PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 8 August 2006

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

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

Leader of The Nationals:
Mr P. J. RYAN

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

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Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
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Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
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Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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Tuesday, 8 August 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

John Patrick Mutton

The SPEAKER — Order! I wish to advise the house of the death of John Patrick Mutton, a former member of the Legislative Assembly for the electoral district of Coburg from 1967 to 1979. I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the late John Patrick Mutton.

ASSISTANT CLERK, COMMITTEES

The SPEAKER — Order! Under section 18 of the Parliamentary Administration Act 2005, the Clerk of the Legislative Assembly has appointed Ms Bridget Jane Noonan to be Assistant Clerk, Committees. Congratulations, Bridget!

QUESTIONS WITHOUT NOTICE

Hospitals: waiting lists

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the case of Mrs Jacqueline McCloy from Kangaroo Flat, who has been forced to wait 22 months for an essential hip replacement, and I ask — —

Honourable members interjecting.

The SPEAKER — Order! I remind members of the government and the member for Scoresby that questions should be heard in silence.

Mr BAILLIEU — How much longer will Mrs McCloy have to wait for surgery?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. Can I indicate that we care about every Victorian who is involved in the health system here in Victoria. Can I also indicate that we care about every Victorian who is waiting for elective surgery in this state. Because we care, we have allocated an 83 per cent increase in health funding in this state. We also allocated a further $30 million in last year's budget and a further $10 million in this year's budget for a blitz to take thousands and thousands of people off the waiting lists and into surgery as quickly as possible.

Our investments are working. Average waiting times are lower now than they were when we came to office. If you look at the waiting list, you see that under the previous government it ballooned out by 10 000 people to 40 000. While we have treated 300 000 extra patients, we have maintained the waiting list at about the same level as that which the previous government had. So we have treated 300 000 patients more, and the waiting list is no longer than it was.

Mr Baillieu — On a point of order, Speaker, the Premier is clearly debating the question. He is not addressing Mrs McCloy's needs.

The SPEAKER — Order! The Premier to continue, without debating the question.

Mr BRACKS — We would certainly welcome the opposition meeting its commitment when it said it would refer matters on its so-called hotline for examination so we could see what action could be taken. Mrs McCloy has not been referred, nor has any other person who has supposedly called the Liberals hotline. This is no way — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on my left to cease interjecting at that level and allow the Premier to answer the question.

Mr BRACKS — I reiterate that we care about every person who is on the elective waiting list. We have increased resources, and of course we would be pleased if the opposition leader referred the matters he has raised, including Mrs McCloy's, as he said he would, so those matters can be dealt with directly.

I can say to the house that we will not be misleading the people on waiting list numbers on this side of the house. Some outrageous claims have been made that waiting lists went down under the Kennett government. That was the comment of the now opposition leader.

Honourable members interjecting.

The SPEAKER — Order!

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Manufacturing and Export and the Minister for Health that if they continue to interject while the Speaker is on her feet, they will be removed from the chamber.

Mr Cooper — On a point of order, Speaker, the Premier is now very clearly debating the issue. I ask you to bring him back to the question.

The SPEAKER — Order! I uphold the point of order. I ask the Premier to return to answering the question.

Mr BRACKS — We will certainly commit ourselves, as we have committed ourselves over the last six and a half years, to investing more in health and in bringing down waiting times and reducing waiting lists. Our record stands in stark contrast to that of the Liberals. It went up by 10 000 under the Liberals, despite the comments made. We have treated 300 000 more and will continue to work on behalf of Victorians.

Mr Cooper — On a point of order, Speaker, the Premier is now defying your ruling. He continues to debate the question. I ask you to bring him back to the question or sit him down.

The SPEAKER — Order! The Premier was continuing to debate the question, but I understand he has completed his answer.

Mr BRACKS — I have just a bit more.

The SPEAKER — Order! I ask the Premier not to continue debating the question.

Mr BRACKS — I think the record of this government in treating 300 000 extra patients, with an 83 per cent increase in health funding, in making sure that waiting times are reduced and in having objective evidence from the Productivity Commission and the federal government that ours is one of the most efficient and best-run health systems in the country — —

Ms Lindell interjected.

The SPEAKER — Order! The member for Carrum!

Mr BRACKS — I believe we are making progress, but we believe there is more to be done and we are best able to do it.

Mr Maxfield interjected.

The SPEAKER — Order! The member for Narracan is treading very close to the line. I ask him to be quiet.

Australian Motorcycle Grand Prix: contract

Ms GILLETT (Tarneit) — My question is to the Premier. I refer the Premier to the government's commitment to ensuring that Victoria remains the major events state of Australia, and I ask the Premier to update the house on the most recent example of the government delivering on that commitment.

Mr BRACKS (Premier) — I thank the member for Tarneit for her question. I was very pleased, along with the Minister for Tourism and minister assisting on major events, and the Australian Grand Prix Corporation, to announce today that the very successful motor cycle grand prix which has been held at Phillip Island for some years will continue with a new contract, which has been secured for a further five-year period, taking that event up to 2011.

This is a great outcome for the state. The motorcycle grand prix attracts some 20 000 interstate and overseas visitors. It creates almost 2000 full-time equivalent jobs in our state, and it boosts the economy, according to economic analyses, by around $50 million. Importantly, as the member for Tarneit mentioned, one of the things we are committed to is ensuring that we have events right around Victoria.

We have increased the number of regional and country events as part of the major events strategy in the state. We want to see this event ongoing. It is one of the biggest regional events of an international nature held anywhere in Australia, and it has significant benefits. Phillip Island has been a place where we have seen motorcycle racing for the last 75 years, and we will see it again for at least another five to six years. Our commitment is to make sure, as we did when we came to office, that we secure major events right around the state. This is one which we are very pleased to keep here in Victoria.

Government: advertising

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the television advertisements presently screening in country Victoria which attempt to promote the government's so-called achievements in health and are just one component of the estimated $3 million a week that this government is spending on advertising and media spin. When is the government going to stop wasting $3 million a week on self-promotion and advertising propaganda and use the money to address the shortage of doctors, nurses and other health professionals in country Victoria?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. As I mentioned in a previous answer, we have increased health funding in this state by some 80 per cent, which is one of the biggest investments in health ever made by any government in Victoria's history.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr BRACKS — This contrasts significantly with what is behind the question of the Leader of The Nationals. I can understand that as his party was involved in closing several country hospitals, as was the case, he would not want to be promoting the health system. That was the record of The Nationals in this state — that is, of closing country hospitals. We have been opening, supporting and investing in country hospitals with more nurses, more doctors and improved facilities around the state.

There is a very good story to tell. I can understand that the Leader of The Nationals would be ashamed of his previous record. I would be too!

Maintaining the Advantage: skills training

Mr HUDSON (Bentleigh) — My question is for the Minister for Education and Training. I refer the minister to the need to ensure that Victoria has a skilled work force and is able to compete in the global economy, and I ask the minister to detail for the house how the policies of the government's *Maintaining the Advantage — Skilled Victorians* statement is meeting that need.

