PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday 28 August, 2012

(Extract from book 13)

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By authority of the Victorian Government Printer

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

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

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Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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TUESDAY, 28 AUGUST 2012

Tuesday, 28 August 2012

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Messages read advising royal assent to:

17 August

Road Safety and Sentencing Acts Amendment Act 2012

21 August

Forests Amendment Act 2012
Residential Tenancies Amendment Act 2012.

QUESTIONS WITHOUT NOTICE

VicHealth: future

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. On the front page of the *Australian* this morning there is a summary of the Vertigan review of state finances, which includes a recommendation that the Victorian government should make a budget saving of the order of $30 million by not supporting the activities of VicHealth. Will the minister take the very first opportunity to guarantee that support for VicHealth will not be withdrawn as recommended by the review?

Hon. D. M. DAVIS (Minister for Health) — The interim report of the post-election audit chaired by Dr Michael Vertigan has been made available. Members in the chamber would know that the government has made no decision about the final report, which is a cabinet document that was used in budget deliberations. Any commentary about the contents of the report is purely speculative and hypothetical.

However, quite separately to the Vertigan report, as health minister I can indicate clearly that VicHealth is a very important organisation in our state. It is a body that has a strong future, a good new board and a new strategic plan which is being put in place at the moment.

Mr Lenders — At the moment?

Hon. D. M. DAVIS — Yes, the discussions are happening currently; it is good.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, I am interested, as I am sure you are, in the part of the minister's answer after the word 'however'. Should the community take it, from the words that followed 'however', that the minister has guaranteed the funding of VicHealth — yes or no?

Hon. D. M. DAVIS (Minister for Health) — The minister has more than guaranteed the funding of VicHealth; he has indicated that it is a very important body. It is a body that has had longstanding bipartisan support and that has a very important future in providing the very best and highest quality of health promotion work in this state.

Building industry: federal regulation

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Employment and Industrial Relations, and I ask: can the minister update the house on the confrontational behaviour of unions in the Victorian construction sector?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. We have always said that these are challenging times for businesses in Victoria, in particular the retail industry, the manufacturing sector and the construction industry. We have always said that we would put forward a strong economic plan to ensure that our strategy keeps our state's industries strong and competitive so that, in turn, they can generate jobs and the investment we need.

We have always said that we need to have a strong budget and that we need to be able to fund infrastructure and provide quality services. We are doing that through our manufacturing strategy, and we are doing that through our international engagement strategy to encourage new business growth. Yet for every step forward we take, the commonwealth seems intent on taking us two steps back. Nowhere is this more evident than the damaging impact of federal Labor's changes to workplace laws.

Today, in this city's retail district, we have witnessed a resurgence of the extreme militancy of the construction unions, whereby we have had members of our police force being attacked by protesters, led by Construction, Forestry, Mining and Energy Union officials. The police were there to protect the rights of the Grocon employees so that they could safely get to their workplace. Workers at the Myer Emporium

construction site have been subjected to some very ugly vilification and intimidation by the union bosses. If anything, this sort of behaviour threatens a return to the bad old days of the Builders Labourers Federation. It is an indictment of the changes in our workplace laws that have been drafted by the Prime Minister and are now operating under her workplace relations minister, Mr Shorten.

We said at the time in our submission to the commonwealth's Fair Work Act review that there needed to be ample scope for legislation to lift productivity and competitiveness whilst still maintaining safety net guarantees in relation to minimum wages and conditions. Yet what we are finding is that there is an increased need for the unions to have a right of entry, and they sought to whitewash the issue of productivity performance.

The two issues that we raised in our submission were about pattern bargaining and illegal pickets. They were swept right under the carpet. It is no wonder that that particular issue was swept under the carpet because — guess what! — Mr Shorten, in the dead of night in federal Parliament, abolished the Office of the Australian Building and Construction Commissioner (ABCC). That was the only watchdog available to apply heavy fines for militant and unlawful behaviour in the construction industry. We warned Mr Shorten at the time that this reckless decision to neuter the industry watchdog would unleash more lawlessness on our construction sites in Victoria. We warned him that the appalling appeasement of the standover men of the construction unions would have severe ramifications for public order and for construction costs in this state and elsewhere.

Today we have seen what happens when the most militant union leaders think they have the power to act with immunity. These union leaders are defying a Supreme Court order. They are causing public disorder and stopping Victorians getting on with their legitimate business. Just a fortnight ago I raised this very issue with Mr Shorten at the workplace relations ministers select council in Melbourne. I raised with him the concerns about the ABCC, and I raised the concerns about some of the wildcat campaigns that were happening. This is not the first time; we have seen illegal pickets at Baiada Poultry, AiDair, Schweppes and Coles-Toll continue to impact on Victoria. This unnecessary burden on our business is creating enormous problems, and it is interesting that those opposite are always silent on this issue.

Early childhood services: funding

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Children and Early Childhood Development. The final and unreleased report of the independent review of state finances, reported on in today's *Australian*, appears to make a number of recommendations about kindergartens and early childhood education. One of those recommendations appears to be that the state government wind back direct funding of kindergartens and early childhood education. Will the minister rule out her government walking away from funding kindergartens and other early childhood education in Victoria?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — Firstly, I would say that the Vertigan report is a cabinet document, and I am not about to discuss cabinet documents. However, what the shadow minister is asking me to comment on is speculation in a media release. I hardly think that speculation in a media report is government policy. What I am happy to tell the minister is that we strongly support kindergartens in Victoria — —

Mr Lenders — She's the shadow minister. You're the minister; remember?

Hon. W. A. LOVELL — Sorry; I tell the shadow minister that we have strongly supported kindergartens in Victoria, and we will strongly support them into the future. We have provided $80 million for infrastructure in our first two years. We have secured enrolment-based funding to ensure that there is a funded kindergarten place for every four-year-old, ongoing. We do not have to go back every year and beg for funding for kindergartens.

We have committed an additional $10 million to the kindergarten inclusion support services program to ensure that 246 additional kindergarten inclusion support packages are available for children with disabilities. We have established small rural grants — $6 million over four years to ensure that small rural kindergartens are supported with a grant of up to $20 000 to assist them to be viable. We have secured ongoing funding for the early start kindergarten program for three-year-olds, and we have also committed an additional $14.2 million to expand kindergarten cluster management. We are strongly supportive of kindergarten services in Victoria.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — The minister has completely ignored the question I asked about the Vertigan report. Parent committees across Victorian kindergartens will be very concerned about the minister's lack of response. Today's *Australian* article also refers to the privatisation of many government services. As many kindergartens are in fact situated on Department of Education and Early Childhood Development land, will the minister rule out her government selling off any DEECD property on which a kindergarten currently operates?

The PRESIDENT — Order! I have trouble with that question because I think it goes to a substantively different proposition to that contained in Ms Mikakos's original question.

Ms Mikakos — On a point of order and to assist you, President, in my substantive question — my first question — I made reference to a number of recommendations contained in the *Australian* article, which appear to be the contents of the Vertigan report, one of which relates to funding and one of which relates to privatisation, and I did actually refer to that in the earlier question.

The PRESIDENT — Order! I thank Ms Mikakos for the clarification. I will allow the minister to answer if she wishes. I still have concerns about the substantive matter in the supplementary question compared with the original question, notwithstanding the link that Ms Mikakos has established. One of my concerns about links is that this is a newspaper report, and I am not sure whether or not the newspaper report is in fact itself an accurate reflection of the report that has been referred to in the question. On this occasion, thanks to Ms Mikakos's clarification, I will allow the minister to answer.

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I have a number of concerns with the way the shadow minister asks questions and the way she verbals me. This is speculation in a media article. I repeat that the Baillieu government remains committed to Victorian kindergartens. We have a strong record of supporting Victorian kindergartens, and I personally, and the government, support the expansion of more children's services on education properties.

Ambulance services: recruitment

Mr DRUM (Northern Victoria) — My question is to the Minister for Health, who is also the Minister for Ageing, David Davis, and I ask: could the minister update the house on any recent developments with Ambulance Victoria's recruiting?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to respond to Mr Drum's question about Ambulance Victoria and recruiting. The chamber will remember the situation after 11 years of Labor where Ambulance Victoria had been run down day after day, week after week, including a botched merger by the then health minister, Daniel Andrews, now Leader of the Opposition in the Assembly. The Auditor-General's report pointed to longstanding failure and a declining performance over many years, a performance that will take some time to turn around, and I have always indicated it will take some time to turn around.

One key thing the government promised was $151 million for additional paramedics over four years. That process over those four years will see the training and recruitment of 310 paramedics and 30 patient transport officers, a total of 340 ambulance staff over those four years. I can inform the house that this process is proceeding well. Indeed 113 new paramedics and 30 patient transport officers have already been put in place across the state. Importantly also MICA (mobile intensive care ambulance) services have been put in place across the state. We promised 10 MICA single responder units in regional towns like Mildura, Shepparton and Wodonga.

I make it clear that in those regions there have been substantial additional paramedics and patient transport officers. In the Barwon region at Geelong 6 new patient transport officers have been put in place; in Warrnambool 6 MICA paramedics have been put in place as part of the MICA single responder unit; in Wonthaggi there have been 3 new patient transport officers and 6 MICA staff; in Morwell there have been 3 new patient transport officers; in Cowes, 6 new paramedics; 6 in Maffra; 12 in Grantville at the new station I was very pleased to open; in Ballarat, 6 new patient transport officers; and in Daylesford there have been new paramedics to follow the government's election promise of lifting from 1 to 3 the number of paramedics.

There are 8 new paramedics in Stawell, 3 in Wodonga and 3 in Seymour. There are 6 MICA paramedics in Shepparton. These are important additions. Members should bear in mind that those towns had never had full MICA paramedic services; they have never had a full roster of MICA paramedics available to save lives. This is a very important initiative, and one that I was pleased to announce with the Premier. In Alexandra there are an additional 6 paramedics; in Wangaratta, 6 MICA

paramedics; in Wodonga, 6 MICA paramedics; in Bendigo, 6 paramedics; in Mildura, 6 MICA paramedics; in Woodend, 6; in Maryborough, 6; in Kyabram, 6; in Sunbury, called Jacksons Creek, 6; in Cranbourne North, called Lyndhurst, an additional 6 paramedics; and in Belgrave, 6 paramedics. That is a total of 113 new paramedics, and 30 patient transport officers — a significant increase in ambulance resources into country Victoria.

I was pleased to attend just last week a graduation ceremony for ambulance paramedics, both ALS — advanced life support — paramedics and MICA paramedics, including 14 paramedics and 4 MICA flight paramedics. Eleven flight paramedics with ALS training also completed their graduate certificates. The graduates at that graduation ceremony have a fantastic commitment to supporting our community, and the importance of the MICA paramedics in regional Victoria cannot be understated.

I know Mr Drum understands that across northern Victoria, which is one of the main beneficiaries of the additional paramedics, for the very first time in history places like Wodonga and Mildura will have full MICA rosters, providing support for people in need, providing support for people who have not had support in the past. Eleven years of Labor government did not see those MICA paramedics delivered.

Health services: future

Mr JENNINGS (South Eastern Metropolitan) — I will give the Minister for Health another opportunity to see how our timing system works. According to a front-page article in today's *Australian*, the Vertigan review of state finances recommends that the Victorian government privatise health services along the lines of the ongoing private ownership of the Mildura hospital. Will the minister take this opportunity to rule out the further transfer of public health services to the private sector?

Hon. D. M. DAVIS (Minister for Health) — It will not surprise the member that I indicate that while the interim report of the post-election audit, chaired by Dr Michael Vertigan, has been made available, the government has made no decision about releasing his final report, which is a cabinet document and which was used in budget deliberations. Any commentary about that report or the contents of that report is purely speculative and hypothetical. But I can indicate a strong commitment to public services in Victoria, an expansion of public services, and I can indicate the government has no intention of taking any of the steps that Mr Jennings has suggested.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, I am sure you heard the operative word — it was 'but' — in the minister's answer. The words after 'but' indicated that the minister was almost drawn to give a guarantee not to privatise service. But he did give a guarantee to grow services across Victoria, and I think that is quite a remarkable commitment that he has made, and we look forward to that. Has the minister sought or received any advice along the way which would indicate the risks at which he may place commonwealth funding for public health purposes in Victoria if there is a transfer of health services from the public sector to the private sector?

Hon. D. M. DAVIS (Minister for Health) — I am not familiar with the point that the member is making. I make the point very clearly that the government has a strong commitment to public services. I have to say — —

Mr Jennings — You can't understand that you are putting the budget at risk by privatising services.

Hon. D. M. DAVIS — The point here is that the government is determined to grow public services in Victoria, to increase funding, and I have to say we have a strong commitment to public services and look to grow them all over the state.

Housing: homelessness action plan

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Housing, the Honourable Wendy Lovell, and the minister knows it is a matter that is very important to me, as it should be to all of us. Can the minister outline how the Baillieu government is directly addressing the issue of homelessness as a result of domestic violence?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and for his ongoing interest in some of the issues that face many people in the Victorian community. Today I am very pleased to announce over $1 million to fund the Families at Home innovation action project. It is an innovation action project that will specifically deal with the issues of domestic violence and the homelessness response. It is part of our $76.7 million Victorian homelessness action plan (VHAP). In April this year I was proud to announce 10 innovation action projects. At that time I said I would work with the domestic violence sector to develop a domestic-violence-specific response for an innovation action project. As I said, today I am very

pleased to announce the Families at Home innovation action project.

It will be delivered in the city of Whittlesea in the member's electorate. The key partners in this project are Uniting Care Kildonan, Salvation Army Crossroads and HomeGround Services. These three key partners will be supported by the City of Whittlesea, the Heidelberg courts and the Rotary Club of Melbourne. These agencies will work together to ensure a holistic early-intervention response is provided, and will work with the whole family to create household, family and relationships stability. Of course central to the model will be the safety of women and children.

We now have 11 innovation action projects operating under VHAP which have received in excess of $11.7 million in funding. A further $13.3 million will be allocated to upscale and extend the innovation action projects that show success. We have a proud record of investing in homelessness services. In our first two years in government we have so far allocated over $93 million to homelessness services. That includes $76.7 million as part of our Victorian homelessness action plan; $4.7 million for the support for high-risk tenancies program; $4.1 million for accommodation options for families, additional support for families and associated rental brokerage; and $7.6 million for the Opening Doors program. This government has shown its credentials in funding homelessness services. We take homelessness very seriously and in particular we take domestic violence very seriously, and we would not politicise those issues.

Aged care: future

Ms MIKAKOS (Northern Metropolitan) — My question is for the Minister for Ageing. I again refer to the *Australian*'s report on the final and secret independent review of state finances, and specifically the recommendation that the state government entirely vacate the field on the provision of aged-care services in Victoria. Will the minister rule out the sale, outsourcing or privatisation of any existing publicly owned residential aged-care facility?

Hon. D. M. DAVIS (Minister for Ageing) — I detect a theme. I begin by saying that the interim report of the post-election audit chaired by Dr Michael Vertigan was made available. The government has made no decision about the final report which is a cabinet document and which was used in budget deliberations. Any commentary about the contents of the report is purely speculative and hypothetical. But let me be quite direct with the member. The government is committed to supporting aged-care services across the state.

My concerns about aged-care services have been put on the record in this chamber. They relate to the commonwealth's change to the adult, community and further education formula and the impact that will have on public, private and denominational services around the state. As a very clear indication of the government's direction and intent I would point members to the recent budget papers, which show an $18 million commitment to aged-care funding in Victoria and a further long-term commitment, in additional funding and capital development, to aged-care services within the public sector.

Supplementary question

Ms MIKAKOS (Northern Metropolitan) — I am very disappointed, and I am sure senior Victorians will be very disappointed, by the minister's failure to rule out the privatisation of publicly owned aged-care facilities, particularly in light of the fact that last year at the Public Accounts and Estimates Committee hearings he also failed to give a guarantee against privatising aged-care facilities. The reason Victorians would be concerned is that the minister's party has form on this issue — for example, the Kennett government privatised aged-care services in Bairnsdale, Paynesville, Warrnambool and Mildura. So I ask again: will the minister give a guarantee that he will rule out privatising publicly owned aged-care facilities in Victoria?

The PRESIDENT — Order! My concern about this supplementary question is that it simply repeats the substantive question. A supplementary question should actually take something from the substantive question as well as taking into account the minister's answer. On this occasion I will allow the question to proceed — and the minister is clearly ready to respond to the question — but in terms of framing these questions we do need to be careful that a supplementary question does not simply repeat the substantive question. I understand the frustration of members at times when they do not feel they get an answer that is adequate to their expectations, but nonetheless the rules on supplementary questions require something a little different in terms of the proposition put to the minister.

Hon. D. M. DAVIS (Minister for Ageing) — That is a very well made point, President. The point I was going to make to the member is that her supplementary question seems to me to be the same as the substantive question, and I had actually provided a very full answer. I have made the point about the Vertigan

report, which is a cabinet document that was used in budget deliberations. The contents of the report that the member is referring to are purely speculative and hypothetical.

However, the point I am trying to make here is that the government's direction on aged care is clear: we are supporting growth in the public sector, and in the budget this year we put capital money towards expanding aged care in Swan Hill. That is a very clear example of the government's strong commitment to senior Victorians to expand the level of services and build for the future.

Footscray: urban renewal

Mr ELSBURY (Western Metropolitan) — My question is to the Minister for Planning, the Honourable Matthew Guy. Can the minister advise the house what action the Baillieu government has taken to advance inner city urban renewal in Footscray?

Hon. M. J. GUY (Minister for Planning) — I thank Mr Elsbury for asking — in that very croaky voice of his — a very important question in relation to urban renewal in Footscray. Again I congratulate him and Mr Finn on their advocacy for urban renewal in their electorate of Western Metropolitan Region.

I recently had the pleasure of joining Daniel Grollo and the mayor of Maribyrnong, John Cumming, to launch the beginning of construction on the project next to the Footscray railway station, the McNab Avenue development, which will see the beginning of $350 million worth of investment. A 12-storey signature office building is to be the first stage of urban renewal at the railway station precinct in Footscray.

This project has now spanned two governments. It has support from local government, and of course there is very strong local industry support for what will be a signature project for the Footscray central activities region. I say again that this project, which is being built by Grocon, Daniel Grollo's company, is one which the government is very proud to support, one which also received support, I will acknowledge, from the previous government and one which is going to transform the central part of Footscray. It will complement one tower in particular, which I have approved, with greater residential amenity and residential accommodation in this central activities precinct, and it will see the transformation of Footscray.

In the next 10 years we will see Footscray move from being an inner western suburb that was a residential base predominantly with a small activities area to one which will have a fantastic, vibrant central activities area comparable to anything in Melbourne's eastern suburbs of a similar distance. What we will see from this development, and indeed the ones that this government has brought forward in residential accommodation just up the road, is hundreds of people calling this activities area home.

Last year I informed this house of how the Baillieu government and the local council, the City of Maribyrnong, had put money towards new security cameras throughout the Footscray central activities area. One of the key things about bringing greater numbers of people to an activities area is to ensure that services and amenities are in place to make that activities area livable. We put that in place early, before towers and office blocks were being built. I was there with Mr Finn and Mr Elsbury to launch that project last year. The project will see a greater level of police presence, where police can monitor what is happening throughout that central activities area, for the 1200 jobs that will come after two years of construction at the McNab Avenue precinct. It is a fantastic precinct. As I said, it is one that has had a lot of support both from the previous and current governments and the council. It is one that will see a jobs precinct of $350 million. Congratulations to Grocon for taking on the — —

Hon. R. A. Dalla-Riva interjected.

Hon. M. J. GUY — Yes, Mr Dalla-Riva, and the Construction, Forestry, Mining and Energy Union. Congratulations to Grocon for taking on the challenge to ensure that this project can go ahead to complement what the state government sees as a perfect vision for the Footscray activities area, just 600 metres from the biggest port in Australia, just a few kilometres from one of the biggest concentrations of jobs in the Southern Hemisphere — that is, the Melbourne CBD — and of course just a few kilometres from what will be the biggest urban renewal project in Australia, Fishermans Bend.

Regional rail link: environmental management plan

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning. An incorporated document to various planning schemes governs the progress of the regional rail link, as Mr Guy would know. Condition 5.2 of that document requires that the project proceed generally in accordance with an environmental management plan to the satisfaction of the responsible authority, which is of course the minister. This document is to provide, in the words of the incorporated document, 'an integrated and

accountable framework for managing environmental effects during project construction and operation'. When I asked the minister in June last year about the progress of this document, he said that it had to be prepared three months before major construction begins. He said at the time that he expected it to be fairly soon and that it would arrive fairly quickly. Can the minister tell the house whether the environmental management plan for the regional rail link has now been approved by him?

Hon. M. J. GUY (Minister for Planning) — I cannot tell Mr Barber the exact date; I apologise for that. I will take the question on notice and get him the exact date.

Supplementary question

Mr BARBER (Northern Metropolitan) — I presume that was a 'yes' — that it has been approved. Will the minister commit to making the document available on the Department of Planning and Community Development website, along with a range of other documents that are there describing the regional rail link project, including the noise assessment and so forth, because if the document is to provide 'an integrated and accountable framework for managing environmental effects during project construction and operation', the public would need to see it?

Hon. M. J. GUY (Minister for Planning) — Indeed it is a fair point. I will take that on notice and provide that as part of the substantive answer to Mr Barber.

Vocational education and training: awards

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Minister for Higher Education and Skills, Mr Hall, and I ask: as this is National Skills Week, could the minister advise the house what areas of excellence within Victoria's training system have recently been acknowledged and how the government is looking to build on these achievements?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mrs Peulich for her question and great interest in vocational training here in Victoria. She is right when she says that this week we are celebrating National Skills Week right across Australia. This is the second such occasion on which this week has been celebrated, and again I am pleased that the department and the government are prepared to support this week.

Members of the house might be interested to know that this training sector, the vocational training sector, saw in 2011–12 the fact that there were 387 000 students enrolled in vocational training programs. They were enrolled in some 499 000 courses, so of course some students doubled up and enrolled in more than one course. That is a 34 per cent increase on the previous year, and the early indication is that the second quarter of 2012 has continued to see significant growth in training activity.

Skills week brings the opportunity to celebrate lots of good things and excellence within the training sector.

Ms Broad interjected.

Hon. P. R. HALL — Ms Broad will hear some reference to that if she listens to my answer to this question. Victoria jumped a bit early into National Skills Week and celebrated last Friday night with the Victorian Training Awards 2012. I was joined at that event by the shadow minister, Steve Herbert, the member for Eltham in the Assembly, and I know Mr Elasmar was disappointed that he could not be there to celebrate the occasion.

Honourable members interjecting.

The PRESIDENT — Order! The minister, to continue without assistance.

Hon. P. R. HALL — A number of awards were presented on the night. The awards went to a diverse range of students from providers across Victoria. The Victorian Apprentice of the Year award was won by Sevag Parseghian from Kangan Institute. Sevag is studying a certificate III in automotive — —

Honourable members interjecting.

Mrs Peulich — On a point of order, President, I am struggling to hear the response because of the noise emanating from the opposition benches. Given that this is a topic supposedly of some interest, the members opposite should be listening. I ask that you ask for some peace and quiet so that we can hear the minister's response.

The PRESIDENT — Order! This issue is obviously of great interest to the community, particularly in a week that focuses on skills. The minister clearly has information that would be of interest to all members of Parliament; therefore, I ask that the minister continue his answer without robust cheerleading.

Hon. P. R. HALL — I was listing some of the winners of awards, which I am sure people would be interested in. We should acknowledge the success of these students, both young and old. The Victorian Koori Student of the Year award was won by Tiffany Hunter from Swinburne; the Victorian School-based Apprentice of the Year award went to Ellen Cameron-

Irving from Try Youth and Community Services; the Victorian Trainee of the Year award was won by Saadat Iqbal, who is studying telecommunications at GippsTAFE's Chadstone campus; Bret Ryan from South West Institute of TAFE won the Victorian Vocational Student of the Year award; and the Victorian Teacher-Trainer of the Year award, which is a prestigious award, was won by a very capable young fellow, Conor Mullan, from Chisholm Institute.

