Act 1958 and common-law rules with new provisions. Clauses 35 to 37 change the law on identification evidence directions by replacing sections 116 and 165(1)(b) of the Evidence Act 2008 and common-law rules with new provisions.

Those are the main provisions contained in the bill. There are additional provisions being introduced which come from the Jury Directions Act 2013, and we will need to see how they operate in the future in practice to establish how beneficial they will be. As the member for Hawthorn said, sadly this bill has been delayed for some time because the current government, when in opposition, sided with the former member for Frankston to oppose it, and it has reconfigured the provisions now contained in this bill. However, we encourage the government to continue taking our lead in protecting the community, and this is a significant step in doing that.

I quote directly from part 2 of the bill, clause 5, headed ‘Guiding principles’, which states:

- (1) The Parliament recognises that —
  - (a) the role of the jury in a criminal trial is to determine the issues that are in dispute between the prosecution and the accused; and
  - (b) in recent decades, the law of jury directions in criminal trials has become increasingly complex; and
  - (c) this development —
    - (i) has made jury directions increasingly complex, technical and lengthy; and
    - (ii) has made it increasingly difficult for trial judges to comply with the law of jury directions and avoid errors of law; and
    - (iii) has made it increasingly difficult for jurors to understand and apply jury directions; and
  - (d) research indicates that jurors find complex, technical and lengthy jury directions difficult to follow.

I think that pretty much sums up the changes being attempted by the bill to make jury directions simpler — less complex — for members of the jury, so that they can better understand them and we can get better outcomes.

In conclusion, the role of the jury is critical in our criminal trials. I also believe that wherever possible complexity in the court environment should be reduced.

That is what this bill does. As I said, I am pleased to see a bill that makes the changes that are needed finally being brought to the chamber following the former government’s lead. There was never a logical reason to oppose the Jury Directions Bill 2013; that action was purely political. I commend the bill to the house and look forward to its speedy passage through the house.

**Mr PEARSON** (Essendon) — I am delighted to join the debate on the Jury Directions Bill 2015. As has previously been enunciated, the bill has five key objectives: firstly, to reduce errors in jury directions; secondly, to make the issues that juries must determine much clearer; thirdly, to improve the way that information is provided to juries; fourthly, to reduce delay by shortening jury directions; and finally, to reduce the number of retrials, which will reduce the stress and trauma to victims of crime.

Previously trial judges in Victoria have been compelled to give highly detailed and often complicated directions. This resulted in their taking longer to deliver directions in Victoria than judges in any other state. The reality is that legislation must reflect the times in which we live. There is a need to ensure that legislation is responsive to the demands of the community. We need to make sure that there are simplified directions for juries to make it easier for members of juries to discharge their duties.

As I understand it, research has shown that jurors are less likely to listen to, understand or apply directions which are long, complex or of questionable usefulness. That is obviously a grave concern, given the fundamental role that juries play in our criminal justice system. In the past it has also been very difficult for trial judges to give such directions. What that has led to ultimately have been degrees of judicial error and, in turn, appeals and retrials.

The jury system is a fundamental component of a progressive, democratic and civilised society. I make these comments in the context of the recent passing of Lee Kuan Yew, who was the first Prime Minister of Singapore. Singapore inherited a judicial system in the same way we did, from England. In Singapore the jury system was abolished in 1969. Jury trials — except for capital offences with the death penalty — had been abolished earlier, in 1959. When asked about this, Lee Kuan Yew said to the BBC and wrote in his memoirs that due to his experiences as a trial lawyer:

I had no faith in a system that allowed the superstition, ignorance, biases, and prejudices of seven jurymen to determine guilt or innocence.

Lee Kuan Yew achieved many things in his life, and he changed Singapore, but by throwing out fundamental rights such as trial by jury and freedom of association he effectively imprisoned his nation in a gilded cage.

We cannot become like Singapore. We must make sure that the jury system functions and works well, and we must ensure the integrity and longevity of the system. The reality is that we have to recognise that as a nation and a state we are operating on fewer resources and that we must become more efficient. To some extent this moment in history is similar to the time in ancient Rome when Trajan, who was emperor, passed the batten to Hadrian. I say that because when Trajan was emperor, Rome's territorial extent was at its greatest. In a public policy sense we have been that way over probably the past 30 years.

Interestingly, when Hadrian became emperor, he started to withdraw from some of Rome's territorial gains and built Hadrian's Wall in northern England, for example. In one sense, that is where we are now as a nation and a state. We need to recognise the fact that we must be more frugal and more efficient. We cannot be wasteful with our resources because the reality is that we just do not have the fiscal capacity to be inefficient. Simpler directions will reduce the number of appeals and retrials. This will have the added benefit of protecting victims and families from further anguish.

The bill will change the law around directions on delay and credibility in sexual offence cases. The current law is highly problematic because the common-law Kilby and Crofts directions reinforce outdated and inaccurate assumptions about the behaviour of victims of sexual assault — that is, they suggest that a genuine complainant will make their complaint very soon after the offence has occurred. As we have seen through the great work of the inquiry into the handling of child abuse by religious and non-government organisations in the last Parliament, and as we are currently seeing through the work of the Royal Commission into Institutional Responses to Child Sexual Abuse, that is not the case. Victims of sexual abuse can take decades to process these horrendous crimes and develop the ability to seek redress.

We need to make sure that legislation reflects the times we live in. We now know that it takes something like 25 or 26 years on average before victims of sexual abuse feel able to come forward and talk about what has happened to them.

**Mr McGuire** — Twenty-six years.

**Mr PEARSON** — It is 26 years — I thank the member for Broadmeadows. It is important that we make changes to reflect this new knowledge. While we cannot condemn our predecessors for failing to take this action, we now know that this is the case, and we must make sure the legislation reflects what is happening in the community.

In the past trial judges have been required to give competing and contradictory directions, which can be confusing for jurors. In order to make the system work, we must simplify it to make life easier for trial judges and enable jurors to understand what is required of them. The bill will prohibit a trial judge or parties from saying or suggesting that sexual offence complainants are unreliable as a class and will require trial judges to give directions based on accepted understandings of how complainants respond to sexual assault. For example, the judge must tell the jury that people react differently to sexual offences and that there is no typical, proper or normal response to a sexual offence. This is borne out by evidence gleaned through the royal commission and other inquiries.

This bill is an important step in bolstering the integrity of the jury system. We are very lucky to have trial by jury as a right, and we cannot allow that framework to be compromised. As times change, the system must change with them. For that reason we must upgrade the relevant legislation and provide support around it to make sure the system operates efficiently and effectively. That is the expectation of us as legislators — we have an obligation to make sure that the system works. Trial judges need the capacity to properly direct and instruct jurors so that jurors can in turn discharge their duty. We cannot allow Victoria to be a laggard on this matter when this state has been a national leader in most areas of public policy, whether it be economic reform, early childhood development or electricity regulation. It is obviously a concern that we are something of an outlier in relation to the conduct of trials by jury.

This bill will help to make the system efficient and effective, empower judges to discharge their duty and make it easier for jurors to discharge theirs. It reinforces the system of trial by jury, which is a fundamental right of citizens in Australia. It is our responsibility to make sure the system is protected and that it works. For those reasons I commend the bill to the house.

**Mr HIBBINS** (Pahran) — I rise to speak on the Jury Directions Bill 2015. I will be brief in my remarks on this bill. The Greens support this bill; however, we have concerns regarding the non-mandatory nature of some of the jury directions. I will go straight to the

point of those concerns: whilst the new jury directions on sexual offences and family violence will on the one hand help to remove prejudice and misconceptions about victims, the Federation of Community Legal Centres has raised strong concerns with us relating to the non-mandatory nature of some of these directions.

The bill fails to address the federation's concern about the removal of mandatory requirements for judges to direct members of juries in their thinking about consent and what the accused believed. The mandatory requirement for such directions was removed under the Crimes Amendment (Sexual Offences and Other Matters) Act 2014 and the then shadow and now current Attorney-General supported this move even though other Labor MPs noted that this ran counter to the recommendations of the Victorian Law Reform Commission's *Sexual Offences — Final Report* of 2004 and its jury directions review with respect to sexual offences.

The Greens believe that directions on family violence and sexual offences by trial judges should be mandatory, rather than being reliant on defence counsel requesting a trial judge direct the jury on family violence matters. That said, we feel that given this bill has come before the house, we must also keep in mind other steps that will enable the law to respond appropriately to women who kill partners in the context of family violence and their ability to use the defence of self-defence. Specialised family violence training and cultural awareness education for legal professionals, including prosecutors, defence counsel and judges, could be employed. Such training should include the relevance of family violence evidence to elements of self-defence.

Steps could be taken to reduce the levels of female defendants being charged. In some cases in which women kill to defend themselves from family violence, the Office of Public Prosecutions could consider charging the defendant with manslaughter from the outset rather than murder, which may make it more likely that they would go to trial on the basis of pleading self-defence. Legal professionals should be prompted to use expert evidence about family violence and to use experts who have extensive, specialised knowledge of family violence.

As well as legislative improvements in the area of sexual offences being required, the Federation of Community Legal Centres and the Victorian Centres Against Sexual Assault Forum say this must be done in tandem with ongoing, appropriately funded community education programs, primary prevention initiatives and funding of community-based legal services and sexual

assault survivor advocacy organisations. As well as these initiatives we need ongoing education of judges, defence counsel, prosecutors and police about the social context of sexual assault.

We could also look at the development of clear definitions and examples to be included in the Crimes Act 1958 and also used in training materials for judges, legal officers, police and advocates. We could empower judges to disallow questioning of a complainant that is unduly intrusive, humiliating, intimidating or overbearing.

That said, the Greens support this bill, but we have concerns regarding the non-mandatory nature of jury directions. We will be raising those issues further through Sue Pennicuik, a member for Southern Metropolitan Region in the other place, who is our justice spokesperson. We will take up those issues in the other place should the bill reach the upper house.

**Mr McGUIRE** (Broadmeadows) — According to its members' contributions in this house today the coalition is divided on this bill. The shadow Attorney-General, the member for Hawthorn, wants to claim that the bill is wholly and solely a Liberal Party initiative introduced last year; meanwhile The Nationals member for Ovens Valley is saying that the coalition does not support the bill. The coalition cannot have it both ways.

Before this debate is finished I would like to hear from the coalition that it actually supports the bill — its members should stand up and support these initiatives. They should not be backtracking now. The reasons they have put up have been about politics. I remind the opposition that a former member for Frankston, Geoff Shaw, was preselected by the Liberal Party and was elected to the 57th Parliament as a member of the Liberal Party. He was the Liberal Party's issue, its concern.

What is done is done and cannot be undone, so let us get to the point and see how the opposition votes at the end of this debate this week. This is the important thing: this legislation is too important to be dealt with in this fashion. It is up to coalition members to stand up and say they support it, not that they will not be voting against it and take those sorts of positions. Let us see where they really stand — and their indignation is diminished by the background relating to the former member for Frankston.

Let us go to the point. The reforms in this bill were contained in the Jury Directions Amendment Bill which was introduced in the Legislative Assembly in 2013

and in the Legislative Council in 2014 by the former coalition government. Neither version of the bill was passed because the then Labor opposition did not support its passage. The reason it was opposed was that the then government was trying to force the bill through without debate. Labor did not have any issue with the content of the bill. Let us get down to what counts: it is about the content. Let us get the bill through this Parliament, and let us have no more posturing on these issues. Let us actually get the job done.

This bill contains important initiatives that need to be introduced. What we are really talking about is giving clarity where there is complexity so that juries have a better understanding of what needs to be done and the jury directions that are given are relevant in law and actually focus the jurors' minds on what is directly required. The complexity and uncertainty make it more difficult for a judge to give directions that comply with the law and harder for juries to understand their task. This is what the research has shown, and it leads to more appeals and retrials. These are the substantive matters that we want to address in this legislation. That is what the Attorney-General has brought to this house.

The aim of the bill is to reduce the errors in jury directions, to make clearer the issues that juries must determine, to improve the way in which information is provided to juries, to reduce delay by shortening jury directions and to reduce the number of retrials, which will reduce the stress and trauma to victims of crime. That is the point. We are agreed on content. Let us have an agreement in an affirmative way and a positive vote for this legislation in this house before it goes to the upper house.

The bill re-enacts the Jury Directions Act 2013 with some refinements, and it restructures the provisions to improve readability. The bill improves the reforms to consent directions in sexual offences trials from the Crimes Amendment (Sexual Offences and Other Matters) Act 2014 to reform specific jury directions, including directions on other misconduct evidence, delay and forensic disadvantage, and delay and credibility. That is an important point.

The bill deals with new jury directions on consent and reasonable belief in consent. The bill restructures the directions of the Crimes Amendment (Sexual Offences and Other Matters) Act 2014 for consistency with the rest of the bill and includes an amendment to one of the directions. The relevant direction being amended states that the fact that a person does not say or do anything to indicate consent to a sexual act is enough to show that the act took place with the person's consent. This direction is problematic, as it suggests that a person

may not do or say anything to consent to sexual activity but nonetheless may be taken to have potentially consented to the activity by the law of rape. This is a highly complex, very emotionally charged and difficult issue that needs to be addressed and clarified.

The bill removes this direction and instead amends the list of circumstances in the Crimes Act to which a person does not consent to include where the person does not say or do anything to indicate consent, and where, having initially consented to an act, the person later withdraws that consent. This is a particular issue that we need to address — when consent was given and whether it was later withdrawn. That is the point about no meaning no. This will now be clearer to the jury and will be more effective than the jury directions. It will also make clear that a person should not engage in a sexual act with another person without the other person having clearly communicated his or her consent. That is a critical issue that I am glad this legislation will clarify.

This is part of the Kilby and Crofts directions. It requires trial judges in sexual offence cases to direct a jury that a complainant's failure to report a sexual offence at the earliest possible opportunity may cast doubt on the complainant's credibility and that the jury should take this into account in evaluating the credibility of the allegations made by the complainant. The law in this area is highly problematic because the direction is based on inaccurate assumptions about the behaviour of victims of sexual assault — that is, that a genuine complainant can be expected to make the complaint very soon after the offence.

The member for Essendon raised the point, which I want to emphasise as well, that the inquiry into child sexual abuse that delivered the landmark *Betrayal of Trust* report uncovered that on average it takes 26 years before victims of child sexual abuse can come forward and directly report or act on these horrendous crimes. So there needs to be a better assessment of the delay and the reasons behind it. Research has shown that potential jurors can have misconceptions about how complainants should behave, expecting them to have come forward immediately. That is an important issue to be addressed, which is being dealt with in this bill.

There are other issues about different parts of directions and how they must be proved beyond reasonable doubt. There are also contributions on how we actually look at corroboration. Corroboration of evidence is no longer required under section 164 of the Evidence Act, except in cases of perjury and similar offences, and the trial judge is not required to direct a jury on corroboration. Despite this, directions on corroboration are sometimes still given. This matter was raised in the Weinberg

report. These directions are problematic and unnecessary. The Weinberg report did not make any recommendations about section 164; it was not leading to successful appeals or convictions.

In summing up, this is a bill that provides clarity where there is complexity. It is important to fully brief juries so that they understand the nuances about which we now have greater knowledge. I believe the bill should have a direct vote of support from members on all sides of the chamber. I would like to see before the end of contributions from coalition members clarification that they will vote in support of the bill. As I said, we have heard direct contradictions, with the shadow Attorney-General on the one hand claiming this was a coalition government bill, and a Nationals speaker on the other hand saying The Nationals do not want to support it. Let us put all of that to one side and just vote on this bill. Let us get it done. Now is the time to address it.

Here is the opportunity. The vote will be taken before the end of the week, and I would like to see this bill pass both houses of the Parliament. I commend the bill to this house.

**The ACTING SPEAKER (Ms Halfpenny)** — Order! I call the member for Bayswater.

**Ms VICTORIA (Bayswater)** — Thank you, Acting Speaker, and it is lovely to see you in the chair.

I also rise to contribute to the debate on the Jury Directions Bill 2015. Just so there is no misconception as to what the coalition is doing in relation to this bill, I note that we are not opposing the bill. There is a lot in this bill that is very similar to what was proposed by the former government. When the member for Box Hill was the Attorney-General most of these initiatives had been proposed in a bill whose great reforms, because of a lot of filibustering and a lot of time wasting in the house, did not go through both houses. The question on my mind would be: how many cases could have been heard differently, and how many could have been dealt with more expediently had that bill gone through and been enacted? How many lives could have been changed, and could we have had better outcomes in some cases that have gone before the courts? I repeat, however — so there is no misunderstanding — that we are not opposing this bill.

The bill is about simplifying the jury directions process and about giving assistance to trial judges so as to enable them to give jury members directions that are clear, simple, brief and, most importantly, relevant to the court case. To clarify, and for those who sometimes

read *Hansard* — and good luck to them if they need that as their sleeping tablet! — jury directions are the instructions given by a trial judge to the jury about how to apply the law in a particular case and how to make their decision on whether an accused is guilty or not in accordance with that law. In Victoria the directions can be quite complex and lengthy, and sometimes it is very difficult for juries to understand what is being offered to them. Of course that can lead to appeals and retrials, which should not be clogging up the court system. I will get to that again in a moment.

In Victoria jury directions are really quite notoriously long. Sometimes they can take days. That would be a very extreme case, but in many cases they can take hours to deliver. If we look around the world comparatively, we see in places such as Scotland that a standard jury direction takes between 15 and 18 minutes. That is a big difference. In the United States — and obviously every US state is different — most directions in criminal trials take place in a very standard formulation and can take up to half an hour, so there is a very marked difference between what happens here and what happens there.

The changes in this bill will increase the likelihood of jurors understanding and applying the directions. That can help ensure that we have a fair justice system — that is obviously very important — in which the community can have a great amount of confidence and can help ensure that some trials, and certainly parts involving deliberation, are much swifter. Fair trials for accused people are obviously what make our legal system great, and this bill helps to retain that very important aspect of a person being considered innocent until they are proven guilty.

Jury-based decisions are part of our criminal justice system. As other members have said there are jurisdictions that do not have jury-based decisions. I find that difficult to comprehend. We live in a democratic society where people often have their say, and I think having a jury of our peers judge us is one of those common, basic rights that we have and should be very thankful for here in Australia. One of the beautiful things about the representation we have on juries is that one's background, job, educational level, career choice and personal attributes do not matter; as jurors we are all equal when it comes to judging one of our peers. Jury selection is done at random. Some people have been picked for jury duty on many occasions. I have never been called up. I would like to, I am sure, at some stage; I am sure that it is a good process. The nice thing is that, again, it does not matter what your gender, nationality, religious affiliation, political persuasion or

social situation is; no-one is chosen because they are considered above another in the eyes of our law.

At any given time a jury could consist of the greatest variety of people. A lot of those people may never have experienced the legal system. Most of them certainly will never have had legal training. It is therefore in our best interest to be able to make sure that people are very understanding of what is being asked of them, and that can only lead to better outcomes for the accused by making sure that the system is very fair.

I have read through some of the directions that have been given to juries, and as a layperson, if you like, I found them difficult to comprehend. On top of that the jurors have to understand all the evidence that has been put before them, and that can be very difficult. They have to analyse the evidence and look at some of the more difficult or complex parts of a case. Unreliable information could have been given to them; they have to be able to sort through that. There could be post-offence conduct they have to take into account. There could be discreditable acts that the accused has partaken in. All of that has to be taken into account, and on top of that they are then being asked to analyse the law and apply it fairly.

This legislation can only result in shorter, better outcomes in terms of the accused. It is appropriate that we ensure that directions given by trial judges are simple and easy to comprehend as far as instructions go, and that the directions given to juries on how to proceed in their role ensure that we have as few unnecessary retrials, or extended and costly trials, as possible.

If we look at what has gone on before, in 2012 Chief Justice Marilyn Warren said that laws on the way judges gave directions to jurors created an unreasonable burden on judges. She felt that the threat to community confidence in the courts and criminal system was too great a cost to pay. A retrial is a very significant cost that can take up a lot of time if a person may have been correctly tried the first time but we are not sure. The worst thing is that a retrial ensures that victims, victims' families and those associated with the trial have to go through the trauma again. They have to live through this again, making it extremely emotionally traumatising for them. That is something we need to be able to eradicate wherever possible.

There are statistics about the number of cases that were retried in 2010, for example. In 2010 alone jury redirection-related trials made up 14 of the 18 retrials that year. Again, there is not only a human cost through trauma but also the cost to the legal system, the cost in

clogging up the courts. How many cases could we have brought on, saving those who may be innocent and sitting in jail on remand? How soon could we have had them released from custody? There are so many different implications for this bill, and I think this is very logical. That is exactly why the coalition brought very similar legislation before the house a year or so ago. As I have said, it is very sad that that bill did not go through, as it could perhaps have affected people's lives in a positive manner, knowing the retrials that went through based on the statistics I talked about before.

This bill is a good way to overcome some of the very complex directions that are given to jurors. It will make being a juror more enticing for those who are confused about the system and say, 'I don't know how to be a juror'. This will give them clarification and mean we do get that broader cross-section of those who will serve on juries. For that reason, we will not be opposing this bill, and I wish it a speedy passage through both houses.

**Ms KILKENNY** (Carrum) — I am pleased to speak today on the Jury Directions Bill 2015. Given the significance and importance of the role of juries and jury directions in our criminal justice system, it is crucial that we have proper debate and consultation on this bill and the reforms it proposes. I am very pleased that this bill will receive bipartisan support.

This bill seeks to consolidate the provisions of the Jury Directions Act 2013 together with additional reforms into one statute. It also seeks to simplify jury directions, and the idea is to make it as simple and clear as possible for judges to give directions to juries. That is really important when we think about the consequences of jury directions that might be classed as misdirections and lead to retrials and appeals that are very costly for the public but also impose a great toll on the accused and in particular on victims, for example, of sexual assault offences.