Ms KOSKY (Minister for Education and Training) — I thank the member for Bentleigh for his question and indeed his strong interest over a very long period of time in the area of skills and training. As I think everyone in this house knows, skills are absolutely critical to the economy in Victoria. Having good strong skills in our work force means that we will be able to continue to grow the economy and grow the number of jobs.

As a government we have made major investments in the area of skills and training since we came to office, and we lead the nation now in apprenticeship and traineeship numbers and also in completions. In 2005 we had 134 000 apprentices and trainees in training, compared with only 76 000 in 1999, so we have almost doubled the numbers in training. Our completions have also increased from 13 000 in 1999 to 45 000 in 2005. It is a very good story to tell. As I said, we are leading the nation.

But even though we are doing well, if we are going to continue to meet the growing demand for skilled workers, we need to do much more than we are doing at the moment in order to maintain our advantage here in Victoria. That is why earlier this year, along with the Premier, I launched a new skills policy, Maintaining the Advantage — Skilled Victorians. This very comprehensive policy package is backed up by a funding commitment of an extra $241 million for the system, with a whole suite of initiatives to be put in place over the coming years to make sure we maintain our advantage here in Victoria.

There are four major themes in the area of skills. The first is 'Starting earlier', with a focus on young people of school age. It is probably fair to say that we lost something when technical schools were closed previously. Yes, the facilities were not great, but we lost something that was important for young people. That is why, as part of the statement, we have established four new technical education centres, or TECs, to be located at Ballarat, Wangaratta, Berwick and Heidelberg. Last week I was with the Premier when we launched the first of those at Berwick.

There are also, as part of that 'Starting earlier' theme, 4500 additional pre-apprenticeship places, so young people can start their apprenticeships earlier and their apprenticeships will be slightly shorter in terms of duration.

The second theme is 'Learning longer' to make sure that existing workers get access to skills — —

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast!

Ms KOSKY — We have funding for 1800 extra training places for existing workers, to be rolled out over the coming years.

The third area is 'Getting smarter', which is about making sure that we have more of the high-level skills at the diploma level and such, and 3500 extra places have been created at the diploma level in order to meet priority industry needs in those areas over the coming years.

The fourth area is 'Making it easier'. We want to make it easier for people to get access not only to information but also to places where they can get recognition for both their prior experience and their prior skills, thus

shortening the length of the courses they will have to enrol in to gain those additional skills. They will be able to get in because we have created the extra places — that is why we have done it — without, I have to say, any assistance whatsoever from the federal government. As part of 'Making it easier', we will be opening up 13 new skill stores right around Victoria in shopfronts in shopping centres so that people can drop in and get the information they need. In addition, we included in the budget the $500 trade bonus to increase apprenticeship completion rates.

All in all we are making a $990 million investment in skills and training in this state so that we can continue to maintain the advantage we have here in Victoria. It is a very comprehensive policy statement, backed by a suite of initiatives that many around the state — I would say all probably, apart from the opposition — are very supportive of so that we have a very strong skill base and can continue to grow the Victorian economy.

Hospitals: waiting lists

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier once again to the case of Mr Steve Thorneycroft, a category 2 patient suffering a life-threatening blocked femoral artery for almost two years, and the fact that the Premier ignored Mr Thorneycroft's case when we referred it to him in this house on 20 July. I ask: given Mr Thorneycroft has had no contact or treatment since then, will the Premier advise, as he claims he cares for all patients, why he continues to ignore Mr Thorneycroft's plight?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. You only ignore people if you increase the waiting lists by 10 000 — that is what the opposition did. I indicate again that we care about every Victorian on the elective waiting lists. One person's experience of this so-called hotline is quite telling, and needs to be told in this house. This person called Josie summed up the response she got from this so-called hotline. She said all they were interested in was whether she would be interested in speaking to the media if the media — —

Mrs Shardey — On a point of order, Speaker, the Premier is debating the issue. He is also failing to mention that waiting lists have actually gone up under this government.

The SPEAKER — Order! The member for Caulfield appears to be debating the issue.

Mr BRACKS — Josie said on ABC radio that all they were interested in was whether she would be willing to speak to the media if the media found the case interesting. There was no other sort of help, nothing that would help her lobby any better or offer any avenues she could follow — nothing at all. We will treat every case seriously; every case is a matter of concern to this government.

Honourable members interjecting.

The SPEAKER — Order! The member for Mornington!

Mr Cooper interjected.

The SPEAKER — Order! I ask the member for Mornington to be quiet.

Meeting Our Transport Challenges: implementation

Mr CARLI (Brunswick) — My question is to the Minister for Transport. Could the minister update the house on the progress of the implementation of the $10.5 billion, 10-year Meeting Our Transport Challenges blueprint?

Mr BATCHELOR (Minister for Transport) — Meeting Our Transport Challenges is the biggest investment in transport infrastructure and transport services ever undertaken by a Victorian government. The statement was extensive and forward looking but at the same time it focused on what we can do now to address the immediate transport challenges. It focused on building the capacity of our rail network, expanding bus services in the middle and outer suburbs, providing more efficient tram services, improving access to public transport for the elderly, the disabled and people with prams, improving the quality of outer suburban and regional roads, and taking measures to tackle congestion in our key traffic corridors.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr BATCHELOR — We are already making substantial progress. Members will recall that we have announced improvements in 28 local bus services; they will commence shortly. We will have improved bus services in places like Taylors Lake, Sunbury, Mill Park, Knox, Box Hill, Dandenong and Cranbourne, and the list goes on.

Mr Smith interjected.

Mr BATCHELOR — We have seen the introduction of the first peak-hour train services, commencing at the Dandenong station at 7.19 a.m. on weekdays. If the member for Bass was ever up that early he would know they were going there. We also see another five new peak-hour services that will be commencing very shortly from places like Broadmeadows, Essendon, Sydenham and Werribee. Late-night tram services on Friday and Saturday nights are due to commence in September, and late-night train services will be running during October. We have announced upgrades to the park-and-ride facilities at Wattle Glen, Beaconsfield and Pakenham stations, and there are more to come. Our seniors will be able to use free local travel on Sunday public transport services as well as the improved V/Line concessions that will also be available. These will all commence on 27 August.

Early work has commenced on the Deer Park bypass. This will address traffic congestion in our outer western suburbs which are growing so fast. This is a demonstration not only that we have a long-term plan for transport but also that we are actually getting on with the job and delivering it now. There is more to do in transport, but it is Meeting Our Transport Challenges that will actually provide the funded plan to make sure this happens now and in the future.

Austin Hospital: intensive care unit

Mrs SHARDEY (Caulfield) — My question without notice is to the Premier. How can the Premier justify a fundraising letter from the director of the Austin Hospital's intensive care unit, who is being forced to beg Victorians for $50 000 — —

Honourable members interjecting.

The SPEAKER — Order! The member for Clayton! The Treasurer! I remind members of the government that members should have the opportunity to ask questions without that level of interjection. I ask members on my right to be quiet to allow the member for Caulfield to ask her question. The member for Mulgrave will be quiet.

Mrs SHARDEY — How can the Premier — —

Mr Andrews interjected.

The SPEAKER — Order! I warn the member for Mulgrave.