We also had a number of organisational awards. The Victorian Industry Collaboration Award was won by the Textile and Fashion Hub project, which is part of Kangan Institute. The Victorian VET in Schools Excellence Award was won by Bendigo Senior Secondary College. A number of other awards went to organisations including Central Gippsland Institute of TAFE, while ADM Systems won the Victorian Small Employer of the Year award. The Victorian Employer of the Year award was won by PACCAR Australia, and Crown Melbourne Ltd won the Victorian Employer Award for Apprentice Development. The Victorian Small Training Provider of the Year was FGM Consultants of Warragul and the Victorian Large Training Provider of the Year was won by Box Hill Institute.

There was a very broad range of participants. I want to finish my answer by saying this: despite the criticism that we have from the opposition parties with respect to vocational training, we are seeing Victoria leading the way in excellence and outcomes in the training sector, as exemplified by some very efficient and capable people who received training awards last Friday night.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — I have a supplementary question. Noting the minister's response and the fact that one of the winners was a teacher from Chisholm TAFE in my electorate, I ask the minister what further assistance the government is providing to Chisholm in order to build on that success?

The PRESIDENT — Order! I will allow the minister to answer, because I am feeling particularly benevolent today. However, he might be mindful of the fact that it is a supplementary question that goes quite extensively beyond the original question. The minister might bear that in mind as he addresses that question.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I did mention that one of the awards was the teacher of the year award, and that was won by Conor Mullan from Chisholm Institute of TAFE. I had a discussion with Conor, and he is engaged in programs that assist disengaged young people along the Mornington Peninsula and in the Frankston area.

When recently visiting the Frankston campus of Chisholm I was joined by my colleague Mrs Peulich and the member for Frankston in the Assembly, Geoff Shaw. We had occasion to announce that the government is making available a $1.5 million planning grant to look at the redevelopment of the Frankston campus of Chisholm. This will greatly assist people like Conor, the teacher of the year, to deliver programs that are important to the areas of Frankston and the Mornington Peninsula.

PETITIONS

Following petition presented to house:

Planning: Pakenham green wedge

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the state government's plan to turn green wedge land into commercial housing developments.

In particular, we note:

1. Green wedge open space plays an important environmental role as well as maintaining the livability of our community.

2. No commitment has been made to provide the infrastructure that new developments would need such as roads and schools.

The petitioners therefore request that the state government stop any plans to develop green wedge land at Pakenham unless there is an independent review looking at the community's need for open space and a funded plan to deal with the impact on schools, roads, public transport and other infrastructure.

By Mr SCHEFFER (Eastern Victoria) (292 signatures).

Laid on table.

ECONOMY AND INFRASTRUCTURE LEGISLATION COMMITTEE

Road Safety Amendment (Car Doors) Bill 2012

Mrs COOTE (Southern Metropolitan) presented report, including appendices, an extract from the proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mrs COOTE (Southern Metropolitan) — I move:

That the Council take note of the report.

In doing so, I would like to thank everybody who was involved. The report is on a bill brought into this place by the Leader of the Greens, Mr Barber. The evidence taken by the committee was extremely interesting. It is obviously a very timely issue, and although the term 'car dooring' is not yet in any of the English dictionaries, it will be very shortly, as we discovered.

It is interesting to note that although Mr Barber brought this bill to the chamber, the Victorian government was already doing a considerable amount of work on education for cyclists and road users alike and had run an important campaign on Facebook called Road User or Abuser. This campaign was targeted at young people, cyclists and road users alike, with a sticker campaign and quite an extensive education campaign which we heard many people discuss when they came to our committee hearings.

We received 94 written submissions, and we heard from seven witnesses at public hearings. It is interesting to note that over 1 million people ride a bike in Victoria every day, and we heard that although on the whole motorists do not take a great deal of notice of cyclists, it is important to understand that cyclists need to be more cognisant of some of the needs of motorists as well.

I would like to put on the record my thanks to members of the public who came to listen to our briefings and hearings. Our briefings were very well supported by a number of the stakeholder groups and private individuals. A number of people made very poignant, deep and meaningful submissions, including the parents of James Cross. James Cross died as a result of a car dooring incident in 2010. It was extremely poignant to hear the excellent submission from his parents, who called upon our committee to make a difference.

I am hoping the government will look at this report and take into consideration the findings and recommendations made by the committee. While we were still considering the results of our findings the government came out with new regulations which provide for considerably increased fines for car dooring. On 31 July — during the course of this inquiry — the government acted in line with our suggestion and made regulations to increase the penalty for car dooring to an on-the-spot fine of $352 and a maximum court-imposed penalty of $1408.

Whether demerit points should be increased was contentious. Whilst this is the subject of the minority report — and the Greens member on our committee, Colleen Hartland, felt very passionately about this — the committee overall decided there was not sufficient evidence to increase demerit points at this stage. Recommendation 3 states:

> As the monetary penalties for 'car dooring' have already increased through regulations, the committee recommends that the Legislative Council orders the Road Safety Amendment (Car Doors) Bill 2012 to be withdrawn.

This reflects on recommendation 2, which is about car-dooring incidents and demerit points. The committee suggested that if empirical evidence about the impact of any increase in fines is received, the issue of demerit points should be looked at again in two years. I understand the reason for the minority report, but we found that the peak organisations Bicycle Network Victoria and VicRoads did not agree on the introduction of demerit points.

I thank all the committee members: Jaala Pulford, Colleen Hartland, Candy Broad, Damian Drum, Bernie Finn, Simon Ramsay and Adem Somyurek. I also thank the staff: committee secretary Robert McDonald, research officer Vicky Delgos and research assistant Sean Marshall. They did an excellent job.

Ms PULFORD (Western Victoria) — The 2011 national cycling participation survey showed that over 1 million Victorians rode a bike each week, and around a third of those were children under the age of 10. Cycling enjoys far greater popularity than ever before for fitness reasons and also due to petrol prices, improved cycling infrastructure and Australia's success in global cycling sports of all disciplines — track, mountain and road. However, there has been a corresponding increase in the number of cycling injuries and serious accidents.

This inquiry dealt with Mr Barber's bill, which is seeking to introduce penalties and demerit points for what is known as car dooring. Labor supports an increase to the penalties to bring them into line with similarly dangerous behaviours on our roads. Labor also supports the reinstatement of the bike budget — another victim of the Baillieu government's budget cuts — to make roads safer for cyclists.

The committee heard competing evidence about the likely impact of demerit points reducing the risk to cyclists. Victoria Police said demerit points would help and would not be difficult to enforce. This evidence is on pages 29 to 31 of the report. The report instead recommends that VicRoads ought review this position in 2014 to see if fines alone are working. Unfortunately this was an area the committee could not agree on. Regrettably the government pre-empted the

committee's consideration of Mr Barber's bill and declared its hand, which in my view is typical of this government's arrogant attitude to the work of parliamentary committees.

I would like to acknowledge the committee staff: Robert McDonald, Sean Marshall and Vicky Delgos. The committee's report has been done for the million or so cyclists in Victoria. My husband did not turn up to our first date because he had been hit by a car on a bicycle training ride, but he was lucky, only spending a week in hospital. The witnesses from whom this committee heard, including Andrew Tivendale and Drs Martin and Cross, endured much more. Andrew lost a year of his life, and Drs Martin and Cross lost their beloved son James. I hope we have sufficiently honoured his memory in this report. I also hope the government takes seriously the need to monitor the efficacy of increased penalties and that it will act quickly if demerit points are required to turn around the increase in the rate of cycling accidents. I commend the report to the house.

Mr FINN (Western Metropolitan) — Shared use of our roads by cars and bicycles is an issue that will be of increasing importance as time goes on. If there is one thing that came out of our investigation of this particular bill, it is that there is fault on both sides. It is very simple for some people to suggest that car dooring is purely the fault of motorists, but there is no doubt in my mind — having had a view of this and related issues — that it is not just motorists who are at fault. In terms of the sharing of roads, cyclists are also at fault. Just this morning I saw a bike rider go flying through a set of red lights without any regard at all for other users, or the law. As a result of our investigation of this bill, that might be something we also take into consideration.

I have to mention that whilst Ms Pulford had some concerns about how this committee operated — —

Ms Pulford interjected.

The PRESIDENT — Order! I advise Ms Pulford that her interjections are just not on. If she needs to converse with somebody outside the chamber, she should show other members the courtesy of leaving the chamber and meeting with that person outside. We do not lean across fences; this is not a racetrack.

Mr FINN — Ms Pulford raised some concerns in her remarks about how the committee was conducted. I did not understand what she was talking about. I am strongly of the view — and I have worked on a number of committees over a number of years — that this was a very cooperative committee. We held a wide variety of views and we canvassed an even wider variety of views, and in the end we came to an almost complete conclusion. For the life of me I cannot understand why Ms Pulford came in here today and said what she did.

I commend the chair, Mrs Coote, on her efforts and other members of the committee because I believe they did a very good job.

Ms BROAD (Northern Victoria) — As the report acknowledges, the government changed its position in relation to the road rules in the course of this committee's deliberations, hence Ms Pulford's observations. I will address my remarks to finding 3 — that is, the matter of demerit points and the finding that the committee was unable to reach agreement about this matter — and draw attention to the body of the report where it indicates that 94 submissions were received on the matter of demerit points, 53 in support of demerit points and just 5 in opposition to demerit points, with 35 not expressing a view.

I wish to indicate that I believe, together with Victoria Police, that the case is made in support of the introduction of demerit points for this offence. However, in deference to the work of the committee and the recommendation that there should be some time allowed in order to determine whether the change in penalties already enacted by the government and police training will make a difference, I have supported the recommendations and the findings. However, it is my view, in line with the great majority of the submissions received by the committee, with the notable exception of VicRoads, that demerit points deserve to be applied to this offence, and I look forward with great interest to the findings and recommendations of this report being implemented and what the experience indicates in relation to the penalties.

Mr RAMSAY (Western Victoria) — I am also pleased to be able to stand here and speak on the findings of the report by the Economy and Infrastructure Legislation Committee on its inquiry into the Road Safety Amendment (Car Doors) Bill 2012. I thank and congratulate the chair of the committee, Andrea Coote, who did a sterling job in chairing the committee and also in providing this chamber with the recommendations from the committee's work.

As I listened to Ms Pulford's contribution I thought that I was in a different room, because my understanding was that the committee was very bipartisan in the work it did and also in its final findings — —

Mr Barber interjected.

Mr RAMSAY — Tripartisan, as Mr Barber said; there were three parties there. I had a strong interest in this inquiry given that I have an apartment in Albert Street where there is a bicycle lane. Every day that I drive into my apartment building I am concerned at both the number of bikes using the bicycle lane and the cars obstructing the view of those who want to turn in. It is a real issue here in the city in relation to how both road users — bicycles and cars — take responsibility for their actions. On that basis, I might say that the submissions were somewhat weighted in favour of the bicycle peak bodies, as was the oral evidence, and as were those of the peak bodies, VicRoads and Victoria Police, in relation to their positions on both the penalties and demerit points. However, I believe we have struck a right and proper chord in relation to our recommendations.

I hope this report will have a big impact on the appreciation of both bike users and people in cars of the dangers of sharing the road network. I look forward to not so much the marketing programs but the promotional campaigns that might develop out of these recommendations in relation to enhancing awareness of the issues raised in this report.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 12 of 2012, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Orders of 8 June 2012, 20 June 2012 and 13 August 2012 giving approval to the granting of a lease and licences at Camperdown Public Park Reserve.

Minister's Order of 15 August 2012 giving approval to the granting of a lease at Queens Park Reserve.

Minister's Order of 20 August 2012 giving approval to the granting of a licence at Alexandra Gardens and Alexandra Park Reserve.

Linking Melbourne Authority — Report, 2011–12.

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

Brimbank Planning Scheme — Amendment C131.

Campaspe Planning Scheme — Amendment C88.

Corangamite Planning Scheme — Amendment C32.

Greater Bendigo Planning Scheme — Amendment C129.

Greater Geelong Planning Scheme — Amendment C249.

Hobsons Bay Planning Scheme — Amendment C89.

Hume Planning Scheme — Amendment C142.

Macedon Ranges Planning Scheme — Amendment C71.

Melton Planning Scheme — Amendment C124.

Moonee Valley Planning Scheme — Amendments C106 and C110.

Stonnington Planning Scheme — Amendment C165.

Warrnambool Planning Scheme — Amendment C86.

Wyndham Planning Scheme — Amendment C146.

Prevention of Cruelty to Animals Act 1986 — Revocation of Code of Practice for the Welfare of Horses Competing at Bush Race Meetings and Code of Practice for the Welfare of Horses Competing at Bush Race Meetings (Revision 1).

Road Safety Camera Commissioner — Report, 2011–12.

Victoria Police — Chief Commissioner — Report under section 96 of the Drugs, Poisons and Controlled Substances Act 1981, 2011.

BUSINESS OF THE HOUSE

General business

Mr LEANE (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 29 August 2012:

(1) notice of motion given this day by Mr Tee to revoke amendment C102 to the Port Phillip planning scheme;

(2) notice of motion 384 standing in the name of Mr Barber relating to the provision of the air emission study and human health risk assessment Alcoa Anglesea power station report;

(3) notice of motion given this day by Mr Somyurek relating to Victoria's automobile industry;

(4) notice of motion given this day by Mr Lenders relating to the priorities of the government;

(5) order of the day 32, consideration of a minister's answer to a question without notice in relation to Auslan courses;

(6) notice of motion given this day by Mr Lenders to take note of a press release; and

(7) order of the day 12, consideration of a petition in relation to duck shooting.

The PRESIDENT — Order! I would have been happier if the actual ministers had been named in this motion. When taking note of a press release — whilst the opposition might know the press release involved — it would be more satisfactory for the house and further afield if the material is identified as a media release from whichever minister. In relation to the Auslan courses, it would have been helpful if the motion had noted Mr Hall as the minister rather than simply incorporating the subject matter.

Mr Leane — The media release was from Mr O'Brien, who is the Minister for Energy and Resources.

The PRESIDENT — Order! Yes, and the notice was given earlier, but I think this motion should reflect the same terminology.

Motion agreed to.

MEMBERS STATEMENTS

Children: Take a Break program

Ms MIKAKOS (Northern Metropolitan) — The aftermath of the Baillieu government's cruel cuts to the Take a Break occasional child-care program is continuing. With the Leader of the Opposition in the Assembly, Daniel Andrews, and John Lenders, I recently visited the Godfrey Street Community House, which lost its Take a Break funding as a result of the cut last year. Godfrey Street Community House joined with another five centres in the city of Glen Eira that have been impacted by the cuts, and together they voiced their concerns in an open letter to the Baillieu government. Local families are concerned that local MPs Elizabeth Miller and David Southwick, the members for Bentleigh and Caulfield in the other place, are ignoring their concerns.

The problem has been compounded for centres such as the McKinnon occasional child-care centre, which lost its government-paid public liability insurance and which has been quoted almost $4000 to replace it. Other centres are facing much higher insurance premiums.

Just last week I visited the Cottage, which is run by the Wyndham Community Education Centre, with the member for Tarneit. This is yet another centre which has been forced to raise its fees as a result of losing its Take a Break funding, leading to fewer enrolments, and it is now preparing to close in December.

Minister Lovell's response to these closures is to deny all responsibility. In her response to an adjournment matter I raised last week the minister was unaware that the federal Minister for Early Childhood and Childcare, Kate Ellis, recently announced the successful recipients of occasional child-care places in Victoria. The list includes many rural and regional towns where occasional child care is often the only child care available, including many in Minister Lovell's electorate, and there are more places to come. Despite Minister Lovell's oft-repeated claim that if the federal government came to the party on occasional child care, then so would she, the Baillieu government is more concerned with catching a mythical big black cat!

Victorian families continue to bear the very real consequences of this government's muddled priorities. It is time for Minister Lovell to honour her word and restore the Take a Break funding.

Forests: protection

Mr BARBER (Northern Metropolitan) — Last sitting week I was disturbed to hear Mr Philip Davis make some extremely harsh allegations against environmental protesters who were seeking what most Victorians agree on — that native forests should be protected from woodchipping. It seems his allegations were based on a loggers' press release, but footage has now emerged telling a very different story. It is disturbing that an MP would use the chamber to give political justification to a violent and possibly criminal act against non-violent environmental protesters. It underlines that the ecological and economic madness that is native forest woodchipping should and must come to an early end.

North Eastern Prayer Breakfast

Mrs KRONBERG (Eastern Metropolitan) — As patron of the North Eastern Prayer Breakfast, I am delighted to share our joy at having the opportunity to celebrate in communion and fellowship the fourth year of our annual event. On Friday, 17 August, in Bulleen and in the morning light we welcomed another large crowd of people wishing to hear an inspirational

message. This year we heard from Mr George Savvides, CEO of Medibank Private, who delivered a most inspiring and moving address on leadership.

None of this would be possible without the wonderful work and dedication of our organising committee, led by the chairman, Reverend Russell Crockford, assistant pastor Hal Grix, Sue Lee, Lydia Tweedie, Dawn Gubb, and our master of ceremonies, Ray Walker. I wish to thank them for their commitment and professionalism and look forward to working with them for the fifth annual North Eastern Prayer Breakfast in 2013.

Love in the Name of Christ, Manningham: 10th anniversary

Mrs KRONBERG — On another matter, Sunday, 26 August was also a special occasion as LinC, meaning Love in the Name of Christ, celebrated its 10th anniversary at the East Doncaster Baptist Church. LinC Manningham serves the community by reaching out to those in crisis and need through the tireless work of its volunteer network. Women fleeing family violence, families struggling to cope and to feed their children, the frail elderly and the lonely are all supported and given practical assistance to help them through life's travails and challenges.

The inspired and inspiring members of the LinC team, led by the chairman, Ian Bennett, and manager, Edith Holley, continue to set an example for us all as they serve those less fortunate in the community. The former national chairman, Hal Grix, was fittingly recognised for his service and energetic leadership. LinC is a splendid example of Christians selflessly and modestly working to ease the burden of others.

Occupational health and safety: Warrnambool accident

Ms TIERNEY (Western Victoria) — It is with great sadness that I rise to speak on the tragic deaths of two drilling rig workers in western Victoria yesterday on the *Stena Clyde* mobile rig stationed approximately 90 kilometres offshore from Warrnambool. This morning's media reports state that the two men, a 32-year-old from the Northern Territory and a 60-year-old from Scotland, were killed when the heavy machinery they were operating failed and they were struck by a dislodged part of the drill. Nothing could prepare a family for losing a loved one at work, and I pass on my deepest sympathies to the families and colleagues of those two men.

Work-related fatalities, injuries and illnesses have an enormous impact on all facets of Australian society. Workplace fatalities affect workers' families, colleagues, employers and the community. Much work is being done to highlight the importance of workplace safety; however, there are still incidents and accidents with the worst possible results.

On 28 April each year many countries around the world acknowledge International Workers Memorial Day, a day to remember those who have died as a result of traumatic incidents at work. In the period between the 2011 and 2012 memorial days 26 people died in Victoria from traumatic incidents suffered at work. This figure does not include those killed as a result of other workplace incidents such as car or truck-related incidents or deaths from illness and disease. Yesterday's tragic event is a reminder to all of us to be vigilant in our workplaces and always have workplace safety as our no. 1 priority. I encourage a speedy investigation into this tragic incident so that there are no more lives lost.

Olympic Games: Northern Victoria Region athletes

Mrs PETROVICH (Northern Victoria) — I congratulate all our Olympic athletes who represented Australia at the recent London Olympics and would like to make special mention of the athletes who either live in or have strong ties to my electorate of Northern Victoria Region. It takes extraordinary talent, dedication and perseverance to become an Olympian, and all these athletes should be very proud of their achievements. Central Victoria was represented at the London Olympics by Kristi Harrower, who was awarded a bronze medal as part of the Opals basketball team; badminton player Glenn Warfe; rower Hannah Every-Hall; cyclist Glenn O'Shea; and basketballer Matt Dellevedova.

Olympic road cyclist Simon Gerrans was raised in Mansfield and badminton player Ross Smith was raised in Swan Hill. Wodonga's Scott Martin competed in the discus event, while Collis Birmingham, who competed in the men's 5000 metres running event, lived in the Macedon Ranges as a child and attended Lancefield Primary School. Well done to all who represented Australia.

Foxes and wild dogs: control

Mrs PETROVICH — I also commend the Minister for Agriculture and Food Security on the success of this government's fox bounty program which last week reached the $1 million milestone, with 100 000 fox scalps handed in since the program began on 1 October

last year. In contrast, Labor's Fox Stop program eradicated just over 20 000 foxes in three years.

South Australian farmers are calling on their state government to follow the Victorian coalition government's lead and introduce a fox bounty, while the Pastoralists and Graziers Association of Western Australia is calling on the federal government to introduce a bounty on wild dogs similar to the program currently running in Victoria. It is estimated that wild dog and fox attacks cost Victorian farmers in excess of $18 million a year.

Peninsula Community Legal Centre: 35th anniversary

Mr TARLAMIS (South Eastern Metropolitan) — I had the pleasure of attending the Peninsula Community Legal Centre's official opening of its new head office in Frankston, where it also celebrated 35 years of service to the south-eastern suburbs. The centre was initiated by Frankston North residents as a volunteer advice and referral service due to a general lack of resources and limited public transport.

The centre originally operated from a now demolished shared building in Frankston North which boasted a tin roof, frequently flooded floors and a host of other challenging features. From those humble beginnings, the centre has grown to become one of the largest community legal centres in Australia, with 31 staff and 120 trained and skilled volunteers who deliver free legal advice in five locations: Bentleigh, Cranbourne, Frankston, the Pines and Rosebud.

Over the past 35 years the centre has provided free legal advice and assistance to over 100 000 clients who experience severe disadvantage, including family violence, homelessness, low income and low levels of education and literacy, exacerbated by geographical isolation and remoteness from mainstream services. The centre also organises talks, workshops and public information stalls to provide information on a range of legal topics to assist in the education and empowerment of the community and contribute to a greater understanding of the legal system.

It is important to acknowledge the dedication, passion and commitment of the centre's committee of management, staff and volunteers who work so hard for those less fortunate and whose efforts were recognised when the centre was awarded Legal Centre of the Year in the prestigious 2011 Law Institute of Victoria president's awards. The large and diverse gathering to celebrate these two events was clearly due to the fantastic work that the centre does and the longstanding partnerships that the centre has formed within the legal profession and the wider community. I congratulate the centre on its wonderful achievement and wish it ongoing success for the future.

Vietnam Veterans Day

Mr KOCH (Western Victoria) — I was pleased to represent the Minister for Veterans' Affairs on Vietnam Veterans Day at Queenscliff, the only commemorative service and march in Victoria held outside Melbourne. Vietnam Veterans Day, held on 18 August — the actual anniversary of the battle of Long Tan — commemorates one of the most significant battles in which Australian troops were engaged during the Vietnam War.

This year marks the 50th anniversary of the arrival of the Australian Army training team in South Vietnam during July and August 1962 and the beginning of the Australian involvement in the Vietnam War. While the battle of Long Tan is well known, the lesser known but largest battle of the war was the battle of the Coral and Balmoral fire support bases. That battle took place between May and June 1968 and was fought between a small force of the 1st and 3rd battalions of the Royal Australian Regiment against more than 4000 soldiers of the 7th division of the North Vietnamese army. Despite being outnumbered 16 to 1, the troops held out for 26 days and were finally saved when a company of Centurion tanks arrived to give much-needed support.

Some 60 000 Australian men and women served in Vietnam, including for the first time 15 000 conscripts. Regrettably, casualties throughout the war included 521 deaths and over 3000 wounded. Vietnam Veterans Day is an opportunity to remember our servicemen and servicewomen, past and present, who have fought with honour and courage for the freedoms that we continue to enjoy to this very day.