Jury trials are the centrepiece of our criminal justice system. We have 12 jurors, 12 lay men and women from our community, who are selected randomly to hear evidence, hear a prosecution case against the accused and then make that massive decision as to the guilt or innocence of an accused. This is a massive task for juries, and obviously they need all the assistance they can get. That is where jury directions come in. Obviously it is up to the prosecution to prove the case against the accused beyond reasonable doubt. If the prosecution fails to do this, then the jury has to return a verdict of not guilty. It is up to the trial judge to ensure that the accused gets a fair trial.

As a lawyer and member of Parliament I am not entitled to be a member of a jury. However, I have watched enough jury cases to know that on the whole juries generally perform their tasks conscientiously. The problem is that criminal trials are highly complex, so juries do need direction from judges. Therefore the object of directions is to assist the jury to avoid erroneous or unfair reasoning and to reach a proper verdict. A failure to give a proper direction can lead to a miscarriage of justice. The judge's role in providing very clear and distinct jury directions is critical.

I fondly recall many television dramas involving court cases. I recall *Boston Legal* and *Ally McBeal* — I am probably showing my age a bit there. Those dramas tend to make the role of the judge in giving jury directions look so easy, but that is not the case. Once passed, this bill will make that role simpler for judges. It will be of huge benefit for all of those involved in the criminal justice system and also for the integrity of the criminal justice system.

I will not go into detail on every reform this bill seeks to address, but I will say that between 2000 and 2007 there were 530 appeals in the Court of Appeal in Victoria. More than two-thirds of these raised in the grounds of appeal at least one allegation of misdirection by the trial judge. You can see that the cost of appeals and retrials can be significant where there are allegations of misdirection. That is not to mention the burden on the accused and also on witnesses, particularly victims of sexual offences.

It was against this background that the Jury Directions Act 2013 was passed, putting in place and codifying some very significant reforms on jury directions. The bill today re-enacts that act, then picks up additional reforms and puts them all together into the one statute. The bill simplifies directions on specific topics. This is important since much is at stake and so much is riding on the need for the trial judge to give proper jury directions. This will lead to simpler and clearer directions and ideally a reduction in the number of appeals and retrials.

I note that this bill was developed following significant and thorough consultation with the legal fraternity and other relevant experts. In this regard I note the significant contributions made by the team led by Justice Weinberg of the Court of Appeal in the simplification of jury directions report in 2012 and by the Victorian Law Reform Commission. We are indebted to them for the incredible work they undertook.

This bill introduces a number of reforms to jury directions. I do not propose to go through them all, but there is one I would like to highlight, and it concerns the law on directions, delay and forensic disadvantage, principally in the area of sexual offences. One of the most problematic and controversial directions is known as the Longman direction. This arose out of the High Court's decision in *Longman v. The Queen* and concerns uncorroborated evidence where there has been a delay in making a complaint. The Longman direction requires trial judges to direct juries that where there was a delay between the alleged offence and the complaint, the delay had disadvantaged the accused in the conduct of his defence such that it would be dangerous to convict on the complainant's evidence alone unless the jury, scrutinising the evidence with great care, was satisfied of its truth and accuracy.

In the case of Longman, the complaint was made more than 20 years after the alleged offence. As other members have raised today, there are many reasons why there are delays in making complaints of sexual offences. Not surprisingly, this direction has attracted a lot of criticism. It gave rise to a presumption that delay prevented the accused from adequately testing and meeting the complainant's evidence and as a result compelled trial judges to give the warning irrespective of whether the accused had in fact been prejudiced or not. Often the direction was given even in cases where there was corroborated evidence.

Linked to the Longman direction are a number of other directions known as the Kilby and Crofts directions. These require trial judges to direct a jury that a complainant's failure to report a sexual offence at the earliest opportunity may cast doubt on the complainant's reliability and that the jury should take this into account in evaluating the credibility of the allegations made. In the Crofts case, *Crofts v. The Queen*, this delay was six months after the alleged assault but more than six years from the first assault. The majority of the court in that case held that the requirements of fairness to the accused dictated the jury be instructed as to the legal significance of the absence of a complaint soon after the alleged incidents. The High Court found that the failure by the trial judge to give a Kilby — or Crofts — direction justified quashing the conviction. That is a significant finding and one that this bill addresses.

Directing juries that they can take delay into account in assessing the complainant's credibility serves to perpetuate misconceptions about the behaviour of victims of sexual abuse. The premise of this jury direction reflects the discredited assumptions about sexual assault and the behaviour of sexual assault

complainants. There is no place for mandatory warnings to be given to juries which suggest that, as a class, complainants in sexual offences cases are somehow less credible witnesses.

On this issue the Australian Law Reform Commission said in its report 102:

While there may be cases in which delay in complaint accompanies fabrication, there is nothing inherent in delay that makes it likely that the complainant is being untruthful. On the contrary, delay in reporting sexual assault is well within the spectrum of expected responses to sexual assault. Rather than balancing the statutory direction explaining that there are reasons why a sexual assault complainant might delay in reporting an assault, the Crofts warning undermines the purport of those legislative provisions and unfairly disadvantages the prosecution.

Almost invariably, sexual assault cases are oath against oath. The credibility and reliability of the complainant's evidence is likely to be one of the central issues. Given this, it is imperative that this direction not be mandatory and that jury directions on this issue be clearly set out. This bill prohibits the trial judge and any party from making certain generalisations about complainants as a class of witness. For that point, I commend the bill to the house. I am grateful for the opportunity I have had to speak today. This is a very positive and important step for all Victorians.

**Mr KATOS** (South Barwon) — I am pleased to rise this afternoon to make a contribution to the debate on the Jury Directions Bill 2015. Although the member for Broadmeadows is not in the house, I make it clear that we are not opposing the bill. Perhaps other speakers for the opposition could make that clear as well for the member's benefit. We are not opposing the bill. Why would we oppose a bill that is essentially a carbon copy of the bill that the Labor Party voted down in 2013? It would be strange and hypocritical of us to oppose a bill we introduced into this Parliament, which was voted down by Labor and the former member for Frankston. It was very much a case of political opportunism at the time. The then opposition had no issue with the bill — at least as far as I know. Nothing had been raised, but it was introduced at the stage when the former member for Frankston was voting against anything that the government put forward. Labor thought it would follow his lead and voted it down, even though the legislation now is being spruiked by those opposite as being fine legislation which is going to help the judicial system with jury directions. That is fair enough.

It is perplexing to hear members of the government wax lyrical about this bill, which they voted down in 2013. These important reforms would have been in place and working for well over a year and a half by

now. I must admit I have been a witness in a case, but I have never been on a jury. It must be awfully difficult for jurors to take on the complicated cases dealing with complex sections of the law. Obviously some parts of the law are more complicated than others, and it must be difficult for jurors to keep up with what is going on in the courtroom. Anything that can be done to simplify the process for a juror will be a good step. That is why I say, for the benefit of the member for Broadmeadows, that we are not opposing the bill. I do not believe I will have to say that again, but we never know.

The Jury Directions Bill 2015 provides a framework for requesting jury directions. It provides for directions on family violence matters. It reforms directions that apply to sexual offence cases, on consent and reasonable belief in consent, and on delay and credibility. It regulates important evidential directions on post-offence conduct and other misconduct evidence. It regulates directions on what must be proved beyond reasonable doubt and the meaning of proof beyond reasonable doubt and provides a framework for the trial judges summing up at the end of the trial.

As I said, this is a very complex matter. Judges, barristers and solicitors know the law well. They know the procedures, how the courts operate and how the law operates. It is daunting for a juror or anyone who is not involved in the legal system to deal with these issues, but it is particularly daunting for a juror who might be serving on a very high-profile or important case — a person's reputation could rely on the outcome, and obviously people can go to jail based on the outcome. We must do whatever we can to reduce the complexity of jury directions in criminal trials to make it as easy as possible for juries to come to a verdict without the daunting prospect they face in their deliberations.

As far as I am aware, the shadow Attorney-General has certainly said that the Victorian Bar Council and the Law Institute of Victoria have raised no issues with the bill that has been put forward. As I said earlier, the opposition is not opposing the bill. Why would we? It is a bill that we brought forward in 2013. It was opposed by the then opposition on the basis of political opportunism, simply to defeat the government on a bill. It had nothing to do with the substance of the bill. If it had had anything to do with the substance of the bill, I venture to say that the bill would not be before the house today, which proves the fact that it was political opportunism. It was simply so that the opposition could say, 'We voted the government down on a bill', without looking at the consequences of that action.

If there were an ideological issue with the bill or something that opposition members did not like about

it, I can understand the opposition reserving its right to not support the bill. I have no issue with that whatever. No matter which side of the bench you sit on, if you have a problem or an issue with a bill, you should be able to oppose it if you see fit; that is common sense. But the fact that this bill is now before the house today shows that it was a political stunt at the time. I am pleased this legislation has come back. I wish it had been passed in 2013. Then these valuable reforms would have already taken place, the courts would be more efficient and things would have been simpler for jurors for well over a year and a half. With that I am happy to commend the bill to the house.

**Ms WARD (Eltham)** — I rise in support of this bill. It is yet more legislation introduced by this great Andrews government that addresses a concern fundamental to Labor values — that is, the value of fairness. Like all Labor governments, what is fair is foremost in our motivation behind this bill. This bill continues the work of reform which was begun with the 2009 report of the Victorian Law Reform Commission into jury directions. It improves the Jury Directions Act 2013, repealing it and replacing it with this bill that not only enables the continuation of the overall effect of the previous legislation but also improves the understanding of the obligations of all involved.

We all understand that the role of juries is immensely important. The responsibility is great and taking on this role can be very challenging. Jury directions are issued by a trial judge to jurors so that jurors may come to a verdict according to the law. The trial judge's directions are intended to help jurors understand the law relevant to the issue before them and how evidence should or should not be used in the trial. Consequently the issuing of clear and concise directions by the trial judge is fundamental in assisting jurors to carry out this important role in our criminal justice system. Over time it has become clear that often jury directions can be cumbersome, can unnecessarily prolong trials and can even lead to appeals and retrials due to errors in directions.

A UK study undertaken a few years ago found that in 69 000 cases studied over two years two out of three jurors did not understand the directions they were given. Simplifying this process is absolutely important. Most worryingly, 1 in 10 jurors from this study did their own research online regarding the case and the accused. It is clear that clear jury direction is absolutely vital in the delivery of justice.

As is right, our juries are made up of a broad selection of people from the community. This means that jurors bring to their service at a trial a variety of life

experiences and points of view. For a variety of reasons jurors may not always have a clear understanding of the direction a trial judge is giving them. Indeed after a long trial it may be difficult to focus and take in a longwinded and convoluted direction that only confuses jurors rather than making the process clear. In the jury room jurors are required to weigh up evidence and discuss with others — sometimes even persuade others — of their views and thoughts. This process can only be facilitated through clear direction. This bill supports trial judges in summing up what has occurred during the hearing in a simple, refined manner which will encourage better communication with juries and offer them simpler directions to facilitate their understanding and make clearer the meaning of proof beyond a reasonable doubt.

Of particular interest to me is the issue of consent and how directions have been given to juries in the past. Since 1991 we have used the Victorian model which has, according to the Australian Law Reform Commission, been referred to as 'the most significant and progressive reform', but still more work needs to be done. Prior to the reforms in 1991 laws of consent were governed by common law, which among other things held that it was impossible for a man to rape his wife because her ongoing consent was inferred through her wedding vows. With these changes, thanks to a Victorian Labor government, the laws and concepts around consent have certainly shifted, and I firmly believe we are heading in the right direction. However, there is more work to be done.

Once the royal commission into domestic violence has completed its much-needed work, I hope that perceptions of consent in our community will shift even more and we will become more understanding of the complexities of consent and what it means. This bill is consistent with the Andrews government's strong focus on ensuring equality in our community, including equality for women. This bill is also consistent with earlier legislation presented to the Parliament by this hardworking Andrews government which removed the statute of limitations in cases of sexual assault. What we are doing as a government is making these hurtful and difficult issues clearer and ensuring that outcomes in response to these issues are fairer.

It is extremely important that we get right the directions around consent. The Australian Institute of Criminology undertook a study not so long ago that looked at juror attitudes and biases in sexual assault cases. It is interesting to observe that compared with other offences, sexual assault has one of the highest rates of acquittal and the lowest rates of proven guilt. This study found that jurors can often be more

influenced by the beliefs, attitudes and biases they bring to the jury room than the evidence presented to them.

As I have already mentioned, juries are made up of a variety of people from diverse backgrounds. This means that people on a jury may have very different personal views on what constitutes consent. It is absolutely vital that clear direction is given to juries to make sure that their diverse views have a direction to follow which does not allow for ambiguity or for pre-existing prejudices or views to influence decision-making. This is especially important in relation to perceptions that rape has not occurred if resistance is not proven — that is, if a victim, often a woman, cannot display defence wounds. We must continue to shift perceptions, and it is through making institutional changes, such as in this bill, that we can help facilitate this process.

As our views on sexual assault as a community evolve — and I think it is apparent in many social media comments we see daily that we still have a way to go — we need trial judges to give clear direction to juries so they know exactly what they have to consider when they retire to consider a case. This bill responds to changes needed to directions as set out in the Crimes Amendment (Sexual Offences and Other Matters) Act 2014. It also includes an amendment to one of the directions.

One thing I consider to be very important is the understanding of what is meant by the non-communication of consent. We have heard shocking stories of young women at colleges and universities, especially in the United States, who have found themselves at parties, drunk too much or been drugged, been unconscious and been sexually assaulted and/or raped. The issues around consent in these cases have been, in traditional media as well as social media, controversial as people have argued about when consent is actually considered to have occurred.

I am very pleased that this bill further amends the list of circumstances where non-communication of consent is in issue. This is especially difficult when consent may have originally been given but then withdrawn. Clarity in this area is very important. These amendments will result in more effective jury directions and clarify matters for juries. The bill will address this issue by replacing the current direction, which states:

- (c) the fact that a person did not say or do anything to indicate consent to an act at the time at which the act took place is enough to show that the act took place without the person's consent.

with an amendment to the list of what is referred to as 'consent-negating circumstances'. This will mean that consent needs to be clearly communicated, not guessed or inferred.

As we all know, sexual assault and rape cases are particularly difficult to get to trial, let alone to secure convictions on. Anything we can do as lawmakers to facilitate this process and make it fairer can only be a good thing. Any action that encourages those who have been victims of sexual assault and/or rape to step forward should be encouraged. A fairer and simpler process is usually the best process, as it is in this instance. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a short contribution to the debate on the Jury Directions Bill 2015 and to say that The Nationals, in coalition, are not opposing the bill. The purpose of the bill is to reduce the complexity of jury directions in criminal trials; to simplify and clarify the issues that juries must determine in criminal trials; to simplify and clarify the duties of trial judges in giving jury directions in criminal trials; and to clarify that one of the duties of legal practitioners in appearing in criminal trials is to assist the trial judge in deciding which jury directions should be given. The bill will assist trial judges to give jury directions in a manner that is as clear, brief, simple and comprehensible as possible; provide for simplified jury directions in relation to specific issues; re-enact the Jury Directions Act 2013 with amendments; amend the Evidence Act 2008 in relation to corroboration directions; and make consequential and other amendments.

I think anyone who has been a part of democracy and taken their place on a jury will well know that when it is time for the judge to sum up, that summing up can be lengthy and complicated and can sometimes lead to confusion, which is definitely not what judges are endeavouring to do through their directions. Consequently I welcome these changes. Having served on a jury and taken my turn in supporting democracy, I think this bill is a good move.

However, I cannot help but note that this bill is a case of *déjà vu*, because this legislation was introduced last year and here we go welcoming it back. Unfortunately the opportunity was taken last year to play politics with a similar bill and see it defeated. That is a shame when you think of what has occurred and how complicated a number of issues have been when they could have been made much simpler for juries and in many cases the people involved in the criminal process. I acknowledge the work that was done at that time by the then Attorney-General, the member for Box Hill, which had

wide support. What we have seen is that common sense has prevailed here, and the government has returned this legislation to the house for consideration.

I thank the member for Hawthorn for his clause-by-clause dissection of the bill. He noted that there is little, if anything, new in this legislation. This is a bill where the government has taken a deck of cards, shuffled them and redealt them to produce a new bill. Last year, when the former government had similar legislation on the business program, Labor members said that they did not oppose it. There was a degree of comfort for all, but it turned out differently. Despite saying that they did not oppose the bill, Labor members chose to vote against it. It is concerning when democracy is waylaid as a result of interim gains or opportunistic politics being given priority. However, here we are again. The Nationals will not oppose this bill and will not be voting against it come Thursday.

The member for Hawthorn noted that there is more work to be done in a number of areas. Members have indicated that some sensitive and difficult issues need to be addressed. Reforms are required in relation to dealing with sexual offenders. There is further work to be done in relation to these offenders, and this is the year the government has chosen to do it, as sexual violence is a subset of family violence. The member for Hawthorn flagged community correction orders as something we need to look at in light of a court decision last year.

There is also the issue of that old chestnut — police numbers. We need to ensure we maintain and expand police numbers and provide our police with the skills that help them to deal with the crimes of sexual offenders, matters which offend us so greatly. We know that the more police we have and the better skilled those police are, the safer members of our community feel. We have seen alarming statistics about crimes that are occurring, but we know that overall the community is safer. We have had a lot of discussion around bail reforms, and we need to continue those discussions. We need stronger laws in this state, and we need to continue to amend our laws so we have a safer community. These issues are the ongoing work of the government, and the bill in front of us is worthy of support. I commend it to the house.

**Ms KNIGHT** (Wendouree) — I am pleased to rise to make a contribution to the debate on the Jury Directions Bill 2015. I will begin with a very brief overview. The bill will repeal the Jury Directions Act 2013 and replace it with a new, reorganised Jury Directions Act 2015, which will continue the overall effect of the current Jury Directions Act with some

refinements. The bill will reduce the length and complexity of specific evidentiary directions on other misconduct evidence; unreliable evidence; identification evidence; delay and forensic disadvantage; the failure to give or call evidence; delay and credibility; and what must be proved beyond reasonable doubt.

The bill will simplify jury directions in criminal trials, and that is welcome. As we know, juries are drawn from our general population, and anything that can be done to simplify the directions given to those juries is beneficial for them and for the process as well in that it will reduce court delays, deliver shorter trials and result in fewer costly appeals and retrials. That is something we all welcome. I note that the opposition supports this bill, and I thank it for that.

There are a couple of important elements of this legislation. It provides additional protections for victims of sexual assault, prohibiting the judge or parties from saying that sexual assault complainants are unreliable in general. Currently the law could require a judge to direct the jury that a complainant's credibility may be affected by their failure to report a sexual offence at the earliest opportunity. I would like to talk about this aspect of the bill because I think it is symbolically important that we as a government recognise that there are many and varied reasons why sexual assault victims and survivors do not report their assaults immediately, and we should acknowledge that they do not. The reasons for that are valid within our contemporary society, and they include a lack of faith in our police and the justice system. By changing this legislation, hopefully we can reduce that lack of trust by saying that we understand and recognise that victims often do not report immediately. We want to avoid that being used as a reason to discount victims' credibility.

There is the fear among victims of not being believed. I acknowledge that men are victims of sexual assault, but it is predominantly women who are the victims and men the perpetrators, so I will talk about women. In relation to that fear of not being believed, we know that a lot of women do fear not being believed. There are myths still prevalent in our society that suggest women should not be believed and that they can be blamed for their sexual assault. We all need to work really hard to dispel those myths.

There is a fear of coping with medical and legal procedures. Through my work at the Western Region Centre Against Sexual Assault I know that when we first introduced counsellor advocates to be present with rape victims when they first presented at hospital, and from our work with police, that there was a huge fear

around medical procedures. There is also a huge fear around legal procedures. Women may feel abused through those legal processes, through being questioned relentlessly, through being publicly doubted as to whether what they are saying is true or not.

There is also a fear of reprisals. If the woman is still living with the perpetrator, there can be a fear of reporting in case there are further reprisals and further violence as a result of reporting. There can be a fear of reporting in case children are punished or pets are subjected to cruelty through the woman reporting. All of those fears and lived experiences may prevent women from reporting a sexual assault immediately. There is the issue of not wanting family and friends to know. There may be a sense of shame or embarrassment because of myths around sexual assault that are prevalent in our community. The victim may feel a sense of shame and humiliation and not want family and friends to know in case they blame her. There are also, as I have said, the social attitudes that blame the victim for a sexual assault, attitudes that unfortunately are still prevalent in our community today.

There is also a level of complexity around reporting sexual assault if the victim is of Aboriginal or Torres Strait Islander background. If they come from communities where there are not culturally appropriate services, that may also prevent somebody from an Aboriginal or Torres Strait Islander background accessing services or support, or feeling comfortable to report if there is some suspicion or fear around bureaucratic processes. There could be some fear around police and police intervention. For those of us who have heard, read or know about the stolen generations, there is a real history around the relationship between Aboriginal and Torres Strait Islander women and police and what happened in the past, and that may prevent a victim from reporting a sexual assault immediately.

We also know that women with disabilities are sexually assaulted at a higher rate than women in the general community. If a woman has some language barriers or an inability to communicate effectively, or if we are unable to receive the communication in a clear way or are not open to communicating with somebody who has a disability in an open way, then that may prevent women from reporting sexual assault.

As I have just said, there are many and varied reasons why victims or survivors of sexual assault do not report an assault immediately, so I am pleased and relieved to see that this legislation will alleviate buying into the myth that a real sexual assault is reported immediately.

I am very supportive of that change. We cannot as a government buy into the myth that victims can and should report immediately, and as I have demonstrated, there are many valid and varied reasons in our society why victims do not report or cannot report immediately, and this should in no way affect a victim's right to access to justice. I wish the bill a speedy passage through the chamber.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Jury Directions Bill 2015. From the outset I would like to state that the coalition will not be opposing the bill that is currently before the house. As was put by my colleagues before me, it is clear that this bill seeks to do many important things with respect to the operations of juries. One of the major issues it deals with is the issue relating to offenders who have been charged with respect to sexual offences. The bill is seeking to introduce a regime to ensure that the length of time a victim — most notably female victims — takes to report a sexual assault should not be a consideration with respect to the trial. That is something we on this side of the house think is important, because a victim should not be judged by the time they take to report a crime.