Mrs SHARDEY — How can the Premier justify a fundraising letter from the director of the Austin Hospital's intensive care unit, who is being forced — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Community Services that I will not tolerate the level of interjection. I have asked the house to be quiet. The member for Caulfield to continue, without interjection.

Mrs SHARDEY — My question without notice is to the Premier. How can the Premier justify a fundraising letter from the director, who is being forced to beg Victorians for $50 000 for vital equipment, when Labor wasted $457 000 of taxpayers funds on a party at the Austin and Mercy hospitals?

Mr BRACKS (Premier) — I thank the member for Caulfield for her question. Speaker, can you believe that the opposition is asking a question on the Austin Hospital? It is absolutely breathtaking. This is the hospital it was going to close and privatise. This is the hospital — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high. I ask members on both sides of the house to be quiet to allow the Premier to answer the question. I ask him to answer the question through the Chair.

Honourable members interjecting.

Dr Napthine interjected.

The SPEAKER — Order! I advise the member for South-West Coast and other members on that side — in the same way I advised members on my right — that if they continue to behave in that manner, I will remove them from the chamber.

Mr BRACKS — This is the hospital which, when we came to government, we stopped from being privatised and in the rebuilding of which we invested some $356 million. It has become the biggest public hospital project in the country's history. The independent right of hospitals to fundraise is something that we are not going to close down as opposition members tried to close down that hospital.

Our Environment Our Future: sustainability initiatives

Mr HOWARD (Ballarat East) — My question is to the Minister for Environment. I refer the minister to the government's commitment to supporting Victoria's renewable energy industry over the next decade, which is highlighted in the recent environmental sustainability action statement. I ask the minister to advise the house

on how this statement is laying the framework for a renewable energy future?

Mr THWAITES (Minister for Environment) — I thank the member for Ballarat East for his interest in renewable energy and climate change, and note that the Liberal Party has not yet come up with a single idea or policy to tackle climate change. By contrast, the Bracks government has been supporting — —

Dr Napthine — On a point of order, Speaker — —

Honourable members interjecting.

Dr Napthine — No, we are not going to dam the Mitchell. That's ridiculous!

An honourable member — You are going to dam the Mitchell.

Dr Napthine — We are not going to dam the Mitchell.

Honourable members interjecting.

The SPEAKER — Order! The Premier and the Treasurer! I will not warn the Treasurer again. If the member for South-West Coast has a point of order, I ask him to raise it with the house, otherwise he can sit down.

Honourable members interjecting.

Dr Napthine — The Premier keeps interjecting with lies.

The SPEAKER — Order! Does the member have a point of order?

Dr Napthine — The point of order I wish to raise is anticipation. Item 12 on the notice paper is listed as debate on the Victorian Renewable Energy Bill, which deals with the very issues that have been the subject of this question. I suggest that this question is anticipating that debate.

Mr THWAITES — On the point of order, Speaker, on many occasions in this house questions have been asked about broad topics which may be discussed at some stage in debate. Indeed, Speakers have held that facts that may be elicited in discussions on subsequent debates are relevant and may be asked.

Mr Cooper — On the point of order, Speaker, if you accepted what the minister has just said and allowed him to answer the question on some broad topic, you would be obliged under the standing orders of this house to instruct him not to mention anything that is contained in the bill that is on the agenda for debate this week.

The SPEAKER — Order! In relation to the point of order and on the rule of anticipation — and it is a point of order that has been ruled on many times — members may canvass broad policy issues, but they cannot go into the more exact parts of the bill or what exactly is contained in the bill, so the minister is quite entitled to refer to the environment sustainability action statement that has already been published, but he cannot refer to specific aspects of the bill.

Mr THWAITES — The sustainability action statement, which the Premier released last month, contains a four-pronged approach to tackling climate change — that is, more renewable energy, cleaner use of fossil fuels, greater energy efficiency and a national emissions trading system. We are already seeing benefits from this environmental action statement with the announcement recently of the go-ahead of the Waubra wind farm — more jobs and more investment for regional Victoria. We are showing that we are delivering on reducing greenhouse gases and delivering on jobs in regional Victoria.

I would like to particularly congratulate the member for Ballarat East for his involvement in local renewable energy projects and his support of them. For example, the Hepburn Renewable Energy Association is working with Future Energy to develop a community-owned wind park near Daylesford. This has been actively supported by the member for Ballarat East. Today I am very pleased to announce to the member that the Bracks government will contribute $975 000 towards developing this community-owned wind park. This project is expected to contribute 4 megawatts of renewable energy power, which is enough to power up to 80 per cent — —

Mr Cooper — On a point of order, Speaker, on the question of anticipation, the minister is now straying into the area that is covered under the Victorian Renewable Energy Bill, particularly with regard to the Victorian renewable energy target provisions contained within that bill. I ask you to bring him back to answering the question in the broad, not in specifics.

The SPEAKER — Order! Is the project to which the minister is referring in the bill?

Mr THWAITES — No, it is not.

The SPEAKER — Order! I ask the minister to continue.

Mr THWAITES — Obviously the Liberal Party does not want to talk about renewable energy. It will do anything to avoid renewable energy. This project will provide — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection on both sides is too high. I ask members to be quiet to allow the minister to answer the question.

Mr THWAITES — This project will provide enough power for up to 80 per cent of Daylesford's energy needs. There will be some wind turbines, obviously, which will be located on private farms. These will supplement the income of the local farmers, and I am sure they will be welcomed for that. Over 300 members have joined the Hepburn Renewable Energy Association, which demonstrates just how much interest there is in renewable energy in the member's region. I congratulate them for that.

Renewable energy and wind farms mean more investment in regional Victoria, and they mean more jobs. It is a practical example of the policies of our government at work — that is, in tackling climate change and supporting our regions.

Tertiary education and training: rural and regional Victoria

Mr RYAN (Leader of The Nationals) — I refer to the report of the 2005 On Track project, which recognises that the costs associated with leaving home are a barrier for country students wishing to undertake post-secondary studies, and I ask: does the Premier support The Nationals plan to provide $3000 grants for first-year students who are required to live more than 100 kilometres from home to offset the costs of making the transition to post-secondary education?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. The Nationals leader would be aware that in the recent budget we have initiatives to support and assist country people to get a better living away from home allowance in relation to apprenticeships. We lifted the rate for the first time, I think, in at least 20 years. It had been static, and we lifted it by a considerable amount to ensure that those living away from home allowances were commensurate with the costs involved and were not simply a barrier to taking up apprenticeships or traineeships or similar sorts of occupations. I believe the measures we took in the budget will go a long way to assisting and supporting access to apprenticeships for those country people.

Biotechnology industry: government initiatives

Mr NARDELLA (Melton) — My question is to the Minister for Innovation. I refer the minister to the government's life sciences statement and to its policies, which are designed to support innovation in the Victorian economy, and I ask him to update the house on the most recent example of that commitment.

Mr BRUMBY (Minister for Innovation) — I thank the member for his question. Very early after winning government in 1999, the Bracks government put in place plans to grow our biotechnology industry and to support science, technology and innovation more generally. I am pleased to say that of the plans we put in place — the largest innovation spend of any state government in Australia — the two biotechnology plans that we released have produced fantastic results for Victoria.