John Brumby

Mr ELASMAR (Northern Metropolitan) — On Wednesday, 15 August, along with many of my of parliamentary colleagues I attended in Queen's Hall a reception to celebrate the unveiling of the portrait of former Labor Premier, the Honourable John Brumby. It was a well-attended event that saw John Brumby's well-deserved induction into the Queen's Hall of fame of former premiers of the state of Victoria.

Somali Australian Council: Ramadan feast

Mr ELASMAR — On another matter, on 22 August I was invited to attend a feast located in my

electorate to celebrate the end of a holy period for people of the Muslim faith. Ramadan is a period of fasting, self-evaluation and spiritual growth. The function was organised by the Somali Australian Council of Victoria, and I thank the council's president, Dr Haraco, for providing this wonderful feast.

City of Banyule: citizenship ceremony

Mr ELASMAR — On another matter, on Thursday, 23 August, I was asked to attend and speak at a citizenship ceremony organised by the Banyule City Council in Ivanhoe. It was a great night, and I congratulate Banyule councillors and officers for making it a night to remember for our new Australian citizens residing in Banyule.

Michael Ryan

Ms DARVENIZA (Northern Victoria) — I wish to extend my congratulations to chef Michael Ryan from Beechworth, who last night took out the coveted Chef of the Year award in the Age Good Food Guide awards. Mr Ryan's restaurant, Provenance, also took out the award for the best country restaurant. Mr Ryan originally comes from Adelaide and moved to north-eastern Victoria to take up the position as head chef at the Milawa Cheese Company in 2001. Following that, Mr Ryan opened his restaurant in Beechworth with his partner, Jeannette Henderson, who is also a winemaker. Provenance is very passionate about using local produce and has become a very popular restaurant in the north-east. Mr Ryan also consults with a Japanese restaurant in Hakuba, and visits it frequently. I congratulate Michael Ryan on taking out awards for Chef of the Year and Country Restaurant of the Year. This is a great achievement.

Ramadan: Iftar dinners

Mr EIDEH (Western Metropolitan) — Recently many members of the house have had the privilege of being invited to an Iftar dinner over the holy month of Ramadan. Each year this special occasion is marked with a month of fasting to promote peace and harmony across the world. This celebration is important to understand Islamic values and practices. It also holds an important link similar to other religious traditions in adding another dimension to Victoria's vibrant multicultural landscape — something of which we, I am sure, are truly proud. Ramadan marks an important time in our culture to purify the soul. The Iftar dinners across the state over the past month have opened the door to bring people of all nationalities together, to foster friendship and understanding to all people despite their race or religion.

I was honoured to attend several Iftar dinners over the past month. The hosts included the Hume City Council, the Family Relationships Centre and the Council of Turkish Associations of Victoria. They have done themselves proud, providing a fantastic and well-presented religious celebration. I would like to offer my congratulations to the various organisations across the state that also participated in hosting Iftar dinners for the Muslim period of Ramadan. Not only that, the Iftar celebrations mark the end of fasting. They also encourage social inclusion and provide an opportunity for Muslims to be thankful for all the wonderful things they have in their lives. I send my best wishes to the Australian Muslim community for the festival of purification after completing the fasting month.

CRIMINAL PROCEDURE AMENDMENT BILL 2012

Second reading

Debate resumed from 16 August; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to speak on the Criminal Procedure Amendment Bill 2012 and to indicate the opposition will not be opposing the bill. As you know, Acting President, being the lead speaker on this bill, I am entitled to speak for 60 minutes. I can also indicate to the house that I do not think I will be using my full allotment on this occasion, because whilst this is a rather thick bill in a physical sense it is a rather thin bill in substance. It is one of a series of justice bills which the government has introduced in recent times to great fanfare, but which appear for all the world to be primarily more about obtaining a favourable headline in a daily newspaper than they are about making any far-reaching or substantive change to the criminal statute book.

Having said that, I will take the house in some minor detail through the changes that are being proposed by this bill and indicate matters with which the opposition has some concern. The bill makes amendments to the Criminal Procedure Act 2009, the Children, Youth and Families Act 2005, the Sentencing Act 1991, the Magistrates' Court Act 1989, and the Drugs, Poisons and Controlled Substances Act 1981. I should also indicate that my colleague Ms Hennessy, the member for Altona in the other place, has put on the record the opposition's view about a number of elements of the bill, and I do not propose to repeat those comments in great detail, and I know members of the house will be grateful for that.

The bill amends the Criminal Procedure Act inasmuch as it allows the Court of Appeal to refuse an appeal where an offender has been sentenced to an aggregate sentence, either cumulative or concurrent, and where there has been an error in an individual sentence, but in circumstances where even if that error were corrected it would make no difference to the duration of the cumulative sentence.

That is a common-sense provision. Court delay has been exacerbated by a number of moves this government has made. Court delay will continue to be exacerbated by the reforms — to use the term very loosely — of this government and particularly the refusal of the government to meet those reforms with appropriate further resources, whether it be for legal aid, the County Court, the Magistrates Court or the like. A provision such as this, which may have the effect, even if only in a minor respect, of reducing a reason for a hearing which would have no purpose in a practical sense, is a sensible change.

The bill also amends the Sentencing Act 1991 to remove the requirement that a judge, before aggregating any sentence, identifies each specific event, offence and sentence that the judge would otherwise have imposed separately, and that includes both fines and imprisonment. I will have a little more to say about this later, but it is a change which again makes life somewhat easier for sentencing judges. However, it is curious in that regard, because it is so different from what the government is doing in other respects. I will have a little more to say about that shortly.

The bill also amends the Criminal Procedure Act 2009 to make prerecorded evidence-in-chief admissible if presented before trials involving child pornography, sexual performance involving minors and summary assault offences for which recorded evidence can be used. Recorded evidence will be able to be used in other proceedings, and it will, as a consequence of that, avoid the need for the deponent, who is in many cases a child, to give recorded evidence on more than one occasion.

Another change the bill makes is to allow special hearings, where recorded evidence of the sort I have just referred to is used, to be conducted during the trial, rather than always being required to be held before the trial with the recorded evidence then being replayed in court. In effect that will allow live streaming of recorded evidence rather than prerecording and then playing that recorded evidence. The advice we have had from the department is that it is simply about saving time, not requiring necessarily the hours of recording, followed by the hours of playback. Instead there will be only one set of hours as the live recorded evidence is streamed directly into the courtroom. Again, of and by itself it is a time-saving exercise. It seems sensible, but I suggest to the house that it is not particularly earth shattering.

The bill also amends the Magistrates' Court Act 1989 and the Drugs, Poisons and Controlled Substances Act 1981 to allow for a photograph of evidence to be provided to a magistrate following seizure. To put that into some context, at the moment upon the bringing of a warrant before the court, police produce the actual item for the magistrate to view unless, as we have been advised, it is a large and bulky item. If it is a large and bulky item, then the only thing that needs to be brought before the magistrate is a photograph of the item. This fundamental change to our criminal law statute book allows a small item to be treated in the same way as a large and bulky item by the provision of a photograph rather than by bringing the item before the court. Again this is a change which brings the practice for small items into line with the practice for large and bulky items. It is a change which one could argue involves some time-saving for Victoria Police and for the magistrates themselves, but again it is hardly an earth-shattering change.

The other matter dealt with by this bill is the amendment of Children's Court appeal processes to allow the Court of Appeal to consider any difficult questions of law. This harmonises the processes of the Children's Court with the processes of the Magistrates Court.

I indicate some areas where the opposition could raise some issues of concern, albeit not significant concern. With the process no longer requiring police to bring before a magistrate small items but to treat them in the same way as bulky items, we sought undertakings from the department that the provision of a photograph rather than bringing the seized item itself before the court would not lead to any difficulty in terms of the chain of evidence. We have been assured by the department that it will create no issues with the chain of evidence. We have no choice but to rely on that assurance, and we certainly hope that will be the case.

We simply say to the government that we think this is a matter that requires a watching brief to ensure that the practice of producing a photograph rather than the actual seized evidence does not lead to any mischief or issues with the chain of evidence. It makes sense that large bulky items are not required to be hauled into the courtroom, but for smaller items, whether they be seized jewellery or quantities of narcotics, it is less easy to justify why those items should not be brought before

the court. In those circumstances, as I said, we are relying on the assurance provided to us by the government that there will be no issues with the chain of evidence in that regard.

I indicated earlier that I would make some comments about the fact that this bill removes the requirement that a judge, before aggregating any sentence, identify each specific event. This change could be said to give the judge greater flexibility in sentencing and to be less prescriptive by not requiring the judge to indicate the sentence for each and every offence but to provide a cumulative total. In and of itself this makes sense, but I draw to the attention of the house the fact that in just the last sitting week we passed a bill that did the exact opposite: it removed sentencing flexibility from magistrates and judges. As I indicated at the time, we passed that bill despite the fact that the Magistrates Court had not been consulted at all in either the drafting or the conception of that bill. That was but the first of a number of law reforms that the government has indicated it plans to bring forward that are about removing sentencing flexibility from the judiciary and the magistracy.

At some point we will be dealing with a baseline sentencing bill. The Sentencing Advisory Council has looked at this issue in great detail and has pointed out the practical problems — quite distinct from any philosophical problems one might have with it — of trying to fit every offence into a discrete box. It also pointed out the types of inconsistencies and the types of unintended consequences that may well emerge from that process whereby judges are given a sentence that they can only move away from, up or down, via mitigating or aggravating circumstances. This is a very prescriptive approach to sentencing, and is also suggested by the fact that the government has indicated it will introduce mandatory minimum sentence provisions at some point.

It is somewhat surprising to see a government that is all about removing sentencing flexibility, whether it be through the abolition of home detention, the abolition of suspended sentences, the prohibition on the combination of suspended sentences with community correction orders or mandatory sentencing or baseline sentencing — all very prescriptive sentencing regimes — now bringing forward a provision that is all about providing greater flexibility. I am sure if you asked judges and magistrates, they would say, 'If you are going to provide us with greater flexibility, stop taking away all of our sentencing options'.

In the last sitting week I went through in some detail just how the government's actions might lead to perverse outcomes — situations where someone who would have been sentenced to prison with the sentence suspended will now receive only a community correction order. There are a whole range of possible unintended consequences as a result of those changes, and we will see them wash through the system as we get further into the term of the government.

That is one point. The other point is that as a consequence of this change it will be more difficult from a transparency point of view to understand what sentence has been handed down by a judge for any particular offence. For a government that has made a great deal of noise about truth in sentencing to introduce a reform which in one respect makes sentences more opaque rather than more transparent seems oddly out of step with what it has done in other respects.

I am aware that Ms Pennicuik intends to move an amendment to clause 29. Her amendment seeks to insert some words that would make it clear that it is routine practice for a complainant under the age of 18 — and this provision also extends to any person with a cognitive impairment — to give evidence via a special hearing. It seems that the current provision, whilst indicating that there should be no inference drawn because of the special hearing, does not go as far as making it clear that this is in fact quite routine. While I will wait to hear from Ms Pennicuik on that matter, I indicate that at this stage at least it would be the inclination of the opposition to support that amendment — but as I said we will wait until the committee stage to hear about that in some more detail.

With those few words I indicate again that the opposition will not be opposing this bill, and I commend it to the house.

Ms PENNICUIK (Southern Metropolitan) — The bill we have before us, the Criminal Procedure Amendment Bill 2012, makes a range of amendments to five acts — the Criminal Procedure Act 2009, the Children, Youth and Families Act 2005, the Sentencing Act 1991, the Magistrates Court Act 1991 and the Drugs, Poisons and Controlled Substances Act 1981. It is quite a technical bill, and in a nutshell the rationale for the bill, as put forward by the Attorney-General, is to address delays in the court system.

The Greens agree that work needs to be done to address delays in the court system. Some of those delays are caused by procedures, others are caused by a lack of resourcing. The issue of resourcing the courts and, in particular, the Office of Public Prosecutions was raised in the Sexual Assault Reform Strategy evaluation report

of January 2011 as an issue that still needs to be addressed, as does the provision of legal aid, which Mr Pakula mentioned in his contribution.

I want to go through some of the provisions of the bill and make comments on them from the point of view of the Greens and also of other stakeholders who have made their views about particular parts of the bill known to us. Part 2 of the bill, particularly clauses 5, 6, 7 and 8, makes changes to the Court of Appeal. A new section expands the basis on which the Court of Appeal, or a single judge of appeal, may refuse leave to appeal to include where there is no reasonable prospect that the court would reduce the total effective sentence.

The bill provides a limited remedial power that allows the Court of Appeal to correct errors in a sentence without engaging the court in a full appeal. It provides powers that may be exercised by a single judge of the Court of Appeal, such as the power to grant leave to appeal, and the procedures which will apply if a single judge refuses an application to exercise the power referred to the court under this provision. It also clarifies that if the Court of Appeal amends a sentence first imposed by substituting a less severe sentence and makes any other orders that the court considers necessary to be made, it may impose the sentence in the absence of the offender. I can see that these particular provisions are quite sensible and will mean that the full court will not have to sit to deal with the matters mentioned. In that respect, these changes to procedures probably will result in fewer delays in the courts.

Clause 11 provides for a greater length of time in which a brief is to be served if a charge sheet is filed. It is now to be done in 21 days instead of 7 days. This allows three times as much time for the brief to be served. The point has been raised with us by the Law Institute of Victoria that the extended time frame will mean that there will be an extended use of preliminary briefs, which will inevitably lead to a greater number of adjournment applications in the Magistrates Court to allow full briefs to be prepared so that defence teams can properly assess the cases against them. This in turn will lead to greater court delays, exacerbating an already significant problem.

I tend to agree with the point made by the law institute in relation to allowing more time for the preparation of a brief. As the old adage says: the more time you give someone to do something, the more time they will take. I am not quite sure that this particular provision of the bill will lead to the outcomes the Attorney-General desires. I notice that the Minister for Employment and Industrial Relations is talking to his colleagues, but I would alert him to the fact that I will ask him questions about clauses 11 and 12 in the committee stage.

Clause 13 is a significant clause in the bill. It relates to trials for a sexual offence in which the complainant is a child or a person with a cognitive impairment. At the moment special hearings are arranged for the taking of evidence from those witnesses. This clause provides that their evidence can be taken this way not only before the trial, which is the current practice, but also during the trial. At the moment special hearings involving children or people with cognitive impairments occur before the trial. This is a significant change. Instead of all that evidence being taken in front of the judge, and in many cases edited, the legislation will be altered so that the evidence can be taken during the trial. The idea is that this will reduce delay.

However, I have also read and thought about what the Law Institute of Victoria has said about this. It believes that special hearings should remain pretrial because it is unjust to expect an accused person to commit to the running of a trial without an opportunity to test the evidence of the complainant beforehand. In addition, special hearings may in fact increase the prospect of a matter being resolved prior to a trial, which is obviously in the interests of the complainant and court efficiency, either through the entering of a discontinuance in the interests of justice or the entering of a guilty plea prior to jury empanelment.

If a special hearing is not held before the trial, I can see that it could be disadvantageous to the complainant — and the complainants in these cases are children or people with cognitive impairments. My view about this relates to what is best for them. I do not necessarily think that speeding up the courts or worrying about whether there are delays in the courts should be put before the interests of witnesses who are children or people with cognitive impairments. It is always about finding the right balance.

Clause 18, which inserts new section 302A into the principal act, provides a mechanism for reserving a question of law from the appellate jurisdiction of the County Court for determination by the Court of Appeal so that if on the hearing of an appeal to the County Court from the Magistrates Court a question of law arises, the County Court may reserve that question of law to be determined by the Court of Appeal if it is in the interests of justice to do so. Some things to consider are also included.

As mentioned regarding special hearings, clause 21 broadens the application of division 5 of part 8.2 of the Criminal Procedure Act 2009 so that these recordings

may now be used in proceedings in relation to three additional offences under the Crimes Act 1958, which are producing child pornography, procuring a minor for pornography and the offence of sexual performance involving a minor, so that the special hearings would apply in those cases as well — that is, special hearings and recorded evidence from those complainants. Clause 22 provides that those recordings may be admissible as evidence in a limited range of circumstances in other proceedings in order to protect those witnesses from having to give evidence all over again. The court would do that if it were in the best interests of the witness to do so.

Under clause 25 the time to hold a special hearing may be extended if the court considers that it is in the interests of justice to do so having regard to a list of considerations, including the age and maturity of the child. Clause 26 directs that if a special hearing is to be held during a trial, the court must as far as possible ensure that the special hearing commences on the date specified to provide certainty for the complainant as to when they will have to give evidence.

Clause 27 allows that the jury will be present when a special hearing occurs during a trial and sets out who will be present in the room from which the complainant will provide the evidence, who will be located in the courtroom and that the complainant's evidence will be transmitted into the courtroom by means of closed-circuit television. This is different from the current situation where the special hearing is held pretrial. It is recorded and edited in some cases, in particular if the complainant says something — and, remember, the complainant is a child or a person with a cognitive impairment — which may be inadmissible in court. Under the new provisions the jury will be present while the evidence is given live and recorded.

The Law Institute of Victoria raises the issue — and I will ask this particular question on clause 27 in the committee stage — as to whether that provides a risk of the defence suggesting that the evidence is inadmissible and therefore causing a mistrial. The effort the Attorney-General is going to here to expedite things may have the opposite effect. The provisions regarding special hearings being able to be held during a trial raise these risks and potential problems.

Clause 29 inserts new section 375A, which is similar to the existing section 375 of the Criminal Procedure Act 2009. Section 375 is about the warning the judge must give to the jury regarding a special hearing held during a trial. Currently the warning is in three parts; the jury is told that the special hearing is a routine activity when taking evidence from complainants who are children or have a cognitive impairment, that the jury must not draw any inference adverse to the accused as a result of the evidence being recorded and that the jury must not give the evidence any greater or lesser weight because of the arrangements put in place for the special hearing. However, the first part — advising the jury that this is a routine procedure — has been left out of the bill. The amendment I will be moving in committee will seek to reinstate that particular provision, which is in section 375 of the current act.

This is very important, because in terms of ordinary language and making it very clear to the jury that it should not draw any inference adverse to the accused or give the evidence any greater or lesser weight, it is best to pre-empt that by advising the jury that the special hearing is a routine procedure; in fact, that is the clearest thing you can say to the jury. The judge having said that, the jury would probably infer the other two warnings the judge might give. Leaving out the first warning takes away from that. Given the other concerns I have raised about special hearings occurring during the trial, it is even more important that all of the warnings are given to the jury because of the risks and potential problems I have raised. My amendment is a reinstatement of that warning.

I thank the Australian Labor Party for indicating that it is prepared to support my amendment, and I urge the government to support the amendment. It basically restates what is already in the principal act, so it is not as if I am proposing something new and unheard of. The amendment provides for what is already there in the act for special hearings held prior to a trial but which for some unknown reason has been left out for special hearings held during a trial. I feel very strongly that the requirements for those warnings should remain. I urge the government to consider supporting that amendment, which I will move in the committee stage.

The bill's amendments to the Magistrates' Court Act 1989 go to items seized and the need to satisfy the requirement that they be brought before the court, including what is bulky and cumbersome, and will allow photographs to be used instead for bulky items. I agree with what Mr Pakula said, that photographs are not the real thing. I can understand that if the items are huge and bulky, perhaps there should be the use of photographs that are appropriately authenticated rather than bringing the actual item into the court, but I do not see any reason police should not be bringing in smaller items. It is an issue that the Department of Justice needs to be keeping a close eye on, given the change being made here.

Changes to the Sentencing Act 1991 in division 3 of the bill under clauses 43, 44 and 45 go to the issue of aggregate sentences. The amendments provide that sentencing judges are not required to identify separate charges or to articulate the sentences that would have been imposed for each charge had separate sentences been imposed or whether those sentences would have been imposed concurrently or cumulatively when imposing an aggregate sentence of imprisonment for summary or indictable offences. This removes key parts of the process outlined in *DPP v. Felton* (2007) VSCA 65.

Again, the law institute has raised concerns about aggregate sentencing and these proposed changes to the act. It says:

> … for major crimes, a single, undifferentiated sentence carries a risk of injustice to the offender, diminishes the deterrent value of particular sentences and has the potential to mask judicial error.
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> …
>
> … there may be feelings of injustice from the perspective of victims where an aggregate sentence is imposed for multiple victims in a single incident … individual sentences and orders for concurrency better reflect the criminality —

and the desire of the community to know who has been sentenced, why a sentence has been imposed and for what offence. The law institute went on to say:

> In relation to appeal matters … it will be necessary for the Court of Appeal to understand the reasoning behind the imposition of each penalty … aggregate sentences in superior courts will make it much more difficult to see if there has been an error made in sentencing on particular counts which would make the appeals process problematic. It may also lead to some confusion for the accused as to why a particular sentence or how the ultimate sentence was arrived at.

The proposed reforms for aggregate sentencing by removing the key parts of the process outlined in *DPP v. Felton* will make this even harder. The law institute recommends that the use of aggregate sentences be limited to sentences of no more than five years imprisonment.

I have a lot of sympathy for what the institute is saying and for the reasons it gives. I think the most important issue is that of transparency, so that not only the offender but also the victim and the community in general are able to be satisfied as to what penalty the offender was given for which particular offence. Again if there were an appeal, the appeal court would be able to understand that. It would make it a bit easier to implement the provisions contained in an earlier section of this bill that will allow the Court of Appeal to refuse leave to appeal if there was an error in a certain sentence but that error would not result in a lesser aggregate sentence being imposed. If the appeal court is not able to unjumble which particular penalty is for which particular offence, it will not be able to implement the first part of the bill. In this way the bill seems quite counterproductive.

Going back to my issue with regard to the amendment I will move to clause 29 to reinstate the warning, the part of the warning that is already in section 375(a) of the Criminal Procedure Act 2009 states:

> that it is routine practice for the evidence of a complainant who is under the age of 18 years or has a cognitive impairment to be recorded at a special hearing before the trial …

That would be changed to apply to special hearings held during the trial.

It is worth pointing out that, as the Scrutiny of Acts and Regulations Committee noted, the warning for live testimony omits that section I have mentioned and that I want to reinstate. SARC's *Alert Digest* report on the bill states that four other Australian jurisdictions require the routine practice direction in both live and pretrial recorded testimony. The purpose of such a direction is to counter the risk that it may occur to jurors that for some reason the child or cognitively impaired complainant had to be kept away or protected from the accused, as per the Western Australian Court of Appeal comments.

The committee also raised concerns about the reversing of the Court of Appeal's ruling with regard to aggregate sentences, because the court held that such matters are necessary for an appeal court to understand not only the penalty imposed but also the reasoning behind the imposition of each penalty. Therefore clause 44 may engage section 25(4) of the Charter of Human Rights and Responsibilities, which provides that any person convicted of a criminal offence has the right to have the conviction and any sentence imposed reviewed by a higher court in accordance with the law. I think the provision around aggregate sentences under this bill will make that more difficult.

We have some concerns with regard to the bill. Clause 11, which is the extension of the time allowed for a preliminary brief to be served from 7 to 21 days; clause 13, which allows for special hearings to be included during a trial as well as pretrial; and clause 27, which allows for a special hearing during a trial to be in front of the jury. This is because the jury hears the evidence live and any objections by the defence against any part of that evidence given may increase the likelihood of a mistrial occurring. That would involve

not only the empanelling of a new jury and more delays but also the complainant having to give evidence again, which could cause further retraumatisation. Finally, clause 44 deals with aggregate sentences. I have prepared an amendment to clause 29.

Before finishing, I just want to refer to the Sexual Assault Reform Strategy evaluation of January 2011, which was compiled for the Department of Justice. It raised the issue of some judges saying they had problems with delays regarding special hearings. It seems that the main problem was that the judges and counsel not only needed to be present during the taping of the special hearing but then needed to sit through the same time period again as it was played in the court. In terms of the interests of justice for the complainant and for the accused, I was not persuaded that it was a huge problem that judges and counsel had to hear it twice. The evaluation says:

> Some lawyers (both defence and prosecution) also noted that while it might be better for the witness, the use of taped evidence can reduce the impact of the evidence for the jury. Several noted as well, that judges and counsel can behave differently in the absence of a jury and that this also impacted on the 'flavour' of the evidence as well as on the protection and care of the witness giving evidence.