This was evidenced in the child abuse inquiry undertaken by the Family and Community Development Committee, of which I and the Acting Speaking were members and in which it was identified that on average victims of child sexual abuse take upwards of 26 years to report an offence. In a broad sense, community expectation and understanding is that people should not be prejudged by the time it takes them to report an offence, particularly offences of a sexual nature.

It is interesting, though, that we are dealing with this issue now — in April 2015 — because from memory we dealt with it in the last Parliament. I seem to remember that the Labor Party, then in opposition, in fact voted against the bill. One can imagine that if the Labor Party decided to vote in favour of the legislation introduced by the former Attorney-General in 2013, the issues we are dealing with now would already be in place, would already be law, and we would not be having a debate in 2015 about this very important issue that has been detailed by members of the government today.

If those members thought so passionately about those issues in 2013, they would have supported the bill introduced in the previous Parliament. Now we are being lectured by members of the government about this being the fault of the former member for Frankston,

Geoff Shaw. Since when did members of the Labor Party take policy advice from the former Independent member for Frankston? It is an absolute outrage. I cannot believe that members in this place are saying their justification for not supporting good policy — I am assuming they believe this is good policy — was that they were taking policy advice from the former member for Frankston.

**An honourable member** interjected.

**Mr WAKELING** — I can only take that as it was said, because that is what we have been told today. That is what we have been told in this place by members of the government who have already spoken on the bill — and I have been listening with interest to their contributions to the debate. We see today that we have put a lie to the position that was put by Labor when it was in opposition, when it was taking policy advice from Geoff Shaw, that it made the wrong call. It made the wrong decision, and it realised that the call it made back in the previous Parliament was wrong.

How do government members know it was wrong? That is the reason we are here today dealing with exactly the same issue. If government members had the courage to stand up for their convictions, if it was good enough to oppose the bill introduced during the last Parliament, then it would be good enough to oppose the bill in this Parliament. Why is the government now introducing legislation to implement policies that the previous government sought to implement, but at the time the then opposition members voted against them simply because the former member for Frankston told them to vote against it. It is absurd, and I cannot believe we are facing this situation today. This highlights some of the concerns in the community with regard to this government's policy position in the broader law and order area.

**The ACTING SPEAKER (Ms Halfpenny)** — Order! The member for Ferntree Gully should come back to speaking on the bill.

**Mr WAKELING** — Acting Speaker, I appreciate your guidance on this matter, but I have listened intently to the comments made by other members, and while I appreciate it has been a wideranging debate, I am talking specifically about the Jury Directions Bill 2015, because my commentary has been specifically related to the fact that the provisions in this bill were introduced in the previous Parliament, and that was addressed by members of the government in their contributions to the debate on this very important bill. With respect, Acting Speaker, when other members of

the government were contributing to the debate prior to my contribution, they highlighted — —

**The ACTING SPEAKER (Ms Halfpenny)** — Order! Is the member raising a point of order or speaking on the bill?

**Mr WAKELING** — Acting Speaker, I thought you had already ruled. I was agreeing to get back to the bill, but I was highlighting the fact that the issues at hand are clearly related to the bill before us. The bill relates specifically to legislation introduced to this house by the former government in a very similar form. Provisions of that bill were opposed by the then opposition, and I am highlighting for the benefit of the Parliament that the bill we currently see before the house today is exactly the same.

One has to ask the question: if it was not good enough to support the bill in the last Parliament, but it is good enough to introduce the bill in a similar form in this Parliament, what has transpired? What has happened? Why has the new government formed the view that a bill that was not good enough to support in the last Parliament is now good enough to support in this Parliament?

**Ms Hutchins** — On a point of order, Acting Speaker, you have asked the member to return to speaking on the bill, but he keeps straying to discussion on the processes prior to the bill being debated today, and I ask you to bring him back to the bill.

**The ACTING SPEAKER (Ms Halfpenny)** — Order! I ask the member for Ferntree Gully to come back to the bill.

**Mr Pesutto** — On a point of order, Acting Speaker, the history of the previous bill is very relevant to this bill because we cannot talk about the merits of the provisions in this bill without comparing them to the provisions that were in the 2013 bill. What I understood my colleague to be doing was comparing those provisions and whether it was right for the then opposition to do that, but he was also explaining it in the context of the broader law and order agenda, remembering that this is a bill that deals with jury directions in criminal trials. We cannot look at this bill in a vacuum, in my submission, and all that the member for Ferntree Gully is doing is comparing both bills and making a judgement about what the government was saying when in opposition a year ago.

**The ACTING SPEAKER (Ms Halfpenny)** — Order! I understand there is a broader context, but the member for Ferntree Gully has been speaking for more

than 8 minutes and has not really spoken in terms of the substance of the bill.

**Mr WAKELING** — Acting Speaker, I will be guided by you. From the outset I stipulated that we will not be opposing the bill. From the outset I stipulated that the bill deals with the issues of sexual offences and the manner in which those offences will be treated as part of jury directions. We have said we support that. Why did we support it? I simply made the point that we support it because we introduced it in legislation in the previous Parliament.

I will take your guidance on this issue, Acting Speaker, but clearly this is an issue we think is very important. It is important that the government justify why it is doing what it is doing and why it is introducing this bill now, when it opposed a similar bill when it was in opposition. It is very clear that although we will not be opposing this bill, the government has again been proved to be hypocritical.

**Ms THOMSON** (Footscray) — I rise to speak on the Jury Directions Bill 2015, and I shall start by putting a bit of context to this debate. Although I have not been in the chamber for the whole debate, I want to stress that the reason why the then opposition opposed the original 2013 bill was that the then government did not consult the opposition on the bill prior to its being introduced in the house. It did not allow for the usual procedures of proper briefing on what was contained in the original bill. The process undertaken was inadequate. If a government wants to get a good result in this Parliament, it is imperative that it consult with the opposition on the details of a bill and talk about it. That did not occur with the introduction of the 2013 bill and that is why it was opposed by the then opposition.

Members of the previous government should hang their heads in shame for a whole range of things, including their treatment of Parliament as a result of the way they introduced bills into the house without talking to opposition members. The former government did not provide a proper and detailed briefing to opposition members so that they understood all the provisions in a bill. As I said, that is why the original bill was opposed by the opposition at the time.

I want to talk a little bit about juries because I consider it important for the house to understand that the directions given by judges really impact on what jurors do in the jury room. Before coming to this place I was fortunate to have served on two juries, one in a case of armed robbery and another in a case of murder. I will not go into the detail of either of those cases.

**Mr Nardella** interjected.

**Ms THOMSON** — Members will be pleased to know that in both cases the verdicts were not guilty; but with a few glasses of wine, the details of those cases make for great dinner conversation.

I understand firsthand the confusion that arises about the directions that judges give to juries and why judges get caught up with the legalese when they direct juries. I have seen firsthand what happens, with jurors going back and saying to a judge, 'Please explain what you actually meant by'. Juries are made up not of lawyers but of everyday men and women for whom the law is complex, confusing and very difficult to understand. Anything we can do to make judges cognisant of that in explaining to juries what they need to do is a very good thing and is welcome. This bill addresses that matter, particularly in the area of sexual assault. Members all know that the dimensions of sexual assault, including how the community perceives sexual assault and how we deal with it in the community, have changed rapidly over the years. Community expectations of how the courts will deal with it have changed, but the courts have not changed as quickly. The bill goes a long way towards establishing a proper process for judges in imparting to juries how to deal with the evidence around sexual assault. It is important that we as legislators are doing that kind of work, which will be ever evolving.

I want to talk about what was mentioned by the member for Hawthorn and others concerning community expectations. It is important to reflect on safety and security. The member for Hawthorn said there is an expectation in the community that the government will act on sentencing and that it will have a heavy hand when it comes to sentencing for certain crimes. During the period of the previous government, crime numbers, particularly for crimes against the person, went up every single year.

What is really needed is an overarching view of how to deal with crime. Legislators cannot rely on just the heavy hand of the law to do their work. The work leading up to that has to be done. That includes addressing how crime can be prevented — what measures need to be put in place to prevent crime from being committed — what needs to be done to support communities in their work in trying to prevent crime and what legislative framework will ensure that someone who commits a petty crime is not put in a situation where they go on to commit more serious crimes but that they are deterred from doing that. We must also allow for the proper education of members of the judiciary to ensure that they are aware of

community standards and expectations of what they will deliver. We must also leave discretion for judges in individual cases, because as legislators we cannot be and would not want to be in that courtroom. It is the responsibility of the trial judge to determine the appropriate course of action by way of sentencing, other punishment or other device that he or she may choose to use.

As legislators we need to be incredibly careful about using the heavy legislative arm in determining how we deal with crime. I agree that for some crimes we must come down very heavily, and we do. There is no doubt that for crimes against the person, and certainly sexual crimes, we should have very heavy sentencing regimes. I would still like to think that as legislators we are committed to ensuring that our judges are properly prepared, that our juries are properly prepared for the job they have to do and that we are able to leave some discretion for the judges in doing their job. They must be able to give proper direction to juries to ensure that jurors are armed and able to make what will hopefully be the right decisions. This is and will always be an imperfect system, but it is a pretty good system in the way that it operates. We need to be supporting and strengthening the current system and to be providing support where it is needed for those elements that are there prior to someone hitting the legal system.

This bill goes a long way to establishing new practices for judges in terms of the way they give jury directions. This is an opportunity for us to show the opposition we believe in proper briefings. I think the opposition would agree that to date it has been given proper briefings with adequate time as bills have come before this Parliament — certainly that has occurred with this bill. I commend the bill to the house and wish it a speedy passage.

**Ms RYALL** (Ringwood) — I rise to speak on the Jury Directions Bill 2015. The coalition is not opposing the bill, but I want to make it clear in my brief contribution that this is essentially a revamp of a bill we introduced in 2014. The member for Eltham stated in her contribution that this bill is fundamental to Labor values. Interestingly, it was not fundamental to Labor values when a similar bill was introduced under the previous government. The problem with Labor values is that they change to suit the political situation.

Certainly Labor has not been consistent on this bill. Labor voting down similar legislation under the previous government was nothing more than a stunt designed to disrupt the Parliament, for which it blamed the former member for Frankston, Geoff Shaw. That delay has created issues within the jury system and for

the people of Victoria. That legislation could have improved communication between judges and jurors, refined processes and reduced waiting times and delays. Those opposite should hang their heads in shame that we have had to wait 12 months to get this legislation back into the house.

The purposes of the bill are to reduce the complexity of jury directions in criminal trials and to provide simplicity and clarity. Making things simpler and clearer is important in any system, but particularly here where jurors are giving their time to engage in a democratic process. I have not personally been on a jury, but I know other members have. This bill will make sure the correct directions are given in a manner jurors can understand so that they can be correctly applied in deliberations.

The bill changes the law on identification evidence directions. It changes the law on directions on delay and forensic disadvantage by replacing section 165B of the Evidence Act 2008. It introduces new jury directions for rape and sexual assault cases. There are also clauses that apply to delay and credibility in sexual offence cases. We have heard members talk about this — delay in reporting a sexual offence does not diminish the offence or the credibility of the complainant, and it is important that improvements are made to ensure that jurors understand this. The bill also includes directions relevant only to trials involving family violence, replicating the effect of new directions inserted into the Jury Directions Act 2013. There is more reform to be done — the shadow Attorney-General, the member for Hawthorn, has pointed out the need for reform in legislation dealing with sexual offenders and community corrections orders, and there is obviously further strengthening needed in terms of the bail system to ensure that our community not only feels safer but is safer.

The member for Footscray in her contribution referred to crime rates going up under the former government. I want to point out the correlation between the increase in police numbers by more than 1800 in that term of government and increased reporting and detection of crime. It would be very short-sighted to deny that correlation, and if those opposite do not understand it, perhaps they should not be in government right now. We have also seen an increased focus by police on family violence and sexual assault, with new systems being introduced so women and men feel more comfortable reporting violence. They can trust the system, and if they come forward, they know they will be taken seriously. These measures mean an increase in reporting. Obviously I do not want to see an increase in

crime, but reporting levels should be commensurate with incident levels in our community.

I participated in debate on the jury directions bills introduced in 2013 and 2014 only to see them voted down. It is disappointing for us as legislators, and for our community, that members of this government voted that legislation down and it has now reintroduced it. That speaks volumes about this government and its stance on law and order.

**Mrs FYFFE** (Evelyn) — I am pleased to make a brief contribution on the Jury Directions Bill 2015. As the Attorney-General said at the beginning of his second-reading speech, ensuring that a justice system is fair is one of the most serious obligations of any government. In government we took that seriously and introduced a bill that the then opposition voted down. This bill is necessary, and why is it necessary? Many in the house will remember a wonderful film called *12 Angry Men*. It was a landmark film because all but 3 minutes were filmed in one room — the jury deliberation room. *12 Angry Men* explores the difficulties encountered in the jury process among a group of men whose range of personalities adds intensity and conflict.

In the film it is immediately apparent that the jurors have already decided that the boy is guilty and that they plan to return their verdict without taking time for discussion, with the sole exception of juror no. 8, played excellently by Henry Fonda. His vote annoys the other jurors, one of whom has tickets to a baseball game that night and another who believes that people from poor, slum backgrounds are liars, wild and dangerous. After a second vote, this time by secret ballot, another not guilty verdict appears. One by one, each of the jurors finally reaches a not guilty verdict, with the only remaining exception being juror no. 3, where it is eventually revealed that juror three has a troubled relationship with his son that is colouring his view of young people.

The film was significant. It exposed the many prejudices that people hold and how they can interrupt the flow of justice. This is particularly the case if jurors do not understand the jury directions given by the judge. The film of course was fiction, but unfortunately real life is often not necessarily that much different. An article titled 'Judge and jury' that featured in the *Age* opened with a story of jurors debating for hours in the deliberation room about the innocence or guilt of the accused in a drug-dealing case. Once the jurors finally reached a decision of guilty — and with the jurors about to leave — the judge quickly read out a long list of prior offences. A couple of jurors were overheard

saying, 'If he had told us that to start with, I would have found the accused guilty long ago'. The judge had no idea how confused the jurors were about their responsibilities.

Tellingly, the woman referred to in the article said that she believed that her fellow jurors were so intimidated by their surrounds and the legal jargon that they were unable to absorb most of the information presented, including the directions given. The article also referred to research by forensic psychologist James Ogloff from Monash University suggesting that juries sometimes deliberate from a position of almost total incomprehension of what they have been told, with comprehension being around 40 per cent. This lack of comprehension means that most jurors are not likely to deliberate in the same way as a judge, but rather make assessments of believability based on preconceived ideas or their own past experience. I do not have to say how risky this is in our criminal justice system. An unfortunate by-product of so many updates to criminal laws is that they are increasingly complex, technical and lengthy. Jury directions mirror this new complexity, and therefore it is necessary to keep updating them to simplify and clarify things that may contribute to the breakdown of deliberations.

I will refer quickly to some clauses. Clause 5 seeks to set out new guiding principles designed to effect cultural change. It is also designed to encourage dialogue between counsel and the trial judge to determine what directions should be given. It recommends that trial judges should give directions on only so much of the law as the jury needs to know to determine the issues of the trial. It encourages the trial judge to avoid using technical language, and to be clear, brief and simple. Clauses 11 to 13 add new obligations on the prosecution. This reflects the obligations of the parties in assisting the trial judge to determine the matters in issue.

I was relieved to read in the explanatory memorandum of the bill that clause 16 simplifies and clarifies section 15 of the Jury Directions Act 2013, until I read the following:

Current section 15 of the Jury Directions Act 2013 applies 'despite sections 13 and 14' (clauses 14 and 15 of this bill). It is not necessary to reflect this in this clause. It is already clear in clause 15 that that clause is subject to clause 16. It is not necessary that clause 14 be subject to clause 16 given that clause 16 focuses on when a direction has not been requested.

That is a perfect case in point on how complicated it can be to read the law.

This bill has many aspects: it covers sexual assault, it outlines directions about the meaning of consent for

sexual offences, it talks about misconceptions about delayed reporting and it covers family violence. We have other areas that will need further research and further investigation as we try to signify the law so that other people can understand it. If there is anyone here who can tell me what the clause I read out actually means, I would be very pleased to know. I commend the bill to the house.

**Debate adjourned on motion of Ms HENNESSY (Altona).**

**Debate adjourned until later this day.**

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy

**The ACTING SPEAKER (Mr Carbines) —**

Order! I have received the following message from the Legislative Council:

The Legislative Council acquaint the Legislative Assembly that they have agreed to the following resolution:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Daniel O'Brien, and proposes that the place and time of such a meeting be the Legislative Assembly chamber on Wednesday, 15 April 2015, at 6.15 p.m.

**Ordered to be considered immediately.**

**Ms HENNESSY (Minister for Health) —** I move:

That this house agrees to the Legislative Council's proposal for a joint sitting on Wednesday, 15 April 2015, at 6.15 p.m. in the Legislative Assembly chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Daniel O'Brien.

**Motion agreed to.**

**Ordered that message be sent to Council informing them of resolution.**

## MENTAL HEALTH AMENDMENT

### BILL 2015

*Second reading*

**Debate resumed from 18 March; motion of Mr FOLEY (Minister for Mental Health).**

**Mr T. BULL (Gippsland East) —** In opening the debate on the Mental Health Amendment Bill 2015, I wish to state that the opposition will not be opposing this bill. Before I get onto the different aspects of this

bill, I would like to put on the record some statistics around the magnitude of mental health issues in Victoria. Mental illness is very common. One in five, or 20 per cent, of Australians experience a mental illness in any one year. That is an absolutely staggering statistic. The most common mental illnesses are depression, anxiety and substance use disorder. As we know, often a combination of these three types of mental illnesses can occur, exacerbating the problem.

Of the 20 per cent of Australians with a mental illness in any one year, 11.5 per cent have one disorder, and 8.5 per cent have two or more disorders. Almost half of all Australians, or 45 per cent, will experience mental illness in their lives. This is also an absolutely staggering statistic. When you consider that in any group or organisation — not just society in general — such as this chamber, a local football club or any organisation out in the community, at least half of those people will experience mental illness in their lives, the magnitude of that statistic really hits home.

Mental illness also impacts greatly on our youth, the people who are our future leaders in business, in public life and in other areas of society. The onset of mental illness is typically around mid-to-late adolescence, and Australian youth aged between 18 and 24 years have the highest prevalence of mental illness of any age group. I will talk a little bit more about that later. Every year more than one in four young Australians experience mental illness. Mental illness knows no boundaries and recognises no set criteria, but one thing is for sure: we will all come into contact with it, unfortunately all too regularly.

Common mental illnesses in young Australians are anxiety disorders, at 14 per cent; depressive disorders, at 6 per cent; and substance use disorders, at 5 per cent. Sixty-five per cent of people with mental illness do not access any treatment. This is worsened by delayed treatment due to serious problems in detection and also accurate diagnosis. I am sure that all members of the chamber will agree that we simply have to get better in this area. The fact that 65 per cent of people do not access treatment is not an acceptable statistic.

We have some great initiatives in this state and country to combat mental illness. R U OK? Day is one of those. We also have some wonderful agencies and programs in place. But we cannot underestimate the value of just looking out for others, asking people if they are okay, supporting friends and colleagues who are going through a tough time and even supporting those out in society whom we may not know quite so well on a personal basis but who we can see struggling with an aspect of their life.

On being elected to Parliament, as someone who had lived in my electorate all my life and been involved in various clubs, organisations and community groups, I thought I had a pretty good handle on all the issues that confronted the electorate and the people living in it. I thought I understood the vast majority of them fairly well because I was pretty in touch with my local community. But one thing that surprised me greatly and became far more evident to me when I came to represent my electorate was the level of mental health issues in the community. I am sure that all members of the house would also have experienced that same realisation, and some of our newer members may currently be experiencing it.

Our police, hospitals, family support services, schools and public agencies are dealing with mental health issues on a daily basis. To give a personal example, it was around 20 years ago, not long after my marriage, that we lost my father-in-law to what, looking back now, was clearly an alcohol-related mental illness. Back then we just did not understand mental health issues, their magnitude or their impact on our community to anywhere near the level we do today. People were far more embarrassed about admitting to having mental illness, and there were circumstances where people would wave you away with a hand and say, 'I'll be right; I'm just going through a tough time'. Looking back now, we understand personally and as a society the impact that mental illness had then, but we certainly did not understand it at the time.

Like many communities, my electorate has been touched too often by youth suicide. It is absolutely heartbreaking. As I said earlier, one in four of our youth will experience a mental health issue in any one year. It is a staggering statistic. Just recently, over the Easter break, we lost another fine young man from our local community. Particularly in rural and regional areas, where a lot of community members and their families know each other — a very different atmosphere from that of some suburban communities — that sort of thing really hits home. There is no greater reason for us all to be as vigilant as we possibly can be in the area of mental health than the impact of youth suicide. It tears families apart, and we must do everything we can to reduce those abhorrent statistics.

When the principal act passed through Parliament last year it attracted some terrific contributions from members, and I have had the opportunity to read some of those contributions in the last fortnight. The reforms it brought in were based on ensuring that people who need mental health treatment can access very high-quality and responsive care when they need it. It reflected that people with a mental illness and their

families should be able to actively participate in decisions that are related to their care and have a range of choices about the types of support they need to achieve optimal wellbeing, whether that it be just themselves participating or also their family members or friends.

The legislation that went through the house focused primarily on those areas. Preventing mental illness where possible, providing help early to people and working with individuals and their families to meet their own recovery goals were all central to the reforms. I again congratulate all of those who worked on that significant reform that went through the house and made those improvements.

I would like to make a couple of comments in relation to the amendment bill we have before us today. The bill makes provision for the government to table in Parliament an annual report on the state of Victoria's mental health services — that is a little bit of a mouthful, but it will be a very important document. This will be an annual document that will report on the performance of the mental health sector in the past 12 months, reporting against the progress of the government's 10-year mental health plan. Whilst I appreciate that this is very much overarching legislation that sets up the framework for the report, we need to ensure — I am seeking a guarantee from the minister here — that this report is what the sector requires to improve itself and that it will have content that will be of use to the sector.