We developed the plan, we put it in place and we are getting the results. As a consequence around 50 per cent of all the National Health and Medical Research Council funding, which is distributed around Australia, comes to Victoria. One in every two people in Australia who work in the biotechnology industry works in Victoria. In terms of venture capital, which we worked very hard to attract, we now lead Australia in venture capital per head of population. All of these are great achievements. They mean more jobs, more opportunities and a healthier population, but we appreciate that still more needs to be done.

Earlier this year the Premier and I, with the Minister for Health, released Healthy Futures, which was our $231 million plan to grow the life sciences industry in our state. As a result of that, something like $700 million in related expenditure will take place across Victoria. So the Victorian government's $231 million, plus — in some parts — commonwealth funding, plus of course philanthropic funding, will mean $700 million in total investment.

As a result of this plan we will see the doubling of the size of the Walter and Eliza Hall Institute; we will see the building of one of the world's largest stand-alone neuroscience facilities; and we will see the world's largest regenerative medicine institute based at Monash University alongside the National Stem Cell Centre. That shows what you can do if you have a plan and you put it in place.

At the moment Melbourne is hosting the Agricultural Biotechnology International Conference (ABIC).

An honourable member interjected.

Mr BRUMBY — I did hear a policy on philanthropy mentioned today in this house. When I think of medical research and life sciences, I think of 100 years of philanthropy in this state where generous benefactors have worked in partnership with government to do public good.

Today I heard from the opposition that it is going to ban philanthropy. It is going to outlaw philanthropy! Apparently it is a bad thing if you contribute to medical research. I have heard of a lot of loopy policies, but that would be the loopiest.

Melbourne has the Agricultural Biotechnology International Conference — —

Dr Napthine interjected.

Mr BRUMBY — First the member tried to close the hospital, and now he wants to ban people contributing to it!

The SPEAKER — Order! I ask the member for South-West Coast to cease interjecting, and I ask the minister to stop responding to interjections and to address his comments through the Chair.

Mr BRUMBY — We have ABIC here at the moment. It is the first time the conference has ever been held in the Southern Hemisphere. When the organisers had a choice as to where across Australia they would hold it, of course they chose Melbourne. There are 600 delegates, 250 of whom are from overseas.

On Sunday delegates visited the new agricultural biosciences centre at La Trobe University, which was opened by the Premier earlier this year. Members will have heard some of the announcements from that centre about the new rye grass which is being produced there.

Mr Ryan — A good GM product.

Mr BRUMBY — It is a good genetically modified product, and it is a non-allergenic rye grass. There have been many more announcements made.

If members think about the big challenges that face our economy and other developed economies — an ageing population, how to compete with economies overseas including Brazil, Russia, India and China, and how to ensure a sustainable environment — it is clear that biotechnology holds the solutions to many of those challenges. Victoria is the leader in biotechnology in Australia, and we in the government are proud of that. We have a great plan in place — our Healthy Futures biotech plan — and with that plan we will see even better results in the future.

The SPEAKER — Order! The time for questions without notice has expired.

Mr Cooper — On a point of order, Speaker, I inquire from you if you have been advised whether the Premier intends to apologise to the house and to the people of Victoria for misleading them today by denying on radio that $4.3 million in compensation has been paid by his government to abused wards of the state.

The SPEAKER — Order! That appears to be a question to the Speaker. Question time has expired. If the member wishes to raise the question privately with me in my chambers, which is the correct procedure, he is welcome to do so.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144, notices of motion 170 to 172, 291 to 292 and 349 to 357 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing by 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Ms BEARD having given notice of motion:

The SPEAKER — Order! I believe part of that notice of motion is out of order, but the beginning and the end of it are all right.

Further notices of motion given.

MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) — I move:

That I have leave to bring in a bill to amend the Murray-Darling Basin Act 1993 to approve an amendment to the Murray-Darling Basin agreement to facilitate the operation of the Murray-Darling Basin Commission's water business on appropriate commercial principles and for other purposes.

Mr WALSH (Swan Hill) — I ask the minister to give a brief explanation of the bill.

Mr THWAITES (Minister for Water) — The title of the bill sums it up pretty comprehensively, but essentially this bill implements an agreement between the governments of Victoria, South Australia, New South Wales and the commonwealth to amend the Murray-Darling Basin agreement.

Motion agreed to.

Read first time.

WATER (GOVERNANCE) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) — I move:

That I have leave to bring in a bill to amend the Water Act 1989 to make provision for water corporations and to make other amendments to that act, to amend the Catchment and Land Protection Act 1994 to make further provision for catchment management authorities and to make other amendments to that act, to repeal the Melbourne and Metropolitan Board of Works Act 1958 and the Melbourne Water Corporation Act 1992 and to make further amendments to the Conservation, Forests and Lands Act 1987, the Limitation of Actions Act 1958, the Public Authorities (Dividends) Act 1983, the Road Management Act 2004, the Water Industry Act 1994, the Valuation of Land Act 1960, the Water (Resource Management) Act 2005 and the Werribee South Land Act 1991.

Mr BAILLIEU (Leader of the Opposition) — Can the minister provide a brief explanation of the bill?

Mr THWAITES (Minister for Water) — This bill makes sundry amendments to acts relating to water, and in particular to the administration of the Melbourne Water Corporation. It introduces on-the-spot fines for breaches of permanent water saving and drought restriction rules. It requires water authorities to take into account principles of sustainable management in their decision making. It provides for clear accountability between the Minister for Water and the Treasurer for water authorities. It also strengthens the government's arrangements for catchment management authorities (CMAs) and provides for the development of statements of obligations for CMAs to be issued by the Minister for Environment.

Motion agreed to.

Read first time.

SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Surveillance Devices Act 1999 so as to enhance its operation in workplaces and for other purposes.

Mr KOTSIRAS (Bulleen) — Can the minister provide a brief explanation of the bill?

Mr HULLS (Attorney-General) — It is about workplace privacy and about stopping employers from spying on employees in areas like toilets, change rooms, breastfeeding rooms and washrooms.

Motion agreed to.

Read first time.

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Crimes Act 1958 in relation to jury warnings, the Evidence Act 1958 in relation to the giving of evidence in proceedings that relate to a charge for a sexual offence and the Magistrates' Court Act 1989 to provide for a sexual offences list and for other purposes.

Read first time.

CHARITIES (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Charities Act 1978 to make further provision for charitable trusts, to amend the Religious Successory and Charitable Trusts Act 1958 and the Property Law Act 1958 and for other purposes.

Mr KOTSIRAS (Bulleen) — I ask the minister to provide a brief explanation of the bill.

Mr HULLS (Attorney-General) — This bill remedies the current restrictions on charitable trusts making grants to certain government-linked bodies.

Motion agreed to.

Read first time.

CONVEYANCERS BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to regulate the carrying out of conveyancing work, to repeal part 7.1 of the Legal Profession Act 2004, to make consequential amendments to other acts and for other purposes.

Read first time.