The benefits were:

> … judges valued the capability of recording the evidence of child and cognitively impaired witnesses and were highly supportive of the role of the CWS and benefits it had provided to the courts. Some even noted that the support now provided to children was probably one of the most significant reforms to date.

They also mentioned, for example, the case of a special hearing involving a five-year-old child. The child's hearing was conducted at 9.30 a.m. instead of 10.30 a.m. in recognition of children's improved capacity earlier in the day, and breaks were given every 20 minutes to allow the child to be refreshed. In my view this shows an additional benefit of having special hearings separate from the trial — that is, pretrial.

The report also raises resource issues for the Office of Public Prosecutions leading to delays. It says:

> While they were generally supportive of specialisation in the OPP, the judicial officers made two, related comments, about the allocation of cases to counsel. One was that, due to resourcing pressures at the OPP, cases were not being allocated early enough to counsel. As a consequence, it was considered matters took longer to get through the committal mention and directions hearings processes than necessary …

This part of the evaluation showed that to make the criminal justice system more efficient it is not enough to look at changes to criminal procedure. You need funding of the courts and case manager assistance but you also need to look at resource pressures on the Office of Public Prosecutions. The report goes on to say that there needs to be more funding for the child witness service in regional areas and more to assist people from culturally and linguistically diverse backgrounds and indigenous people. We need more resources, and that could help to expedite cases through the courts. With those comments, I look forward to the committee stage of the bill and the minister answering questions on the issues I have raised, in particular with regard to special hearings and aggregate sentencing.

Mr O'BRIEN (Western Victoria) — It is with great pleasure that I rise to speak on the Criminal Procedure Amendment Bill 2012. The purpose of the bill is quite simply stated in the first sentence of the explanatory memorandum, and it is to improve the operation of criminal procedure laws in Victoria.

The bill makes a range of amendments to the Criminal Procedure Act 2009 and the Children, Youth and Families Act 2005, to reform case management processes and to improve the operation of criminal procedure laws that apply to both adults and children in the criminal justice system. The bill also introduces reforms to the Sentencing Act 1991, the Magistrates' Court Act 1989 and the Drugs, Poisons and Controlled Substances Act 1981 which will enable courts, police and other investigators to operate more efficiently by providing additional powers and removing impediments to their efficient operation. The bill also makes a range of other amendments that are technical or consequential in nature, all designed to ensure the efficient and effective operation of the criminal justice system.

I note that the opposition is not opposing the bill, and I will respond briefly to the comments made by Mr Pakula in his contribution to the debate. In effect he said that the bill is reasonably sized but thin in substance. We would say that in fact the bill is a substantive one and is an exercise in substance over form or substance over spin. Substance is what the criminal justice system is about, and it is a very important and independent branch of governance in this state.

It is important to note that the criminal justice system is not necessarily the place for radical reform, as opposed to carefully constructed, considered and appropriate reform that can realise pragmatic efficiencies that support that basic notion of delayed justice being denied justice, while at all times respecting the rights of accused persons and others who appear before the courts, the independence of the courts and their very important role in the criminal justice system. In

respecting that independent role it is important that reform is not undertaken without careful consideration of the consequences. In this instance it is also important that substantive reforms to the legislation be accompanied by commitments to provide the adequate resources, as Ms Pennicuik has identified, to enable the courts to better carry out their work.

In further response to Mr Pakula's suggestions in relation to the resourcing for this bill, I note that the second-reading speech identifies that the first suite of amendments made by the bill, to appeals by an offender against a sentence, have resulted from far-reaching procedural reforms intended to reduce the backlog of criminal appeals. In just one year the Court of Appeal has been able to reduce the number of pending appeals from 532 to 268. Further support for the Court of Appeal's work to reduce ongoing delays is evidenced by the government's additional funding commitment of a total $3.2 million over the next four years in this year's budget.

The government is, wherever possible, looking to cut red tape and remove inefficiencies in the court system, but it is also at all times mindful of the need to protect those persons coming before the courts. Ultimately that is evidenced by the fact that the opposition parties are not opposing this bill.

Other government reforms to assist the administration of justice in this state more generally include: $1 million to the Victorian Civil and Administrative Tribunal to deal with its backlogs; $17 million to fund the new Children's Court in Broadmeadows; $8.4 million to upgrade the historic Bendigo court precinct, which members of the Legislative Council who visit Bendigo as part of the regional sitting may be able to inspect and see that it needs the important upgrades that have been provided; $2.7 million to refurbish the Wangaratta court building; $107 million in additional funding over the next four years for Victoria Legal Aid, which is over the base funding of $26 million per annum; $54 million allocated to the justice system to better protect vulnerable children and families, which is in substance what the amendments made by this bill will do in terms of improving judicial proceedings and procedures; $4 million for language services; and $3.2 million in relation to the delays in the Court of Appeal.

As acknowledged by Mr Pakula, the government's legislative reforms in relation to the law and order commitments it took to the last election have been progressively rolling out and will continue to do so. They are designed to, amongst other things, restore faith in the legal system. With the assistance of additional numbers of police and protective services officers, these reforms are directed towards reducing the level of crime in the community because offenders will become more aware that they will be brought to justice for their actions. There will therefore be a greater faith in and respect of the legal system in this state.

In relation to sentencing, which has been discussed as part of other sentencing bills, the community correction order reforms are designed to restore truth in sentencing, particularly by removing the fiction of the suspended sentence and by creating greater flexibility in the range of correction orders.

As has been outlined, the provisions of the bill deal with a number of different matters. The first, and probably the most significant amendments in the bill, are the amendments that were identified by the Victorian Supreme Court, Court of Appeal, in the case of *Ludeman v. The Queen*; *Thomas v. The Queen*; *French v. The Queen* (2010) VSCA 333. In that case the Court of Appeal considered the power to refuse leave to appeal against a sentence where, despite an error in an individual sentence, there was no reasonable prospect that the Court of Appeal would impose a less severe total effective sentence; however, the court in that case found that there was no effective definition of a total effective sentence. By introducing such a definition and appropriate accompanying procedures, this bill will allow that particular defect in the existing legislation to be remedied.

Due to the finding in that case the Court of Appeal could not refuse leave to appeal on the basis that there was no reasonable prospect that the Court of Appeal would impose a less severe total effective sentence, even though an error had been identified in a single sentence.

Other amendments in the bill will enable the Court of Appeal in these circumstances to refuse leave to appeal against a sentence because there is no reasonable prospect that the Court of Appeal would impose a lesser total effective sentence where the Court of Appeal or a single judge has identified an error that requires correction. This means the Court of Appeal will not grant leave and no further appeal process is required to be instituted. Again, in those instances that amendment will save a number of effectively unnecessary appeals. However, the court will have a limited power to correct an order in a single sentence when refusing to grant leave.

It is also important to remember that a single judge's refusal to grant leave can also be appealed. That

application can itself be appealed and will ensure that whilst there is a freeing up of resources and an expedition of proceedings there is greater certainty for the parties before the court and the accused, but no lesser denial of rights.

Turning to clauses 21 to 23, which deal with the expanded use of video and audio recorded evidence, or VARE recordings, the bill expands the range of offences in which case the recorded evidence-in-chief of children and cognitively impaired complainants may be used. Currently these VARE recordings are able to be used for the evidence-in-chief in relation to children and cognitively impaired witnesses, which is important to remember. I am not sure if that was entirely clear from Ms Pennicuik's contribution. The VARE recordings are then played in court as a witness's evidence and can only be used in the prosecution of sexual offences or specific indictable assault offences.

The bill expands the use of these recordings to allow them to be admissible in proceedings for offences involving child pornography and sexual performance involving a minor, as well as for proceedings for summary assault offences when they are related offences to the specified indictable offences for which the recorded evidence can be used. Again, that saves unnecessary duplication of proceedings, which will also spare the victims from having to unnecessarily go through that traumatic experience again. The amendments will also allow the VARE recordings to be used in remote locations, and in that regard it will assist in many regional settings as well.

The bill also expands the types of proceedings in which the VARE recorded evidence-in-chief for the cognitively impaired may be admissible by introducing a number of amendments to be used in a range of other proceedings. The bill specifies that VARE recordings may be used in any new trial or appeal that resulted from the proceeding in relation to which the VARE recording was initially produced. VARE recordings may also be used in another proceeding in the same court for an offence or a related offence in relation to which VARE recordings may be used.

These amendments are supported by the amendments that will also be debated either later today or on Thursday in the Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012. Again, it shows the government's commitment is consistent with the interests of justice by looking after victims of crime, particularly vulnerable children and cognitively impaired victims of crime, in the very difficult task of dealing with evidence in those extremely disturbing cases. These issues are also ones identified by Victoria Police, the Magistrates Court and the County Court, and will allow a child to avoid giving evidence in dramatic situations on multiple occasions.

In relation to special hearings, which are detailed in clauses 24 to 29, the bill will introduce flexibility into the conduct of the special hearings by allowing special hearings to be conducted before a trial commences, as they are currently, and also to be conducted during a trial. The significant point in relation to the special hearings is that it introduces flexibility into the procedures rather than mandating one particular method or another. The court, with that flexibility, will be able to determine when to conduct a special hearing.

Clause 13 will allow the court to make directions hearings in relation to such a special hearing and the court will be required to consider a number of key factors when determining whether to conduct a special hearing before or during a trial — for example, including the age, the maturity of the child complainant and whether the complainant had expressed a preference to give evidence before or during a trial. These factors will enable the court to consider the needs of complainants in each case in order to determine the best approach to adopt.

In addition the bill changes the test that the court must apply when determining whether to extend the time for conducting a special hearing. Currently special hearings must be conducted within three months of an accused being committed for trial and the court may only extend the time for conducting a special hearing if it is satisfied that exceptional circumstances exist. This is a very high threshold test which has caused difficulty in the conduct of some trials. The bill changes the test so the court may now extend the time for holding a special hearing if it is in the interest of justice for it to do so, having regard to the specified range of factors which are now set out in the legislation.

These changes have been introduced because the existing process — that is, the requirement that special hearings are to be conducted within three months of an accused being committed to trial and before the trial commences — has caused delay in the prosecution of other cases, as well as difficulty for the court in complying with the strict time limits. These issues were identified in the report entitled *Sexual Assault Reform Strategy — Final Evaluation Report* of 2011, which found that the conduct of special hearings as a separate pretrial process had contributed to increased delays in the prosecution of other sexual offence cases and had placed an increasingly onerous burden on court resources. This is because pretrial special hearings contribute to court delays in some cases by effectively

doubling the time that would be required if the complainant were to give evidence during the trial.

In some cases the preference will still be to have the evidence given in advance of the trial under the traditional special hearing procedure, but in other cases it will be more convenient that the evidence be held in the one time frame, or concurrently with the trial, which often takes one to two days, to save the effective doubling of the trial time.

In addition to reducing delay, allowing special hearings to be conducted during the trials also recognises that they are part of the trial process and, as the Attorney-General outlined in the second-reading speech, not some form of dry run, in which the evidence of the complainant may be tested in a sense, as happens in a committal, and later edited to ensure admissibility.

It is important to emphasise that with these reforms children and cognitively impaired complainants will still be protected when they are giving evidence, and all the existing protections and supports currently available will remain. The reforms do not change the way the evidence of a child or a cognitively impaired complainant is given during a special hearing. At a special hearing the complainant provides their evidence via closed-circuit television (CCTV) from a separate room outside the main body of the courtroom and the accused is located in the courtroom. This will be the case irrespective of whether the special hearing is conducted before or after the trial.

The bill also includes a reform which will require the court to set a clear date on which the complainant is to give evidence when a special hearing is to be conducted during a trial and to support the need for the complainant's evidence to be completed without disruption if possible. These requirements preserve key benefits of the pretrial process while avoiding the duplication of time and resources that is involved in conducting special hearings before trial.

I will respond further to Ms Pennicuik's reference to the Scrutiny of Acts and Regulations Committee (SARC) *Alert Digest* report on the bill and refer her to *Alert Digest* No. 12, which was tabled today. In so doing, I, as a member of the committee, thank the Attorney-General for his response, which has addressed the concern raised by Ms Pennicuik in relation to the warning to be given as well as providing the government's reasons for not supporting Ms Pennicuik's proposed amendment that would insert a warning in the manner that she described. The concern relates to the specific additional warning given in relation to a routine practice. The minister has responded by saying that:

> A 'routine practice' warning is currently given to a jury under section 375 of the Criminal Procedure Act when a pretrial special hearing has been conducted. This is because, when a pretrial special hearing is conducted the jury is presented with a recording of the evidence. Sometimes the counsel for the accused and the prosecution that are present at the trial will be different from the counsel who appear in the recording of the evidence that was given pretrial. The 'routine practice' warning is therefore necessary because the jury needs to be informed that, while this procedure is different from trials generally, it is standard procedure for a complainant's evidence to be provided in this way in a sexual offence case.
>
> Consistent with the approach already adopted by the Criminal Procedure Act in relation to live versus recorded testimony, the 'routine practice' warning is not given under new section 375A when a complainant provides live testimony (via CCTV) at a special hearing conducted during the trial. This is because the warning against the drawing of an adverse inference against the accused is sufficient.

There are a number of related sections in division 4 of part 8.2 of the Criminal Procedure Act 2009, including section 361, which states:

> If the court directs that alternative arrangements be made in a trial for the giving of evidence by a witness, the trial judge must warn the jury not to draw any inference adverse to the accused or give the evidence any greater or lesser weight because of the making of those arrangements.

Given that this is already a practice in relation to that form of evidence, the question of the additional routine direction needs to be put in context. Is it going to be comparable to the procedures in proposed section 375A or these other procedures? The Attorney-General has well explained the reasons for this, saying in particular that they are concurrent and usually there will not be a change in counsel that would require the additional warning to be given. Other reasons are outlined in the Attorney-General's response on page 16 of the SARC report, which members may consider.

I turn now to the aggregate sentence amendments, which will change the way aggregate sentences of imprisonment are imposed. The bill will do that by amending the Sentencing Act 1991 to enable the County and Supreme courts to use their powers to impose an aggregate sentence of imprisonment more effectively. Clauses 44 to 46 of the bill make it clear that in the course of imposing an aggregate sentence of imprisonment a sentencing judge is not required to identify the separate events giving rise to the specific offences, the individual sentence that would have been imposed for each offence or whether those sentences have been imposed concurrently. This change will simplify the sentencing process, reduce the risk of

technical appeal points and enable judges to sentence more efficiently in cases involving multiple offences.

SARC noted in its report on the bill that this amendment reverses the effect of the decision of the Court of Appeal in the case of *DPP v. Felton* (2007) VSCA 65. In that case the court indicated that when imposing an aggregate sentence the sentencing judge must identify the separate events giving rise to specific counts and to order accumulation if appropriate or alternatively to state that all counts which are the subject of the aggregate sentence are being treated as concurrent. It is important to note that this will commonly apply to cases involving crimes such as multiple fraud-type offences. Aggregate sentences are not imposed in relation to serious criminal offences; for example, murder, manslaughter, arson causing death et cetera. Again I refer members to the minister's response to SARC, which states at the bottom of page 16 of *Alert Digest* No. 12:

> Traditionally the most commonly argued ground of appeal by an offender is that the sentence is manifestly excessive and, when the Crown appeals, that the sentence is manifestly inadequate. In 2008, 71 per cent of offender appeals involved …

those grounds. It was 97 per cent in the case of Crown appeals. It is important that aggregate sentences do not limit rights; rather they provide certainty in that the court will still be required to give its reasons and there is still the right of appeal.

Turning finally to the warrants, clauses 38 to 48 of the bill will amend the Magistrates' Court Act 1989 and the Drugs, Poisons and Controlled Substances Act 1981 in relation to the procedural requirements for the execution of a warrant. These clauses remove the condition currently applying to bulky and cumbersome items that they be physically brought before the court. It is important to note that the opposition does not oppose this amendment but is treating it with caution. We respect and understand that parties before the courts are aware of the importance of chains of evidence and the need to bring evidence to court in the appropriate manner as proof in an individual case. What is important is that this amendment allows evidence to be given of the location of the seized items accompanied by photographs of the items and sworn evidence. The bill will enable this simple and practical approach to be used for all items. However, original items seized under a warrant can still be brought before the court.

Clause 42 of the bill also amends the Drugs, Poisons and Controlled Substances Act by inserting a transitional provision in relation to the amended warrant procedures under section 81 to allow persons to apply to the court to inspect the documents filed by the police and setting out the particulars of the items seized.

There are other amendments in the bill which are important, including those identified by my colleagues the member for Morwell in the Assembly, Mr Northe, and the member for Prahran in the Assembly, Mr Newton-Brown.

It is an important bill that will improve the criminal justice system, help to reduce delays and better provide for the needs of vulnerable victims of crime when giving evidence before the courts. The amendments will ultimately maintain the independence of the courts and allow them to continue to deliver justice in those many needy cases that come before the courts while expediting them so that we can continue to ensure that the resources of the criminal justice system are applied in the most appropriate manner. I commend the Attorney-General and the government on bringing the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to speak in the debate on the Criminal Procedure Amendment Bill 2012. My colleague Mr Pakula has already indicated to the house that we are not opposing the bill. The bill contains several amendments, but I wish to speak in particular about the amendment dealing with controlled substances, drugs and poisons.

I understand that the Magistrates' Court Act 1989 and the Drugs, Poisons and Controlled Substances Act 1981 are being amended to provide that when items seized via the execution of a warrant are bulky and cumbersome — in other words, logistically too big to transport to the Magistrates Court as exhibits — the courts will accept them as evidence through the giving of evidence on oath as to their physical location and on producing photographic evidence of their existence.

All other smaller seized items must literally be presented to the courts so that they can be dealt with according to the law. The amendment removes the need to present any or all seized items to the court and allows for the admission of a sworn oath coupled with photographic evidence of the precise location of seized items. I understand that currently items presented before magistrates are normally returned immediately to the police for safekeeping.

I turn now to a couple of other amendments in this bill. Section 27 of the Charter of Human Right and Responsibilities Act 2006 deals with retrospective criminal laws and bars the retrospective application of criminal liability. Clause 46 of the bill inserts a new section 145 in the Sentencing Act 1991, which allows

for more effective management of the criminal justice system. This bill attempts to streamline procedure and will hopefully eradicate delays and improve efficiency in the justice system. There is truth in the old saying that justice delayed is justice denied.

Division 2 of part 2 of the bill relates in part to summary case conferences and the capacity of the justice system to lengthen the time frame for and increase the flexibility of the admissibility of what is known as video and audio taped evidence. Currently videotaped evidence is allowed by law courts only in exceptional circumstances. This amendment is specially designed for use in cases of child sex crimes or crimes of a horrendous nature, where admitting video and audio recorded evidence would, in the interests of humanity, be more beneficial and in the interests of overall justice. Under this amendment video and audio taped evidence will be able to be recorded live for use in a trial. Video and audio taped evidence is currently prerecorded. This will enable video and audio taped evidence from remote locations to be used.

On the face of it these amendments are rational and seek to provide speedier conclusions for the men and women currently awaiting trial in Victoria. As previously stated, we in opposition do not oppose the bill.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I seek leave for Mr O'Brien to join me at the table.

Leave granted.

Clauses 1 to 10 agreed to.

Clause 11

Ms PENNICUIK (Southern Metropolitan) — Clause 11 extends the time for the preparation of the brief from 7 days to 21 days. That was not mentioned in the second-reading speech; I read it again just to make sure I had not missed it or the reasoning behind it. During my contribution I pointed out that the Law Institute of Victoria felt that this extension from 7 days to 21 days would have an effect opposite to the desired effect and would mean that there would be more use of preliminary briefs and more adjournments while counsel waited for full briefs. I ask the minister where this advice came from and how he can be sure that it will not have an effect opposite to that intended.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will answer part of Ms Pennicuik's question as I get some more advice on the reasons she raised queries about. Clauses 11 and 12 extend the time limits that apply to when a preliminary brief must be served where a criminal proceeding has been commenced by way of a notice to appeal and to when a summary case conference must be conducted after a preliminary brief has been served. These two time periods have been extended from 7 days to 21 days, and the purpose of this amendment is to enable Victoria Police to more effectively use these processes. It recognises that the police may need more time to investigate matters.

The advice from the department is that these amendments have been included at the request of Victoria Police, which, as I outlined just before, has experienced difficulty in complying with the time lines.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister; that is helpful. I understand that it was Victoria Police that requested more time to prepare briefs. As it is quite a significant extension of time compared to the original time — it has gone from 7 days to 21 days — is the department going to be evaluating whether this achieves the intended outcome, which is to decrease delays? The Law Institute of Victoria has posited that it will increase delays and create more adjournments. Will the department be monitoring how it works?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Whilst we did not go to clause 1, obviously the bill overall is designed to assist the government's election commitments to reduce court delays and improve the effective operations of the courts. Some of that range of amendments to the key Victorian legislation governing criminal procedure are outlined here, and the view of the government is that the amendments contained in this bill seek to improve the operation of the criminal procedure laws in Victoria and ensure that the criminal justice system operates as effectively as possible, particularly by reducing delays.

This is a question that Ms Pennicuik has asked many times in relation to areas where there is new law. The advice I have from the department is that the department is evaluating the way the summary prosecution of crimes operates, that there is a summary procedure steering group — that is the advice I have —

and that this change makes it more effective to use the notice to appeal process as outlined in clause 11.

Ms PENNICUIK (Southern Metropolitan) — Just to clarify the minister's answer, is there now a steering group that is looking at this issue? Is that what the minister just said to me?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The department is evaluating the way the summary prosecution of crimes operates — that is the advice I have — and that is being done through the summary procedure steering group. I will triple check just to make sure. It will be an ongoing evaluation through this steering group.

Ms PENNICUIK (Southern Metropolitan) — That goes some way to satisfying my concerns, which include that if the steering group were to discover that what the law institute is concerned about may happen, would the government be prepared to then bring it back and change it again.

Clause agreed to; clauses 12 to 23 agreed to.

Clause 24

Ms PENNICUIK (Southern Metropolitan) — This goes to the issue of special hearings being held during the trial. At the moment they are only held prior to a trial. Under section 374(3) of the Criminal Procedure Act, with regard to evidence from special hearings and the special hearing recordings, as they are now, it says:

> The court may rule as inadmissible the whole or any part of the contents of a recording and, if so, the court may direct that the recording be edited or altered to delete any part of it that is inadmissible.

That is the case under the act at the moment. That is where a special hearing is recorded before the trial and can be edited to remove inadmissible evidence. Under proposed section 370(1B)(f) on page 15 of the bill before the house, as inserted by subclause 24(3), one of the criteria that the court can look at in making a direction as to whether a special hearing will be held before or during the trial is:

> the likelihood that the evidence given by the witness will include inadmissible evidence that may result in the discharge of the jury …

One of the issues I raised regarding special hearings during a trial, which to me is the most important one, is that particular risk. I would like some direction on this from the minister and the Department of Justice. I have confidence that the courts will be able to deal pretty well with the age and maturity of the child, the severity of the impairment of the child, the preferences expressed by the complainant, the intimidation that the complainant may be likely to experience et cetera — that is already in clause 24 — but I want to know how the court can be satisfied as to the likelihood that the evidence given will include inadmissible evidence.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — It says in the second-reading speech in relation to special hearings — and this corresponds to the advice I have received — that over the six years that special hearings have been in use:

> … much has been learnt about how a special hearing can best be conducted. The special hearing is not a substitute for a committal proceeding. It is part of the trial process. Counsel need to conduct the special hearings accordingly and not as a 'dry run' in which the evidence of a complainant can be later edited to ensure admissibility.

Another point I make is that the bill introduces an amendment to division 6 to allow special hearings to be conducted during trials and that the process for that occurs according to the amendments in clauses 24 to 29. I am sure we will get to other parts of that, but specifically in relation to clause 24, currently the special hearing must be conducted prior to the commencement of a trial and within three months of an accused being committed for trial.

