

whistlers, whether it is the member for Ferntree Gully or the member for Warrandyte.

### **Disability services: supported accommodation**

**Ms WOOLDRIDGE** (Doncaster) — My question is to the Minister for Community Services. I refer to comments yesterday from County Court judge Mark Taft, who has slammed the government in relation to an intellectually disabled man being warehoused in prison for nearly a year due to a lack of appropriate supported accommodation, and I ask: will the minister advise exactly how many people with an intellectual disability are currently abandoned by this government in prisons, caravan parks, rooming houses or on our streets because of a failure to provide enough supported accommodation?

**Ms NEVILLE** (Minister for Community Services) — I thank the member for her question. Can I just reject the premise of the question? This government does not abandon anyone. In fact it is this government that in the last two years has delivered the biggest ever investment in disability services in this state's history. That includes building an additional 245 beds in those two budgets, on top of the 850 we have already delivered.

Can I just point out that if the member was aware of this particular case in the courts, she would know that this is not a question about placing a person in shared supported accommodation. If you have a look at the offences and the issues that relate to this, you would see that it would not be an option to place this person in shared supported accommodation without putting at risk other residents.

I reiterate: this government is committed to supporting people with a disability. That is why we have put in record investment and that is why we are building more supported accommodation, and we will continue to do that.

## **CONSTITUTION (APPOINTMENTS) BILL**

### *Introduction and first reading*

**Mr BRUMBY** (Premier) — I move:

That I have leave to bring in a bill for an act relating to actions taken by lieutenant-governors and administrators of the state, to amend the Constitution Act 1975 and for other purposes.

**Mr BAILLIEU** (Leader of the Opposition) — I ask the Premier to provide a brief explanation of this bill.

**Mr BRUMBY** (Premier) — The bill will provide that future appointments of lieutenant-governors and administrators be made by the Governor and that the previous actions of lieutenant-governors and administrators appointed by the Queen between the commencement of the Australia Act and the commencement of this bill are valid.

**Motion agreed to.**

**Read first time.**

### *Statement of compatibility*

**Mr BRUMBY** (Premier) **tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Constitution Amendment (Appointments) Bill 2009.

In my opinion, the Constitution (Appointments) Bill 2009, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

### **Overview of bill**

The object of the Constitution (Appointments) Bill 2009 is to remedy an inconsistency between Victoria's Constitution Act 1975 and the Commonwealth's Australia Act 1986.

The bill will provide that:

future appointments of Lieutenant-Governors and Administrators be made by the Governor, rather than the Queen; and

previous actions of Lieutenant-Governors and Administrators are valid.

The bill will make the provisions of the Victorian Constitution concerning appointment of Lieutenant-Governors and Administrators consistent with the Australia Act 1986 and current practice.

### **Human rights issues**

#### **1. Human rights protected by the charter that are relevant to the bill**

There are no human rights engaged by the bill. Although the bill concerns the appointment of Lieutenant-Governors and Administrators, it deals with the process of appointment rather than eligibility to be appointed as Lieutenant-Governor or Administrator. The bill does not therefore engage the right to participate in public life under section 18 of the Charter.

#### **2. Consideration of reasonable limitations — section 7(2)**

The bill does not engage and therefore does not limit any human rights contained in the Charter.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

John Brumby  
Premier

*Second reading*

**Mr BRUMBY** (Premier) — I move:

That this bill be now read a second time.

The Constitution (Appointments) Bill 2009 will remedy an inconsistency between Victoria's Constitution Act 1975 and the commonwealth's Australia Act 1986.

The Constitution Act 1975 provides that the Queen may appoint a person as Lieutenant-Governor or administrator. This is inconsistent with the Australia Act 1986 which provides that all powers and functions of the Queen in respect of a state are exercisable only by its Governor. As the commonwealth constitution provides that commonwealth laws prevail over state laws to the extent they are inconsistent, it is necessary to amend the Constitution Act 1975.

In response to this inconsistency, Victoria changed its practice in 2006 so that lieutenant-governors are now appointed by the Governor. The current Lieutenant-Governor of Victoria was appointed by the Governor in 2006. The bill will therefore provide that future appointments of lieutenant-governors and administrators are made by the Governor.

To remove doubts about actions taken by lieutenant-governors and administrators since 1986, the bill will also provide that actions taken by lieutenant-governors and administrators since the commencement of the Australia Act 1986 and the commencement of this bill are as valid as they would have been if they had been done by a person validly holding the office of Governor. No cause of action will therefore lie against the state in relation to this bill or the relevant acts of lieutenant-governors or administrators except to the extent that they would be available had they been done by a person validly holding the office of Governor.

I commend the bill to the house.

**Debate adjourned on motion of Mr BAILLIEU (Leader of the Opposition).**

**Debate adjourned until later this day.**

**Mr Baillieu** — On a point of order, Deputy Speaker, this bill seeks to change the Constitution Act in

Victoria. I wonder whether you can clarify for the house what the arrangements are for the passage of the bill. What majority is required for the passage of the bill?

**The DEPUTY SPEAKER** — Order! It requires a special majority, not an absolute majority.

**SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL***Introduction and first reading*

**Mr HULLS (Attorney-General)** introduced a bill for an act to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of harm to the community to be subject to ongoing detention or supervision, to amend the Corrections Act 1986 and other acts and to repeal the Serious Sex Offenders Monitoring Act 2005 and for other purposes.

**Read first time.**

**SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL***Introduction and first reading*

**Mr BATCHELOR** (Minister for Community Development) — On behalf of the Minister for Police and Emergency Services, I move:

That I have leave to bring in a bill for an act to amend the Summary Offences Act and the Control of Weapons Act and for other purposes.

**Mr CLARK** (Box Hill) — I ask the minister to provide a brief explanation of the bill.

**Mr BATCHELOR** (Minister for Community Development) — This proposal will seek to introduce new measures that will enable Victoria Police to address violence and to look at the issue of carrying weapons, whether it is in the central business district or elsewhere, and also to respond to the significant increase in drunkenness and disorderly behaviour in public places in Victoria.

**Motion agreed to.**

**Read first time.**