FUNERALS BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to provide for the regulation of the funeral industry, to re-enact provisions relating to the regulation of pre-paid funeral contracts, to provide for codes of practice, to repeal the Funerals (Pre-Paid Money) Act 1993, to amend the Fair Trading Act 1999 and for other purposes.

Read first time.

HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL

Introduction and first reading

Ms PIKE (Minister for Health) introduced a bill to amend the Human Services (Complex Needs) Act 2003 and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Boating: life jackets

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house our total opposition to the regulations for the compulsory wearing of life jackets or PFDs. The petitioners therefore request that the Legislative Assembly of Victoria rejects these regulations as a matter of urgency.

By Mr INGRAM (Gippsland East) (219 signatures)

Human rights: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the effect of the charter will be:

to transfer decision making on moral issues from elected and accountable politicians to unelected and unaccountable judges;

to deny Christians the right to influence their community. This is contrary to Christ's command to all Christians — Matthew 5:13–16;

to prevent public debate on human rights issues;

to elevate the rights of vocal minorities above those of ordinary citizens;

to create an environment that encourages costly litigation;

to undermine the appropriate 'separation of powers' that has historically safeguarded the rights of all Victorian citizens.

While the charter purports to protect individual rights, it does exactly the opposite. The charter eliminates the ability of individuals to influence the governing of their state (through their elected representatives), by moving issues of human rights and morality from the parliament to the courtroom.

We urge you to defeat the Charter of Human Rights and Responsibilities Bill 2006.

By Mr JASPER (Murray Valley) (35 signatures)

Tabled.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Building new communities

Mr NARDELLA (Melton) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 8 of 2006 on:

Catchment and Land Protection (Further Amendment) Bill
Coptic Orthodox Church (Victoria) Property Trust Bill
Coroners and Human Tissue Acts (Amendment) Bill
Energy Legislation (Hardship, Metering and Other Matters) Bill
Environment Protection (Amendment) Bill
Heritage Rivers (Further Protection) Bill
Mineral Resources Development (Sustainable Development) Bill
Owners Corporations Bill
Transport Legislation (Further Amendment) Bill
Transport (Taxi-cab Accreditation and Other Amendments) Bill
Victorian Renewable Energy Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

EastLink Project Act 2004:

Order varying the extended project area

Variation Statements Nos 7 and 8 under s 21(3)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 68/2006

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

Ararat Planning Scheme — No C7

Bayside Planning Scheme — No C39 Part 1

Casey Planning Scheme — Nos C76, C87

Central Goldfields Planning Scheme — No C9

Greater Bendigo Planning Scheme — No C83

Greater Shepparton Planning Scheme — No C66

Kingston Planning Scheme — Nos C33, C57, C61

Knox Planning Scheme — No C53

Melbourne Planning Scheme — No C119

Mildura Planning Scheme — No C36

Moonee Valley Planning Scheme — No C72

Moyne Planning Scheme — No C3

Murrindindi Planning Scheme — Nos C14, C18

Stonnington Planning Scheme — No C49

Strathbogie Planning Scheme — No C34

Whittlesea Planning Scheme — Nos C37, C78

Wyndham Planning Scheme — Nos C65, C77

Yarra Ranges Planning Scheme — Nos C34, C54

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 90

Consumer Credit (Victoria) Act 1995 — SR No 95

Rail Safety Act 2006 — SR No 96

Retirement Villages Act 1986 — SR No 93

Second-Hand Dealers and Pawnbrokers Act 1989 — SR No 94

Subordinate Legislation Act 1994 — SR No 92

Supreme Court Act 1986 — SR Nos 97, 98

Zoological Parks and Gardens Act 1995 — SR No 91

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 91, 92, 97

Ministers' exemption certificates in relation to Statutory Rule Nos 75, 76, 93, 94, 95.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Rail Safety Act 2006 — Section 147 on 25 July 2006; and remaining provisions (except ss 122 and 123) on 1 August 2006 (*Gazette S181*, 25 July 2006)

Transport Legislation (Safety Investigations) Act 2006 — Whole Act on 1 August 2006 (Gazette G30, 27 July 2006)

Victoria Racing Club Act 2006 — Whole Act on 1 August 2006 (*Gazette G30*, 27 July 2006)

Water (Resource Management) Act 2005 — Remaining provisions (except for ss 58 and 69) on 3 August 2006 (*Gazette S191*, 2 August 2006).

ROYAL ASSENT

Message read advising royal assent on 25 July:

Accident Compensation and Other Legislation (Amendment) Bill
Building and Construction Industry Security of Payment (Amendment) Bill
Charter of Human Rights and Responsibilities Bill
Electoral and Parliamentary Committees Legislation (Amendment) Bill
Health Legislation (Infertility Treatment and Medical Treatment) Bill

Land (Further Miscellaneous) Bill
Transport Legislation (Further Amendment) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Environment Protection (Amendment) Bill
Mineral Resources Development (Sustainable Development) Bill
Owners Corporations Bill
Transport (Taxi-cab Accreditation and Other Amendments) Bill
Victorian Renewable Energy Bill.

BUSINESS OF THE HOUSE

Standing orders

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That so much of standing orders be suspended as to allow:

(1) business to be interrupted at 3.00 p.m. on Wednesday, 9 August 2006, to enable four members to make statements relating to care leavers; and

(2) business under discussion and not completed at the time of interruption to be resumed after the conclusion of the statements and any member speaking at the time of the interruption may then continue his or her speech.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 10 August 2006:

Coroners and Human Tissue Acts (Amendment) Bill

Energy Legislation (Hardship, Metering and Other Matters) Bill

Environment Protection (Amendment) Bill

Mineral Resources Development (Sustainable Development) Bill

Victims' Charter Bill

Victorian Renewable Energy Bill

World Swimming Championships (Amendment) Bill.

In moving this government business program motion for this parliamentary week the government has indicated its desire to have these seven pieces of proposed legislation dealt with by the end of this parliamentary week — that is, by 4.00 p.m. on Thursday. We do that in order to progress our legislative program for the remainder of this term.

This is an achievable task. There are some seven bills, but I point out to the house that there will be some administrative items on the program this week that will be in addition to the seven bills listed here. Most members will be aware of that. They will require some extra time and accordingly we have reduced the number of individual pieces of legislation so those matters can be accommodated in the normal hours of the Parliament's operations.

Mr COOPER (Mornington) — The opposition does not oppose the business program. I note that after this week there will be eight bills left on the notice paper and with the notices given today of a further eight, 16 bills will be on the notice paper when we next sit. Of those 16 bills on the notice paper, there are two bills that I urge the government to bring forward for debate because I think they are well overdue for debate and the people of Victoria would not only be interested but fascinated in the debates that will follow on them. The two bills I am referring to are the Channel Deepening (Facilitation) Bill and the Courts Legislation (Judicial Pensions) Bill.

It is important, particularly regarding the Channel Deepening (Facilitation) Bill, that it be debated. I notice comment in the media in recent days about the fact that this is an issue that the government has clearly put on the backburner and wants to leave any discussion or consideration on the issue until after the election.

Government members are basing that on their opinion that they will be re-elected. Whatever the result of the election might be on 25 November, the reality is that people who are going to vote on 25 November need to have a clear view in their minds about where everybody stands on this very important issue.