The advice we have is that this has contributed to court delay by in effect doubling the time that would be required if the complainant were to give evidence during the trial. This is because a special hearing must be recorded, which will often take one to two days, and then the recording is played to the jury once the trial has commenced.

To reduce the delay caused by this dual process, the bill introduces an amendment to allow the court to conduct special hearings either before or during a trial. The bill requires that the court must have regard to a number of factors, which Ms Pennicuik has outlined specifically, in determining whether to conduct special hearings before or during a trial. As Ms Pennicuik pointed out, it would be for the court to consider the needs of complainants in each case to determine the best approach to adopt.

The government's view is that this change will enable the courts to manage cases in a more efficient manner by recognising the individual needs of each case and each complainant. Whilst Ms Pennicuik mentioned paragraph (f) in proposed subsection 370(1B), on page 15 of the bill before the chamber, clearly there are a whole range of other matters the court must have regard to.

Ms PENNICUIK (Southern Metropolitan) — I think the minister repeated to me what I already said. My question was about paragraph (f), and I was just trying to outline for the committee the context of this point. At the moment if a special hearing is held — and special hearings can only be held pretrial — the court may rule some of the evidence given by the child complainant or cognitively impaired complainant to be inadmissible and delete it from the recording that is later played to the court. In a situation where the child complainant is giving live evidence — albeit in another room — which is also recorded, there are two issues. One is: how will the court assure itself before deciding whether there should be a pretrial or during-trial special hearing that the person is likely to give inadmissible evidence? That is the question. There is a follow-up question, but how is the court going to decide that? At the moment the court does not have to decide that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Those issues will obviously be considered through the disclosure process, but ultimately, as I have explained on a number of occasions in debates on other bills, this will be a matter for the court, depending on each case and depending on the complainant, the circumstances and a whole range of other issues that have been outlined earlier.

Ms PENNICUIK (Southern Metropolitan) — If I am to take that at face value and put my faith in the courts to be able to predict that to a certain extent, I would have to predict and be sure that the court will probably be able to deal with paragraphs (a) to (e) pretty easily and that paragraph (f), which is the one we are talking about, would be more difficult. Given that I am prepared to give the courts the benefit of the doubt, as I always do, they could still get it wrong. During that time the person with the cognitive impairment or the child giving evidence to the court live — with the jury in the court, even though the person is giving the evidence that is recorded in another room — could say something that is inadmissible. When they are saying it, they are saying it live. The situation at the moment is that that would not be presented to the jury because it would be edited from the recording before that happened. We are going to have a different situation.

Just going to what the minister said in his earlier answer — that it is not a dry run and that people should not treat a pretrial hearing as a dry run — I think that is a bit of a disingenuous comment by the minister and the Attorney-General because the use of those hearings is for the benefit of those particular witnesses, not for the benefit of counsel. The fact is that under this bill pretrial hearings will still occur and inadmissible evidence will be able to be edited, but in the case of a complainant giving evidence live, that will not be the case. What happens then? What happens in a practical sense when this is actually happening in the courtroom? What happens when that complainant, who may be a five-year-old child or a person with a severe cognitive impairment, gives inadmissible evidence live to the jury?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I outlined before to Ms Pennicuik, the bill is designed to ensure greater flexibility and efficiency in the conduct of special hearings in the context of sexual offence cases, and it will continue to enable sexual offence cases to be conducted as quickly as possible. The bill will allow special hearings to be conducted during the trial if the court is satisfied that it is in the interests of justice to do so, having regard to a number of factors relevant to the needs and characteristics of the complainant — that is, the age and the maturity of the child complainant and whether the complainant has expressed a preference to give evidence before or during a trial.

This reform has been introduced because, firstly, it is difficult for the County Court to comply with the three-month time limit, particularly in regional circuit courts, and the threshold test of exceptional circumstances for extending time is too high and often difficult for the prosecution to substantiate. Secondly, the conduct of a special hearing before a trial doubles the court time otherwise required if evidence is provided during a trial because the evidence must be given and prerecorded in the presence of the trial judge and counsel before the trial. The recorded evidence is then played again before the jury during the trial, meaning that the trial judge and counsel hear the evidence a second time. This issue was identified in the 2011 sexual assault reform strategy evaluation report. I have further advice that a person can give inadmissible evidence in any trial, and currently the prosecution can apply for a child or other complainant to give evidence during a trial under section 370(2)(b) of the principal act.

Ms PENNICUIK (Southern Metropolitan) — I think this is an important issue. I understand that adults give inadmissible evidence and courts deal with it, but we are talking about a situation where we already have prerecorded pretrial hearings because of the nature of the complainant or the witness. I am wondering what will happen, practically, in a court if this situation happens. Will the witness be stopped, and will the recording be taken at another time? What will actually happen? And in this situation how will the interests of the witness and the accused be protected?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think the issue that seems to be getting a bit blurred is that this amendment actually makes it mandatory for evidence to be provided during a trial. This provision is in addition to the existing parameters, from the advice I have, so the special hearings can still be conducted as they are currently but it will ultimately be up to the discretion of the trial judge to determine whether that added evidence will be given during the trial or pretrial. It is not a case of having one or the other; it is now adding a level of capacity for flexibility and efficiencies, as outlined in clause 1, the purposes clause, of the bill before the chamber. As I indicated earlier there are some issues identified in various reports that suggest this would free up the court's time.

Ms PENNICUIK (Southern Metropolitan) — I understand everything the minister said, and I think that is what I said to him. I understand that the bill allows for a pretrial recorded special hearing or one during the trial, depending on all these factors that we are looking at on page 15 of the bill. We then went on to the practical effect of that, which is: what happens if this witness gives inadmissible evidence? Does the court adjourn? Does the child then give their evidence, which is prerecorded and able to be edited, with the inadmissible parts taken out, and is that then played to the jury? Is the jury sent out? What actually happens? The whole idea of prerecorded hearings was to make it easier for the child or cognitively impaired person to give evidence and for the evidence to be presented in a way that was admissible. But if it is inadmissible, there is a problem, and that will cause more delays. I am asking the minister for the answer to that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — We know there is a risk in every trial of a witness giving evidence that could be inadmissible. The risk of inadmissible evidence going direct to the jury is the reason the government has included a provision for the issue identified earlier. It is contained in clause 24, which inserts in proposed section 370(1B)(f):

> the likelihood that the evidence given by the witness will include inadmissible evidence that may result in the discharge of the jury.

That is what the court must have regard to in its direction. We make it very clear to the courts that as part of their consideration and direction they must have regard to the issue, as Ms Pennicuik rightly pointed out, of the risk of inadmissible evidence being provided which could result in the jury being discharged. We are trying to be up-front about the risks and make it clear to the courts. In every trial there is always the risk of there being inadmissible evidence. In this case we are just trying to make it clear.

Further advice I have from the department is that the judge will tell the jury to disregard the evidence if it is not substantial. If it is substantial, the jury will be discharged and the edited recording will be used in the retrial before a newly empanelled jury. The child should only ever give evidence once.

Ms PENNICUIK (Southern Metropolitan) — Going on the minister's answer, he said that there is always a risk of inadmissible evidence in a trial. But there is no risk at the moment because the evidence is given pretrial. There is no risk because inadmissible evidence is edited out. The point is that under this bill there is now a risk. The department has said that the jury will be told to disregard it if it is insignificant; but if it is significant, the jury will be discharged and there will be a retrial. All I am saying is that if that happens, rather than resulting in a reduced delay, it will mean a new trial — and that was what I wanted to elicit.

I am not sure about the second part of the answer, which is that the child will only have to give evidence once. It seems to me that if the child is halfway through their evidence and says something significant, which the judge rules to be inadmissible, then the jury has to be discharged. What happens to the child then? Does the child continue to give evidence? Will it be recorded and edited? What will happen then?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that ultimately it will be at the discretion of the courts to determine what avenue to take. In terms of Ms Pennicuik's line of questioning in relation to the bill, the intent of the bill is to allow increased flexibility, reduced court delays and the improvement of the effective operation of our Victorian courts. I understand there were some issues that concerned Ms Pennicuik. The government's position is that this important legislation will streamline court procedure. Obviously there are parts of the bill with which Ms Pennicuik may disagree, and there will be parts that we feel are appropriate.

As I indicated earlier, and as pointed out by my learned colleague, the court does not have to adopt the new procedure. If the likelihood is so great that a court would say that clearly — —

Hon. M. P. Pakula — Your learned colleague? You are catching it from him.

Hon. R. A. DALLA-RIVA — My other learned colleague over there; I am surrounded by learned

colleagues. In terms of the seriousness of this particular matter, what we are trying to do is offer the court more flexibility in the way that it operates the trial process.

My further advice about the specific question the member has asked is that it is contained in clause 26, which inserts new section 371A. At page 17 of the bill, subparagraph (b) states:

> ensure that the complainant's evidence is disrupted to the least extent possible.

That is the answer to the earlier question.

Ms PENNICUIK (Southern Metropolitan) — I understand and I have read that, but the point is that the complainant's evidence is disrupted if they themselves give inadmissible evidence and the whole thing is stopped in its tracks. I did not get the answer to what happens to the child who is halfway through their evidence when the judge decides the evidence is inadmissible and the jury must be discharged. What happens to the child in that circumstance?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I outlined earlier that it is a matter for the courts to determine. I have just indicated that under clause 26, which inserts new section 371A(b), the complainant's evidence is to be disrupted to the least possible extent, and it gives as an example:

> An application to discharge the jury may be heard and determined after the special hearing is completed.

That is the clear example to which the member has have alluded.

Ms PENNICUIK (Southern Metropolitan) — I would just note that the child or cognitively impaired person could continue on to give much more inadmissible evidence. Will that evidence then be edited, since it is recorded, for the new trial?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — At that stage it falls into the old procedures of a pretrial recording, which then apply to all the provisions that have been outlined. You have answered the question yourself — and it is still a matter for the court.

Clause agreed to; clauses 25 and 26 agreed to.

Clause 27

Ms PENNICUIK (Southern Metropolitan) — Just briefly, clause 27 provides that in the case of a special hearing held during a trial, the jury is to be present in the courtroom. We have just spent a long time going over that and I do not want to go over it all again, but would it not be better if the jury were not in the courtroom and the evidence were recorded and then played to the jury the following day after it was edited, for example? That would mean that the situation we had been discussing under clause 24 could not occur.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — That can still happen, as pretrial hearings are still allowed. The advice I have is that it can still happen.

Ms PENNICUIK (Southern Metropolitan) — But the clause says that in the case of a special hearing held during a trial, the jury is to be present in the courtroom. Juries are sent out of courtrooms and then brought back in for a reason. My question is: could not the first evidence given during a trial, if the special hearing is held during the trial, be taken without the jury there and, once anything inadmissible in it has been edited out, be played to the jury the following day or later that day?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As I said before, this issue is intertwined with clauses 24 to 29. Bearing in mind that the bill is to reduce delays, these changes have been introduced because the existing process — the requirement that special hearings be conducted within three months of an accused being committed to trial and before the trial commences — causes delays in the prosecution of other cases, and it is difficult for the courts to comply with the strict time limits.

As I indicated, the 2011 sexual assault reform strategy evaluation report identified these issues and found that conducting special hearings as a separate pretrial process contributed to increased delays in the prosecution of other sexual offence cases and placed an increasingly onerous burden on court resources. The pretrial hearings contributed to court delays by effectively doubling the time that would be required if the complainant were to give evidence during the trial, because special hearings must be recorded and edited, which often takes one or two days, and the recording is played to the jury once the trial has commenced.

Mr O'Brien interjected.

Hon. R. A. DALLA-RIVA — Yes, we are bringing the system forward to avoid those delays.

Ms PENNICUIK (Southern Metropolitan) — I will take that as a no.

Clause agreed to; clause 28 agreed to.

Clause 29

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 29, line 25, omit "not to draw" and insert "that it is routine practice for the evidence of a complainant who is under the age of 18 years or has a cognitive impairment to be given at a special hearing and that the jury must not draw".

The clause would then go on to say, 'any inference adverse to the accused or give the evidence any greater or lesser weight because of the arrangements put in place under section 372 for the special hearing'.

The effect of my amendment would be to reinstate what is already in fact in the act under section 375, which applies to prerecorded special hearings. It includes the warning that the judge must give to the jury. The first part of that warning is that it is routine practice for the evidence of a complainant who is under the age of 18 or who has a cognitive impairment to be recorded at a special hearing before the trial. In this case it would say, 'to be recorded at a special hearing during the trial'. The reason for the amendment is that, to me, it seems that if we are going to go down the road that we have been examining in the committee of allowing special hearings during a trial, and with the risks that we have been talking about, the more warnings that can be given to the jury the better. It was pointed out by the Scrutiny of Acts and Regulations Committee (SARC) that in other jurisdictions where special hearings can be held during a trial it is the case that the warning about this being a routine practice is given.

I am particularly persuaded that this is necessary. I think the first thing the jury should be told is that it is a routine practice for this to happen when certain complainants are witnesses. The jury should then be told that it should not draw an adverse inference or give lesser or greater weight to the evidence as a result of the special hearing. Collectively these warnings are stronger than they are without the first one, which the ordinary person on a jury finds most easy to understand. In fact, if jurors were told that this is a routine practice, they would probably assume there would be other warnings. That is the reason for my amendment.

I was not able to respond to Mr O'Brien's reading out of the minister's letter in response to the query by SARC**.** I was not persuaded by the minister's letter, and I still feel that this should be reinstated in the bill.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I appreciate Ms Pennicuik's amendment; however, as was indicated by my colleague Mr O'Brien during the second-reading debate, we will not be supporting the proposed amendment. Clause 29 inserts new section 375A into the principal act. It relates to a jury being warned in relation to the conduct of a special hearing held during a trial. New section 375A states:

> If a special hearing is held during a trial, the trial judge must warn the jury not to draw any inference adverse to the accused or give the evidence any greater or lesser weight because of the arrangements put in place under section 372 for the special hearing.

That relates to instances where the court directs that a special hearing is to be conducted during the trial. The warning inserted by clause 29 does not state that it is routine practice for evidence to be given in this way. The use of the routine practice warning is currently given under section 375 of the act when the evidence is from a child or a cognitively impaired complainant. That evidence is recorded at a pretrial special hearing, and the recording is later played for the jury during the trial. The routine practice warning regarding prerecorded evidence is necessary because the complainant's recorded testimony is being played to the jury; the complainant does not provide evidence directly at the trial.

This is consistent with the approach adopted in the Criminal Procedure Act 2009 in relation to live versus recorded testimony. The routine practice warning is not given when the complainant is giving contemporaneous or live testimony via closed-circuit television when a special hearing is conducted during a trial, because the warning against the drawing of an adverse inference against the accused is sufficient.

On that basis the government believes this approach is consistent with delivering a more efficient court system. This approach is already adopted in the Criminal Procedure Act 2009. That act was introduced by the Labor government. Mr Pakula said he would support the amendment unless persuaded otherwise. I suggest strongly that he should not support the amendment, because that would be consistent with what his party previously put forward, and we are doing it now for special hearings. I will leave it there and not support the amendment.

Ms PENNICUIK (Southern Metropolitan) — I have a response to that. I do not believe it is exactly comparable with provisions whereby a court may allow that for adults in special circumstances. In fact with regard to sexual offences it will become a routine

practice under this bill for evidence from a child or cognitively impaired person to be given at a special hearing either before or during the trial. That is not the practice with all other cases. In other cases the court may allow it, but it is not a routine practice. This will become a routine practice either before or during the trial, and it will be best if the judge says that. While the court may allow it in other trials because of exceptional circumstances, it is not comparable to this, which is that the evidence will be given in a special hearing either before or during the trial.

Hon. M. P. PAKULA (Western Metropolitan) — I am grateful to the minister for providing us with advice about how we should vote. However, having listened to Ms Pennicuik give her reasons for her amendment and having heard the minister's response, I have heard nothing to change my mind from the initial position we adopted, which is that we are likely to support the amendment.

For the minister to draw a parallel between this and other aspects of the Criminal Procedure Act 2009 is somewhat misleading. The fact is that a provision currently exists with regard to recorded evidence and, by virtue of this legislation, the government is changing the nature of that recorded evidence to be live evidence. However, it may well still be somewhat unusual and confusing for a jury as to why an individual is giving evidence in that way. As Ms Pennicuik indicates, when the existing direction is to make it clear to the jury that it is routine practice in these circumstances for evidence to be given remotely rather than in the courtroom, when the only thing you are doing is changing the evidence from being prerecorded to being given live and when the government indicates that the only reason it is doing that is to save time, the direction to the jury should not be different; it should be the same. It would be terribly unfair for any juror to believe, even for a moment, that there is some ulterior motive for the evidence being given in that way.

I am not surprised that the government is not supporting the amendment. During its time in office the government has not supported any amendment that has been put forward by either the opposition or the Greens.

Mr Barber — What about your weakening of gun controls? It lapped that up.

Hon. M. P. PAKULA — The government brought forward some amendments of its own with regard to gun laws, so I think Mr Barber is historically inaccurate, but let us move on. The fact is that if the government were honest with itself, it would probably recognise that this is an oversight that should be remedied, but because the oversight has been identified by SARC rather than by the government it will not support the amendment. It is quite unlike the ongoing series of house amendments and new pieces of legislation that are being brought to this house by the government — and we have been notified of another one this week in regard to another bill.

Ms Pennicuik — Working with children.

Hon. M. P. PAKULA — Indeed it is on working with children. We are constantly assailed by house amendments or new pieces of legislation to resolve errors that have been found in legislation passed only in recent months, and everyone is expected to usher them through the Parliament. However, because this error — and I say it is an error — has been identified by the Scrutiny of Acts and Regulations Committee rather than by the department or by the minister, the government has to, in a routine sense, oppose it. We will be supporting the amendment despite Mr Barber's provocations.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Clause 29 is consistent with the warning issued under section 361 of the Criminal Procedure Act 2009. For the chamber's information, section 361 states:

> **361 Jury warning concerning alternative arrangements**
>
> If the court directs that alternative arrangements be made in a trial for the giving of evidence by a witness, the trial judge must warn the jury not to draw any inference adverse to the accused or give the evidence any greater or lesser weight because of the making of those arrangements.

In the margin it says:

> New s. 361 inserted by No. 68/2009 s. 50, amended by No. 30/2010 …

So there we have the insertion of section 361, which is the former government's words.

We then go to clause 29, which inserts new section 375A to read:

> Jury warning as to special hearing held during trial
>
> If a special hearing is held during a trial, the trial judge must warn the jury not to draw any inference adverse to the accused or give the evidence any greater or lesser weight because of the arrangements put in place under section 372 for the special hearing.

Yet we have the opposition now supporting an amendment to change something that is equivalent to what they supported.

Ms Pennicuik — No, it is different.

Hon. R. A. DALLA-RIVA — I understand that the difference is in relation to prerecording.

Hon. M. P. Pakula — Are they the same but different?

Hon. R. A. DALLA-RIVA — The explanatory memorandum notes that the jury warning inserted by clause 29 is consistent with the warning issued under section 361 of the Criminal Procedure Act when alternative arrangements are made for the provision of a witness or complainant's evidence, including giving evidence by CCTV (closed-circuit television).

The warning under section 361 of that principal act applies to the making of exceptional arrangements for giving evidence at the court's discretion where the conduct of a special hearing is mandatory — that is, unless the prosecution applies for the complainant to give direct testimony. The warning under section 361 is regularly given in sexual offence proceedings because it arises in certain situations. Firstly, if a witness is an adult complainant who is not cognitively impaired, the court must direct that the complainant is to give evidence by CCTV. The complainant must therefore give evidence by CCTV unless the prosecution applies for the complainant to give evidence in the courtroom and the court is satisfied that the complainant is aware of their right to give evidence by CCTV and is able to do so. That relates to section 363 of the Criminal Procedure Act. Secondly, as provided for in section 359 of the Criminal Procedure Act alternative arrangements are available to all witnesses who are not complainants in sexual offence proceedings as a matter of course.

In the end we will not be supporting the amendment proposed by Ms Pennicuik, and we will be voting according to that position.

Ms PENNICUIK (Southern Metropolitan) — I think the minister knows his answer was about something completely different from what we are dealing with here, and I think the government is wrong and should support the amendment.

Committee divided on amendment:

Ayes, 18

Barber, Mr	Pakula, Mr
Broad, Ms (*Teller*)	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr (*Teller*)
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Noes, 20

Atkinson, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (*Teller*)
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Elsbury, Mr	Petrovich, Mrs
Finn, Mr (*Teller*)	Peulich, Mrs
Guy, Mr	Ramsay, Mr
Hall, Mr	Rich-Phillips, Mr

Pairs

Hartland, Ms	Drum, Mr

Amendment negatived.

Clause agreed to; clauses 30 to 43 agreed to.

Clause 44

Ms PENNICUIK (Southern Metropolitan) — Regarding clause 44 and the issue of aggregate sentencing, the main question I have is: if an aggregate sentence is given, how will the superior courts be able to ascertain if an error has been made in sentencing on particular counts, and if they cannot do that, will that not make the appeals process problematic?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Which courts was Ms Pennicuik referring to? Did she say the higher courts?

Ms PENNICUIK (Southern Metropolitan) — The appeal courts.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The bill will amend the Sentencing Act 1991 to enable the County Court and Supreme Court to use the power to impose an aggregate sentence of imprisonment more effectively. The amendment makes it clear that in the course of imposing an aggregate sentence of imprisonment a sentencing judge is not required to identify the separate events giving rise to specific offences, the individual sentences that would have been imposed for each specific offence or whether those sentences would have been imposed concurrently. This change simplifies the sentencing process, reduces the risk of technical appeal points and will enable judges to sentence more efficiently in cases involving multiple offences.

Clause 44 is consistent with the amendments introduced by the former government in 2010 regarding summary offences in relation to related or unrelated sentences for indictable offences.

Ms PENNICUIK (Southern Metropolitan) — The minister is quoting from the second-reading speech, so I will do that too. On the same page, just above that paragraph, it says:

> This requirement has placed an onerous burden on sentencing judges. It has also diminished the overall utility of aggregate sentences.

Given that there is a great move in the courts to explain sentencing to the public, because the public finds it opaque and unclear, and that this clause will take away the obligation of a sentencing judge to identify the individual sentences that would have been imposed for each specific offence and whether those sentences would have been imposed concurrently, how do these two things fit together?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — As Ms Pennicuik correctly pointed out, clarification of the use of aggregate sentencing is outlined on page 2 of the minister's second-reading speech. The effective use of aggregate sentencing is also important for victims of crime and the broader community because it focuses on the total effective sentences imposed in response to the offender's overall offending. What it does is reduce the risk of technical errors in sentences, but it does not diminish the requirement for sentencing judges to explain their reasons for sentencing. The courts will still have to give reasons explaining the aggregate sentences.

Ms PENNICUIK (Southern Metropolitan) — I want to know the answer to the question as to why this is an onerous burden on sentencing judges to outline the sentences that would have been given because of the reason I have just stated: people want to know why a particular sentence has been given for a particular crime. I do not necessarily buy what the minister is saying: that this is better for victims. Victims want to know what sentence was imposed for the offence committed against them, and if it is all rolled up in an aggregate sentence, they cannot find that out.

Also, my point about the first part of the bill mentioned in the second-reading speech, which allows the appeal court to fix up small errors in sentencing without calling the full court to do so and without changing the sentence, seems to work at cross-purposes to this particular clause. Does not this clause make it more opaque, and why is it onerous for judges to just outline how they arrived at a sentence?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Again, it is ultimately a matter for the judge. The amendment will remove the technical requirements imposed by Felton's case and thereby enhance the utility of aggregate sentences. The most commonly applied ones — certainly from my experience in a previous life — are probably for multiple fraud-type offences which happened day after day. How do you apportion a sentence for each crime for each day? The aggregate sentence is not imposed in relation to serious criminal matters such as manslaughter, murder, arson, causing death et cetera. But, as I said, it will provide greater guidance to the courts in terms of some of the more technical requirements imposed by Felton's case.