As I said, I understand that this is overarching legislation and is therefore very light on detail in terms of what will be in the report, and I understand from the information provided that that is to be determined. However, we need to ensure that there is very genuine, very real and very extensive consultation with the sector on the make-up of the report. I would seek that assurance. I would ask that when the detail is being determined and when the make-up of this document is formulated there be broad-reaching consultation with all parts of the sector. We need assurances that the data in this report, which will be tabled annually, will be relevant and what the sector needs. We also need to know that it will assist future governments of whichever persuasion in addressing issues relating to mental health. Sadly, this is an issue that all governments in the future in all jurisdictions are going to have to deal with.

I will refer to an example of what I am talking about. I am from rural and regional Victoria, and I am sure that if we looked at rural and regional Victoria, we would see that service providers in my area — I am sure this is

the case for much of rural and regional Victoria — would be wanting demographic and geographic data to show where there are gaps in service delivery. They would want supporting information and explanations as to why there are spikes in some areas or in some aspects of mental health and the reasons behind those spikes and what we are doing to address them. Of equal importance, I would also hope that such a document would be recording the success stories — where there are goals being achieved and where work recognised as good is being done in the mental health sector so it can be reported and in effect duplicated around the state.

I am also interested in establishing what data the new report will collect that is not already being collected. We know that a range of data is being collected, and I am sure some of the data in this report will be able to be compiled from statistics that are already being recorded by agencies, but a point for the government is if this bill will result in new data collection being required, it will therefore result in additional administrative costs, and we would want to ensure that those agencies in the sector are provided with the level of financial support they need to do that additional work. It would be very important that any data collection and administrative burdens attached to that data collection not impact on the core business of these agencies and therefore on their ability to service the community and the sector. They currently do that well, but this is an area where there are always challenges, and I would not like to see this report impact on that service delivery in any way, shape or form.

I would just like to touch on another area. The bill relates to changes to the treatment of prisoners with a developing mental illness. At present a court can make a custodial supervision order that commits a person to custody in what is deemed in the principal act to be an appropriate place. In some cases that may be a prison where there is no appropriate mental health service available. I understand and respect that this is quite rare. If a person is detained in prison and requires urgent mental health treatment, they must be transferred to a mental health service so that specialist treatment can be provided to them, because clearly the level of treatment they require is not available in the prison system. The act currently enables such a transfer to occur; however, there is no mechanism for returning a person to prison when they no longer need treatment. The only option is for an application to be made to the courts to vary the place of custody. As we can all imagine, this does not provide for a timely or appropriate response.

I have been advised that this amendment to the act has been brought about by a very rare circumstance that came to light after one incident. However, the bill

amends the act so that should the need arise again, those affected can be returned to the most appropriate place when they no longer need that level of compulsory treatment. We hope that the provision will not be required at any stage in the future.

A couple of other matters are covered in the bill. They include clarifying that it is the young person's informed consent that is relevant for an application to the Mental Health Tribunal for electroconvulsive treatment where a young person has the capacity. It includes greater flexibility around who an inmate can communicate with when subject to a restriction order on their communication and also some minor changes relating to restrictive intervention. I am sure all members of the house support the observance of the utmost levels of respect, humanity and integrity in any instances of restrictive intervention.

In conclusion, I reiterate that the coalition is not opposing this bill. However, we await the detail of what will be included in the annual report to Parliament. We want to ensure that it is beneficial to the sector in making appropriate improvements to services, that we gain the appropriate levels of engagement from all agencies within the sector and that we have a strong stakeholder input into the development of the report. The coalition in opposition is not opposing the bill.

**Mr NOONAN** (Minister for Police) — I understand this is the first bill that the Minister for Mental Health has introduced on this subject. Having entered the Parliament with the minister in 2007, I am sure he understands the great responsibility that this area of government carries, particularly for consumers of mental health services and also service providers both in the acute hospital area of mental illness and more broadly in the community. I wish him well. He is a person of integrity, and he will bring great energy to this area of his responsibility.

I also acknowledge the contribution of the member for Gippsland East. In the time I have been in the Parliament I do not think I have heard too many members speak on a bill on mental health without touching on some personal experience. The member brought some personal experience to the table, and I think it is a reminder of the importance of the work that needs to be done by the government of the day in relation to mental health. His contribution also reminded me of the contributions that were made last year. I was very privileged to be here when the previous Minister for Mental Health, Mary Wooldridge, introduced the Mental Health Bill 2014 into the Parliament. I think it is important to touch on some

aspects of that bill because at the time Victoria had the oldest mental health legislation in the country.

It is worth making the point that the process of updating and rewriting the Mental Health Act commenced under the former Labor government when the member for Bellarine was the minister. I am reminded from re-reading my contribution made at the time that the former Labor government set aside \$36 million to complement the introduction of a new Mental Health Act. That was a very considerable amount of money to set aside at the time for the transition phase, but the process was to move from the oldest piece of legislation to a modern act. By the end of the process we did end up with a modern act in which consumers of services were placed very much at the centre of mental health treatment. That was a big shift in the legislation.

Also significant within the new act was the role of families and carers in the decision-making process. The act also promoted voluntary treatment over compulsory treatment, and there was a big shift towards supported decision-making. Again these were the sorts of things the sector had been talking about for many years and that consumers of services had been talking about for many years.

The other areas of the act that came into being as a result of the debate on the legislation were the creation of the Mental Health Tribunal and the appointment of a mental health commissioner to help resolve complaints about public mental health services. These were some of the key features of that act. As the member for Gippsland East said, and I am sure others will say during the course of this debate, mental illness is complex. We know that approximately 20 per cent of the Australian population will experience mental illness in any given year. It would be fair to say that demand for services continues to grow — it even continues to surprise. But that is due in part to the ever-increasing understanding of mental illness and perhaps better diagnosis today than there was in the past. To those service providers both in the community and in hospitals and to those living with mental illness, we pay tribute to each of you.

This bill does a number of things. It facilitates, if you like, a mental health annual report to be provided to Parliament. It enables the transfer and return of forensic prisoners to designated mental health services. In my capacity as Minister for Corrections I want to touch on that in greater detail. The bill also addresses a number of technical or operational issues which have been identified out of the implementation of the act on 1 July 2014. It is reasonable to expect that where essentially there is a rewrite of an act, a number of gaps or a

number of unintentional consequences are probably going to occur which will need to be addressed. This is what the bill is about.

To go to the area of corrections, we know that the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 applies to mentally ill people who have been charged with criminal offences and are found to be unfit to stand trial or who are mentally impaired at the time the offence was committed. These people, where there are no practical alternatives in the circumstances, can be held in prison under a custodial supervision order. This act also ensures that a person held under such an order is not subject to compulsory treatment while held within a prison. Given this, the act requires that a mentally ill person be transferred to a mental health facility if compulsory treatment is to be provided. However, the legislation fails to provide for the return of that prisoner when required. This amendment ensures that the original court order can be applied and that a person can be returned to prison once temporary, compulsory treatment is completed.

As the member for Gippsland East touched on, there are not too many cases where this occurs. It would be fair to say that we need to legislate in such a way that options are provided and the safety of the community and the safety of the staff in our various institutions, whether they be prisons or mental health facilities, are placed at the fore. That is a responsibility that weighs very heavily on the government, because it is a difficult balance to have to strike.

We take no pleasure in having to repair this act. The act allows, at the court's discretion in circumstances where there is no discernible alternative, for a mentally ill person who has not been found guilty in a court of law to be placed in prison and indeed returned to prison once temporarily treated for their mental illness. We must remain somewhat uncomfortable about this. We must keep seeking new solutions so we can ensure that the most dangerous, desperately mentally ill people are managed in ways that respect their illness and their vulnerability but also provide safety to the community and the staff in our various institutions.

I recently visited Thomas Embling Hospital with the Minister for Mental Health. Whilst I saw very clearly an environment in which patients are treated in the best available circumstances, notwithstanding the secure walls, it is still fairly confronting to be in an environment like that and to understand, if you like, the desperate circumstances that some people find themselves in. I would have to say that Thomas Embling overwhelmingly supports those patients in a highly professional way, and we should all admire and

appreciate the work of its dedicated team of professionals.

It is very rare that a patient cannot be managed within the Thomas Embling facility. However, as I indicated, we need to be persistent and look to solutions for the future that respond to the practical situations that arise from time to time and force us to think outside of the square. Again, I have worked fairly closely with the Minister for Mental Health in relation to this amendment to the Mental Health Act. We have landed, I think, in a place that strikes the right balance in ensuring the community's safety, the safety of the individual consumers and obviously the safety of those staff who work in those facilities.

In the very short time I have left to speak, once again I am encouraged that we have a situation where a minister has committed to provide transparency to the Parliament and the Victorian community about the quality of and access to mental health services around Victoria, and there is also a commitment to produce a longer term plan. I do not think we can ever grow complacent about mental health in our community — it is too big an issue — but I am sure we can bring bipartisan support to the issue of mental illness across the Parliament.

**Mrs FYFFE** (Evelyn) — The statistics on mental health are disturbing. Suicide remains the leading cause of death for Australians aged between 15 and 44 years and, sadly, men account for three out of every five deaths by suicide. It is estimated that around 1000 people think about suicide every day. As we all know, the impacts of mental health issues are not limited to the individual. The impacts are felt deeply by the family, who have to deal with an individual who may be irrational, moody, uncommunicative, uncooperative and, in more severe cases, a danger to themselves and others.

Governments around the world are grappling with how best to address mental health issues, which are becoming increasingly prevalent as the pressures of modern life take their toll. Governments have to address numerous ethical considerations as we walk the line between being accused of being Big Brother with interventions that are too intrusive or limiting of human rights and not doing enough as families struggle to make sense of what is happening to their loved ones and to cope with their own everyday lives and the rest of their family. All governments must aspire to find best practice in mental health management, to get the balance right between the individual's right to freedom and the rights of those in the community to be safe.

Contemporary approaches to mental health care focus more on long-term recovery than acute care performed when a person is at highest risk to themselves and others. It puts the emphasis on the individual taking back control of their lives. By investing in mental health we are looking after the wellbeing of not only the individual but also of the community. Our young people are particularly vulnerable to developing mental illness as they face a raft of pressures and temptations in today's world — especially when they are experimenting with illegal drugs that are mind altering, psychosis inducing and addictive. We need to make sure we look after them.

While there is no such thing as a perfect mental health policy and we can never really eradicate mental health problems, I am heartened by everyone here today being on the same page and supporting the initiatives that are continually coming through. I commend the previous Minister for Mental Health, Mary Wooldridge, a member for Eastern Metropolitan Region in the other place, who rewrote the Mental Health Act 2014 — a tremendous task — and did so much work in the area of eating disorders, which has the highest mortality rate of any mental illness. She established a task force on eating disorders, which I was very proud to chair, and worked to change procedures to make it easier for parents and sufferers to access services. Prior to that, they were very fragmented, with doctors not knowing who to refer to. I commend Mary Wooldridge for the work she did in this area.

As a child I had an aunt who had mental health issues. In those days people were sent to one of the large institutions. The description of Bedlam in Dickens' novel would have been attributable to these places. People were often put in there because they were a little difficult or their family did not want them around. They were put into mental health institutions, either not to come out again or to be there for many years, forgotten by their families. In those days it was a shameful thing to have in the family someone with mental illness or someone who was difficult. Even people who were eccentric could be locked away and, sadly, single women who became pregnant were frequently locked away in mental institutions because it was deemed that their sexual urges were a sign of mental illness.

We have come an awfully long way in protecting the rights of the individuals who have mental illness, and that is very important. However, we have to balance that with the rights not only of the community but also of the families and the carers. Caring for someone with a severe mental illness is draining and tiring and affects the whole family. We have to make sure that there is support for carers. When a person who has mental

illness refuses to take their medication there should be a system to support the family in making the person with mental illness take the necessary medication that allows them to live freely in the community.

Although we have moved away from the large institutions that were absolutely appalling and the treatments that were formerly used, moving people out into units and houses just scattered around our society has also not been successful in many instances. I think we have to start looking at going back to smaller group homes. At the moment putting two people into a unit in Lilydale, let us say, who both have an illness means they become isolated because the people in the apartments and units around them do not associate with them. Living in the community only works when people have a fairly controlled life. When they lose that control over their lives the neighbours tend to close their doors and shy away because everybody is trying to live and do the best they can. I think we sometimes need to remember that people need support. You need someone else to talk to. If you are not getting on with a particular person, there needs to be someone else where you are living who you can talk to and who can look after you.

As I have said, it is a very difficult path to walk, and those on both sides of politics try with the best of intentions to provide the best possible care to people with a mental illness and to their families in a way that is not too heavy handed so that we allow them to have their freedoms while recognising that sometimes those freedoms must be curtailed for the benefit of their families and society as a whole. It is important that we revisit all of this. As new techniques and new ways of management, including new drugs, are introduced we must always be looking at how we handle people with mental illness.

I will close by briefly talking about clause 13, which inserts the word 'personally' into sections 94(1)(a) and (2)(a) of the Mental Health Act 2014 to clarify that if a young person is giving informed consent to electroconvulsive treatment (ECT), it is their personal consent that is relevant and not whether a substitute decision-maker has consented. That, of course, is where families have had difficulty with the changes to the Mental Health Act 2014. I have had families come to see me who have had difficulty with the fact that they have, as they see it, no control over how their family member is going to be managed when that family member has decided they are well and they are not going to take their medication.

ECT induces modified seizures for therapeutic purposes. It is most commonly prescribed to treat

severe depression but it may also be used to treat bipolar disorder, schizophrenia and catatonia. The way it is represented in popular culture has tended to be alarmist and have a negative impact. I think the film *One Flew Over the Cuckoo's Nest* did not help with attitudes towards mental health treatment even though it was a good film for those of us who were not involved in the mental health world.

ECT can be considered a more drastic method of treatment that is not without risks, some of which include confusion, which can last for several hours; memory loss, both short and long term; and physical side effects such as nausea, headache, jaw pain, muscle spasms and heart problems. Young people who have given their consent but have had some treatment that is unpalatable might refuse to have ECT again when there might be other alternatives. An authorised psychiatrist may apply to the tribunal to perform a further course of ECT on a young patient, and we are told this brings the legislation into line with treatment for an adult patient. My concern would be that if a patient changes their mind about treatment, having experienced some of the side effects, this clause in the bill would appear to limit the individual's freedom of choice.

As I have said, there is no perfection in this. There is no perfection in how we treat people with mental illness, but we must keep striving to try to get a balance between freedom, protection of society and support for the families.

**Ms THOMAS** (Macedon) — It is my pleasure today to rise to speak on the Mental Health Amendment Bill 2015, which seeks to amend the Mental Health Act 2014 to provide for a mental health annual report to Parliament, to enable the transfer and return of forensic prisoners to a designated mental health service to obtain compulsory treatment and to address a number of technical and operational issues identified following the implementation of the act on 1 July 2014.

I particularly want to take this opportunity today to talk about the significance of the minister's commitment to develop a 10-year mental health plan and to deliver to both houses of Parliament a state of Victoria's mental health services annual report. These were key election commitments that were made by the Labor Party, and it is great to see them being enacted in this Parliament. It is really important that the minister has made this commitment to a 10-year plan. This is a minister who has a deep and abiding interest in social policy and in ensuring that we take the community with us in seeking to reform areas of social policy.

The minister also wants to ensure that in dealing with the issue of mental health, an issue that has been stigmatised in the past, we open up a dialogue with our community and engage as many people as possible in understanding what we are trying to achieve in mental health in Victoria. As the member for Gippsland East reminded us, this is an issue that will impact on one in four Victorians, so it is a part of all of our lives. We need to make sure that mental health comes out of the shadows and is part of our public debate.

I am very pleased that this plan will set strategic directions for the development of mental health services in Victoria over the next decade and that the minister is committed to a recovery-oriented practice. That means doing all we can to ensure that people with mental illness are well placed to continue to participate in our society and to continue to live full and active lives and receive the treatment that is best suited to their particular condition.

The annual report that this bill introduces will complement the 10-year plan, and again I congratulate the minister on his commitment to increasing government accountability and transparency. The annual report will include information about the provision of public mental health services during each financial year, including key quantitative data, such as service usage data, and qualitative data, such as results from consumer surveys.

To reiterate the point I made earlier, the annual report will support a strong community conversation about our government's vision for continuous improvement of public mental health services. As we have already heard in this house, mental health is of great concern to the Victorian community, and certainly in my experience as a member of this house I have been exposed to a great deal in the few short months that I have been a representative of the Macedon electorate and have had the honour of being Parliamentary Secretary for Health. I have been exposed to many examples of the impact of the increased incidence of mental illness in our community.

I want to touch on the work of the Ambulance Performance and Policy Consultative Committee, which was established by the Minister for Health to inquire into the crisis in our ambulance services — a crisis we inherited — and to ensure that we put in place strategies to address that and the issue of ambulance response times. What I have uncovered through that consultative committee and as I have travelled around and met with our paramedics across Victoria is that there are two key drivers of increased demand for ambulance services in this state. The first is our ageing

population; our paramedics are often called out to treat frail and elderly people in either their homes or nursing homes.

The second key issue driving the increased demand for our ambulance services is mental illness and mental health concerns in our community. What paramedics have said to me and what concerns me is that a response by an ambulance is not what is needed by people reaching moments of crisis. What is needed are services better designed to support people living with mental illness before they reach that crisis point. So again I indicate that I am delighted the minister will be delivering this 10-year plan and, as a result of this bill, reporting to us here in the Parliament.

Paramedics themselves are subject to a number of mental health concerns as a result of their working conditions. Indeed the consultative committee is looking at addressing their working conditions and the situations to which they are exposed.

Research presented at an Australian Psychological Society conference held only days ago reported on the link between insecure work and mental health problems. As we see people losing quality jobs in our community we see a corresponding increase in mental health conditions. I know the minister will be looking at these causal effects and will be seeking to work within the government and cabinet to address them. Other issues that have, tragically, been on the increase in our community include mental health issues arising in response to trauma, including bushfires, family violence and sexual abuse.

In my electorate there are two programs I want to talk about because they both target young people and are both about preventing mental illness. They go to the vulnerability of adolescents and the stresses and pressures they are under. The first of those, Live4Life, is a fantastic initiative that was developed in my electorate in response to community concern about increases in depression, anxiety, cyberbullying and self-harm in my electorate. The second initiative, WayOut, which is based at Cobaw Community Health, is a statewide suicide prevention program targeting same-sex-attracted, bisexual and transgender young people in rural Victoria.

Having grown up in regional Victoria myself, when I look back now I understand that the reason that certain people I knew chose to take their own lives was that they received no support as they grappled in adolescence with their sexual orientation. Again these are issues that are very dear to the minister's heart, and I know they will be addressed in the 10-year plan.

In conclusion I would like to commend the bill to the house. It does a lot of things, but chiefly it addresses a number of technical and operational issues, as we have discussed. I commend the bill to the house particularly because it will provide for an annual report to the Parliament on our mental health services here in Victoria, and that is really vital. It is about accountability, it is about transparency and I believe it will be a hallmark of this government that we will seek to ensure that our work is open for the Victorian people to scrutinise. I commend the bill to the house.

**Mr HIBBINS (Prahran)** — I rise to speak on the Mental Health Amendment Bill 2015. The Greens welcome any move to strengthen and improve our mental health system. There is no doubt that we, as a society, have come a very long way in how we view the issue of mental health, and I am sure that we all agree that there is much more to be done. The Greens are committed to ensuring that those who experience mental illness are able to access timely, high-quality mental health services and that they should be able to live free from stigma and discrimination.

I want to speak briefly and more broadly about why the issue of mental health is important to the electorate of Prahran. Last year the restructuring of mental health funding, which took a more clinical approach to the funding of mental health services, meant that a number of quality, community-based mental health services had to close due to funding restrictions or cuts, one of these being the Prahran Mission's purpose-built drop-in centre on Chapel Street. These services are critical for people experiencing mental illness, allowing them to remain connected to their community and providing them with an entry point to specialist services should they require them. The national disability insurance scheme model of individual support packages is welcome for people with severe permanent mental illness, but there are those who do not qualify for those packages, and community-based mental health services are absolutely essential to ensure that the most vulnerable members of our community do not fall through the cracks.

I was fortunate enough to be invited to Prahran Mission's Easter lunch not so long ago. Not only was there great food and great company; it was also a timely demonstration of the power of community-based services to bring people together and improve lives. The government has made a commitment of \$400 000 to Prahran Mission, and it is absolutely essential that this money go to reopening the mission's purpose-built drop-in centre.

I go specifically now to the bill in question, which has four main purposes: to legislate the requirement for the department to publish a mental health services annual report; to enable Forensicare to publicly publish its statement of priorities; to make changes regarding the transfer of forensic patients back to prison after receiving compulsory mental health care outside prison facilities; and to make a series of minor changes.

I will speak first on the transparency provisions. The Greens strongly welcome the increased transparency and accountability provisions in this bill provided through the commitment to publish a state of Victoria's mental health services annual report and Forensicare's statement of priorities. Transparency and accountability are two themes that the Greens are pushing strongly in this Parliament, and we welcome these provisions in the bill. The Greens do have some concerns, and I will address them. We are concerned about what is missing from this bill in regard to electroconvulsive treatment (ECT) for children. We are very interested in whether the government intends that the mental health services annual report will include information about the number of children receiving electroconvulsive treatment and the impact of the treatment.

The Mental Health Act 2014 was a great improvement on the previous act, as it focused on a human rights approach to mental health treatment, provided for a mental health complaints commissioner and made a number of other improvements. However, some substantial concerns were raised by legal services, human rights agencies and the mental health sector about the legislation when it was presented to the Parliament. The Greens are disappointed that in this review and updating of the Mental Health Act the government has not taken the opportunity to rule out electroconvulsive treatment for children or commit to a review of the practice. The World Health Organisation document entitled *WHO Resource Book on Mental Health, Human Rights and Legislation — Stop Exclusion, Dare to Care* states:

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

In a submission to the Scrutiny of Acts and Regulations Committee in relation to the Mental Health Bill 2014, the Victorian Equal Opportunity and Human Rights Commission expressed concern about the use of electroconvulsive treatment on children under 18 years. The Greens recognise that there are some safeguards in place in this legislation to help protect children; however, we remain very concerned about the risks.