Mr Batchelor — We support it.

Mr COOPER — That's good. The Leader of the House interjected, saying, 'We support it'. He says the government supports the bill. If that is the case, why does the minister not bring the bill on for debate? If that were done, we could see whether the support that the minister says he has on his side of the house is reflected by the views of other members of the government. For example, the member for Mordialloc might well have a

view that is very different in regard to channel deepening, and the member for Frankston might also have a view on this matter. The people in those electorates — indeed the people of Victoria — would be anxious to hear those views expressed. That is why we are urging the government to bring the debate on.

We do not want the government to hide it, run away from it or cover it up; we want the government to bring it out into the open. The Channel Deepening (Facilitation) Bill is on the notice paper. It has been available for debate for some considerable time. It is about time the government bit the bullet and took the brave action of standing up and justifying its views on this issue and justifying the legislation that it has presented to this house. I cannot remember when this bill was brought here, but the member for Rodney might well remember the date. It is a long, long time ago.

It is about time we saw the debate on this issue brought forward. The Courts Legislation (Judicial Pensions) Bill is another bill that people in the legal profession would like to see brought on for debate. We would be anxious to see that completed and concluded prior to the house getting up in early October. Those two pieces of legislation are two pieces that we urge the government to have on the agenda for the next sitting week or perhaps the one after that.

In regard to this sitting week specifically, the minister mentioned that there was some extra business over and above the seven bills that we are due to debate. The opposition is happy to see those three matters on the agenda for the house this week. We believe two of them will be handled very briefly and quite easily. The third one is a matter of a report of the Privileges Committee, and that may take a little extra time. However, I would hope when we deal with the Privileges Committee's report that the debate concentrates totally on the issues and recommendations raised by the committee and does not go into any extraneous issues; otherwise the debate could go on for quite some considerable time. With those few words I am happy to say that the opposition does not oppose the government business program.

Mr MAUGHAN (Rodney) — The Nationals will also not be opposing the government's business program. I think it is a reasonable program for this week. To assist the member for Mornington in his comments about the Channel Deepening (Facilitation) Bill, it was second read in this house on 9 December 2004, so it is about 18 months since it was introduced. Prior to that members of this house will well remember that the bill was foreshadowed by the government in its economic statement *Victoria — Leading the Way*.

The minister said at the time that the government was committed to the channel deepening project as 'a priority state project'. Let me repeat that: a priority state project. This priority state project has been languishing on the notice paper for 18 months, and the minister at the table says that it is important. I know the Treasurer would desperately like to get this bill through.

As a member who represents a rural area that is probably the most important area in the whole state in terms of dairying — and the Treasurer on numerous occasions has said how important exports of dairy products are for the port of Melbourne — I thought this government would have been very keen to get this bill through. We certainly are on this side of the house. We believe it is a measure that is absolutely vital to the future of Victoria. The port of Melbourne is by far the most important port in the whole of Australia, and we want to keep it that way.

We support the legislation. I wonder why the government does not want to bring it on. I wonder whether there is some difference of opinion within the government that it does not want to expose to the community prior to the election. We will have to wait until after the election to see that. I am sure the bill will then go through rapidly, with support from both sides of the house.

This week is a good week, with seven pieces of interesting legislation varying from those dealing with the transplant of human tissue to those dealing with the development of mineral resources, environmental protection, renewable energy, the world swimming championships and a victims charter — a whole range of interesting topics. There is nothing in the seven bills that is highly controversial. I believe most of these bills will go through without opposition from this side of the house. There will be some that we will oppose; there will be some that we will attempt to amend. It is not a highly controversial week. The program is not onerous.

In addition we will have grievances this week and an apology will be made to the forgotten Australians. I might indicate that that has bipartisan support; it has support from both opposition parties to make that apology. We will deal with amendments to the standing orders and I understand that the very important issue of a matter of privilege will also be dealt with this week.

I am delighted to hear the Leader of the House say that that will be done within the normal hours of operation of the Parliament. It is good that we are getting back to

normal operating hours again. It is a reasonable business program for the week and The Nationals will not be opposing the government's business program.

Motion agreed to.

MEMBERS STATEMENTS

Karingal Primary School: sustainable energy program

Dr HARKNESS (Frankston) — Students learning through discovery learning is the most powerful way for our children to understand and fully engage with a topic. Karingal Primary School offered its students this opportunity last week as part of its celebrations for Science Week. Last Tuesday the Attorney-General and I joined the students to release over 300 black helium balloons to raise awareness within the school and the wider community about sustainable energy. Each balloon represented 50 grams of greenhouse gas, similar to a Victorian government advertisement currently seen on television. Victorian households produce an average of 33 kilos or 654 balloons of greenhouse gases daily.

This school activity encouraged students and those who received the balloons to conserve energy by doing simple things such as turning off light switches in a room. This science activity will also turn into a maths activity for the grades 5 and 6 children tracking the distance that each balloon travelled. People who find one of these black balloons can contact the school to let them know the location of the balloon. I feel quite excited and heartened that our younger generations are becoming more and more concerned about the environment and how the actions of today can affect the world of tomorrow.

The Bracks government shares these concerns. We recently launched a $200 million environmental action statement *Our Environment Our Future*, which aims to save at least 3.5 million tonnes of greenhouse gas emissions per year, the environmental equivalent of taking 800 000 cars off Victorian roads. The Bracks government will continue to make Victoria a great place to work, live and raise a family by making our state environmentally sustainable. I once again congratulate Karingal Primary School, principal Chris Gay, his staff and students on their exciting and important project.

Business: economic outlook

Ms ASHER (Brighton) — I wish to refer to the Victorian Employers Chamber of Commerce and Industry's survey of business trends and prospects, June quarter 2006 performance and September quarter 2006 outlook. I draw the house's attention to a graph on page 3 which shows a consistent trend — that is, Victoria's business confidence is at a lower level than confidence overall in Australia. This was not always so. Under the previous government Victoria's business confidence was higher. Referring to charts on pages 4 and 5, I draw the house's attention to the fact that in Australia overall, 19 per cent of businesses expected a stronger outlook, 55 per cent expected the same level of outlook and 26 per cent expected a weaker outlook in the 12 months to the June quarter 2007.

In Victoria, however, only 15 per cent of businesses expected a stronger outlook, 52 per cent expected the same and 32 per cent expected a weaker outlook. Again, to refer members to the previous survey, 25 per cent of Victorian businesses expected a stronger outlook and 21 per cent expected a weaker outlook, which again shows a deterioration over that survey period. The latter figure of course is a real cause for concern, because if you look at categories — manufacturing; building and construction; household and retail trade; transport and storage; finance, property and business services; recreation, personal and other services — —

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

Laiki Bank (Australia)

Ms BARKER (Oakleigh) — I recently had the pleasure, along with a number of parliamentary colleagues, of attending a reception to officially welcome to Melbourne and Victoria the new general manager of Laiki Bank (Australia), Michalis Athanasiou. In welcoming Michalis we also said farewell to Miltos Michaelis, who very capably and enthusiastically led the development of the Laiki Bank in Australia. We certainly wish Miltos all the best as he returns to Cyprus to take up further challenges in his career with the bank.