Ms PENNICUIK (Southern Metropolitan) — Following on from the minister's answer, I assume that in the case of a person committing multiple rapes on different people, or multiple assaults, those offences would not be captured by aggregate sentences?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice from the department is that aggregate sentences are not imposed on serious criminal offences, which are outlined in the Sentencing Act 1991. I will try to provide the exact section so we are both clear as to where it is. We are still trying to find the answer, and as soon as we do I will get it on the record. I am happy to proceed with other matters.

The DEPUTY PRESIDENT — Order! Does Ms Pennicuik want to pursue this issue before she pursues other matters? We will give it 1 minute, but we should not be held up much longer than that.

Ms PENNICUIK (Southern Metropolitan) — Section 9 of the act, to be amended by this clause, provides that the sentencing judge is not required to outline the separate sentences that he or she would have imposed had they not been imposing an aggregate sentence, but the judge still has the discretion to do so. That is the other thing I want to clear up that the judge still has the discretion to do so, if the judge so wants.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — In relation to the earlier question about serious offences where aggregate sentences do not apply, a 'serious offence' is defined in part 1 of the Sentencing Act under section 3, headed 'Definitions', as:

> (a) murder; or
>
> (b) manslaughter; or
>
> (baa) child homicide; or
>
> (ba) defensive homicide —

and a whole range of offences, including matters that Ms Pennicuik outlined in relation to sexual offences, crimes against children, rape et cetera. They are outlined in that act, and aggregated sentences do not apply to them.

Ms Pennicuik asked a second question. Can she repeat it?

Ms PENNICUIK (Southern Metropolitan) — The provision says that a judge is not required to outline the sentence that would have been imposed. I asked if the judge can do so if the judge feels that is appropriate in the circumstances.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice from the departmental advisers is that that is correct. It is up to the judge. If they wish to aggregate those sentences, they can; it is up to them.

Clause agreed to; clauses 45 to 48 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ROAD SAFETY AMENDMENT BILL 2012

Second reading

Debate resumed from 16 August; motion of Hon. P. R. Hall (Minister for Higher Education and Skills).

Mr LEANE (Eastern Metropolitan) — I am pleased to speak in the debate on the Road Safety Amendment Bill 2012. The now government, then opposition, made a lot of noise in the lead-up to the 2010 election about what it would do about hoon driving. We are well over 18 months into the government's term of office, and it is only now bringing this legislation before the house. However, despite my saying that, the opposition welcomes this legislation. It will do something to address road safety.

One provision in the bill puts the onus on drivers convicted of certain driving offences to undertake a safe-driving course at their own expense. This makes sense. Taking someone's car away from them does not necessarily educate them about safe driving. We do not oppose that provision. But having said that, this is a road safety bill that does three quite small things, and as far as road safety is concerned, this government is more about window-dressing.

We had an urgent bill brought into the house in relation to drivers having open alcohol containers. I am interested to know, if a government member can tell me, how many people have been charged under that new, urgent legislation. After a lot of chest beating in the lead-up to the last election in relation to road safety, the government appears to be engaging in a lot of window-dressing now.

There are three areas critical for road safety. One is the driver, and this bill introduces a provision requiring hoons to take a safe-driving course, which they have to pay for. That is fair enough and may lead to us having better drivers on the road.

One of the other areas is about cars. In 2008 the Brumby government mandated that all new cars sold in the state from 2011 would have to have electronic stability control and that from 2012 all new cars sold would have to have side curtain airbags. They were good initiatives and were a good way to improve the future fleet of cars on Victorian roads. The other critical area of road safety, and where I think the government has fallen down greatly, is in investment in roads and making safer roads.

Promises were made about road improvements in the upper house electorate I represent, but they have not been delivered at this point. The government made a couple of commitments to grade separations of some level crossings — one in Mitcham Road, Mitcham, another one in Rooks Road, Mitcham, and a couple in Bayswater. VicRoads called for submissions regarding the Mitcham grade separations quite a long time ago. I put in a submission and have not heard much since. There has been no activity to indicate the government will deliver these level crossing grade separations before the end of this term of government as per its commitment.

Commitments were made for a couple of road projects. One was made by the Treasurer for the duplication of High Street in his Assembly electorate of Scoresby, which looks far from being done. I would go so far as to say it will not be done. A commitment was made by the member for Bayswater in the Assembly to duplicate the northern end of Stud Road. There have been some noises around that project, but I cannot see that being done by the end of the term.

The member for Bayswater made a lot of noise about the intersection of Boronia Road and Tormore Road,

calling for traffic lights to be installed and saying how dangerous and terrible that intersection was. Under the previous government VicRoads did some remedial work around triggering a pedestrian set of lights from the side streets on Boronia Road, but apparently that was not good enough for the member for Bayswater, who is now saying that a set of traffic lights is needed on that intersection. It is coming up to midterm, and there has been a lot of talk but no sign of any action of the ground being scratched or any poles being put up for that project.

All the urgent talk of coalition members before the 2010 election has not borne much fruit at this point. We look forward to improvements in road safety, but as far as this particular piece of legislation is concerned, for what is worth, the opposition will not oppose it.

Mr BARBER (Northern Metropolitan) — The Greens will support the Road Safety Amendment Bill 2012. The bill does two main things, one of which is to alter some of the provisions around so-called hoon driving offences, in particular to establish the requirement that people convicted of these offences in certain circumstances take part in a safe-driving program. In a different area the bill deals with the issue of damaged vehicles and statutory write-offs. It is the first of those provisions that I want to address specifically.

Road safety is a matter of increasing concern in our society. People are increasingly aware of the need to reduce the carnage that results from dangerous driving and road accidents. At the moment we find reducing it to be particularly difficult. Over a long period measures have been introduced around vehicle safety — that is, the way vehicles are built. These measures include the issues of drink driving, seatbelts and speed. However, we still have a problem, and this is seen as unacceptable by many people. We need an approach that can reduce the unnecessary deaths and injuries associated with this part of our transport system.

There is a bit of a history to the so-called hoon driving legislation. Initially hoon driving was defined as certain specific behaviours such as burnouts, wheel spins and so forth. Those behaviours were targeted through the original provisions in the legislation. Initially the actions that could be taken against these behaviours included the immediate impoundment of the car and later the impoundment of the car after someone had been convicted. At a certain stage other types of behaviour were added to the original definition of hoon behaviour. The definition came to include persons found guilty or convicted of offences on subsequent occasions, alcohol and drug offences, and driving while unlicensed. All of that has been part of the evolution of the so-called hoon driving laws, and here we are making another change.

The term 'hoon' might mean different things to different people and might make for a good media headline, but it has changed over time, which becomes evident when you read the statute law that now comprises various parts of the road safety legislation. I agree that we have a big problem with road safety. When we start looking at these sorts of provisions, including those we have looked at at various stages in my time in Parliament and the new provisions in front of us today, we seem to be unsure of exactly what we are trying to do.

Firstly, we said hoon behaviours, such as burnouts, would lead to the immediate impoundment of a car. One would imagine this was intended to immediately break the cycle of what someone was doing on the spot. However, it was not necessarily a punishment because the driver had not, at that stage, been found guilty of anything. Then we started punishing hoon drivers by crushing their cars. Crushing their manhood may be the appropriate analogy there. You could fine them under any number of provisions, but the physical crushing of the car was meant, I guess, to be some sort of extra punishment for someone who was perhaps in love with their car and everything associated with it, which may have been what led them to engage in inappropriate on-road behaviour.

We have to start asking ourselves what the underlying driver of human behaviour is in relation the types of problems we are now identifying. In a contribution in 2010 I quoted from an article in the *Age* in which a former County Court judge said:

> The culture, indeed worship of cars is ubiquitous; the advertising of cars is ubiquitous; the advertising of the power and aggression of cars is ubiquitous.
>
> Speed is king — the grand prix and its celebrities tell us so. Why would we think that the 'hoons' wouldn't be drawn into such a persuasive culture? They have, after all, little else to which they can attach their lives. That, too, is a cause for scrutiny, because it bears down on the educational system and the absence of worthwhile tasks to attract their allegiances.

This was from a County Court judge turned sociologist, and who could be better qualified after all those years sitting on the bench?

My point is that today we have a new approach being added. I applaud and support it, and I am voting for the bill, but it is my job to ask what we are trying to do. We are now requiring people convicted of certain dangerous offences, linked to the hoon offences to

undertake an educational safe-driving course. We have gone from fining them, taking their cars off them immediately and permanently, and in some cases taking their licences off them, jailing them and crushing their cars as a demonstration to educating them by bringing them into a classroom environment where structured learning — as yet undetermined — will hopefully have the desired effect in addition to all those other measures. I certainly support this approach, but when we come to the relevant provisions of the bill it will be interesting to look at why this approach has been deployed in the way that it has. For this reason I need to go into committee stage to ask some questions about specific provisions.

Applicable offences — that is, the types of offence that will result in a person being required by the courts to do a safe-driving course — include an offence against section 64 of the Road Safety Act 1986 and a range of other sections which is also, if I read the bill correctly, an offence against other hooning-related sections. Section 64 is headed 'Dangerous driving'. It stands alone and is in fact a very serious offence. Section 64 says:

> (1) A person must not drive a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case.

If convicted under this section, you are liable to a fine of no more than 240 penalty units or to imprisonment for a term of no more than two years, and the court must, if the offender holds a drivers licence or permit, cancel that licence or permit and disqualify them from obtaining one for not less than 6 months or, if the vehicle was driven at a speed of 45 kilometres an hour or more in excess of that permitted, 12 months, as the court thinks fit.

The dangerous driving offence, which is a very serious offence, attracts a maximum of two years jail. It almost parallels the provision in the Crimes Act 1958 around the dangerous use of a motor vehicle. Previously in the Crimes Act any offence involving a motor car was basically manslaughter or nothing. The Crimes Act was changed to bring in a more mid-range offence. It works in a similar way to the provision in the Road Safety Act which I just read out, but there is something of a riddle in the way this provision has been drafted. It says a person must not drive a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all circumstances of the case.

It is not enough to simply argue that you were doing the speed limit and therefore you cannot have been doing something dangerous. It is clear from this provision that in various ways it would be possible to be doing under the speed limit and in fact obeying all the other road rules — not running a red light, not flinging open your door in front of a cyclist or other vehicle or in any way risking a hazard — but nevertheless you could be doing something that is dangerous and you could get two years jail for it.

I refer to a recent civil case in Queensland involving a motorist who was driving their car on the pavement. The car had extended mirrors out either side of the bonnet, like you would have if you were towing a caravan. A young boy who had been standing on the road moved off the centre of the road towards the gutter and was struck by one of the car's mirrors. That motorist was found civilly liable, and the argument in the judgement was that if a driver did not have some responsibility for vulnerable road users — pedestrians in this case — then the logical alternative would be that every pedestrian, every cyclist would have to vacate the road space whenever a car came by.

It is clear that this provision in the Road Safety Act, is an instruction to drivers that they must have regard to all the circumstances in which they are driving, including the speed and the manner in which they are driving. Yet in a second subsection immediately below it we see that there is a tougher penalty depending how much over the speed limit you are travelling. It could be quite safe to be doing 100 kilometres an hour down a country road. It could equally be very dangerous to be doing 60 kilometres an hour in an urban situation, and yet in both cases you might be under the speed limit.

Therefore it is the view of the Greens that this section of the principal act needs to be amended to flesh out further what all the circumstances are. In our view it should take special note of the situation of vulnerable road users — vulnerable road users being defined in my mind as pedestrians, cyclists, council road workers, perhaps those involved in moving agricultural machinery, anybody who is out there on the road with a legitimate right to be on the road but nevertheless not surrounded by the metal cage, the air bags and all those other things that motorists take for granted.

It is a serious business. Anybody being pinged under this provision has committed quite a serious offence. Even the Crimes Act could be brought to bear on them, so it should be treated most seriously. That is why in the committee stage of the bill I will be asking whether and why the provisions of this bill add the safe-driving course only to those guilty of hooning offences, when hooning, as I said, has a very different popular meaning to its legal meaning. Its meaning has been blurred by changes that were made by previous governments.

It is worth understanding the government's intention and approach here. Certainly my intention is that over time the responsibilities of motorists need to be heightened; that the responsibilities of motorists do not simply end with obeying all relevant road laws, including the speed limit; and that the special circumstances of vulnerable road users who are not classic motorists are given greater legal weight, which is an objective the Greens are moving towards. Members will hear more from me on that.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on behalf of the government as the first government speaker on this bill. The government is pleased that this legislation is being debated because it implements the hoon legislation policy it outlined before the last state election.

I would like to start by picking up on some of the comments made by the first two speakers, Mr Leane from the opposition and Mr Barber from the Greens, but before I do so I will preface my remarks by saying the government is very pleased to have the support of all the parties in the house. I noted the comments of the lead speaker for the opposition in the Assembly, the member for Narre Warren North, Mr Donnellan, and his support for the bill, and the government is pleased to have the support of this house for this legislation.

I will respond to some of the issues that Mr Leane raised. Road safety requires a multifaceted approach. It requires the contributions of a number of different government agencies and private sector organisations, the community in many ways and, in effect, all drivers. There are many factors that contribute to road safety. Mr Leane spoke of the quality of cars, and indeed that is a factor. That is why things such as the Australasian New Car Assessment Program are also very important. Mr Leane questioned this government's investment in roads. I am pleased to inform him — he must have missed it in this year's budget — that the Mitcham Road and Rooks Road grade separations have been fully funded in the 2012–13 budget. The government is diligently working on delivering those grade separations. This project, to be delivered by VicRoads, is very exciting and complex in terms of both road safety and traffic movement in that vicinity.

I think Mr Barber in effect answered his own question. He asked what we are trying to do, then he gave a potted history of the development of hoon legislation, a definition of hooning and outlined the community's expectations of sanctions in relation to what is inappropriate behaviour on the roads. Through his commentary I think Mr Barber answered his own question, but I have no doubt that he will have further questions in committee.

Whilst I note the support for the bill from all parties, I want to pick up the general theme coming from the opposition, which is that the government is not responding to road safety in the way it should. The government rejects that assertion, which was made by members in the other place and by Mr Leane just before in his contribution to this debate. I want to run through, in no specific order — and it is not an exhaustive list — some of the things the government has been doing in the road safety space, including the Talk the Toll Down campaign, which was launched by the Premier and is being run by the Transport Accident Commission (TAC) in conjunction with country and regional newspapers; the increase in the penalty for car dooring, which was the subject of a report tabled earlier today; the Facebook campaign that VicRoads ran earlier this year, along with the sticker campaign it is also running; and the review of speed zones that the government has undertaken.

I note the media release put out by the Premier on 14 August referring to the Speed Limit Advisory Group, which assessed the submissions that VicRoads received, and I also note some of the comments quoted in that release from the VicRoads executive director for road safety and network access, Mr David Shelton. On 17 August the Premier announced $55 million worth of investment in the ongoing safer roads infrastructure program to address and improve safety at many unsafe intersections or sites where there have been a series of run-off-road incidents. They are all very worthy projects that have been undertaken in a scientific and objective fashion.

I note that the Road Safety Committee is conducting an inquiry into motorcycle safety, which was mentioned by the committee chair, Mr Thompson, as the member for Sandringham in the other place, in his comments on the bill. Again that is a very important area. Motorcyclists are overrepresented in accidents. The L2P program was extended for three more years, and I understand the graduated licensing system is working well. We are investing in the creation of rest areas for the transport industry. The national heavy vehicle law is coming. The new registration and licensing system that the government has committed to and is investing in will deliver greater research capacity because of the data it will capture, which will lead to better analysis of information and in turn better allocation of resources.

The government is doing many things, and it rejects the assertions to the contrary that have been made by Mr Leane and by Mr Donnellan in the other place. I

said in my opening remarks that it is important to work with the community, and that is what the TAC's Talk the Toll Down project is endeavouring to do.

I want to acknowledge Mr Graham Cockerell and the Pakenham Lions Club for the work they do in driver education, particularly that of young people in the Cardinia shire. I was pleased just last week to join Graham, representatives of the shire and others, including my colleague Brad Battin, the member for Gembrook in the other place, in visiting the Metropolitan Traffic Education Centre, with which I know Mr Leane had some involvement. It is an excellent facility that the Minister for Roads, Mr Mulder, has visited previously.

The government is pleased to have the support of this house for this legislation. The bill does three main things. As Minister Mulder outlined in his second-reading speech, it implements an election commitment that the coalition made to require hoon offenders to undertake a safe-driving course. This will be a full cost recovery model, so there will be no cost to the taxpayer. The person who commits the offence will have to pay their share of the cost of administering the course. Courses will be approved by VicRoads, which will conduct a rigorous assessment of the courses that are proposed and will ultimately approve them or not approve them.

The change will make the vehicle impoundment scheme more efficient for Victoria Police and reduce government costs in administering the scheme. At present the process can be lengthy, which can lead to all sorts of administrative challenges. The bill makes this process more efficient for Victoria Police, and that is to be welcomed. Again I note the comments from opposition members in support of these changes.

The bill will establish new, more stringent and nationally agreed criteria for assessing whether a damaged vehicle is a statutory write-off. In effect it will implement a national scheme. The Victorian Automobile Chamber of Commerce and others have been calling for the adoption of a national scheme, and this bill is an opportunity to incorporate this element into legislation. It is a common-sense, good initiative, and I am pleased the opposition parties will be supporting it.

Mr Leane made some comments about the length of time it has taken for this bill to come to the house. Changes have been made to hoon driving legislation during this Parliament to extend the impoundment period to 30 days. That change came into effect on 1 July last year, so the government acted very quickly on that aspect of its pre-election commitment. I note a media release from Minister Mulder dated 11 October 2011 and headed 'Record number of hoons off the roads in first three months' which says:

> The tough new hoon laws introduced by the Victorian coalition government on 1 July have proven highly successful, with over 1000 hoons' vehicles impounded …

The release continues:

> The police have achieved outstanding enforcement results, with 1038 cars impounded for the new 30-day period. Of these, 310 were impounded for unlicensed driving, 240 for speeding in excess of 45 kilometres an hour over the limit and 239 for using the vehicle improperly.

The government acted very quickly on that aspect of its pre-election commitment. Obviously we want to get it right with regard to the type and style of safety course that hoon drivers will need to undertake. The government has considered this in conjunction with VicRoads in a measured, reasonable and thoughtful way. I am pleased the government has brought this legislation before the house for ratification by the Parliament. I am very pleased that the Parliament, including all parties, will be supporting this step, which is one piece in much broader road safety initiative the government is undertaking that will build on the work of previous governments and on the expertise of organisations such as VicRoads and the Transport Accident Commission.

In one sense it is worth acknowledging that the road toll is lower now than it was this time last year, but every death on the roads is a tragedy. In recent days there have been a number of very unfortunate events and a number of fatalities. That is very distressing to the community in general but also a tragedy for those who have lost a loved one. I commend the bill to the house.

Ms CROZIER (Southern Metropolitan) — I am pleased to rise to speak in support of the government's position in relation to the Road Safety Amendment Bill 2012. We have just heard Mr O'Donohue outline why the government has brought this bill before the house and the mechanics of the bill. I agree with him that the government has been supported by the opposition parties on the safety aspects of this bill.

I have some brief comments to make in relation to aspects of hoon driving and the hoon offenders being targeted by this bill. It was incumbent on us to deal with those who undertake such dangerous activities. When I was doing research in relation to this bill I noted that the library had highlighted two affected areas in Southern Metropolitan Region, especially hoon driving along the Princes Highway. I note that the city of

Monash is one of the areas in the state that has a high level of hoon driving offences. In an article in the *Oakleigh Monash Leader* of 24 April it was reported that:

> Police impounded a car in Monash every four days in the past three years.
>
> A total of 154 cars were locked away last year, giving police hope that they were winning the battle against hoons in the municipality.

The article goes on to say:

> And, though it suggests there may be more dangerous drivers on Monash roads —

in the area of Oakleigh —

> … antihoon laws had 'taken the ego away' from drivers.

That is a significant aspect. The road safety campaign and the aspects it addresses will further ensure that hoon drivers adhere to the law and that, after they have had their cars impounded and paid the subsequent fines, they understand the dangerous aspects of their hoon driving.

A number of concerns have been raised by residents in the Oakleigh community and also by the police, who do a terrific job in attending when there are drag racing activities, burnouts or other events. Often the drivers who undertake this sort of behaviour on the Princes Highway move from one area to another. It is a great concern for members of the community in that area. I add my support to that of other members who have already spoken, and I commend the bill to the house.

Mr ELSBURY (Western Metropolitan) — It is incumbent on all members to make Victorian roads safer through the laws we pass. This legislation carries on from previous governments' measures to combat hoon driving. Those measures have been made even more effective by the coalition increasing penalties so that infringements are not worn as some sort of badge of honour among their peers by those who commit these offences. The penalties now carry a level of discomfort which reflects the seriousness of the offence they have committed. This legislation further improves the laws surrounding the methods of imposing penalties on hoon drivers and develops actions they will need to follow to be able to be reintegrated into the road-using community.

This bill establishes a scheme for compulsory safe-driving programs for drivers who commit certain traffic offences, including hooning. Amendments will also be made around the provisions for impounding vehicles. The bill makes changes to the way in which an abandoned vehicle which has been impounded can be treated. After a reasonable amount of time if the owner has chosen not to retrieve or attempt to recover the vehicle, then it will be considered abandoned. That may happen for many reasons, but when it does occur it leaves the police in a situation where storing a vehicle can generate costs above and beyond the reasonable implementation of the law. It will allow the expeditious sale of a vehicle that has little or no value, and its disposal can contribute to the ongoing costs of implementing the law.

The bill further strengthens the law and makes clear our refusal to allow hoon drivers to put members of our community at risk. The bill provides hoons with a pathway to improve their driving habits. It improves the administration for impounding cars, especially abandoned cars, and it allows for the relocation of vehicles when they have been immobilised. I support this bill.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Road Safety Amendment Bill 2012. Members have already spoken about the construction of the bill, so I will not spend the Parliament's time doing that other than to mention that this is about enforcing the completion of a safe-driving course and furthering powers associated with the relocation or sale of vehicles that have been impounded or immobilised.

Members have heard me talk about road safety a lot. I have warned about road safety at holiday times and talked about the fact that I live very close to where five young Victorians were killed on Plenty Road — some of those children were known to my family — so members know that I am strong on road safety issues. These programs are designed to achieve behavioural change and reduce recidivism. It is as simple as that. We have lost 12 people in 12 days in this state; it is not good enough. I have taken a safe-driving course, and I have encouraged my children to do likewise. In fact it is one of their birthday presents; after they turn 18 my wife and I pay for them to do a safe-driving course. It is the standard of doing business in our household. We have to save children's lives.

As of midnight last night, we have lost 185 Victorians on the roads so far this year. That is compared to 194 for the same time last year, which means the rate is down 5 per cent, but for me we have still lost too many lives on Victorian roads. The statistics are pretty clear: 18 to 25-year-olds represent 14 per cent of the Victorian population, yet they accounted for 28 per cent of fatalities in 2010. Enough is enough. We have lots more to do. It is important that all of us support this bill.

It is time to get on with saving Victorian lives. I commend the bill to the house.

Mr RAMSAY (Western Victoria) — I rise to speak on the Road Safety Amendment Bill 2012. I understand that there is no opposition to the bill in this chamber.

The bill is not rocket science. The bill will help to solve the perennial problem of testosterone compromising road safety and common sense. This bill aims to get hoons off the road and speed up the process of impounding their cars, if necessary immobilising them for life. The bill amends the Road Safety Act 1986 to implement an election commitment to require hoon offenders to complete a safe-driving course, to make changes to the vehicle impoundment and immobilisation scheme to reduce administration and operational costs, and to introduce new nationally agreed criteria for determining whether a damaged light motor vehicle is a statutory write-off.

While a safer driving course requirement might not be a panacea, the threat of licence suspension or disqualification if such a course is not completed might encourage the engagement of hoon drivers. Where testosterone might be challenged is with the improvements to the vehicle impoundment scheme to enable the speedy sale or disposal of abandoned vehicles within time limits and the expansion of the definition of statutory write-off insofar as it relates to light motor vehicles.