In 2014, Labor in opposition tried to amend the Mental Health Bill to legislate that the chief psychiatrist report

on the number of children receiving electroconvulsive treatment between 2014 and 2016, provide details of any discomfort or side effects of the electroconvulsive treatment experienced by any young person and make recommendations as appropriate. It also urged that this report be tabled in Parliament. The amendment was not accepted by the government at the time. This raises the question: what is the government's intention in relation to reporting on children receiving electroconvulsive treatment? Given that it is not specified in the legislation or outlined in the minister's second-reading speech, is it the government's intention that this reporting now be included in the mental health services annual reports, and if not, why not?

The Greens ask that the government be consistent and be true to its word given in the previous Parliament, that it commit to conducting a two-year review of the use of electroconvulsive treatment for children and to making that report public so that it is transparent as to what the impact of electroconvulsive treatment might be on the developing brains of children. The Greens spokesperson for health, Colleen Hartland, a member for Western Metropolitan Region in the other place, will put a number of questions to the government and go into further details on these concerns. That said, the Greens will support this bill.

**Mr DIMOPOULOS** (Oakleigh) — I am happy to rise to speak on the Mental Health Amendment Bill 2015. As I mentioned in my inaugural speech, mental health is an area of deep interest for me, and I think a lot more work is required in this area. I am pleased that we have a very dedicated and proactive Minister for Mental Health. It is probably the right thing for me to say, but in this case it is also absolutely correct, and I am pleased that the minister was in the chamber to kick off this debate. I welcome the government's commitment to pursuing these important and fairly varied amendments before us today. Some of them are around minor language and typographical errors, which nonetheless need a little bit more clarity and direction; some are more detailed changes. They show an acceptance that the area of policy and legislation in mental health, as in other areas, is ever-evolving and that we must keep up with those changes.

The bill also has some new provisions, and they are going to be the focus of my remarks on today. In particular I refer to a commitment to table in Parliament a state of Victoria's mental health services annual report. We have the opportunity through that provision and the entire bill to correct past errors and to provide more clarity in legislation for such an important area going forward. As I said, this amendment basically provides an account of Victoria's mental health system.

It opens up the books on the state of Victoria's mental health system through the provision of that annual report to the Parliament.

The government's proposal for a 10-year mental health plan is one that I have previously welcomed and commended. I am pleased about the minister's clarity and vision on this particular part. The minister's second-reading speech states:

A key focus for the reform agenda —

that this 10-year mental health plan will usher in —

will be to consolidate and expand the progress already made to implement recovery-oriented practice by public mental health service providers.

Recovery-oriented practice lies at the heart of contemporary mental health service delivery. The aim of this approach is to support people living with mental illness to build and maintain a meaningful and satisfying life and personal identity, regardless of whether or not they have ongoing symptoms of mental illness.

It is an incredibly powerful and different way of looking at mental health. As we all know, mental health issues are extremely pervasive. Millions of Australians experience mental health issues, and, as we have discussed, many of us also know people who have experienced mental health issues and who continue to do so. There is no easy answer to this problem; there never is. Governments are only one part of the equation, but they are an important part of the equation, and they can definitely do a fair bit.

When doing the work of looking after community mental health issues we need to make sure that we have in mind the community and individuals. It is not about us and them. It is not about us doing something to the other — us treating ill people. It is a community effort, because for many Victorians and Australians mental issues are not a life sentence; they can be sporadic issues in life and they are experienced at different points. Members of the community suffering mental illness should be fully engaged and treated as adults who can make choices about their own health care.

I like the approach the minister talks about. The principle of choice is key and central, and engaging consumers of mental health services and carers in a dialogue and partnership is what it is all about. It is not about us doing something to them — those sick people over there. In terms of the government's 10-year strategy, that has already started in the department and is present in everything we do. We do it responsibly, with rigorous consultation with key people and key parts of the community. The policy document we put forward before the last election states:

We believe a long-term vision for mental health care in Victoria is needed — one that shows a real commitment to improving mental health services and results for people. It will be developed in consultation with consumers, carers, mental health workers and service providers.

As part of that, there was a commitment, as I mentioned earlier, to enact legislation to provide for an annual report to the Parliament about the state of Victoria's mental health services. Specifically, clause 17 of the bill headed 'Functions of the secretary' addresses this element and inserts new paragraph (k) in section 118 of the act. The new paragraph states:

to prepare and submit to the Minister an annual report in accordance with subsection (2) ...

New subsection (2) refers to the report itself. It states:

As soon as practicable after the end of each financial year but no later than the following 31 October, the Secretary must submit to the Minister an annual report containing —

- (a) a review of the services provided by mental health service providers during the financial year; and
- (b) any other information requested in writing by the Minister.

The minister then must ensure that the report is tabled in both houses of Parliament.

The report itself, as we have heard from the minister, would include such things as treatment numbers, readmission rates, waiting times, length of stays, survey results and funding levels. It would also include qualitative and quantitative data, which is vital. This is an incredibly important report. Mental health services can lack the ability to read the service delivery outcomes and can lack clarity because we do not have the essentially big old mental health institutions of the past. Mental health services are provided in disparate and very different ways. A collection point for the outcomes of those services is very important. When people think about mental health, they often think about the tertiary and secondary sector and acute healthcare, but it is really a lot of other things. Millions of Australians are impacted on by mental health and never see the inside of a psychiatric ward. These issues are not just around hospital settings. I am sure the service delivery in the report will cover other settings as well.

Previously, as a part-time councillor at the Monash City Council, I had the pleasure of being involved in putting together the health and wellbeing partnership plan. Every council is required to put together a public health plan. There were some interesting statistics in relation to my community, which comes partly under the Monash City Council and partly under Glen Eira City Council, that I will refer to to demonstrate how mental

health has a different face in different communities. It is not always about the institutions and the hospitals. For example, there is a high percentage of people in Monash — 13.3 per cent — reporting significant levels of psychological distress. The state average is 11.4 per cent, but in Monash it is 13.3 per cent. Thankfully in Glen Eira it is 9.3 per cent which is below the state average. There is the issue of dementia, which is growing significantly as an issue. In fact the Monash municipality is projected to rank fourth out of 79 councils in terms of dementia sufferers.

There are other places where mental health treatments and responses can take place. They include the local government sector and obviously the non-government sector, but they crucially also include the hospital setting. In the last couple of months I revisited a couple of psychiatric wards in areas abutting my electorate. They are very different in terms of their look and their outcomes. That is not because the providers of those services are ineffective or lazy; it is because there is no single streamlined approach. What else is lacking, and what this annual report to Parliament will provide, is that there is no real benchmark for what we had yesterday and what we will have tomorrow. I would like to see those services improve in my community and generally around Victoria through a very public benchmarking process.

I commend the minister and the party on coming to government with this agenda of having a transparent account of the mental health services provided to Victorians. It is another election commitment that this government will keep, and I am very keen to be involved, as I have said in previous statements, with the work ahead coming from this bill.

**Ms KEALY** (Lowan) — I am pleased to rise today to speak on the Mental Health Amendment Bill 2015. I emphasise at the start that The Nationals will not oppose this bill. I strongly support the comments made earlier by the member for Gippsland East, who obviously spoke from the heart and brought a truly rural and regional perspective to this house, showing what it means for rural and regional people to live with a mental health illness, the sort of statistics involved in that and how we manage that on a day-to-day basis.

Clearly the delivery of mental health services in rural and regional areas is an exceptional challenge. We do not have the resources or the access to resources that are available to people in metropolitan areas. When there are resources, often the one or two key people in the community who are delivering mental health support are well integrated into the community. They play at the same sporting clubs, you see them in the

supermarket and you work with them. Therefore with limited resources available, the support provided to people in rural and regional areas is often obstructed because people have concerns about privacy and confidentiality, which deters them from accessing the services that are available.

Recently an enormous amount of work has been done to challenge the stigma of mental health, specifically in rural and regional Victoria. There are very successful programs, such as R U OK? Day, which has behind it the simple idea that you put yourself out there and ask people if they are okay. Often that simple question will elicit a response or make people feel that somebody cares about them. There are also extensive mental health support lines and resources online, including Lifeline; MensLine, the men's health line; and beyondblue. They have done an enormous amount of work in helping to remove the stigma around mental health. Now we are seeing people better equipped and more confident to speak out and share their stories of mental health issues and how they made it through to the other side and to really lead the community through this challenging experience. These programs are great examples of practical changes that have made a huge difference. They provide assistance to people living in rural and regional areas. With these programs we can make sure that people have the best possible mental health and general health outcomes, which all of us want for people in our electorates.

As appears in *Hansard*, in his second-reading speech the Minister for Mental Health stated that the Andrews Labor government 'is committed to achieving better results for people living with mental illness'. I have some concerns that I would like to raise today. While a lot of the focus of the amending bill is on nomenclature and definition changes, including of 'practitioner', it also places an additional burden on mental health service providers in requiring the production of an annual report. As someone with experience in administration in the health sector, I have seen similar expectations established by the government of the day.

I note that often there is short-sightedness and a lack of direction around what sort of data will need to be captured, how that data will be captured, where that data goes, who reviews it and how feedback will be given to the service providers to make sure that they can improve what they do in a functional way and deliver better health outcomes for their consumers. I am pleased that the second-reading speech makes reference to consumer-based treatment and care. Obviously the backbone of most health care these days is that people make informed decisions about the care they will have and the treatment they will engage in to support their

recovery and progress through general health care or mental health care.

I want to spend a little bit of time on the mental health services annual report process. It will be a report on the performance of service providers in the mental health sector in the previous 12 months and against progress in their 10-year mental health plan. There is no detail on whether those in the mental health sector have been consulted on this reporting, whether they will be consulted about it or, as I said earlier, how the information will be used to make a real difference and improve mental health outcomes for our people.

There is also no indication at all of how mental health service providers will be supported to produce these administrative reports. If people in an organisation are spending more time doing administration work, there is less money to spend on resources and those delivering those front-line services — that is, the people who are actually providing the treatment and delivering better health outcomes. I am concerned that there will not be a balance and we will see a shift to more administration and reporting than actually caring for the people who need it most.

Another concern is that it looks as if there will be another review and that more administration will be required. I want to see a practical policy that will make a difference to people's lives. In my region we do not have psychiatric units. The people in allied health services and hospitals as well as our paramedics are the key people providing that primary line of support to people with acute mental health challenges. We need to focus particularly on hospitals such as Hamilton Base Hospital and Wimmera Health Care Group. They have staff who are working extraordinarily hard to provide front-line support for mental health patients, but they are really limited in some of the infrastructure. I would like to put forward a couple of suggestions for practical changes which would make a real difference to those staff members who are working so hard.

The current ambulance protocols are extremely challenging. I do not understand why there is a 12-hour window for ambulance services to transfer category 1 psychiatric or mental health patients. A patient with a medical condition has to be referred to another organisation within 4 hours. I do not understand why there is a level of discrimination, particularly in rural and regional hospitals which do not have the infrastructure needed to support the care of mental health patients in a secure environment.

The coalition government worked very hard to deliver improved security for patients by announcing in

November last year a \$500 000 grant for Wimmera Health Care Group. That would have enabled it to build a special room attached to the emergency department for people suffering from acute mental illness, particularly from drug-induced psychosis. We hear so much about the ice epidemic in rural and regional areas. When somebody affected by ice comes in during a psychotic episode, we need to have a safe area to put them — for their own safety and the safety of the staff and other patients in the emergency department. It was really disappointing for Horsham hospital that the Labor government changed the specifications for that funding so that that additional room attached to the emergency department could not be built. That would have made a real and practical difference.

If there is a window of time during which acute mental health patients can be transferred to a specific service such as a psychiatric ward, we need to make sure that our rural hospitals have the support infrastructure they need so that they can care for those people in a very safe and secure way. As I said, this is about not just patients who are presenting but also the staff in that environment and the other patients. People in a drug-induced psychosis can be exceptionally violent and can snap out of it straightaway, which can be embarrassing for them. Treatment in a secure, private environment is essential for those people, particularly in rural and regional areas.

In summary I would really like to see practical changes from the Labor government. We need support for our health sector and particularly our mental health sector. We need practical changes and practical support. I do not want to see just additional administrative burdens imposed, because our health service providers will then drown in additional paperwork. That would not be functional, and most of all it would not make a positive difference to people in our community who are suffering from mental health issues.

Having made that point quite extensively, I reiterate that the coalition is not opposing this bill, but I am seeking and await further details on what the requirements for the annual report will be, what data will be collected, how that data will be utilised and fed back to the health services and how those in the sector will be consulted and informed about what data is required.

**Mr PEARSON** (Essendon) — I am delighted to join the debate on the Mental Health Amendment Bill 2015. As has previously been discussed, the bill establishes the requirement to produce a 10-year mental health plan for Victoria, as well as the presentation to the Parliament of an annual report on mental health. We

have come a long way in relation to mental health. I had the great privilege of spending more than a decade working with David White, who was a member of the other place and a minister in the Cain and Kirner governments.

David held many portfolios in his time, but in discussions with him he said that his greatest achievement was to be able to work as the Minister for Health. He found it the most fascinating and interesting policy area, and he was particularly interested in mental health. I think that was because of what he saw when he went out to look at the mental health facilities in the mid-1980s. He told me stories about going to Willsmere, which was a facility for psychogeriatric patients. In the grounds of Willsmere they had peacocks walking around. The reason for that was that the peacocks would screech, and that would cover up the screams of the psychogeriatric patients in that facility. The way the patients were treated was just appalling. They lived in putrid, filthy conditions.

Kew Cottages was another major mental health facility. It was built on a hill because in the 19th century the contemporary belief was that people who suffered from mental illness would emit fumes. The idea was to put the mental health facility up on a hill so the fumes would be less likely to infect the good people of Kew. It is just crazy. David told me that once he went into a facility and saw a man standing at the door looking out. David said, 'Hello, how are you? What do you want?'. The man said, 'I want to go home'. It was a fairly reasonable request. David asked the manager how long the man had been there and the manager said 40 years. That man had been locked up for 40 years.

For David the focus was on deinstitutionalisation — getting people out of these facilities. He once told me a funny story about encouraging a mental health action group to actively campaign for more funding around budget time. The mental health action group started agitating and saying that David White was the worst health minister mental health had ever seen. The Premier of the day, John Cain, responded by providing a huge increase in mental health funding, and the mental health action group continued to say that David White was the worst health minister mental health had ever seen.

That is the historical context, but we have come a long way since then. It is important to have this conversation around mental health, which has really been lacking to date, and to disseminate more information. I listened with great interest to the comments of the member for Lowan and her concerns about the impact data collection will have on communities. My response is

that we need to understand the nature of the problem in order to work out a solution. There is no doubt people in regional Victoria face significant disadvantages.

Looking, for instance, at male suicide, we see that there is the ready availability of firearms in regional Victoria as opposed to metropolitan Melbourne, the fact that support networks may not be available and the fact that people do not have the anonymity of people living in a city. Those factors have a significant impact on communities. I say to the member for Lowan that it is important to try to get as much information as possible in order to tailor appropriate responses.

It is also important that we talk about men's health as part of this. When I was at the Melbourne Business School doing my master of business administration the statistic was thrown at us that 75 per cent of men think they are in the top 10 per cent on any measure. In other words, most men think they are the best. It is interesting to note that women do not think that way. Maybe when men reach their 40s or 50s it dawns on them that perhaps they are not the best — 'Maybe I was never the best cricketer or the best footballer'.

**Mr Burgess** — You're not.

**Mr PEARSON** — I was certainly not. That realisation may trigger mental health problems. The flipside is that men are more likely to chance their arm and become successful entrepreneurs, while women will often hold back and be more reserved. You have to wonder whether those sorts of gender differences can lead to women suffering, for example, higher levels of depression because they feel they are being left behind. The important thing is to disseminate information. If we make sure the information is out there, people can understand what services are available and what is happening in their community.

I think all members who have spoken in this debate have talked about people they have known who have suffered from mental illness. I once had a professional association with a senior public servant who was fantastic in his prime, but who by the time I met him was suffering from depression and anxiety and had become an alcoholic. He was a shell of the person he had been, and it was tragic to see a person with so much potential and so much to offer suffering so greatly because of mental illness.

A mental health plan and an annual report will give us a chance to work out which way we want to go and to regularly check up on and track our performance. It is an iterative performance — it is about trial and error, trying to get it right, trying to work through things to get a sense of what the best way forward is.

The member for Prahran raised a couple of questions. I am discovering that the members for Prahran and Melbourne often come into the house, make contributions, tell both major parties they are wrong and the Greens are right and then leave. They do not often spend a lot of time in the chamber. But the member for Prahran asked a couple of questions about safeguards for — —

**An honourable member** interjected.

**Mr PEARSON** — That is a very good question. The member for Prahran asked a couple of questions about safeguards for children receiving electroconvulsive therapy (ECT). As I understand it, the independent Mental Health Tribunal must approve any ECT to be performed on a child in Victoria. The tribunal cannot approve ECT if a young person has capacity and refuses to consent to ECT. If a young person receiving treatment on a voluntary basis does not have capacity to give informed consent to ECT, the tribunal can only approve ECT if it is satisfied that a parent or guardian has consented and there is no less restrictive way for the young person to be treated. If a young compulsory patient does not have capacity to give informed consent to ECT, the authorised psychiatrist must satisfy the tribunal that there is no less restrictive way for the patient to be treated. It is unfortunate that the member for Prahran is not in the house to hear my contribution, but hopefully he will read it in *Hansard* and it will give him some confidence on this issue — that is important.

We recognise now that mental health issues are different to other medical problems. A friend of mine, a psychiatrist, finds that he does a lot of his work over the telephone. People who suffer from depression or another mental illness will often not turn up to an appointment, perhaps because they cannot get out of bed, do not want to leave the house, feel ashamed or embarrassed or are just having a bad day. This friend of mine found that encouraging people to call and providing telephone triage services was a good way of trying to treat mental illness.

Over the last 25 years we have been looking at stopping institutionalisation and providing support networks around people. This is also about recognising that mental illness is different to other forms of illness and shaping and creating a public policy solution to address that. The Minister for Mental Health should be congratulated for what he has done in terms of bringing this legislation forward. It is a really important step. We have come a long way, but we have a long way to go. The right way is to make sure that we have a plan, that we have a vision and that we have a regular annual

report on this so that we can track performance. It is going to be a report that is presented to both houses of Parliament so people can see the policies and test and modify them. It is about having honest conversations. For those reasons, I commend the bill to the house.

**Mr THOMPSON** (Sandringham) — In contributing to the debate on the Mental Health Amendment Bill 2015, which the opposition does not oppose, I would like to note for the record that on my way to work this morning I passed over a footpath stencil in Station Street, Sandringham, not far from the station, and I took a photo of it. There were the words, ‘YOU belong in this world’. Expanding on that message, it also said, ‘Tag your friends #101DaysOfYOU’. It was a tag that was supported by the Bayside City Council.

Regrettably there are not enough people who gain access to the support services available. Georgie Harman, the CEO of beyondblue, indicated that in the realm of suicide by men there are too few opportunities for people to intervene where people may be contemplating taking their own lives. Over the course of the weekend I was told that the president of a local sporting organisation had recently taken his life, and on Sunday I was informed of a young lady in her 30s who had taken her life. The grief and the unanswered questions in the minds of those people who are left behind — as well as the sense of loss, the tragedy and the loss of life opportunity — are matters that we are left to reflect upon.

It is important that in the case of mental health there is good access to treatment and that the people who need support services are able to access high-quality and responsive care when they need it. It is important that there are choices available about what range of support might best meet the circumstances of individual cases. I am mindful in yesteryear of patients being discharged from psychiatric units in hospitals long before they were ready. One parent was distressed that her child was not able to get a spoon to her mouth, so heavily drugged was she; nor, for that matter, was she able to get a cigarette to her mouth. In that condition she had been discharged into day care outside the more formal care of a psychiatric unit.

Another goal is to prevent mental illness where possible, providing help early and working with individuals and their families to meet their own goals. Oftentimes I have had occasion to refer to a speech made from the government benches by a former member for Warrnambool, John McGrath. I count it as one of finest speeches I have heard in this chamber, when he was speaking about the struggle with

depression and ill health on the part of two of his children. He quoted Dr Silvano Arieti, a New York psychiatrist, I believe, who said that no war, no famine and no disease had exacted so great a toll on human life or caused such great suffering as the suffering caused to families through the illness of schizophrenia. That is a broad paraphrase of his quote. Within this chamber there was absolute silence, absolute stillness, as Mr McGrath gave his speech. Subsequent to that speech, which was made in 1993 or 1994, one of his children took their own life.

The bill has two matters that the opposition is focusing upon. One is the provision for the government to table in Parliament the state of Victoria’s mental health annual services report, which is an annual report that will report on the performance of the mental health sector in the past 12 months and report progress against a 10-year mental health plan. There have been some questions constructively put by the shadow minister in relation to those matters.

The second issue that was of interest for wider comment was the changes to the treatment of prisoners with a developing mental illness. I note that at present a court can make a custodial supervision order that commits a person to custody at an appropriate place, which in some cases may be a prison where there is no appropriate mental health service available, although this is rare. If a person is detained in prison and requires urgent mental health treatment, they must be transferred to a mental health service if specialised treatment is not provided in prison. The act currently enables such a transfer; however, there is no mechanism for returning the person to prison when they no longer need treatment.

As members we all know a number of people who have a range of mental health needs, and it is important that every opportunity be afforded those people to access good medical advice and, when they are well, good opportunities to participate in the wider life of the community. I have raised concerns on a number of occasions at both state and federal level with responsible personnel as to the importance of there being good pathways, so that if someone is working but through illness is no longer able to remain in the workforce there be a flexible arrangement at Centrelink level so that there are not the same impediments to qualify for unemployment benefits and there are easier avenues to re-enter the workforce. As a community we have a lot more work to do to ensure that when people are well enough to work they have good avenues through which to deploy their skills, talents and time so that they have a reason to get up each day and contribute to the life of the community.