Laiki Bank (Australia) was granted a retail banking licence in 2001 and commenced operations with five branches in Australia — two in Sydney, one in Adelaide and, in Melbourne, a branch in the central business district and one in Oakleigh. As a result of its success since 2001 it has opened further branches in Sydney, and in Melbourne it also has branches in

Northcote and Doncaster. I am very pleased to be associated with the Laiki Bank in Oakleigh and with the very capable manager of that branch, George Euripidou. George has a great team around him, and the Laiki Bank is a very popular and stable financial institution in our community.

Laiki Bank is a worldwide bank that has firmly established itself in Australia as a strong, quality financial institution. It has a strong corporate social responsibility policy and actively and effectively commits itself to improving the quality of life of the community in which it operates. In each of its own communities and on a broader scale it supports many local activities, and each year it holds a very successful fundraising initiative, the Radiomarathon, which raises a great deal of money to assist children with special needs.

Mark and Jane Zagorski

Dr SYKES (Benalla) — Last Saturday night my wife, Sally, and I joined over 100 current and former Mount Beauty residents to celebrate the provision of 25 years of professional and at times humorous medical service to the community by Dr Mark Zagorski and his wife, Jane. The surprise event was organised by Alpine Health and the Mount Beauty Medical Centre, with Pat Ryder ensuring that all went according to plan.

Mark and Jane's passion for the community was highlighted by some of the comments on over 250 cards from well-wishers, which were made into a banner for Mark and Jane to keep as a memento of the occasion. The comments included:

> Roses are red, violets are blue, you're a bloody great doctor and we love you.
>
> Doctors like you are as rare as rocking horse poo.
>
> If we're feeling bad, we see Dr Zag. He's a good bloke who likes to joke.
>
> My physician, surgeon, thespian, joke sharer and, with sincere thanks, my lifesaver.
>
> Good on you, Mark. Keep that rubber glove ready. Jane, just keep that bonzer smile going.

Clearly Mark and Jane have been wonderful contributors to the Mount Beauty community. On behalf of the community I wish to thank Mark and Jane for their contribution and encourage them to continue contributing for many years to come.

Buses: Casey Hospital service

Ms LOBATO (Gembrook) — I am thrilled by the announcement last week that Casey Hospital will be connected by a bus service linking it to both Berwick and Beaconsfield train stations as well as surrounding areas. This new service will provide a necessary transport alternative to the many people in the Casey-Cardinia region who work at the hospital, visit patients or attend as patients themselves. This important bus link will be vital in ensuring that people can access vital medical services.

I have made numerous representations on this matter to the ministers involved and have requested that this bus service be implemented. It has been outrageous that local people, especially the elderly living in nearby retirement villages such as Fiddlers Green, have not been able to attend the hospital by public transport and have had to rely on others to do so.

Rail: Beaconsfield station

Ms LOBATO — I welcome further long-awaited transport initiatives, including the work that has now begun on a new pedestrian crossing for Beaconsfield train station. The existing crossing is totally inaccessible for many people with disabilities, and this welcome upgrade will enable the option of public transport to be contemplated by some families for the first time. The new crossing will also feature lights and audible warning signals, greatly improving safety for pedestrians.

I am also thrilled that the current makeshift, potholed gravel area that pretends to be a car park will be replaced by a new car park with 120 spaces as part of the government's park-and-ride program. This new car park is urgently needed, as was made clear to me by a community forum that I conducted at the station in 2004. The upgrade will be welcomed by existing train users.

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

Schools: welfare officers

Mr DIXON (Nepean) — At yesterday's Victorian Principals Association conference, principals from across Victoria were alarmed when the Minister for Education and Training refused to guarantee ongoing funding for welfare officers in Victoria's primary schools. The minister said the program will be reviewed before any commitment is made to provide ongoing funding.

If the minister spent real time in Victoria's primary schools, she would know that the welfare officer program is working very well and is supported fully by all the school communities that have these officers. It might be reasonable to review the program to finetune it, but the future of welfare officers in our primary schools should not be in question. More schools are being called upon to handle welfare cases that are becoming increasingly numerous and complex. For too long principals and teachers, without sufficient training, have had to spend a huge amount of their time dealing with these cases, often not successfully.

Welfare officers have freed up principals and teachers to carry out the roles they are best qualified to carry out. Welfare officers also facilitate far better outcomes for the students under their care. Schools are undervalued as organisations that are best placed to reach out to families in real need. They hold a unique place in each community and should be the basis for a whole-of-government approach to welfare.

Bluey Day

Ms D'AMBROSIO (Mill Park) — I wish to inform the house of the highly successful Bluey Day organised by local resident Cathy Rasile and held at the Thomastown Learning Centre on Sunday, 6 August. Cathy Rasile has been a strong champion of Bluey days since cancer first affected the health of one of her young children. The motivation she has drawn from the experience has been phenomenal and inspirational. Her four children, Delia, Andrea, Chiara and Giada, together with many local groups and individuals in the community, worked very hard to raise around $18 000. Eight-year-old Andrea, who underwent a head shave, alone raised $2000, much inspired by his sister's battle with her health problems.

Cathy's parents, Benedetto and Delia, long-term volunteer fundraisers themselves, worked tirelessly and without pause on the day. The founder of Bluey Day, Sergeant Karl David, joined with me to officially open the day. Also in attendance were Mandy Pasmore, state manager of the Bluey Day Foundation, members of the Bluey Day Foundation committee, Dean Martin, Elvis, kids from Dance Xchange, local police and emergency services personnel and Harley Davidson bikers, together with many other entertainers. Also of note was the launch of the Bluey Day theme song written by Anthony Frizzell.

Of Sunday's achievements Cathy Rasile said that her hope was to create a vision in people, get them involved and raise public awareness. Cathy has certainly achieved this aim. I congratulate her and those who rallied with her for a most worthy cause — Kids with Cancer.

Templestowe College: facilities

Mr KOTSIRAS (Bulleen) — Templestowe College has had many challenges over the past few years. Despite these enormous challenges the school has been abandoned and neglected by the Victorian Labor government. Templestowe College now has a new principal, Mr David Tyson, who is committed and determined to overcome the many challenges facing the school. Through a team of dedicated and hardworking staff the school is offering its students a real chance to explore their strengths, develop strong skills and broaden their horizons. However, to succeed the college needs assistance from the state government to provide students with appropriate and safe facilities, and to enable the school to grow and prosper.

The school has reported that a brick wall on the east side of the school has been assessed and found to be in danger of collapsing. Unfortunately for months now the state government has been ignoring the school's pleas to secure this wall. Although the wall has been fenced off, it will not stop students jumping the fence to retrieve a ball or playing games in this area after school or on weekends. Will it take a young person being injured for this Labor government to take action to secure this wall and prevent it collapsing? It is the minister's responsibility to do something before someone gets hurt or killed. The safety of our students is far more important than spending millions on advertising and spin doctors.

I invite the ministers for education and education services to visit the school and see first hand the good work the teachers, parents and students do.