The challenge for this bill is to change the behaviour of hoons from the risk-taking behaviour described in this bill to safer behaviour. It is expected that over 25 hoon offenders will be required to attend a safe-driving course. Hoon driving is recognised as a serious threat to road users, with speed races, speed trials and wheelies all expressing the attitude problem of hoon drivers. The quicker we get this demographic of young drivers with attitude off the road the better. We need to get them re-educated, change their behaviour and get them to understand that the community does not accept that this is part of the growing-up phase.

Motion agreed to.

Read second time.

Sitting suspended 6.36 p.m. until 8.11 p.m.

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Mr BARBER (Northern Metropolitan) — As I understand it, an applicable offence includes serious offences referred to in the Road Safety Act such as in section 64, dangerous driving; section 65, careless driving; section 65A, loss of traction or burnouts; section 68, speed trials or street racing; section 65B, where a heavy vehicle exceeds the speed limit by 35 kilometres an hour or more; and so on. However, new section 84BL provides that a court must order a person to complete an approved safe-driving program if the person has, firstly, committed one of the offences I have just listed and, secondly, had their vehicle impounded or immobilised under some other section. If someone fits into both circumstances, they then have to do an approved driving course. I ask the minister: is that a correct understanding of how the act will work?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I am advised that the answer to that question is yes, that is a correct interpretation of how the act would work.

Mr BARBER (Northern Metropolitan) — Then why is it that a person who has been found guilty of dangerous driving attracting two years jail — a person who must have done something extraordinarily dangerous to receive such a serious sentence but who did not have their car impounded — does not need to do a safe-driving course? What is the logic of that construction of this bill?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I honestly have to say that I am not sure of the answer to that question at this point in time, so I am going to seek further clarification. Rather than trying to give an answer that is not correct, which is not my custom, I am going to try to seek some further clarification on this. So if there are other questions which Mr Barber can move on to — —

Mr Barber — Not on this clause.

Hon. P. R. HALL — All right. I ask the committee to bear with me for just a minute while I seek an answer to that question.

The answer to Mr Barber's question is, again, that I do not fully understand the question or the answer or the implications of this. I openly say to this house that I was not briefed on this, and it would normally not be my role to serve as minister at the table in this committee stage. If it is absolutely imperative that an answer be given at this time, I would be prepared to seek to postpone consideration of this clause and get a written answer provided to Mr Barber in this instance.

That is a way I could see we could move forward, but I am not going to pretend to the committee that I am sufficiently informed to provide an appropriate verbal answer at this point in time.

The DEPUTY PRESIDENT — Order! Just to clarify, I am not sure whether the minister is formally moving to postpone the cause, but I guess the question becomes: is it likely to be this evening that the minister can get a complete answer to this question, and is he seeking to postpone debate on the clause or defer consideration of the bill? What is the minister's position on that?

Hon. P. R. HALL (Minister for Higher Education and Skills) — Through you, Deputy President, I am proposing that if we can consider further clauses of the bill while I seek a written answer from the advisers on this particular point, which I can provide to the committee, then I will do that before we conclude consideration of this bill.

The DEPUTY PRESIDENT — Order! On that basis I suggest we postpone consideration of clause 5, but I suppose it is worth asking whether Mr Barber has other issues on clause 5 that the minister may also want to get further advice on. Perhaps we can pursue the issue of questions and issues relating to clause 5 and then postpone its formal consideration. Hopefully we will have those matters responded to before the end of the committee's consideration.

Mr BARBER (Northern Metropolitan) — Postponing discussion of the clause is not going to save or gain us much time, because my question on that other clause was really a pretty small thing. My question went to what the logic is of this particular subset of offences being provided for in the bill. What I would also like to know is what the effect is of providing for this particular subset, because the subset consists of, in one instance, people who have been convicted of offences under section 64 of the Road Safety Act and have had their car impounded. How many people have been convicted against section 64, and, of those, what is the subset of people who also have had their car impounded?

It would seem that perhaps many people who were convicted of dangerous driving did not have their car impounded, and therefore this bill will not require them to do anything special. There is the question of the logic of it, and then there is the logic of the impact of it. It is in the government's hands as to whether any postponements and so forth would be successful even if I move them, so it is really up to the government to attempt to answer the question. As I said, I only had one simple question in relation to that later clause.

Hon. P. R. HALL (Minister for Higher Education and Skills) — I just want to make sure I understand the question correctly. Mr Barber seeks to know how many people convicted under section 64 — that is, for dangerous driving — have also had their cars impounded. Is that correct?

Mr BARBER (Northern Metropolitan) — Yes, and likewise with the other applicable offences, in the terms of the bill, which include sections 65(1), 65A(1), 68(1), 65B and so forth. There must be some logic for why that subset of offenders is being required to do a safe-driving course. If the minister can explain the logic, perhaps my later questions are not as important, but if there is no logic and we do not know the impact, why is the government bringing this bill forward?

The DEPUTY PRESIDENT — Order! Minister Hall is vacating the position, and Minister Guy will assume the driver's seat on the Road Safety Amendment Bill 2012 — on the left-hand side of the road!

Hon. M. J. GUY (Minister for Planning) — I always think I am driving on the right! If I interpret Mr Barber's question correctly, I would answer his question by saying that if the police do not or did not impose impoundment, then the government takes the advice of the police and assumes that what Mr Barber is asking about would not be required. Thus we are relying on the advice of the police. If they are not imposing impoundment, then obviously the offence is not as serious or the police do not deem it as serious. On this matter we would take the advice of the police officers who are picking up the driver who has committed an offence.

Mr BARBER (Northern Metropolitan) — But someone has to have committed, in one instance, the dangerous driving offence under section 64. The maximum jail term for that is two years; you also lose your licence for a significant period. That is obviously serious; in fact it is just about the most serious offence in the whole Road Safety Act, certainly for an individual driver. Why do they have to do a safe-driving course only if they get their car impounded?

Hon. M. J. GUY (Minister for Planning) — Again, I think I am answering Mr Barber's question correctly in saying that these are people who have committed further offences, such as deliberate loss of traction or other offences, and therefore it is beyond just a basic offence, as Mr Barber was referring to earlier, and thus

you have a situation where that judgement is made by Victoria Police.

Mr BARBER (Northern Metropolitan) — One of the applicable offences is under section 64 — dangerous driving. It attracts a sentence of two years jail. In fact the sentence contemplates that someone could be travelling at 145 kilometres an hour in a 110-kilometre-an-hour zone; that is actually built in as part of the text of the offence. Is the minister saying that that person should not, after conviction, have to do the safe-driving course but someone who the police determine under some other criteria should have their car impounded has to do the safe-driving course?

Hon. M. J. GUY (Minister for Planning) — The course is only targeted at hoons and hoon driving and, as I said before, that is determined by a subset of clauses. It is fairly clear about who would then be required to take those courses.

Mr BARBER (Northern Metropolitan) — I think the government is saying this was its original intent — that is, to target hoon driving. Hoon driving is generally defined under section 65A as 'loss of traction', and in section 68(1) as participating in a speed trial. Even if you are looking only at that, even if you were ignoring section 64, which is about dangerous driving, you would still have to have had your car impounded. Therefore it is not quite right to say it is only people who have been convicted of hooning offences. It is people who have been convicted of hooning offences and who have had their car impounded who then have to go and do a safe-driving course. However, someone whom I would think of as a hoon — that is, someone who has been convicted of dangerous driving, possibly doing 145 kilometres an hour in a 110-kilometre zone — is not classed as a hoon and does not need to do a safe-driving course. Is it correct that they will at least not be compelled to do so by the courts under the provisions of this bill?

Hon. M. J. GUY (Minister for Planning) — Again I know that was commentary, but just to make a comment, I am advised that the example Mr Barber mentions is one point at which the driver would then be required to go through the course.

Mr BARBER (Northern Metropolitan) — That is not so if I understand section 84BL correctly; a court must order a person to complete an approved course.

Hon. M. J. Guy — If you understand correctly?

Mr BARBER — I assure the minister that I am here to be educated. Section 84BL provides that a court must order a person to complete an approved safe-driving program if the person has committed an applicable offence and, in relation to the offence, has had his or her vehicle impounded or immobilised under two different sections. You have to have done both. It would be fine if it is the normal practice that whenever someone is convicted under sections 64, 65, 65A and 68, they always have their car impounded — that is, if the minister is telling me that in practical terms it does not make any difference because both things are always happening together. He would have to demonstrate that with reference to some statistics of recent court cases, but that would just as easily satisfy my question.

Hon. M. J. GUY (Minister for Planning) — My understanding is that what Mr Barber says generally is what occurs. If members of the police exercise their discretion not to have that happen, then we rely on the advice of Victoria Police.

Mr BARBER (Northern Metropolitan) — We do not just rely on it. In fact this bill can only operate — that is, the court can only order a safe-driving course — when those two things have happened. I am not an expert on this area of enforcement, but presumably somebody could jump in their mum's car, go out, commit an offence and be convicted of that offence. The police then say, 'We are not impounding the car. It wasn't his car; it was his mum's car'. Therefore the court no longer has the option to order that offender to go to a safe-driving course. I think what has happened here is that sometime in the past the government put out a policy or a press release, and then a bill has been drafted; but the actual logic of this thing has not been questioned by the minister or anybody else down the line who was given the drafting instructions. Somebody has got very literal here and said, 'This is what we think the minister meant when he put out that press release, so here is the bill'. I have been searching for some other explanation, but I have not found it so far.

Clause agreed to; clauses 6 to 8 agreed to.

Clause 9

Mr BARBER (Northern Metropolitan) — Clause 9 relates largely to a series of powers to be given to authorised persons. Can the minister tell me what class of person, or type of person, it is intended would become authorised to exercise functions otherwise carried out by the police?

Hon. M. J. GUY (Minister for Planning) — My understanding is primarily this would be tow-truck contractors.

Mr BARBER (Northern Metropolitan) — They are not authorised officers in the sense that they are being

deputised. Usually when we see authorised officers it is the secretary of the department who authorises them. They seem to be taking on a large number of the normal functions of the police, including to relocate a vehicle seized, to take possession of keys, in fact to 'exercise the same powers to search for and seize a motor vehicle'. Section 84J gives them the powers of a police officer under section 84G 'to search for and seize a motor vehicle'. It sounds like they are going to be deputising a whole army of repo men who can basically go out and do the job of the police, including tracking down these cars and seizing them, although not authorised in the sense that the police have determined — —

Hon. M. J. Guy — Give them a uniform.

Mr BARBER — The minister interjects that we should give them a uniform. That is really taking me to my question.

The DEPUTY PRESIDENT — Order! The minister's interjection was disorderly because he is out of his place.

Mr BARBER — None of us is on piece rates; we are getting paid by the hour.

The DEPUTY PRESIDENT — Order! I remind the member it is not the comedy festival either. Can we get to the bill.

Mr BARBER — Is it the intention that this whole function area is to be authorised — deputised, in my characterisation — away to tow-truck drivers? Will that be through a general authorisation or is it simply that on each individual occasion a police officer says, 'Here is the rego number, mate, go get it. It was last seen heading in this direction.'?

Hon. M. J. GUY (Minister for Planning) — I am advised that tow-truck drivers would only be authorised for low-risk activities and, where appropriate, a police officer would accompany them if it was necessary.

Mr BARBER (Northern Metropolitan) — Most of the tow-truck drivers I have ever dealt with would not consider their job to be a low-risk activity. Some of them are kitted out and in all cases they are ready for high-risk activity. Any time you interfere with someone's car when that person does not want it to be interfered with, you are engaging in a high-risk activity. Low-risk or otherwise, I think that is a value judgement. My original question was: is it the case that these authorised officers would be acting without direct supervision, because the degree of authorisation allows them to do so?

Hon. M. J. GUY (Minister for Planning) — I am advised that Victoria Police would provide a level of supervision for low-level-risk jobs that the tow-truck providers or tow-truck operators would put in place. It would be up to Victoria Police to ascertain whether a level of supervision would be necessary beyond that, and the government would take the advice of Victoria Police. The bill stipulates the category of work a tow-truck driver can engage in, but the government believes Victoria Police is best placed to make that judgement.

Clause agreed to; clauses 10 to 32 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CRIMINAL PROCEDURE AND SENTENCING ACTS AMENDMENT (VICTIMS OF CRIME) BILL 2012

Second reading

Debate resumed from 16 August; motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to rise to speak on the Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012 and to indicate that on the second reading the opposition will be voting in favour of the bill. This is a bill with only a handful of clauses, nine in total. It comes to only a few pages. It is in four parts and it comes to nine pages.

In effect the bill clarifies a number of powers that the courts have had for a long time. It encourages courts to consider the impact on victims of crime when asked to give a sentence indication, something that courts do anyway but which is made more explicit by this bill. The bill strengthens consultation procedures for victims before a sentence indication is given to the defendant, which again is something that already occurs but which is formalised by the bill. The bill allows for offenders to be ordered to compensate victims for property loss and damage if the damage is quantifiable — again, a power that the courts already hold — and it does some streamlining in terms of compensation orders for property damage and loss.

Before I briefly go through the effects of the bill, I indicate that Ms Hennessy, the member for Altona in the other place, went through the bill at some length, and I thank her for putting on the record the opposition's view on those matters.

In terms of the impact on crime, the Sentencing Act 1991 requires a court to take into account the impact of the crime upon the victim when making sentence indication, and part 2 of this bill amends the Criminal Procedure Act 2009 to promote consideration of the impact on the crime victim. In regard to compensation, a court is currently allowed to order that an offender pay compensation for property loss and damage to a victim if the victim asks for compensation and if the case for compensation is made out.

It seems that the most substantive element of this bill is that whilst at the moment the court can order, upon application, the payment of compensation to a victim, once this bill passes this house tonight the court will be required to ask the victim if they are going to seek compensation. If the victim does not affirm that, the court can make the order in any case.

If you think about it sequentially, right now a victim makes an application for compensation, and the court makes the order where the order is deemed by the court to be appropriate. Let the opposition make it clear: anything that makes the process simpler for victims is welcome, but it is hardly groundbreaking to have a bill of which the prime effect is to say, 'Before the court could order compensation if the victim asked for it; now the court is required to ask the victim if the victim wants to ask for compensation'. That is the principal impact of this bill.

Mr Ondarchie interjected.

Hon. M. P. PAKULA — It is the principal impact of the bill, Mr Ondarchie. I made the point in relation to the previous bill before the house, and I make it again: when the government made the announcement in regard to this bill it got nice front-page coverage. The government purported that this bill was some kind of major change for victims of crime; as I said, the opposition accepts it is a welcome change, but we are not suggesting it is a major change. Currently the court can order compensation for a victim. With these changes the court will have to ask the victim if the victim wants compensation. Currently courts take into account the impact of crime on victims; they do it because they choose to. As a consequence of this bill they will have to do it.

In saying that, there were no well-publicised or other types of incidents that the government or the department could point to where the courts had failed to take this into consideration. In fact it is now routine that the courts take these matters into consideration and consider the impact on victims of crime before they give a sentence indication to the defendant. That is what the courts do as a matter of course, and as a consequence of this bill they will have to do it. That is good and it will help in the infinitesimally small number of cases where they may fail to do that, but again I note that there were no examples put forward by the department of where the courts had failed to properly take these matters into account. Nevertheless, if we have a piece of law that says the courts must take it into account, I suppose it is possible that in the future there will be a case where a court may otherwise have missed this step. They will now be required to ensure that they do not miss that step.

Some big claims were attached to this bill, but there is very little actual substantive change. I say to the government that whilst these changes are welcome, what we would really like to see in terms of victims of crime is that there be less of them. In an environment where you see the crime rate continuing to rise and the government's own budget papers predicting that the rate of recidivism is going to rise despite the government's rhetoric about being tough on crime, what that all adds up to is that in the future there will be more victims of crime than there are today. Rather than carrying on about how tough the government is and how we will have truth in sentencing in the future — as if that will somehow lead to a reduction in the number of victims of crime — the government should get real about attacking the causes of crime and the consequences of its own policies.

We support the bill, but we are not going to be deceived into believing that as a consequence of this bill something substantial, earth shattering or groundbreaking will be done for victims of crime. As I said, there are some minor but welcome improvements in the process. It is our experience that in almost all circumstances contemplated by this bill the courts already do all of the things that the bill now mandates them to do. It is not as if the courts are currently missing these processes, failing to consider the impacts on victims of crime or failing to take that into consideration when they are making sentencing indications to defendants. They do all of these things already, but this bill requires them to do it. If it means that in future one or two circumstances where these things might otherwise have been missed do not get missed, that is welcome. But let us be clear: in 2012 the

overall crime rate has gone up for the first time in 10 years, and nothing in this bill is going to change that.

Ms PENNICUIK (Southern Metropolitan) — The Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012 is a bill which basically reinforces, reiterates, clarifies and restates the status quo. It is not a bill that changes much in terms of what goes on in the courts at the moment.

The bill amends the Criminal Procedure Act 2009 and the Sentencing Act 1991 to clarify that the court may refuse to give a sentence indication if there is insufficient information before it about the impact of the offence on the victim. The amendment reinforces the expectation that is already there that a court would obtain and consider information about the effect of a crime on the victim prior to giving a sentence indication unless there is a good reason to do otherwise in a particular case. As Mr Pakula has said, the courts already take this information into account before they give a sentence indication. The amendment says that the court may refuse to give a sentence indication until it has that information, but it may also retain the right to give the sentence indication without further information or, in the case that the court has sufficient information to give a sentence indication, that it has sufficient scope to sentence appropriately.

The bill will require magistrates and judges to ask whether a compensation order relating to property damage, loss or destruction under section 86 of the Sentencing Act 1991 will be sought once a person is found guilty of the offence. It allows victims to provide a broader range of material to the court as evidence of the quantum or particulars of loss, damage or destruction of property, such as receipts, valuations et cetera, to enable the court to better understand the compensation that would be sought and granted. It provides that a court may of its own motion make a compensation order under section 86 of the Sentencing Act relating to property damage, loss or destruction if there is sufficient evidence before it. The previous provision allowing the victim to provide additional material to substantiate it would help in that case.

There is nothing earth shattering in this bill, and there is nothing problematic in this bill. It reinforces the fact that sentencing courts need to take into consideration the effect of a crime when giving a sentence indication, and that is pretty well what happens anyway. It just clarifies that the expectation is that this happens at all times. But again it does preserve the court's discretion in those matters; it is always a good thing for a court to have discretion to act according to the circumstances of the matter before it.

I was concerned at a statement made by the Attorney-General, which is also reflected in a media report. In the second paragraph of his second-reading speech the Attorney-General said that the bill:

> … will amend the Criminal Procedure Act 2009 and the Sentencing Act 1991 to strengthen procedures for victims to be consulted about sentence indications, and for offenders to be ordered to compensate their victims for property loss or damage.

I think that is flying close to the wind in terms of what the bill does, because it does not allow victims to be consulted about sentence indications. That could be read as the victims being consulted about what the sentence should be. What they are being consulted about is the impact the offence has had on them. People need to be clear that is what the bill is about, and to understand properly what it is not about. It is not about consulting victims as to what the sentence should be; it is about making sure that the court has information before it as to the impact of the offence on the victim. I was concerned when I read that statement in the second-reading speech.

Articles about these issues have appeared in the *Herald Sun* on several occasions. In one particular report the journalist finishes off the article by saying the new laws will give victims a bigger say in sentencing negotiations. Again that is twisting what it is the bill does. The bill requires police to negotiate with victims to get their impact statement, but it does not require police to negotiate with them about sentencing. The article says that is what the bill does, and I think that was implied by the Attorney-General in his second-reading speech. But it is not what the bill does, and the bill should not be doing that in any case.

It has been the practice for courts to take into account victim impact statements when giving sentence indications, and that has been of benefit to both the victims and the courts. It is not something that this bill will have much impact on, because it already happens. It must be noted also that the amendments still allow for situations where the court may feel that it is appropriate to give a sentence indication, even if detailed information about the victim is not available, because the court feels it has sufficient information to give the indication and it has the scope to sentence appropriately without that. It ensures a balanced and measured approach when a sentence indication is given.

It is also worth noting that two different individuals could be the victim of a similar crime but the impact may be felt very differently by those two persons. Some people recover better than others. The impact on some people may be very different from the impact on others

following very similar offences. It needs to be borne in mind that people can experience things differently. That is why the court would also take into account many other things that are before it in terms of the circumstances of the case, such as ameliorating and mitigating circumstances, et cetera, as well as the victim impact studies.

While I have the opportunity I would like to say that the level of family violence in the community is a cause of concern. It has been covered quite a bit in the press lately and in the crime statistics. Earlier this year the Chief Magistrate, Mr Ian Gray, said the courts were struggling to deal with a staggering 48 per cent increase in family intervention orders over the past five years. In the last financial year there were nearly 41 000 incidents of family assaults compared with 26 000 in 2006–07. Family violence assaults rose from 15.3 per cent in 2003–04 to 30 per cent in 2010–11. Domestic violence agencies are cash-strapped and are struggling to cope with a surge in cases, leaving women more exposed to violent situations.

Victoria Police has identified domestic violence as the main driver of a surge in crimes against the person. The government needs to focus more on this particular issue, both in terms of its community focus and in terms of its funding, if we are ever to get on top of this crucial and pressing social issue. We also need to be looking more at the causes and prevention of these assaults and sexual assault as well as ensuring that the funding for these support services is lifted in subsequent budgets so that we can address these issues across the community. The Greens support the bill.

Debate adjourned for Mr O'BRIEN (Western Victoria) on motion of Ms Lovell.

Debate adjourned until next day.

ADJOURNMENT

Hon. W. A. LOVELL (Minister for Housing) — I move:

That the house do now adjourn.

Water: charges

Mr LENDERS (Southern Metropolitan) — The matter I raise on adjournment tonight is for the attention of the Minister for Water, Peter Walsh, and it relates to the billing that the Yarra Valley Water, City West Water and Western Water customers are getting at this stage. Each bill refers to a return of payments due to the desalination plant. Each bill says — and I quote from a Yarra Valley Water bill:

> Melbourne's water customers will pay $1.8 million a day for the Wonthaggi desalination plant.

It is interesting that the minister has directed the four water authorities to put what is essentially a political statement on water bills. This minister has a track record of doing that, and now this statement is on the water bills. What I seek from him tonight is more than just an explanation of the $791 million by which the desalination plant is coming under budget and which will never be billed to Melbourne water users, and how that is being acquitted. The only reason it has even come into the spotlight is that the government was dragged kicking and screaming to hand it back when the Premier made his unfortunate hiccup comment. The money is to be passed back to water users, and in that process the government has, in a political way, made statements on water bills about how it is being done.

People's water bills specify costs quite clearly. I have a bill in front of me from a citizen that says, 'pension and concession rebate' and there is a figure of minus $69.82. The bill specifies the waterways and drainage charge levied on behalf of Melbourne Water as $21.44. It specifies the annual parks charge. But this particular bill says — and I paraphrase — 'As a result of the government's decisive action this bill has been discounted by $16.10'. A number of people have come to me and asked how the $16.10 is worked out. All the other figures are quite clearly shown on the bill. The action I am seeking from the minister is that he be more transparent about these matters.

The minister would be well aware of water plan 3, which highlights the fact that now that the desalination plant is being commissioned even later than planned there will be further overcollections of money. Presumably there will need to be some explanation of how these further overcollections for the underspend for Melbourne Water will be addressed. I am seeking clarity from the minister as to how this will happen. I hope he puts as much effort into his explanation to the customers of the three aforementioned water retailers about what is happening to the money he is spending on the propaganda he is putting on the bills.

I heard the minister the other day having difficulty explaining another program initiative. It would be nice if he actually put on the water bills how much a hunt for the big cat is going to cost.

Local government: voter enrolment

Mrs COOTE (Southern Metropolitan) — The adjournment matter I have this evening is for Minister Powell, the Minister for Local Government. I refer to an article from the *Melbourne Weekly Port*

Phillip of 22 August. The article was authored by Alana Schetzer, and in it she talks about how important council elections are. Council elections are coming up on 27 October this year. Councils will go into caretaker mode on 25 September. Minister Powell has initiated a large program across the state encouraging women to get into local councils. We are hopeful that there will be a lot of women joining councils after the council elections in October. I know Minister Powell has been doing a fantastic job with the program.