The area is a very important one. It can at times be a very taxing area, but it is critical that there are good outcomes that can benefit not only the individuals concerned but also their families and the local community. I am mindful also of the purest grief I have ever seen as a member of Parliament, when a young lady narrated to me the circumstances when she came home one night and saw her mother, who had hanged herself from the stairwell. Some 15 years after that event had occurred it was still very vivid to her.

As a community and as a society we have an obligation to have good pathways forward to enable people to access treatment when they are able to and also to work forward the imponderable questions as to those who are not inclined to seek treatment. In speaking with one mental health expert, it was suggested that one of the questions that needs to be asked directly of people in order to evaluate their mental health wellbeing is, 'Have you thought of taking your own life?', so that men in particular are challenged to respond to a direct question and so that that in turn might provide a better pathway forward.

The opposition does not oppose the bill, but I indicate there is work that needs to be undertaken on a daily basis — through the wider processes of the national disability insurance scheme and also as communities and families — to enable individuals who confront depression or anxiety or who confront substance abuse to work through the challenges and issues that they have before them and for them to engage within the life of our community.

**Ms EDWARDS** (Bendigo West) — I am also pleased to join and make a contribution to the debate on the Mental Health Amendment Bill 2015, which amends the Mental Health Act 2014 in a number of different areas.

Before I commence talking about the bill, I heard a number of members today reflect on the scourge across this country that is suicide. This is nowhere more pertinent than in regional areas, where the suicide rate has increased significantly. I will mention two very important events regarding suicide that have occurred in my electorate recently.

One was organised by the Suicide Prevention Awareness Network (SPAN) to raise awareness throughout central Victoria. The SPAN Suicide Awareness Walk held three weeks ago was the fifth suicide awareness walk. This is now an annual event that is attended by many community members and community leaders. More importantly, this year the Black Dog Ride riders joined the walk. They made a lot

of noise but also created quite a scene in the streets of Bendigo as they supported the walkers in the suicide awareness walk. One of the things that happens at that awareness walk is that a beautiful net is put up at the majestic Dai Gum San precinct, where members of the community who have lost family members to suicide can put a butterfly on the net. It is a very moving ceremony, and sadly each year it seems more and more butterflies are put on that net.

The other event that has been held across my electorate is a program called HALT, which stands for Hope Assistance Local Tradies. This program was started by a couple of guys, one of whom is Jeremy Forbes. Just last year they had tradies upon tradies turn out for the second annual Save Your Bacon breakfast in Castlemaine, where more than 80 people registered for that event put on by HALT.

HALT strives to promote awareness of mental health in the trades community. This turnout was supported by the local hardware store. In the first year it was quite new and everyone was very excited. In the second year it was extremely well attended. In fact, as was reported in the *Bendigo Advertiser*, Jeremy mentioned:

But this year we have smashed it — we had about twice as many as last year.

HALT was designed to raise awareness about anxiety, depression and wellbeing in the trades community. It was formed last year in response to the impact of suicides in the shire of Mount Alexander. This is a fantastic initiative and one that, in partnership with Community Health in Bendigo, we hope to see rolled out not just across Bendigo and Castlemaine but further into other regions and potentially become a national event.

The Mental Health Amendment Bill 2015 provides for the production of an annual report to Parliament. This is one aspect that I want to focus on because it is very important. It was a key election commitment by Labor to produce a 10-year mental health plan for Victoria and a Victorian mental health services annual report. Our 10-year mental health plan is intended to set the strategic directions for the development of mental health services over the next decade. The member for Euroa raised a question about stakeholder engagement, I can assure the member that key stakeholders are now working with the Department of Health and Human Services to develop this plan.

The annual report will complement this 10-year plan, and it will be tabled in both houses of Parliament. The annual report is essential in providing information about the provision to the Victorian public of public

mental health services each financial year, ensuring transparency in this area of government. Importantly both qualitative and quantitative data will be available in the report. There will also be reporting on the progress of the 10-year mental health plan. This will be ongoing and will include maintaining an important ongoing dialogue with the community and engaging its members in the government's vision for continuous improvement in mental health services.

In terms of transparency and accountability, the annual report is absolutely necessary, particularly in my electorate. Sadly my previous calls to the former Liberal Minister for Mental Health to provide detailed information to the community, including management plans, risk assessments and future actions at the Alexander Bayne Centre at Bendigo Health, were met with total disregard. The underwhelming but not unexpected response from the former Liberal Minister for Mental Health to my request for a review of the safety, welfare and security of mental health patients at the Alexander Bayne Centre was very disappointing, to say the least.

I also refer to the Ombudsman's damning finding last year and the Community Visitors report that Bendigo Health was failing to keep proper records of alleged patient abuse in its care. There was further concern expressed in the Ombudsman's report about inadequate staff training, failure to maintain records, failure to provide incident reports, failure to provide treatment plans for mental health patients and also a reluctance to allow community visitors into the centre.

I have spoken in this house on many occasions about the needs of regional mental health patients. I have also spoken of the previous government's failure to address the growing concerns about access to services in regional areas, long waiting times in emergency departments, the lack of mental health beds in regional areas, and the need for community-based follow-up services.

We should never forget that the previous government cut over \$800 million from the health budget in its first term, and this was evident in the crisis left in the mental health system. Cutting the 24-hour mental health advice line in 2011 was the first indication the former government was not prioritising the needs of regional mental health patients. This service was taking about 9500 calls per year, and one-third of those were coming from regional Victoria. Sadly, the former Minister for Mental Health failed to realise that essential services are core government businesses in regional areas. Withdrawing such vital services from regional

Victorians was the beginning of the end for the Liberal government.

Mental illness can occur at any stage of a person's life, and access in regional areas to services providing short and long-term treatments is vital. We will get on with our 10-year mental health plan to ensure that all mental health patients and their families and carers are part of the solution to fixing the mess the Liberals left behind, and we will have an annual report to ensure that there is transparency and accountability.

In relation to the Mental Health Act 2014, I recall that there was considerable controversy around the initial delivery of the bill. However, the legislation eventually passed both houses, and it was of pivotal importance in the new arrangements for giving patients and carers a say. It gave patients and carers a voice and in some respects attempted to reduce the stigma surrounding mental illness.

In terms of carers, section 17 of the Mental Health Act requires that a carer must be notified if an inpatient's right to communicate has been restricted by an authorised psychiatrist. In every other notice provision is made for carers. They must be notified but only where the particular decision or action will directly affect the carer and the care relationship.

The role of carers is valued and important and particularly challenging for those who are carers for someone with a mental illness. My sister currently cares for her son, who is now aged in his late 30s and was diagnosed with a mental illness some five or six years ago. I know the challenges she faces on a daily basis, particularly in caring for his two young children since the breakdown of his marriage, which occurred as a result of his mental illness. The patient-carer relationship is absolutely crucial to the ongoing wellbeing of the mental health patient. Carers themselves need special attention and support and, more importantly, recognition of the invaluable and in many cases unpaid work they do. Carers need information and access to information to carry out their important roles, and that is why these amendments to the Mental Health Act are required. I look forward to the passage of this bill through the Parliament.

**Mr PAYNTER** (Bass) — I am thankful for the opportunity to speak on the Mental Health Amendment Bill 2015. This is an area affecting our local communities that is absolutely critical for any government to deal with. It is particularly disappointing to have heard the member for Bendigo West make this a political issue when clearly members of the coalition have made this an issue about people and their families

dealing with mental health, not one that is about politics. There are some issues in this community that need to be dealt with in a bipartisan way, and if there is such an issue, it is mental health. It was therefore extremely disappointing to hear the member for Bendigo West putting down a former government. The member may well disagree with the way we approach mental health, but such an important issue needs a far better and fairer approach than the member displayed.

Further, this issue is of absolutely critical importance to building strong communities and looking after people with mental health issues as well as their families. I would say that most people in this house have dealt with mental health either directly or indirectly, through either family members or friends. I personally lost a very dear friend to suicide a number of years ago, and I have family members and relatives, both close and more distant, who have had to deal with mental health issues. I have also visited our mental health care providers on a number of occasions and seen the challenges they deal with on a daily basis.

This is an area we have to deal with far too often in our communities. It is an issue which affects both genders and all ages. In the Bass electorate, particularly in the areas stretching from Pakenham down to Wonthaggi, mental health issues include youth suicide and men committing suicide. In fact the most common topics or issues I deal with in my office and out on the streets are mental health issues, with people talking about anxiety and family matters, and the challenges they face on a day-to-day basis. It is therefore absolutely vital that we address this issue. We may have taken some steps but we have only touched the surface. This issue is so important that we need to address it on a daily basis and come up with the best way of treating members of our communities who are dealing with mental health issues.

I would like to focus on the reporting requirements that go with this bill. It is pleasing to see that the government will develop a 10-year mental health plan for Victoria. The government has also committed to tabling a state of Victoria's mental health services annual report. The government says it is intended that the annual report will include information about the provision of public mental health services during the preceding financial year, including key quantitative and qualitative data — and the combination of those two is very important. The report will also provide details on progress under the 10-year plan and maintain a strong and ongoing dialogue with the Parliament and the community. It is essential that it is a transparent process, and that we continue to consult and engage with members of Parliament, who are responsible for representing their electorate and in particular a number

of constituents who come into their offices with this issue. The bill also states that the Secretary of the Department of Health and Human Services will prepare and submit the annual report to the minister, who will then ensure the report is tabled in both houses of Parliament.

It is intended that the first annual report will be tabled after completion of the 2015–16 financial year. We look forward to that, but a couple of matters need to be addressed in relation to that report. At this stage there are no details about the contents of the report, and obviously that is something that needs to be worked through. It is important that we get the details of the report right so that we know exactly the conclusion the report is trying to make. It is a very important matter, and it is vital to recognise that you cannot manage what you cannot measure. We must first get the measuring right. We can then address and manage the problem.

There are no time frames for consultation, and we need that sorted out. The government says it will consult, and I look forward to the consultation process. It is also important that we engage stakeholders — the people in the community and the service providers who are the experts in this field. We in Parliament can represent people, but we need to consult the people who are working on a day-to-day basis with and have specific qualifications to deal with this issue so that we get this report right.

The demographic and geographical data in the report are absolutely critical, so that we know where exactly the gaps in service delivery are. We need to know exactly what ages and genders are not being addressed, why they are not being addressed and in what areas they are not being addressed on a geographical basis. We need to know what areas of country Victoria, city Victoria and everywhere in between are not being covered, what is being covered particularly well and what lessons we can learn. We need to know where the spikes are in mental health and whether they are increasing or decreasing. If we are making achievements in the area of service delivery, we need to know exactly where and why. Again, you cannot manage what you cannot measure. It is very important that we collect that data, that the data is accurate and that we work through and manage the report so we can continue to improve mental health services for the state of Victoria.

While I have the opportunity, I pay tribute to the two service providers that the electorate of Bass has access to — that is, Latrobe Regional Health in Traralgon and Casey Hospital. However, there are many other service providers working in this field that need our continued

support. One in particular is Barrier Breakers, which is after continuation of its funding of \$100 000 a year. That is a matter for another day, but I will be raising it in this house. Groups like that are absolutely vital in providing the link between people and families with mental illness and service providers. The opposition will not be opposing this bill. I would like to see it pass through both houses — and let us get moving on this issue of mental health.

**Ms WARD** (Eltham) — I want not only to commend the minister for putting forward this legislation and highlighting the importance of mental health but also acknowledge the respectful way in which members today have spoken about this issue. We all take it very seriously and want to do what we can to improve the circumstances around it. Having the opportunity to speak in this place on the very important issue of mental health is indicative of how importantly this government takes this issue.

Mental health affects all of us; it may not be something we individually experience, but it will affect someone we know, possibly someone we love. We can experience it around us in the street, as we go past and see people with mental health issues. We can see it in some of the hospitals we may visit. We can see it at home with our family. We can see it out and about with our friends. Looking at this legislation I am very pleased that we are, as a government, taking this issue very seriously and working towards developing and changing legislation that not only increases the profile of mental illness but that also works towards changing the conversation around mental illness in our community and addresses issues that are important in the system.

An indicator of how committed we are as a government and of how committed the minister is to improving mental health outcomes is the commitment to create not only a mental health annual report but also a 10-year mental health plan for Victoria, of which this annual report will be a part. Committing to a 10-year plan is far reaching and goes beyond the scope of election cycles, which is exactly what this community needs. We have all heard from our constituents, I am sure, about how tired and exasperated they are with short-term solutions to long-term problems. It is only through developing things like this 10-year plan that we can get some real outcomes and have far-reaching impacts into how people live their lives, especially concerning mental health. We need not only to know the services that are available to those in our community but also to understand how they are working, how they are responding to demand, what their success stories are and what challenges they face.

I understand that the Department of Health and Human Services is working very hard to collaborate with key stakeholders to achieve the best possible outcomes for our service providers and those experiencing mental health issues. I hope this puts to rest the concerns expressed by the member for Lowan with regard to consultation. As I am sure she has seen through many of the things this government has already done, this is a consultative government. We are a government that wants to talk to people and wants to work together to move forward to get the best possible outcomes we can.

The plan will be particularly interesting to many of my local mental health service providers, such as Neami National, which is located in my electorate and is a fantastic service, providing invaluable assistance to people in my community. Neami does not look at just one section of a person's life but takes a holistic approach which looks at physical as well as mental health. It looks at housing security. It looks at what an individual's goal is, what their dreams are and what they hope to achieve. Neami works with the person, not for them. This is a fantastic service which has benefited many people in the community, including some I know and love.

Neami's involvement in the local community is fantastic. A beautiful mosaic chair was built and decorated by Neami clients to celebrate the joyful soul of a famous local identity, Geoff the Crossing Man. Geoff has been mentioned a few times in this chamber. He is a colourful local identity and is well worth our consideration. Geoff has benefitted greatly from the support Neami has offered to him, and the whole community has benefitted from the beauty of Geoff's personality, his good humour and friendliness, which people experience not only when they go past his crossing before and after school but also as they drive past this fabulous chair which is now a local landmark and portrays him and his stop sign.

Our mental health service providers do some very important work, and a 10-year plan which incorporates their needs and concerns and helps them forward plan to deliver the best possible outcomes for people is a good thing. I am pleased that we are continuing to move towards recovery-oriented practice in the delivery of mental health policy, including removing the definition of treatment as something 'done to the person' and instead envisaging that treatment is something the patient will participate in. This is exactly the kind of model that services such as Neami promote. This, in my view, is a positive way to move forward.

Of course it is not only dedicated mental health services that offer exceptional services and assistance. The

men's shed movement is integral in not only helping men to manage some of the mental health issues they confront but also offering an opportunity for some mental health problems to be avoided, such as depression. Through building communities, such as the microcommunity of a men's shed, we can help alleviate some of the mental health issues that people confront. As the good member for Essendon indicated earlier, isolation and loneliness are very real problems for many men as they get older, and the assistance that is offered to them through the men's shed movement is invaluable. It is through planning and futureproofing as much as we can that we can work harder and better together towards achieving improved mental health outcomes.

I am also interested in the changes this bill will make to how prisoners receive treatment and are managed. It is interesting to note that major mental illnesses such as schizophrenia and depression are three to five times higher among prisoners than those in the general population. It is also quite confronting to learn that around 20 per cent of female prisoners have reported having prior psychiatric admissions. Simplifying the procedure of how prisoners can be returned to prison once they have received treatment can only be a good, positive outcome.

As many of us know, much of the use of illicit drugs is a form of self-medication, where individuals take their health needs into their own hands. Having long-term plans where we create appropriate services will not only help people but will also have the effect of reducing the incidence of people being sent to prison in the first place.

Mental health is a difficult illness. It can isolate people from their family, friends and community. It can commit people to poverty, to unemployment and to homelessness. It is especially difficult when we see this illness in children. I understand that the Mental Health Act 2014 enables an authorised psychiatrist to make a further application to the Mental Health Tribunal for electroconvulsive treatment, otherwise known as ECT, for an adult patient during an existing course of ECT. The purpose is to facilitate continuity in treatment. The act is silent, however, on whether a psychiatrist can make a similar further application for a patient under the age of 18.

While I, as a mother of young children, would hate to see my girls needing this treatment — in fact I would hate to see any child needing this treatment — I welcome the removal of doubt and the promotion of consistent practice. I welcome the amendment clarifying that a psychiatrist may make a further

application to the tribunal for ECT for a person under 18 years of age, either during or after the performance of a course of ECT. This proposal does not make any material change to the arrangements for a young person to receive ECT, and I am glad to note that ECT for young people is extremely rare and is subject to strict oversight and monitoring controls under the act.

We need to keep talking about mental illness. We need to remove the stigma from this illness and recognise it for what it is — that is, a serious health issue that needs a comprehensive plan to address all the issues associated with it. I am glad we are talking about this issue today and that mental health is receiving the attention it deserves. For far too long we, as a community, have pretended that it is not an illness. We have pretended it is not a problem and have tried to lock it away — as the good member for Essendon said about Willsmere. Willsmere is a spooky building, or it was. I also went around Willsmere in the 1980s and found it to be a very confronting place.

I am glad we are now talking about the very real issues of mental health. It is a health issue; it is not something that we should hide or banish, mock or pretend does not exist. It is a serious problem that affects people — it affects all of us in some way in our day-to-day lives. The fact that we as a Parliament want to keep talking about it and to be proactive in doing something about it is a great thing. The fact that we have a minister who is dedicated to it is something I am very proud of. I am happy that we are moving forward on something that is such a devastating thing in people's lives and that we are doing something useful. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to the debate on the Mental Health Amendment Bill 2015. The Nationals in coalition are not opposing this bill. The purpose of the bill is to make miscellaneous amendments to the Mental Health Act 2014 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. We probably need to know a little more detail than that, because it is a very broadbrush statement.

The bill makes provision for the government to table in the Parliament a state of Victoria's mental health services report. This will be an annual report on the performance of the mental health sector over the preceding 12 months and a report on its progress against a 10-year mental health plan. There is little detail in the bill about how the information will be presented in that report. This is simply overarching legislation to establish that framework. There are also no time frames for some of the consultation in the

report. Again it is a very overarching piece of legislation.

We should reflect on the fact that in 2014 a major rewrite of the Mental Health Act introduced significant reform which attracted some great contributions to the debate in this house. The legislation ensured that people with mental illness have the most up-to-date mental health treatment and support, and access to the high-quality services they need. Families are able to participate in decisions about the choices of care. But we have to look at prevention, and I will talk about the scourge of mental illness a little later in my contribution.

I will now look at some statistics about mental health to provide a context for just how important it is. Mental illness is rather common, with 20 per cent of Australians aged 16 to 85 experiencing mental illness in any one year. The most common mental illness is depression. I pay tribute to beyondblue and other organisations for their work in this area and in anxiety and substance use disorder, three types of mental illness that often occur in combination. Of the 20 per cent of Australians who have mental illness in one year, 11.5 per cent have one disorder and 8.5 per cent have two or more disorders. Almost half — 45 per cent — of Australians will experience mental illness in their lifetime.

There are some clusters in this data. The onset of mental illness occurs typically around mid-to-late adolescence in Australian youth — that is, 18 to 24 years of age. This group has the highest prevalence of mental illness of any group, and I think we are all well aware of that. Every year one in four of our younger Australians experiences mental illness. These are concerning statistics.

I pay tribute to the services that are available in my electorate, including the inpatient and outpatient services at Mildura Base Hospital. These services are very busy, and their staff are very capable. We also have services in the community provided by Sunraysia Community Health Services and Mallee Family Care Mental Health Support, which services the Murray-Mallee region. After a lot of hard work over the last few years we have been lucky enough to attract a headspace centre to Mildura. Given the youth mental health statistics I quoted, the addition of headspace to a remote place like Mildura is an invaluable service, and I thank the federal government for establishing it in Mildura. It opened its doors only recently, and it will have some challenges. Hopefully we will be able to develop a hub-and-spoke structure around headspace to

develop some outreach services to more remote rural communities.

Plans are well under way for a prevention and recovery care unit, a PARC, adding to the broad spectrum of services we need to treat mental illness and to try to make someone's first experience their last experience wherever possible. Prevention and recovery care enables people to step up and step down from acute services or from the community. It also enables those who do not have the support mechanisms needed to recover in the community to stay for a period in the unit between the community and the acute facility.

Of course the scourge of ice affects many of our younger people. The long-term effects of ice are a new threat, and from our experience we know of the long-term effects of other plague drugs that have gone through our community in the past. We have lingering methadone programs for heroin users and ongoing issues with some of the fallout from cannabis abuse. If it is like all the other plague drugs we have dealt with, the longer term effects of ice will be with us for some time. Data is vital, and reporting is a key way to come up with the data which gives you the facts of the matter that allows for better treatment over time.

This bill fine-tunes our Mental Health Act. Another aspect the bill specifically addresses is how to manage people who, for some reason or other, are in prison or it is appropriate for them to be transferred to a prison. It constructs a process for someone who is in prison and has to leave prison to receive mental health care. It streamlines a provision for them to be returned to prison or, if they have been temporarily placed in prison because it is the most appropriate place for them, to receive care and return to prison. The bill will tidy up what happens in that situation. As I understand from my reading of the notes, if someone has been imprisoned and requires mental health treatment, it is not easy to get them back to prison; in fact it requires a court order.

I wind up my contribution by saying again that this bill fine-tunes the Mental Health Act and provides welcome reforms in a number of areas. I wish the bill a speedy passage.

**Mr LIM (Clarinda)** — I rise today to speak on the Mental Health Amendment Bill 2015. The bill amends the Mental Health Act 2014 to provide for a tabling of a mental health services annual report to Parliament, to enable the transfer and return of forensic prisoners to a designated mental health service to obtain compulsory treatment and to address a number of issues identified following the implementation of the act in July 2014.

It would be remiss of me not to mention that I come from a country where, like in many other poor Asian countries, these kinds of issues are treated in a miserable way and where people are not recognised as having mental health issues but rather are labelled as crazy and are locked up in institutions. They are banished with no recognition of their condition, no treatment and no due consideration for their welfare as human beings. In fact their human rights are violated, and they are left to rot. This is largely because of scarce resources. The poor standard of health care, let alone mental health care, in that part of the world is not to be spoken of.

Here in this country and in the state of Victoria I can only say it is with pride that we are talking about a bill that will give effect to this government's election commitment to implement a 10-year mental health plan for Victoria and an annual report on the state of Victoria's mental health services. I am very happy to note that the opposition is supporting the bill. That is an encouraging sign from the other side of the chamber.

The 10-year mental health plan is being developed by the Department of Health and Human Services in collaboration with key stakeholders to set the strategic directions for mental health service development in Victoria in the coming decade. As the plan proceeds, the annual report will complement the plan by providing information about mental health service delivery, which will be revealed in both quantitative and qualitative data, including service usage data and consumer surveys results.

The Victorian government recognises the wealth of existing information in the public domain, and that the information was developed for specific purposes. As a result, it is difficult for the public to navigate and understand. Our service system as such is not user friendly and could fail in its effectiveness as a whole. Therefore it is the government's intention to draw on a range of information sources to prepare an annual report that gives the community a picture of how our mental health service is provided and coordinated in Victoria. The annual report will serve as the ongoing dialogue with the community about the government's vision to continuously improve the public mental health service system.

The bill also amends existing legislation to ensure that the Minister for Mental Health is responsible for making sure that the state of Victoria's mental health services annual report is tabled in both houses of Parliament. It also requires the Secretary of the Department of Health and Human Services to prepare and submit a state of Victoria's mental health services

annual report to the Minister for Mental Health. The bill also amends the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 in order to clarify responsibility for providing a report to a court that is considering making a supervision order under that act. The Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 enables a court to impose custodial supervision orders for people who are unfit to stand trial or who are found not guilty of an offence due to mental impairment. A person detained in prison subject to a custodial supervision order made by a court and requiring compulsory mental illness treatment must be transferred from prison where compulsory treatment is not provided to a designated mental health service.

The bill also amends the Mental Health Act 1986 to enable forensic prisoners to be returned to prison when compulsory treatment is no longer required. This fixes the gap in the current legislative scheme. Section 306 of the Mental Health Act provides that the Secretary of the Department of Justice and Regulation can transfer forensic prisoners to hospital for compulsory treatment.

However, there is no legal mechanism to enable forensic prisoners to be returned to prison when compulsory treatment is no longer required. If they are to return to prison, an application to the relevant court to change the place of custody is the only option. This process is slow in responding to the needs of individuals. The amendments do not affect forensic patients detained in a designated mental health service by the custodial supervision order of a court. It is noted that persons may only be detained in prison subject to custodial supervision orders where there is no practicable alternative. As a result, the number of people to be transferred will be small.

These changes will lead to significant improvement in Victoria's mental health system as well as the lives of people involved with mental health illness. I commend the bill to the house in every possible way.

**Mr RICHARDSON** (Mordialloc) — It gives me great pleasure to speak on the Mental Health Amendment Bill 2015. In doing so I acknowledge the contributions of other members in discussing their experiences of mental ill health and how that has affected their lives or the lives of those people they know. It is a privilege to speak about the longer term vision for this important policy area we are looking at today.

I want to give a brief outline of how this bill amends the Mental Health Act 2014. It aims to deliver on an election commitment of the Andrews Labor government to provide a 10-year mental health plan for

Victoria. In that plan will be 10 annual reviews of where that policy is going. I have reflected previously on this type of long-term vision and long-term planning in respect of other bills, and it is important in our system of government where we have four-year election cycles that we look longer term and that certain policies are not subject to the ebbs and flows of various competing politics. That longer term vision is important, and I note the contributions from members opposite about the bipartisan approach to this bill and its passage through the house, hopefully in a speedy manner.

The bill also enables the transfer and return of forensic prisoners to a designated mental health service to obtain compulsory treatment and addresses other technical and operational issues. However, I will focus today on the broader policy standpoint of annual reporting and the 10-year mental health plan. I was reflecting in the preparation of this contribution on some of the statistics, and I turned to the beyondblue website for reference, particularly around depression and anxiety. It really tells a harrowing story of what we are confronting from a policy standpoint and what people go through in their lives. I would like to share that with the house.

According to the beyondblue website, around 45 per cent of people, or nearly one in two, will experience a mental health condition. That is a significant statistic and a significant pressure on our communities. It can happen at different stages of people's lives, from when we are in our youth all the way through to when we have children, through to later life and maybe after losing a loved one. It can hit us at any time.

Depression is the leading cause of disability worldwide. That is also a significant statistic. Around 3 million people each year are living with depression or anxiety, and as we know, you can have a combination of depression and anxiety. That is a significant challenge from a policy standpoint, and tragically we lose six Australians each day to suicide. That is a heavy burden that is more significant than our national road toll, and we have seen some of the wonderful campaigning that has been done by the Transport Accident Commission to address challenges in that area. We are now at the position where we have to respond to that tragic problem of losing people at various stages of their lives who could have continued to make a wonderful contribution to their communities.

I received a shock recently in relation to a former schoolmate. I had not had contact with this person for some time, but I knew of this individual through mutual friends. Tragically after having been married for only

two months, this person passed away by means of suicide. I found myself sitting there thinking, 'What could we have done? How did it get to that point?'. In some of the comments on social media there were reflections along the lines of, 'We didn't know this is what this person was going through'. It is a telling sign that mental ill health is not an overt issue for people. That probably adds to the challenges and the stigma attached to this problem.

It is hard to read and to understand the complexities of the issues that people face. It is important to understand that through that 10-year planning, that longer term planning, we acknowledge that we have so much more work to do. We have not got it right. It is about not just the resourcing but how we link together with community service providers and how we face those challenges going forward. That is a key thing.

We should also acknowledge that there is some good work being done, particularly in breaking down that stigma in relation to mental ill health. In October we have the wonderful Mental Health Week, which runs from the 4th through to the 10th, coinciding with World Mental Health Day on 10 October, which is now celebrating 30 years. The work that has been done over that time to address the stigma attached to mental ill health is wonderful. There is also R U OK? Day, which is a simple reaching out and asking someone if they are okay or if they are going through some challenges. These are great initiatives. There is also the antibullying initiative, which we reflected on in the house back in February or March.

All of these initiatives are great at breaking down stigma, but naturally we have a long way to go. I recently attended a local community event for the Southern Football Netball League season launch. It was important to have beyondblue at that event to talk about community sport and how community services can work in that space to try to address mental health challenges.

Mental health issues are sometimes a central challenge for someone who also has secondary issues, or a person may have a problem that triggers a mental health issue. Some people face challenges around unemployment, whether they have been unemployed in the long term or have recently lost their job, and those challenges can affect their family's ability to make ends meet. There are various triggers for mental ill health. Newly arrived migrants and refugees may face significant challenges settling into a community, or they may have previously faced harrowing events. How do we work with people on an individual or a case-by-case basis to address their concerns? That is a very big challenge, and obviously it

is not a case of one size fits all. It is important to try to work with service providers to address the specific needs of individuals.

I also want to reflect on the impact of mental ill health on our young people. Too often, shockingly, we lose young people in their teens. I find that really hard to comprehend. I remember the first time I heard of a situation like that. I was 14, and I heard of a gentleman taking his life. I remember thinking then, and every now and then I still think, 'Where would he be in his life now if that had not occurred?'. That is a real tragedy. So many young people experience challenges in relation to mental health throughout their life. If we look at the statistics, we see that in Australia suicide is one of the biggest killers of young people and accounts for the deaths of more young people than car accidents. That is a harrowing thing to consider. We have to try to break down the stigma associated with mental health challenges.

As a teenager I went to Berwick College, a secondary school in the south-eastern suburbs. That school now has a high proportion of adolescents lost to suicide. After learning of that, the federal member for Holt, Anthony Byrne, undertook a community forum, and hundreds of people attended. They wanted to hear from others, and they wanted to put forward the idea that we have to address this challenge from a different perspective. We need to do more than just talk about it. We need to look more broadly, at the longer term and at how we can address this problem in the community. Some of the work of that community put the issue of suicide on the agenda and led to the creation of the group Coming Together to Prevent Youth Suicide, which operates in the south-eastern suburbs. Those initiatives are very important.

In summing up I want to reflect on how this bill has come about. In 2008 the Brumby government commissioned a review of the Mental Health Act 1986 that looked at addressing the longer term issues, which has been carried through. We hope to carry forward that bipartisan work into the future.

I want to put on the record the importance of headspace facilities in the community, which address the challenges faced by young people aged 12 through to 25. A branch of headspace has opened up in Bentleigh, which is just up the road from the Mordialloc electorate. Headspace facilities have been very successful. They pay for themselves through the support they provide to the community. We need to look at funding more facilities like that one. I commend the bill to the house.

**Ms HALFPENNY** (Thomastown) — I also rise to speak on the Mental Health Amendment Bill 2015. I support the amendments to the Mental Health Act 2014 that this bill proposes. The bill provides for an annual report to Parliament on mental health. This was an election promise of the Labor Party coming into the 2014 state election. I am proud to see that very early in its term the government is honouring this election commitment. It is very important in this area, where there are so many issues in relation to the ability of people to speak up for themselves and have their voices heard, to have an annual review of services provided by mental health service providers presented to Parliament. It will provide some oversight and accountability as to what is happening in this area, and hopefully it will continue to maintain awareness of this crucial part of the health system and all the terrible things that people go through as a result of mental illness, whether it be in relation to employment, inclusion in society or how people interact with others. Hopefully this annual report will highlight these issues and lead people towards more empathy and a better understanding of the issues. Hopefully it will also increase the level of debate in terms of what we as a society should do in this area, whether it be more funding and programs or how we attempt to prevent mental health issues arising.

A year or two ago I had the experience of riding around with paramedics in an ambulance on a Friday night. Of the four patients who were transported by that ambulance to the Northern Hospital, two were fairly young men who had had episodes of mental illness. They were transported to the Northern Hospital, where there is a mental health facility. In one case the patient had to be restrained, and in the other the patient went to hospital on a voluntary basis. This showed me the terrible things people go through when they suffer from mental illness. We hope that having an annual report to Parliament will highlight that and also help people to have more understanding of these illnesses and how they affect the lives of sufferers as well as their families and society.

This bill fixes a number of technical issues in the 2014 bill. It is always important to review legislation to ensure that it is working in the way it was intended. You cannot always foresee all circumstances and situations, so it is important to review legislation and then amend it where it needs amending to make sure that things are clarified and the legislation is doing what it is supposed to do. An example of this is that at the moment prisoners who have committed crimes but due to their mental impairment are unable to be found guilty of the offences that they have committed are taken into custody and an order is made for mental health treatment.

After the order is issued the person is transported to a mental health facility, but there is no mechanism to return them to prison after the compulsory treatment, other than going to the court to apply for the transfer. This technical amendment allows for a compulsory treatment order in order to transfer a prisoner to a hospital facility and after the treatment has been undertaken there is the ability to then transfer the prisoner back to the prison.

Some people might ask what that means? Does the amendment reduce protections for people who have a mental illness in that they can go from a mental health institution and then into the prison system without any legal oversight as to whether or not that should happen? This provision is not about reducing the rights of forensic prisoners; it is more about ensuring that they can obtain the compulsory treatment they need. If they are in the prison system, they will get the treatment they need immediately through a compulsory treatment order rather than having to wait and not get the services and special treatment they may need.

To ensure that the Mental Health Act 2014 has clarity, the bill also looks at other technical issues. For example, there is the requirement in the Children's Court in cases where there is talk about the Department of Health and Human Services having to provide psychiatric reports when in fact no services are provided of a mental health nature. Another technical issue is to change the legislation so that it is not the responsibility of the Secretary of the Department of Human Services to provide the report. It is about the department obtaining a copy of the report rather than being responsible for the development of that report.

When the original legislation was introduced in the last Parliament. There was a lot of debate and discussion around electroconvulsive treatment for children, including whether or not it is something that should happen at all, and if it is to occur, what sort of restrictions should be around it. This amendment to the Mental Health Act looks at ensuring that the legislation is clarified to make sure that there is an ability to make orders for children, but it is overseen by a tribunal and there are all the necessary protections that go along with that. Again it is what happens now, but we are making sure that there is clarity around that issue so that it can be done in a proper way.

Another Labor commitment is the 10-year mental health plan that will set the strategic direction for the development of mental health services in Victoria. It continues on from the current legislation, where it talks about the person with the mental health issue being the person who is front and centre of any program, service

and treatment received in the mental health system, which is important. These amendments also address some technical issues by making sure the individual who is receiving the treatment is front and centre in terms of the services provided.

The bill is also important for carers of those with a mental health illness. I am a former member of the Family and Community Development Committee. The committee undertook an inquiry into workforce participation by people with a mental illness and looked at other social inclusion issues. Parents are the main carers of children who suffer from a mental illness. There were some problems with the act in terms of the rights of carers — for example, knowing when the person they were caring for was required to go to a tribunal. Under the amendments in this bill those things have also been sorted out and fixed up.

**Mr KATOS** (South Barwon) — I will make a very brief contribution to the debate on the Mental Health Amendment Bill 2015. The bill before the house today makes provision for the government to table in Parliament a state of Victoria's mental health services annual report, which I believe was a commitment of the Labor Party at the last election.

One of the main amendments in the bill relates to situations where prisoners are treated for mental health issues. Previously when a prison did not have the capacity to do this the prisoner was transferred to a facility where they would be able to get treatment but there was no mechanism to get the prisoner back to jail without having to apply for a court order. In that instance the bill simply allows for the prisoner to be transferred back to prison after their treatment has been completed. That is a very sensible amendment, and with that I am more than happy to commend the bill to the house,

**Debate adjourned on motion of Ms SPENCE (Yuroke).**

**Debate adjourned until later this day.**

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Ms Ryall)** — Order!  
The question is:

That the house now adjourns.

### Colac Woodturners and Woodcrafters Guild

**Mr MULDER** (Polwarth) — The matter I raise is for the attention of the Minister for Education and concerns the long-term tenure of the Colac Woodturners and Woodcrafters Guild on the site of the former Colac high school in Colac. A purpose-built woodwork room was part of the original high school and was established as a separate building on the site. After the closure of the school approximately four years ago and in consultation with the then Department of Education, I was able to gain permission for the Colac woodcrafters guild to temporarily use the room, where it remains today. I thank the education department for the way it worked with the guild, enabling it to move into this building.

The move to a purpose-built woodwork room has revitalised this club, and a number of positive changes have occurred. The club has increased the amount of equipment it owns, which allows it to teach across a broader range of projects. Use of the club has increased eightfold since the move, and in 2013–14 it recorded 1500 uses of the club facility by its members and the community. During its tenure the club has invested club funds in installing a security system and carried out much-needed maintenance on the building. The club also continues to play an important role in the community, having assisted with projects such as building cupboards and shelves for local kindergartens, creating sculptures for the botanic gardens, repairing honour boards for the Anglican Church and many other such projects. It also involves other organisations such as the men's shed in its activities, and many of the club members are retired older men who derive great benefit from the social involvement and support network, both of which encourage their wellbeing.

The club runs a junior program which is open to 13 to 18-year-olds, attracting about a dozen teenagers over the past two and a half years, two of whom have gone on to take up apprenticeships. This initiative has arisen directly as a result of the move to the high school site, as there was no opportunity to do this at the club's old premises. One of the club's newer initiatives is a biannual Colac-Otway wood design exhibition, which will run for the fourth time this year and attracts more than 800 people over two days. The exhibition attracts work from highly skilled amateur woodcrafters and semiprofessionals as well as involvement by year 12 woodcrafting students from local schools.

The woodcrafters guild is keen to establish a permanent home where its members can continue their craft and build skills in the community. To this end I ask the minister to peruse the document I have sent to him

outlining in detail a request from the Colac Woodturners and Woodcrafters Guild to remain at the Colac high school site. The document also includes a site plan indicating the section of land which it would require to be excised from the site to allow this to take place. I further ask that the minister take this request into consideration in further discussions with his department and Colac Otway Shire Council in relation to the future use of the Colac high school site.

I recently attended the guild's dinner. Its members are very passionate about the work they do and their involvement in the Colac community. One has only to look at their exhibition to understand how gifted and skilled they are in terms of wood-turning. We do not want to see these skills lost, particularly to younger people who are now getting involved with the woodcrafters guild.

### Healthy Mothers, Healthy Babies program

**Mr EDBROOKE** (Frankston) — I raise a matter for the attention of the Minister for Health, and my request is for the provision, as a matter of urgency, of further assistance to Frankston's most vulnerable mothers. I am aware of the good work being undertaken by the Healthy Mothers, Health Babies program, which is offered in hospitals that serve vulnerable communities across the state. The program started in 2008 and is designed to provide support to vulnerable woman during pregnancy. The program assists women who are living in insecure housing or in poverty, Indigenous women, women with substance abuse issues and women experiencing family violence, as well as refugees and women from culturally and linguistically diverse backgrounds.

The purpose of the program is to reduce risky behaviour during pregnancy and improve the health outcomes of both mother and child. I understand the program has been very successful in achieving this aim. Women participating in the program also reported a number of healthy behaviours, including improved nutrition, cessation or reduction of smoking, minimised use of illicit substances and alcohol, improved physical activity and improved confidence and parenting skills.

I call on the minister to extend the program to include Frankston, where it is much needed. Frankston has high rates of teenage pregnancy; high numbers of unborn children reported to child protection; a high number of low birth weight babies and a low percentage of babies fully breastfed at three months. I am convinced the Frankston community and Frankston mothers would greatly benefit from the program.

### Ovens Valley schools

**Mr McCURDY** (Ovens Valley) — My adjournment matter is for the attention of the Minister for Education, and the action I seek is that the minister visit the Ovens Valley to help him better understand the educational needs in our community. The Ovens Valley is rich in community spirit, and its residents are proactive in their teamwork and forward thinking. There are many fine towns in the valley, among them Yarrowonga and Wangaratta. The coalition government last year announced \$7.6 million for the Yarrowonga College P–12 to build better facilities — and it desperately needs better facilities. I am proud that we delivered on that commitment, and as I speak the principal and the school council are working diligently to use that money wisely. As the Andrews government has stated that it wants its legacy to be Victoria being seen to be the education state, I urge the minister to visit and see firsthand the difference such capital expenditure could make. Principal Kim Stewart and school council president Carolyn O’Dwyer would be delighted to host the minister.

The regional city of Wangaratta is a 40-minute drive from Yarrowonga and an absolute pleasure to represent. Wangaratta High School has seen significant changes over the years. The closure of the technical school and its amalgamation with the high school saw the beginning of the development of a one-stop shop for public high school education in Wangaratta. The previous Labor government funded stage 1, the coalition government funded stage 2 and I encourage the minister to meet with the principal, Heather Sarau, and the school council president, Fiona MacPhee, to help put the final piece of the puzzle in place.

While the minister is in Wangaratta, I encourage him to visit Appin Park Primary School, a school I admire greatly. The people there are fiercely competitive for new students and quality teachers. The school has a can-do leadership base in its principal and school council. I encourage the minister to spend 30 minutes with me at Appin Park Primary School. Principal Wendy Larcombe and the vice-president of the school council, Kel Vincent, will be pleased to host him, and he will be impressed with what he sees. There are many more schools in the Ovens Valley but I know the minister’s time will be short. I encourage him to come to the Ovens Valley to take a tour of these three schools in particular.

### Kids Paradise Child Care Centre, Carrum Downs

**Ms KILKENNY** (Carrum) — My adjournment matter is for the Minister for Families and Children. The action I seek is for the minister to join me on a visit to the Kids Paradise Child Care Centre, an early childhood education and care provider in Carrum Downs which recently received a rating of ‘exceeding’ in the national quality standard. The national quality standard sets a benchmark for early childhood education and care in Australia, and it is a testament to the dedication and hard work of the staff at the Kids Paradise Child Care Centre that they received the highest rating awarded.

We on this side of the chamber recognise not only that access to child care provides support for Victorian families but also that access to high-quality early years care and education is central to giving every Victorian child the best start in life. Early childhood is a crucial stage of life in a child’s physical, intellectual, emotional and social development. Growth of mental and physical abilities progresses at an astounding rate, and a very high proportion of learning takes place during those early years. Experts suggest that up to 90 per cent of a child’s brain development occurs in the first five years of their life. It is a time when children particularly need high-quality personal care and learning experiences.

By providing valuable educational and social experiences, high-quality child care can have a positive influence on a child’s development and school readiness and will improve access to and equity in education in a child’s school years. Early childhood education represents the first step in lifelong learning. Care and education in these early years are therefore important for a child’s development and learning and as preparation for a child’s later school years. It is absolutely critical that young children from all backgrounds have access to high-quality child care and early education. That is why I am pleased to have in my electorate of Carrum such a high standard of providers, including the Kids Paradise Child Care Centre, providing Carrum children with the best possible start in life.

I know that Kara Hogan and the team at the Kids Paradise Child Care Centre in Carrum Downs would warmly welcome the minister on a visit to their centre in Carrum Downs. I look forward to the minister being able to congratulate the Kids Paradise Child Care Centre on having received a rating of ‘exceeding’ for the excellent care provided for the children and families in Carrum Downs.

### Railway station infrastructure

**Mr THOMPSON** (Sandringham) — The matter I raise is for the attention of the Minister for Public Transport. I extend an invitation to her to visit the Sandringham electorate and view firsthand some of the congestion issues that are confronting the electorate through the interface between private transport and the railway stations at Highett, Cheltenham and Mentone on the Frankston line, the Sandringham station on the Sandringham line, and the Hampton railway station, which is in the adjoining electorate.

With Melbourne's population having grown by more than 1 million people or so over the past 15 years, significant impacts are unfolding on urban infrastructure, with some adverse aspects. One matter relates to the increased volume of traffic on Melbourne's roads and another is the increasing number of cars parked around railway stations. Over the past four years there have been significant improvements in the operation of trains on the Sandringham line and the interface with urban traffic. The New Street railway gates, which had been closed by a former Labor government in a previous electoral period, were reopened, and that was greatly welcomed by the local community.