My issue concerns the voters. This article goes to the voters. It talks about the VEC (Victorian Electoral Commission) explaining how many people were not on the electoral roll. Being on the electoral roll is very important. Most of us in this chamber attend citizenship ceremonies. We speak to our new citizens and we say how lucky and fortunate they are to be in such a healthy democracy as we have here in Australia and how important it is to be able to vote. However, at one such ceremony in Glen Eira recently the federal member for Melbourne Ports, Michael Danby, said to the assembled crowd of 100 — and Ms Pennicuik was there — 'You have just become Australian citizens, but you really don't have to vote. All you need to do is go along and tick your name off. You don't actually have to vote'. That was the member for Melbourne Ports. It was an outrageous disgrace, and Michael Danby should be put out of the Labor Party as a consequence.

A VEC spokesman, Thomas Harper, said 259 602 infringement notices were sent out after the last election to people who were not on the electoral roll. Seventy-eight of the state's 79 councils are going to hold their elections on 27 October. The cut-off date to enrol is 31 August. Monash University political lecturer Nick Economou said that the result of people not enrolling and not voting was absolutely extraordinary. All areas had below the Victorian average voter turn-out of 74.6 per cent. This is a very healthy democracy. Minister Powell is encouraging people to be participants in our democracy, and my adjournment matter for this evening is a request that Minister Powell concentrate on encouraging the City of Port Phillip to ensure that all of the voters in the city of Port Phillip who are eligible to vote can indeed vote. That includes Michael Danby.

Environment and Planning References Committee: environmental design and public health in Victoria

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Health, David Davis. This house endorsed the terms of reference for the Environment and Planning References Committee to inquire into environmental design and public health in Victoria. On 24 May this year the majority and minority reports were tabled in this house. Since that time we have seen numerous stakeholders make comments, and some of their comments were placed on the *Hansard* record in this house on 15 August this year. The organisations which have made comments so far that I am aware of include the Australian Medical Association, the Heart Foundation, the Cancer Council of Victoria, the Planning Institute of Australia, the City of Whittlesea, Doctors for the Environment, the Council on the Ageing, Food Alliance, the Victorian Council of Social Service, the Victorian branch of the Public Health Association of Australia, VicHealth, Diabetes Victoria, the City of Melbourne and the City of Boroondara, to name a few.

I note that Minister David Davis sponsored the terms of reference for the inquiry, and I believe that was because he believed that the issues involved in this inquiry are important to this state and that as a community we cannot continue to do nothing in this area. I simply ask the minister to take action to provide a response to the report or give an indication of the timetable he is working on in responding to the recommendations. If the minister is not prepared to address the recommendations, I ask that he provide a written explanation as to why.

Mr O'Donohue — On a point of order, President, I seek your guidance. Ms Tierney is asking Minister Davis to provide a formal response to a report tabled in this place by a Legislative Council committee. I believe that is a matter for the standing orders and a matter for this place, not a matter for the minister's direct response.

The PRESIDENT — Order! On the point of order, I do not see why there would be any constraint on a member seeking a response from a minister in respect of a report such as this. The minister obviously has an opportunity to consider the request and respond, but I certainly do not see that the request is out of order.

Mushroom Exchange: expansion

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Planning, the Honourable Matthew Guy. I wish to bring to the attention of the minister land at Cookes Road in Mernda that is currently occupied by Costa Group's Mushroom Exchange. The group operates the mushroom farm in Mernda, in the city of Whittlesea, under the business name of Mushroom Exchange. The farm has been in existence for more

than 50 years, and the Costa Group has owned and operated the farm since 2006.

Mushroom Exchange is the largest grower, packer and marketer of mushrooms in the Southern Hemisphere and ranks in the top 10 growers globally. It is a significant economic presence in the city of Whittlesea because it spends up to $56 million per annum and generates an estimated economic benefit for the state of Victoria of between $150 million and $200 million. Mushroom Exchange at Mernda is the biggest stand-alone mushroom growing facility in the Southern Hemisphere, producing an average of 225 tonnes of mushrooms per week. Operations at the site at Mernda include growing, harvesting, packing and distribution of mushrooms. The plant operates 24 hours a day over three shifts. The day shift is the busiest as that is when the harvesting is undertaken.

Mushroom Exchange in Mernda employs approximately 600 workers, 70 per cent of whom are unskilled migrants and for the majority of whom English is a second language. Over half of the residents of the city of Whittlesea identify as being from non-English-speaking backgrounds. Many of the employees at Mushroom Exchange are women. More than 50 per cent of the employees, both direct and indirect, live within the city of Whittlesea.

The company is looking to expand its site and is asking that the planning minister come and look at its site with a view to rezoning that land from rural conservation to special use in order to allow the company to expand. This investment will increase compost and mushroom production by up to 100 tonnes per week in line with consumption forecasts whilst also resulting in significant economic activity and jobs growth with the creation of up to 50 jobs in the local Mernda and city of Whittlesea area and in the state of Victoria.

The existing jobs — and there are 600 of them — will be more secure. The company has gone out to public consultation and has made several changes to accommodate the concerns of local residents. The expansion will provide security for those existing jobs as well as the creation of 50 new jobs, and that is 50 extra incomes for Melbourne's north. I call on the minister to commit to meeting with me and Mushroom Exchange to learn more about the company's aspirations and to meet its wonderful employees.

Victorian Music Library: relocation

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Premier as Minister for the Arts. The Victorian Music Library (VML) is a not-for-profit music resource centre managed by volunteers to preserve and provide for loan a collection of sheet music. It is the second largest sheet music lending library in the world after New York's, with a title list of more than 80 000 items. This includes approximately 15 500 items of sheet music; piano music solos; percussion music — a particularly large and comprehensive collection purchased and imported by percussion teachers, most of which is not available elsewhere in Australia; string orchestra music; orchestral music; band music; solo instrumental music; vocal music; choral music; and chamber music, and the collection is continually expanding.

The VML was established in 1974 under the then federal government's innovations grants. The application for the grant was made by two string teachers from the Victorian education department instrumental division as a result of research into the needs of teachers at professional development days. The application was made on behalf of string teachers, students and members of the community, who urgently needed ready access to print music to stimulate and encourage the playing of string music for students and school string ensembles. The original agreement was that the federal government would initially provide establishment money for the purchase of sheet music for string players. Funds for location and staffing would be provided by the Department of Education, as it was then, with input from the community.

The library was established to aid schools, teachers and students and was to provide community access as well as support to musicians. Access to the library would stimulate and support the performance of instrumental music by providing string, solo, ensemble, choral and orchestral music et cetera for the Victorian certificate of education, the Australian Music Examinations Board and other ensembles. The library was initially housed at Camberwell High School. Later it was moved to Graham Street Primary School in Port Melbourne, followed by a further relocation to Moreland City College. In 2006 the library relocated yet again to its current home at the Uniting Church Archives in Elsternwick. The church wants to reclaim the archive space in October this year for its own use, and the VML is once again urgently looking for new premises. Needless to say, a permanent home would be much preferred.

On 23 August I visited the VML to view the collection and to discuss with the chairman and some of the volunteers the issue of finding a permanent home. This is a very valuable resource which operates on a shoestring budget, thanks to a small team of dedicated volunteers. It is very much underresourced in

comparison with the $136 million that has been spent revamping Hamer Hall. The money required to put VML on a firm footing would be small change. I ask the Premier, in consultation with the education minister, to commit urgently to a meeting with the VML and to assist in finding suitable long-term accommodation for this significant Victorian and indeed worldwide collection of sheet music.

Rail: Ararat–Maryborough line

Ms PULFORD (Western Victoria) — The adjournment matter I raise this evening is for the Minister for Public Transport, Mr Mulder, and it relates to regional rail. Of course the fortunes of regional rail in Victoria over recent decades have fared or suffered at the hands of, and indeed as a consequence of, the choices of various governments.

As members will recall, the Kennett government closed many regional rail lines — six in total — and it was a source of great pride for the Bracks and Brumby governments to restore a number of regional passenger rail services, to reopen many lines, to support a significant upgrade of the rail system and to commence work on the next stage for regional train travellers in Victoria through the regional rail link. It is a very good thing indeed that this project continues to progress in spite of some of the alarmist comments that members of the Greens party have been making in this place in recent times.

The specific matter relating to my electorate on which I seek advice from the minister is the rail line connecting Maryborough and Ararat. This line has been unused for a decade, and there has been some considerable investment in this line over the years. I seek the minister's advice, in regard to its use for any purpose — whether for passenger rail or freight — on what the government's intentions are for this section of rail line between Maryborough and Ararat. I ask whether the government ever intends to reopen the line.

Foxes and wild dogs: control

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Agriculture and Food Security, Peter Walsh, and it relates to the coalition government's fox bounty. This issue is of great importance to my constituents of Northern Victoria Region, and it is one that is costing farmers in terms of both distress and stock loss.

I commend the minister on the coalition's fox bounty initiative. I believe it is estimated that wild dog and fox attacks cost Victorian farmers in excess of $18 million per year. This government's fox bounty program last week reached a $1 million milestone, with the receipt of the 100 000th fox scalp handed in since the program began last year. To demonstrate the contrast, Labor's Fox Stop program eradicated just 20 034 foxes in three years.

Mr Lenders interjected.

Mrs PETROVICH — We are talking about dogs now.

South Australian farmers are calling on their state government to follow the Victorian coalition government's lead and introduce a fox bounty, while the Pastoralists and Graziers Association of Western Australia is calling on the federal government to introduce a bounty on wild dogs similar to the program currently running in Victoria.

The coalition's fox and wild dog bounty means that there are now 100 000 fewer foxes attacking livestock in Victoria. The coalition planned an integrated approach to fox and wild dog control in Victoria that included aerial baiting on public land. This aerial baiting is being held back by the federal Environment Protection and Biodiversity Conservation Act 1999. Delays by the federal Labor government in approving aerial baiting resulted in Victoria missing the opportunity for autumn aerial baiting, when the best results are achieved.

In light of the success of the current bounty program I ask that the minister continue to push for the introduction of a national agreement, including best practice programs and bounty arrangements, for fox and wild dog control.

Swinburne University of Technology: Lilydale campus

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Higher Education and Skills, Mr Hall, and it concerns a potential consequence of the closure of Swinburne University of Technology's Lilydale campus — if it does actually close, which has been bandied around. There is a supported learning network program that operates out of the Lilydale campus that is for students who have completed their supported high school education, particularly at local special development schools like Heatherwood School.

Hon. W. A. Lovell interjected.

Mr LEANE — It depends whether the TAFE funding cuts result in the Swinburne University

Lilydale campus closing. Swinburne University also has TAFE courses, and this is a TAFE course. It is a transition education course that enables first-year students with special needs to learn to settle into tertiary learning — for example, getting used to the campus and the way a university works. In the second and third years it involves work education that is focused mainly on hospitality. Students learn front-of-house operations, back-of-house and kitchen operations and maths, and they are also assisted with work education and career planning. The course also includes a work placement. It is good to see that it is well supported in the Yarra Valley, especially by organisations such as Rochford Wines and a number of other prominent employers in the area.

With the possibility of the Lilydale campus closing, this program will be lost to students. It is very important that this program be kept in the Lilydale area. It is no good to suggest that it may be able to move to Wantirna or Box Hill, because it will be much too far away for these special needs students to avail themselves of this fantastic course that is currently on offer. The action I seek is that the minister do everything in his ability to ensure that this course that is offered to special needs students be available in the Lilydale area into the future.

Mildura Base Hospital: future

Ms BROAD (Northern Victoria) — My adjournment matter is for the attention of the Minister for Health. As the minister is well aware, there is a great deal of concern about the future of the Mildura Base Hospital in the Mildura district, as demonstrated by a recent public meeting attended by some 650 people as well as a public rally held last Sunday.

A very brave local Mildura person living with cancer, Ilona Legin, has attempted to speak to the Minister for Health by approaching his office directly and also by approaching the office of the local lower house member, the member for Mildura, Mr Crisp; however, this has been without any success. She has done so in order to raise her concerns and those of the community about the future of the Mildura Base Hospital and also to seek to put the case to the minister for an extension of time in order to allow more community consultation about the decision, which the minister claims he has not yet made, about the hospital's future in terms of whether it will be a public hospital operated as a public hospital or whether it will be a publicly funded hospital operated by a private operator, presumably Ramsay Health Care, the current private operator.

The fact of the matter is that Ilona Legin, as brave as she is, does not have a great deal of time to raise her concerns on her own behalf and on behalf of the community. The adjournment matter that I am raising tonight with the Minister for Health is that he consider speaking with Ilona Legin about the concerns she has repeatedly sought to raise by contacting his office and Mr Crisp's office, with no success whatsoever, as far as I am aware, to date. I believe her concerns are reflected by many people in the local community, and the decision that the minister says he is yet to make about the future of the hospital can only gain credibility if he demonstrates that he is willing to hear directly from concerned members of the community, particularly Ilona Legin.

Kokoda memorial wall: development

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Environment and Climate Change, Ryan Smith. On Sunday it was an absolute privilege to be part of the ceremony to unveil the new tribute to Kokoda at the 1000 Steps in Upper Ferntree Gully. The Treasurer, Kim Wells, the Minister for Environment and Climate Change, Ryan Smith, the Minister for Veterans' Affairs, Hugh Delahunty, together with members of the 39th, 2/14th, 2/16th and 2/27th battalion associations unveiled the new Kokoda Memorial Terrace. Many veterans were present as well as many members of the aforementioned battalion associations, their families, students from Belgrave South Primary School and other parliamentary colleagues, including Legislative Assembly members Mr Wakeling, the member for Ferntree Gully, Mr Blackwood, the member for Narracan, and Mr Morris, the member for Mornington.

Sunday was the 70th anniversary of the Battle of Isurava, one of the most significant battles fought by Australian troops along the Kokoda Track, so it was an appropriate date for the unveiling of this fantastic memorial. This is a fantastic improvement to the 1000 Steps, which as members would be aware is a very popular exercising place. It builds on the work begun in 1996 to create a Kokoda memorial. I acknowledge the ongoing involvement in the project by the Treasurer, Kim Wells, since those days in the mid-1990s.

I also acknowledge the address by Alan 'Kanga' Moore, himself a veteran of Kokoda, who made his speech, on behalf of veterans, without referring to notes. It was an eloquent, sincere and moving speech about the battles of the 39th, of which he was a member, the importance of Kokoda to Australia's security during World War II and the importance of the

next generation understanding what Kokoda means for Australia and its importance in our history.

At that event Minister Smith announced that the government would provide an additional $500 000 to fund the completion of a memorial wall at the same location; it is expected to be completed in 2013. The action I seek from the minister is that he request Parks Victoria to continue to work closely with the veterans and the battalion associations in the development of this memorial wall.

Home and community care: City of Greater Shepparton

Ms DARVENIZA (Northern Victoria) — I raise a matter for the attention of the Minister for Ageing, David Davis, concerning the funding cuts to the Greater Shepparton City Council's home and community care (HACC) program. Greater Shepparton HACC funding, like funding for rural and regional councils across northern Victoria, is used to provide basic maintenance and essential support services for many of our older citizens and people with a disability. These are cost-effective services that enable individuals who are at risk of premature or inappropriate admission to long-term residential care, such as a nursing home or a hostel, to remain independent in their own homes.

Greater Shepparton City Council currently provides about 26 000 hours of domestic assistance a year, 13 000 hours of personal care and 12 000 hours of respite care. Under the Baillieu-Ryan government funding cuts the Greater Shepparton City Council will lose $32 000 in basic funding in the financial year 2012–13 and $32 000 in 2013–14, along with a reduction in the annual indexation rate from 3.14 per cent to 2 per cent. This is a short-sighted measure. In addition, there has been an increase in demand due to an ageing population, which will result in the funding gap growing larger each year.

Greater Shepparton City Council is unwilling to pass on any additional cost to ratepayers, and it recently resolved to refuse to accept the burden of the additional costs associated with maintaining HACC service levels. I quote the mayor, Cr Michael Polan, who said, 'We simply cannot keep absorbing this kind of cost shifting that is being imposed on local councils, and especially not when it affects vulnerable groups like the aged'. Greater Shepparton's acting director community, Simon Rose, said the funding shortfall will result in an immediate reduction of around 1800 hours of service delivery growing to 3300 hours over the next two years. My request for specific action from the minister is that he improve the base funding for HACC services and reinstate the indexation rate to 3.14 per cent for Greater Shepparton City Council so that its most vulnerable citizens are able to continue to access the HACC services they need. The council is yet to work out how these funding cuts will affect services, but it is likely that the eligibility criteria will be tightened and waiting lists will be introduced. Mr Rose said that putting clients on waiting lists goes against everything the council has been trying to achieve, and the council works hard to achieve active service models.

Valley Carers: residential facility

Mr FINN (Western Metropolitan) — I raise a matter this evening for the attention of the Minister for Community Services, the Honourable Mary Wooldridge. It concerns a matter which the minister would be very much aware of, and it is something which occupies the minds of parents of children with disabilities, however old those children may be — that is, what will happen to those children once their parents have gone to a better place? Over the years I have spoken to a lot of parents in this situation. Some of the most distressing and heart-wrenching meetings I have had with people over the past 20 years or so have been with parents — many of them elderly, many of them in their 70s and 80s and some are even in their 90s — who say to me, 'We cannot afford to die because we do not know what will happen to our 50, 60 or 70-year-old child with a disability'. That is something with which society must come to grips on a much larger scale, but certainly it is an issue that affects every family where disability or severe disability is involved.

Yesterday I had a meeting with Valley Carers. It is a group based in the city of Moonee Valley and made up of parents with children predominantly in their 20s who have disabilities. They are casting their minds forward to what will happen to their children when they pass on. Members of the group put to me a range of thoughts as to what they would like to see done. They are basically looking for some form of residential accommodation for their children, perhaps a cluster housing project in the Moonee Valley municipality. Certainly they are looking for some place in the western suburbs because there is a significant lack of those facilities in Melbourne's west, and that is something that needs to be rectified.

I am not asking the minister for money on this occasion — which will come, I am sure, as a considerable shock to her. What I am asking her to do is to direct her department to provide guidance to Valley Carers to enable its members to put together

plans for exactly what they want to set up. At that point we might ask for money, but at this point we are just asking for guidance. This is an area that affects people very deeply, and I ask the minister to provide the support and services that her department can to Valley Carers.

YMCA: Bridge Project

Ms MIKAKOS (Northern Metropolitan) — My matter this evening is for the Minister for Community Services. I wish to raise my concern at the Baillieu government's cut in funding to the YMCA Bridge Project, which provides support, training, mentoring and employment opportunities to young people leaving custody to help them transition back into the community.

Last week I attended the YMCA Bridge Project breakfast along with a number of my Labor parliamentary colleagues, including from the Assembly the member for Williamstown, Wade Noonan, the member for Altona, Jill Hennessey, and the member for Keilor, Natalie Hutchins. Wade Noonan has been a very strong advocate for the Bridge Project, particularly in his role as the former foundation chair.

Since its establishment in 2005 the Bridge Project has secured 160 full-time jobs and trained over 974 young people in a wide variety of work-related skills. The Bridge Project provides financial incentives to employers to provide a 16-week supported employment placement. Over 80 per cent of those who have completed this placement have used it as a pathway to a sustainable job. The YMCA has also developed ReBuild Facility Services as a social enterprise.

I got to know about the YMCA Bridge Project when it provided evidence to the Drugs and Crime Prevention Committee's 2009 inquiry into strategies to prevent high-volume offending and recidivism by young people. Its recommendation 13 was a bipartisan recommendation that the government support specialist education, training, mentoring and employment programs for young offenders, specifically based on the model provided by the Bridge Project.

The Baillieu government needs to recognise that the most effective front-line diversion of young people away from lives of crime is through providing education, training and employment opportunities, including for those young people leaving custody. The Bridge Project has been successful in dramatically reducing the rate of reoffending from 66 per cent to just 3 per cent. A KPMG cost-benefit analysis of the Bridge Project in 2009 found that this program has the potential to save government $8 million per annum in incarceration costs and a further $17 million per annum in savings to society.

The community recognises the proven worth of this project, which is why 600-odd people turned up to last week's breakfast to support it. It received strong support from its patron, Mick Malthouse, and guest speaker Judge Jennifer Coates, the former and inaugural president of the Children's Court. It is simply beyond belief that this government has cut funding to such an important project by 50 per cent, from $300 000 to $150 000 this financial year, with an expectation that the project will lose its remaining funding next year. I understand the organisation has to date been unsuccessful in securing a meeting with the Minister for Community Services. I call on the minister to urgently address the funding shortfall for the YMCA Bridge Project to allow it to continue its success in working to rehabilitate young offenders leaving custody.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have written answers to 22 adjournment debate issues. Tonight 13 issues were raised with me, and I will pass all of them on to the ministers concerned.

Mr Lenders raised a matter for the Minister for Water regarding metropolitan water bills and the return of payments for the Wonthaggi desalination plant. He asked the minister to be more transparent in telling customers how much Labor's desalination plant is costing Melbourne water users.

Mrs Coote raised a matter for the Minister for Local Government. She congratulated Minister Powell on her advocacy in encouraging women to run for council. Mrs Coote also raised concerns about the number of residents not on the electoral roll. She particularly raised concerns about the federal member for Melbourne Ports encouraging new Australian citizens not to vote, and she asked Minister Powell to encourage those not enrolled to enrol.

Ms Tierney raised a matter for the Minister for Health regarding a report of the Environment and Planning References Committee into environmental design and public health in Victoria and asked the minister to provide a response to the report's recommendations.

Mr Ondarchie raised a matter for the Minister for Planning regarding the Costa Group's Mushroom Exchange in Mernda, which is in his Northern Metropolitan Region, and its ability to expand, which

would secure existing jobs and grow more jobs. Mr Ondarchie called on the minister to commit to joining him in meeting with the Costa Group.

Ms Pennicuik raised a matter for the Minister for the Arts, the Premier, regarding the Victorian Music Library, which is a sheet music lending library, and asked for him to assist in finding long-term accommodation for it.

Ms Pulford raised a matter for the Minister for Public Transport regarding the rail line connecting Maryborough and Ararat. Particularly she noted that it was unused for a decade under Labor, and she is now asking for advice from the minister on whether this government will step in where Labor did not and reopen that line.

Mrs Petrovich raised a matter for the Minister for Agriculture and Food Security regarding the fox bounty and congratulated him on the fox bounty issue. She also raised the issue of wild dogs, and she called on the minister to push for federal assistance for this program.

Mr Leane raised a matter for the Minister for Higher Education and Skills regarding Swinburne University of Technology's Lilydale campus, particularly in relation to a hospitality course for special needs students. He asked that the minister do everything in his power to make sure that the course continues.

Ms Broad raised a matter for the Minister for Health regarding the Mildura Base Hospital and correspondence from a constituent in relation to that hospital.

Mr O'Donohue raised a matter for the Minister for Environment and Climate Change regarding the unveiling of the Kokoda Memorial Terrace, which he attended with Minister Smith last Sunday. He asked the minister to continue to work on the development of a memorial hall on that site.

Ms Darveniza raised a matter for the Minister for Health regarding home and community care funding in the city of Greater Shepparton. I believe the minister has already outlined funding for Greater Shepparton in the house — I may be wrong — but I am sure the minister will respond to the member.

Mr Finn raised a matter for the Minister for Community Services regarding parents concerned about what happens to their disabled offspring when they can no longer care for them. In particular he raised the Valley Carers group and its suggestions for residential care facilities in Melbourne's west. He did not ask for money, but he asked for the minister to direct the department to provide guidance to Valley Carers.

Ms Mikakos raised a matter for the Minister for Community Services regarding funding for the YMCA Bridge Project.

I will pass all of those matters on to the ministers concerned.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 9.41 p.m.