There is an issue also in relation to the build-up of parking around railway stations. With some visionary planning there is scope to encourage the establishment of pathways and cycle paths and also cycling to local railway stations so that there is an opportunity to minimise the capital costs of building new car parks, although that is certainly a consideration given that there is a strong call for car parks to be built around the railway stations as well. While recognising that there is a shortfall in funding, the development of station car park areas or bike parking areas would offset the need for the spread of cars parking on local streets around railway stations. There is tremendous opportunity for a visionary government and a forward-thinking opposition to build better infrastructure that might accommodate the needs of commuters and mitigate against traffic build-up proximate to railway stations through the implementation of an assertive policy that would have many people cycling to local railway stations in a safe manner.

### Greater Bendigo home and community care

**Ms EDWARDS** (Bendigo West) — My adjournment matter is for the Minister for Housing, Disability and Ageing. Given that the City of Greater Bendigo is preparing to make a final decision regarding the future delivery of its home and community care

(HACC) services at the 6 May council meeting, will the minister undertake to ensure that the state government maintains its current level of funding for HACC services by the City of Greater Bendigo? On 11 February the City of Greater Bendigo made a provisional decision to withdraw from the delivery of HACC services by 20 September of this year and proceeded to consult with staff, clients, volunteers and the community. That consultation process ended on 2 April. The extensive participation of councils in providing HACC services is a uniquely Victorian feature.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Bendigo West should rephrase her request to seek action as opposed to asking for the maintenance of funding. What action is the member seeking from the minister?

**Ms EDWARDS** — I am asking the minister to ensure that the state government maintains its current level of funding for HACC services.

**The ACTING SPEAKER (Ms Ryall)** — Order! I will allow that in this instance.

**Ms EDWARDS** — Thank you. I hope so, because the department assisted me with this matter.

The City of Greater Bendigo has been delivering these services to the community for more than 50 years, so participation in community-based services has been regarded as core business for Victorian councils for many decades. To claim now that it is not core business is a major change in the way council engages with its residents. With the federal national disability insurance scheme due to be rolled out in three to five years, this poses a major challenge to both the state and local governments to manage these changes to minimise the impact on clients and their families. It would seem to be a very reactive and premature decision for the Bendigo council to be making decisions at this point in time when the consequences of the federal changes are still very unclear. There is no way to tell what the new federal model will look like, and council should remain in this space to ensure that the needs of some of the most vulnerable residents are met.

HACC is a vital service for many aged and disabled people in the Bendigo community. This was evident in the outpouring of sentiment and concern when council announced it would potentially no longer deliver the services. Many residents have contacted me to express their very real concern as to how they will manage should they no longer receive HACC services. Not only that, but there is concern about and great uncertainty for

the 165 workers and their families about their future. There is particular concern about finding similar work within Bendigo. Many of these staff are highly trained and skilled and most importantly have intimate knowledge of their clients' needs.

Tomorrow night the City of Greater Bendigo will hand down its draft budget for community consultation. I hope that within its budget is provision for the continuation of HACC services to the Bendigo community.

### South Yarra railway station

**Mr HIBBINS (Prahran)** — My adjournment matter is for the Minister for Public Transport. The action I seek from the minister is to upgrade the South Yarra railway station. South Yarra station is one of Melbourne's busiest and most overcrowded stations, with commuters having only one crowded entrance to access the station, train services that are full on arrival at South Yarra and a dangerous unmarked pedestrian crossing at busy Yarra Street. South Yarra station already struggles to cope with 8000 daily commuters. With South Yarra's population forecast to grow by more than 10 000 people in the next 15 years, half of them coming from the Forrest Hill precinct next door, things are only going to get worse.

It is appropriate to have high-density living in areas such as Forrest Hill, but there must be investment in services to meet population growth. Not only has this investment not occurred under successive state governments but twice now under both Liberal and Labor the planning minister has at the stroke of a pen changed the planning rules to approve towers far beyond what the local planning scheme allowed for.

This year the government has announced two major rail projects — Melbourne Metro and Dandenong — worth billions of dollars that will provide new stations, yet the overcrowded South Yarra station has been ignored and in the case of Melbourne Metro bypassed altogether. The South Yarra railway station urgently needs improved access to help ease the squeeze. It needs a second entrance at the northern end to service the growing number of commuters from Forest Hill, an interchange with the Melbourne Metro rail project to ensure that there are enough services to meet growing demand, increased connectivity to the rest of the rail network, a secure bike storage cage so cyclists no longer have to chain their bikes to railings on the footpath and safer pedestrian crossings.

### Police radio system

**Ms THOMAS (Macedon)** — The issue I raise is a matter for the Minister for Police, and the action I seek is that the minister visit my electorate and meet with local police to discuss the upgrade of the police radio system across regional Victoria. Police in my community do a fantastic job. They play a very important role in keeping our community safe and responding in times of crisis, and I was pleased to have been invited by Inspector Ryan Irwin to participate in the local safety committee. Local police have been working hard in my community to address family violence, and I am pleased to see that the latest crime data shows a reduction in the number of family violence-related assaults occurring in our area.

Inspector Irwin has reported that a lot of work has been done with partner agencies to encourage the reporting of incidents as well as to enhance the response provided by Victoria Police. The local family violence team has concentrated on high-risk repeat offenders in this category, and it has generated some very positive results that have seen many high-risk offenders incarcerated. It is vitally important that police attending family violence incidents and other crimes can do so with confidence that their radio systems are secure. This is for the safety of police as well as that of victims of crime. It is appalling to think that anyone with the right smart phone application or scanner, including perpetrators of family violence and other criminals, could be listening in to the police radio system. As the minister knows, I have firsthand experience of how dangerous this work can be, and I know how important it is that police in regional Victoria know their radio system is secure.

I am pleased this government takes the safety of our police members seriously. This issue is particularly important in regional Victoria as police attend calls at remote locations. I was pleased the minister announced \$10 million to deliver the new digital system, which will include in-car, mobile and portable radios with a secure and encrypted network. This system will deliver security and consistency. In times of crisis, such as bushfires, it was shown that the old analog system could not cope, which put lives at risk.

I would be pleased to introduce the minister to local police and for him to hear firsthand about the work they do to keep the electorate of Macedon safe. The minister's announcement that regional police radios will be upgraded is to be commended. It is fantastic to have a police minister with a real affinity for the work of Victoria Police and a deep commitment to doing all he can to improve policing in this state.

### Parkhill Primary School

**Mr WATT** (Burwood) — My adjournment matter is for the Minister for Education. The action I seek is for the minister to commit \$5 million in funding for permanent classrooms at Parkhill Primary School in my electorate of Burwood. As the father of two young children, I understand the value of good education. That is why it is so disappointing that the Andrews Labor government is planning to short-change our local schools. In a quirk of history, despite all schools being entitled to permanent buildings, Parkhill Primary School currently has no permanent allocation, with all students forced to learn in portable classrooms.

In my first term in this place the Liberal-Nationals coalition government invested heavily in schools in my electorate. Last year we announced that Parkhill Primary School was to receive \$5 million for redevelopment in this term of government. On 8 December 2014 I sent a letter to the newly elected Premier and asked the government to supply the full \$5 million for the school's redevelopment. On 23 December 2014 — the first sitting day of the 58th Parliament — I gave notice of a motion that this house call on the government to provide the necessary funding of \$5 million for the redevelopment of Parkhill Primary School, in keeping with the assurances given by the Labor Party to the parents and students of Parkhill during the last state election.

On 10 February, having received no response, I sent a follow-up letter to the Minister for Education expressing concern at the blatant disregard he had shown regarding the importance of rebuilding Parkhill Primary School. On 4 March I finally received an email from the Minister for Education's office informing me that he had received my letters regarding Parkhill. On 17 March I received a letter from the Premier stating that his office had referred the inquiry to the office of the Minister for Education for response.

The plight of the school was featured in an article in the *Age* of Tuesday, 31 March, that raised questions about the Labor government's commitment to education in Victoria. The article states:

Tim Lee, a parent on the school council, said the situation was 'outrageous'.

It further quotes Mr Lee as having said:

As a parent with four boys currently at the school I am very concerned with the underwhelming funding commitment from the state government ...

There is also a petition calling on the government to properly fund the redevelopment of Parkhill Primary

School. Unfortunately I am still waiting for a response from the minister regarding the future of funding for Parkhill. Given that the current minister toured the school early last year, I know he is aware of the needs of the school.

The community has expended considerable effort in preparing for the rejuvenation of the school. I am proud to have worked closely with the parents and teachers of Parkhill. I would particularly like to thank principal Rod McKinlay for his persistence. I look forward to seeing a new Parkhill Primary School in the future — one where the buildings match the aspirations of the school community. I call on the minister to make sure there is \$5 million of funding for Parkhill Primary School in the upcoming state budget.

### Police, ambulance and clinical emergency response units

**Ms GRALEY** (Narre Warren South) — My adjournment matter is for the Minister for Police. The action I seek is that the minister, who I see is in the house, visit the Narre Warren police station to meet with the outstanding members of the police, ambulance and clinical emergency response (PACER) unit. The PACER unit acts as a secondary response unit that can be requested by police for incidents that may require on-site clinical assessment of a person's mental health, advice on mental health referral options and appropriate transportation options. They can also assist in de-escalating high-risk situations and in dealing with individuals who regularly contact and request assistance from emergency services. The expert assistance provided by PACER often ensures that transportation to an emergency department by police or ambulance is not required.

We have just had some debate on the Mental Health Amendment Bill 2015, and I think it is really important that the minister come to see the work of the PACER units, because they are doing some very comprehensive and fabulous work in this area. These units also allow the initial police response unit to return to other operational duties much sooner. It is a win-win situation for the patient and the family, and for the police force. In the past police officers who were concerned about an individual's mental health would take them to an emergency department and be required to remain there until an assessment was made. This would often take many hours.

In an article headed 'Fast pace against problem', which was published in the *Dandenong Journal*, First Constable Travis Cute said he has:

... painful memories pre-PACER of languishing for his entire 8-hour police shift in Casey Hospital emergency department's waiting room, just sitting with a mentally ill woman until she was assessed by medical staff.

Clearly this was not the best use of police resources; it is probably not even a good use of resources for the hospital. Now PACER units ensure that the majority of assessments are done at home with family, which allows a better outcome for all.

Members would all agree that this should be looked at for other areas in Victoria too. Individuals in need of assistance are now receiving the care and support they need much sooner, and police are able to get back on the roads and keep our communities safe. I know that the local community appreciates all that our brave police officers do each and every day, but they are really busy people. Their hard work and sacrifice ensure that we all feel much safer in our own homes, as we should. Everybody should feel safe in their own home. I thank them for all they do. I hope I will have the opportunity to welcome the minister to the electorate to meet with the local police force. I am sure police officers will have much to say about the wonderful work they are doing to help so many people in their community and provide this more effective use of police resources.

### Responses

**Mr NOONAN** (Minister for Police) — I am very pleased to respond to the members for Macedon and Narre Warren South on two very important issues of policy. I will respond initially to the member for Macedon, and I thank her for raising this very important issue and sharing some very kind words as well. I know community safety is very close to home for the member for Macedon. I am not surprised that already in the short time she has been a member she has sought to involve herself in the local community safety committee. I want to place on the record an endorsement of the member's comments in terms of the paramount significance of family violence, which has been clearly articulated by this government as the no. 1 law and order issue.

To the member for Macedon I say I look forward to visiting her electorate at the first available opportunity to talk about the importance of upgrading the police radio system in country Victoria from an analog system to a digital system. This issue was first raised directly with the Premier and I when we attended the Police Association's conference late last year. In fact we heard from the local sergeant, Eamon Leahy, from Maffra, who told us about this ability of people with criminal intent to download an app onto their smart phone to

listen to police radio communications on about a 10-second delay.

As a result of that we were invited — and I was invited personally — to travel to the Gippsland region to experience firsthand, by sitting in a police car, what that translated to. I was quite astounded because there was an exchange of personal information over the radio network that the police use. Obviously across vast geographical areas of country Victoria that creates some real difficulties in terms of police being able to do their job well.

This issue was brought to a head late last year when there was a police pursuit which moved right through the Gippsland region. At one stage almost 9000 people were listening in to that chase live. That cemented Labor's policy position in opposition to commit \$10 million to upgrade the police radio system from analog to digital. It is a very big commitment; it is a commitment which is about lifting safety for our serving dedicated police men and women; it is also a very important policy in terms of improving community safety outcomes. Again, I thank the member for raising that issue tonight on the adjournment, and I look forward to visiting her in her electorate.

To the member for Narre Warren South, I say that, again, this is a very important policy issue, and I am grateful to her for raising the police and clinical emergency response units on the adjournment debate. As the member said, it is very timely because we have been debating amendments to the Mental Health Act. The member would be acutely aware of the significance of mental illness in our community and the difficulties of the interface when people with mental illness come into contact with police.

The member has properly outlined that there are some real advantages in police working with our mental health clinicians, and I note that the Minister for Mental Health is also in the chamber — so that police and experienced clinicians are in the same car to respond to emergency calls when a person with a mental illness is becoming acutely unwell. I acknowledge the member's interest in this issue, and I say to her that this is the sort of initiative that is supported across the chamber. I am well aware of that because it was something we initiated when we were last in government by way of trial. It was then picked up by the previous government and it has been embraced wholeheartedly by our government. I very much look forward to making a visit to the member's electorate and to speaking with both police and the mental health clinicians, if possible, during that visit.

I would also make the point that this is a much more effective way for the consumer — the person who is acutely unwell — to receive the sort of treatment and care that they so dearly deserve when they are at the most acute end of their illness. I thank the member for raising this matter.

**Mr FOLEY** (Minister for Housing, Disability and Ageing) — I rise to respond to the member for Bendigo West, who raised a totally reasonable adjournment matter regarding the ill-advised position that the City of Greater Bendigo has taken on potentially removing itself from home and community care. The member clearly and accurately set out the facts of the matter. Home and community care services in Bendigo and the wider Victorian community are fundamental to providing quality of life to frail, isolated and elderly Victorians, assisting them to live better quality lives and to remain in their homes longer, giving them greater independence and control over their lives.

This is a goal you would have thought the City of Greater Bendigo, like most councils — in fact nearly all councils — in Victoria would support, because that is precisely what was agreed to in 2013 by every Victorian municipal council and the peak body, the Municipal Association of Victoria, and what the Baillieu government and its successor, the Napthine government, and this current government have supported. It was agreed that the provision of that service should be reflected in the national disability insurance scheme, which will be rolled out soon and which will pick up that proposition.

The member and many people in her electorate have alerted me to the fact that there is some disquiet in that community about the plan foreshadowed by the City of Greater Bendigo to possibly walk away from that commitment to home and community care. I am advised that the council has 165 staff involved in the delivery of this service, which is delivered to 2500 clients who are members of this community. You can just imagine the distress and uncertainty the council's position has created.

It should be made clear that the City of Greater Bendigo receives from the state and other services outside its revenue base \$6.1 million a year in funding to deliver the home and community care service. The council itself provides a \$1.4 million contribution in addition to that \$6.1 million. I can assure the member for Bendigo West and her constituents that the \$6.1 million contribution from the government is secure. I join her in calling on the Greater Bendigo City Council to commit to its \$1.4 million and for it to reconsider its in-principle decision, which is currently under review, and not do anything other than continue

to support the provision of home and community care services in its municipal boundaries.

This is a disappointing position for the member and for the government to be in, because we had expected the Greater Bendigo council, like the rest of local government, to honour the commitment that its peak body, the Municipal Association of Victoria, delivered in this regard. I urge the City of Greater Bendigo to take the advice of its peak body, the Municipal Association of Victoria, and join with the member for Bendigo West in securing not only this funding but this service for the benefit of some of Bendigo's most vulnerable and isolated citizens. I thank the member for her contribution.

**Ms HENNESSY** (Minister for Health) — I thank the member for Frankston for his request and in particular his commitment to parents and children in his electorate. I am very pleased, having heard his adjournment matter, to commit to extending funding of the Healthy Mothers, Healthy Babies program in Frankston. The Department of Health and Human Services recently conducted an evaluation of this program and identified some incredibly positive results in terms of the health, mental health and general wellbeing of the clients who participated in this terrific program. Women who participated in the program reported improved nutrition, cessation or reduction of smoking, minimised use of alcohol/illicit substances, improved physical activity and improved confidence and parenting skills.

A key finding of the most recent needs analysis was that Frankston is an area of high need in this regard. It is ranked seventh out of the 79 local government areas on a range of indicators, which include teen pregnancy, number of unborn children, reports to child protection, the percentage of low birth weight babies, and the percentage of babies fully breastfed to three months of age. So we do understand there is a need for investment in that area. Given that needs analysis, this government believes it is most appropriate that funding be extended to Frankston. Again, I thank the member for Frankston for his advocacy and his interest in this program. I look forward to being part of setting it up and seeing it running at Frankston Hospital in the coming months.

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — A number of other members have raised a range of issues with various ministers. I will pass those issues on to those ministers.

**The ACTING SPEAKER (Ms Ryall)** — Order! The house stands adjourned until tomorrow.

**House adjourned 7.38 p.m.**

### **GEORGE CROUCH**

On completion of his service in the Royal Australian Navy during the Second World War, George joined the Victoria Police on 2<sup>nd</sup> July 1946.

After training he was appointed to beat duty from the Russell Street complex. At about 9.30 p.m. on Wednesday 16<sup>th</sup> April 1947, whilst working the Parliament House beat he was on his point at the Treasury Building when he heard a gunshot in the Treasury Gardens. He immediately ran in that direction and, as he did so, heard another shot.

On arriving at the scene, in a dark section of the gardens, about 50 metres from the intersection of Spring and Collins Streets, he saw Henry Jenkins crouched on the grass with a sawn-off shotgun in his hands. Some metres away, Miss Jessie Ruth Grant was lying mortally wounded with gunshot wounds in the abdomen and legs. She was screaming out that Jenkins had shot her.

George then called on Jenkins to put the gun down, but he refused to do so and George took what shelter he could behind a tree. He tried to shoot Jenkins but his pistol would not fire and as he was making an attempt to apprehend Jenkins, William Henry Vance of Buckingham Street, Richmond ran at Jenkins from another direction. At this time Jenkins fired another shot and George, not knowing the part Vance was playing in the occurrence, ran to the two men.

Jenkins was still in possession of the gun and Vance, who was standing close by, was knocked over by George. The firearm, a sawn-off shotgun, loaded and cocked in the left barrel, fell to the ground. George then saw that Jenkins was wounded in the abdomen.

Jenkins was later declared insane and committed to the Ararat Mental Hospital.

For his actions that day, George was awarded the Valour Badge for 'Confronting an armed offender'.

From July 1947 he served at Carlton on beat duty until May 1948 when he spent duty with the CIB Special Patrol. In March 1949 he was appointed to the CIB and stayed in that branch at various locations until April 1950. Between that time and July 1950 he was seconded to the CIB branches at Canberra and Sydney.

He stayed in the CIB until his resignation on 11<sup>th</sup> March 1953.

He rejoined the force on 18<sup>th</sup> August 1958 and spent the following years at Carlton on beat duty, Victoria Dock on wharf patrol and Russell Street on administrative and general duties.

He resigned from the Victoria Police with the rank of Sergeant on 15<sup>th</sup> October 1979. Apart from his award of the Valour Badge, he was also entitled to the Police Long Service and Good Conduct Medal.

**Introduction:** *Sub-branch President to introduce himself.*

On behalf of the Returned and Services League and the Whittlesea RSL sub-branch, its committee and members, we extend condolences and sympathy to the family of George Crouch. We are assembled here to pay tribute to one who served with us in the defence of freedom. His ex-service colleagues know how well he served.

PM4668 Able Seaman Radar Operator George Crouch enlisted in the Royal Australian Navy on the 12<sup>th</sup> August 1942. After training at HMAS Cerberus part of his service was spent on shore at the training bases *Lonsdale, Rushcutter, Penguin* and *Melville*. His sea time was served in the Cargo Vessel *Kybra*, the Destroyer *Napier*, the Survey Sloop *Moresby* and Corvettes *Cairns, Wollongong* and *Warrego*.

The *Wollongong* became a unit of the Eastern Fleet late in 1942 and was based in Diego Garcia where she operated on escort patrol in the Indian Ocean. In mid-1943 she served in the Mediterranean Sea. After returning to Australia for refit, the concluding months of hostilities were spent in the Manus Island area. Between March and May 1945 she participated in the capture of Okinawa.

In July 1945, the *Warrego* was a unit of the Task Force that supported the Australian troops landing at Balikpapan and Borneo.

He was discharged on 18<sup>th</sup> April 1946 after serving 600 days abroad and received the following awards:

1939–45 Star

Pacific Star

War Medal 1939-45

Australia Service Medal 1939-45

Returned from Active Service badge

We remember the fine qualities of George Crouch, now lost to us and recall the RSL traditions of service to the veterans, their dependants, the needy and the bereaved.

**They shall grow not old as we that are left grow old.**

**Age shall not weary them, not the years condemn.**

**At the going down of the sun and in the morning**

**We will remember them**

Congregation to repeat *We will remember them*.

The red poppy is a symbol of sacrifice. I place this poppy in abiding memory of George Crouch. I now invite the immediate family, ex-service men and women and anyone else who wishes to demonstrate their love and devotion for Arthur to also lay a poppy.

*On conclusion of the laying of the poppies*

Please stand. We will now have a moment's silence and during this time I ask that you focus your hearts and minds on your fond memories of George and give thanks.

In a moment the *Last Post* and *Rouse* will be played. *The Last Post* is played to indicate that George Crouch has completed his life's work and has entered into his rest. After one minute's silence *Rouse* is played, symbolising the awakening of the soul into a new life.

**LAST POST**

*At the conclusion of the Last Post say*

**LEST WE FORGET**

**(One minute silence)**

**ROUSE**

Thank you. You may now be seated.

I would now like to present the family with an Australian Ensign from a grateful nation that is expressing its thanks to George Crouch for contributing to Australia's efforts in the Second World war.

*Step back, turn towards the casket, bow and return to the congregation.*