Ballarat: multiculturalism

Ms OVERINGTON (Ballarat West) — Ballarat is committed to enhancing multiculturalism in the community. Last week I was pleased to attend a function to introduce the inaugural multicultural ambassadors for Ballarat. The ambassadors represent nine nations. They are: Tony Brookes from the Isle of Man, Sarla Dahiya from India, Margaret Lenan Ellis from Brunei, Ines Kallweit from Germany, Lakshmi Govind Macksay from India, Khushi Maharaj from Fiji, Wilbert Mapombere from Zimbabwe, Jean Ntumba-Mbiya from the Democratic Republic of Congo, Peter Rademaker from Holland and Valdie Wakeling from Poland. These volunteers are to be congratulated for wanting to promote and foster interculture relations and events, as well as raising

community awareness and understanding of the real issues migrants face when settling into a new country.

This program was developed by the City of Ballarat to provide leadership within the migrant community, and to recognise the commitment and contribution made by migrants to the Ballarat community. Ballarat is a spirited, vibrant community, with not only Eureka ancestors but also people from across the world enjoying a quality of life that their forebears would envy. I again acknowledge the commitment of these 10 volunteers to Ballarat's multicultural program and their willingness to undertake this vital role which will enhance Ballarat's rich — —

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

Mallee: research report

Mr SAVAGE (Mildura) — Like many other members of this place I have had access to the assistance of a parliamentary intern. Mr Alexander Sheed-Finck has prepared an excellent Victorian parliamentary internship research report titled *Decline in the Mallee?*. This report looks at the status of Mallee towns such as Patchewollock, Yaapeet, Beulah, Hopetoun, Woomelang and Speed. As members will be aware, these are tough times in the Mallee but the Mallee is not in decline. Mildura is one of the leading growth areas in regional Victoria with growth of 8.7 per cent in the period 1996 to 2001, whereas Yarriambiack shire recorded the most significant decline of any municipality in Victoria.

It has been said to me on a number of occasions that it is not productive to focus on the negative. This is true, but if we do not identify and observe problems we cannot have a positive response to them. This is an excellent and well-researched report. I will quote from the conclusion, which is the most important aspect. It states:

> … the Mallee is not in decline.

Governments cannot stop decline in rural areas, but they can certainly slow it down and minimise the disadvantage.

Herman Spangenberg

Mr LANGUILLER (Derrimut) — I wish to place on record my congratulations to one of Victoria's most accomplished scientists on winning the Australian Thinker of the Year award for 2006. Professor Herman Spangenberg, who was presented with the award by the School of Thinking at a function in Melbourne, is an outstanding example of thought leadership. Professor Spangenberg is the driving force behind the newly established Victorian AgriBiosciences Centre and the Plant Biotechnology Centre of the Department of Primary Industries. In his main role as research director of plant genetics and genomics for the DPI, Professor Spangenberg provides science leadership and management for 180 staff at six sites in Melbourne and rural Victoria.

Professor Spangenberg leads the team which recently made headlines around the world for its discovery of antifreeze genes in a grass from Antarctica, which give the plant a remarkable ability to inhibit ice crystal growth. This discovery has major implications for improving frost tolerance in crop and pasture species which underpin the world's agriculture industries. Professor Spangenberg was quoted as saying:

> We live in a time of unprecedented new discoveries; some of these are expected to transform life sciences and technology development for years to come …
>
> Living in the 'genome era' is enormously exciting with a range of recent developments providing a thorough description and some profound understanding of fundamental processes in plant development and function.

The School of Thinking was founded in 1979 in New York by Dr Edward de Bono and Dr Michael Hewitt-Gleeson to teach thinking as a skill. Since then SOT lessons have reached over 50 million people in more than 40 countries worldwide — —

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

Country Fire Authority: enterprise bargaining agreement

Mr WELLS (Scoresby) — This statement condemns the Bracks government, and in particular the Minister for Police and Emergency Services, and again raises the issue of Country Fire Authority volunteers. In a desperate effort to back his mates at the United Firefighters Union (UFU) the minister has failed to support CFA volunteers. The current CFA enterprise bargaining agreement (EBA) disadvantages the state's 58 000 CFA volunteers and, therefore, should not be signed by the minister. The volunteers are clear: they support an increase in pay and conditions for full-time career firefighters, but there is concern about the UFU dictating terms in areas of the EBA which adversely affect CFA volunteers.

Firstly, the volunteers wanted the introduction of New South Wales-type pumpers but the UFU did not, so there was an unnecessary 12-month delay. Secondly,

the UFU delayed the introduction of new, modern, protective uniforms despite the fact the material was selected by a working party which included the UFU. Thirdly, the EBA recognises service in major fire services for career staff but does not recognise volunteer service in the CFA for appointment to career positions. Fourthly, in integrated brigades, where brigades have a mix of volunteer and full-time firefighters, there are delays in station construction and appointments. Fifthly, the UFU has blocked recognition of volunteer experience and qualifications so volunteers are unable to use this for lateral entry. Finally, the UFU has blocked volunteers from being able to deliver additional training and being able to seek reimbursement. The minister needs to correct this wrong and ensure that the EBA is not signed.

Schools: social justice projects

Ms ECKSTEIN (Ferntree Gully) — I would like to congratulate the students and teachers from some of my local schools for undertaking social justice projects. For over 10 years St Joseph's Regional College in Ferntree Gully has hosted a student from Kiribati for a two-year period to complete their Victorian certificate of education at their school. On returning to Kiribati these students become teachers.

As most teachers in Kiribati only have year 10 qualifications, teachers with year 12 qualifications are particularly welcome. Each year the school sends year 11 students to Kiribati for two weeks. They live with local families, learn about the lifestyle and culture and get to see the world from a new perspective. For many it is a life-changing journey. Some year 11 students at St Joseph's are also spending a night this month sleeping rough to raise money for Melbourne Citymission's homelessness sleep out.

Year 6 students at Karoo Primary School in Rowville are trying to raise about $6000 by November to build a well for a village in Africa. The children have been learning about water and found that much of the world's drinking water is polluted and is the source of disease and illness in Third World countries. They were inspired by Ryan, a young Canadian boy who as a six-year-old began to raise money for a well in Uganda. Since 1998 Ryan has raised enough money for new drilling and well construction equipment to build over 30 wells. I would like to congratulate these and other schools doing similar work, and encourage all schools to get involved in social justice projects and activities in our local community or in the wider world. We will all be the better for it.

Disability services: Murray Valley electorate

Mr JASPER (Murray Valley) — I express my extreme concern about the crisis situation with the lack of accommodation for people with a disability within my electorate of Murray Valley and in particular the Moira shire. Excellent day services are provided for people with a disability through Numurkah Occupational and Vocational Adult Service and Cobram Gateway Services. These services were established in the 1970s and 1980s and have developed since then. These organisations are now providing the highest standards and range of services to meet the needs of these people.

However, the missing link is long-term respite facilities for the large number of people with a disability seeking accommodation, many with ageing parents desperate to know what the future will be for their handicapped family member. While some accommodation is available in Numurkah and Cobram, the increasing number of people seeking accommodation that is just not there has now reached a crisis point.

I have been making extensive representations to the minister to provide additional housing for many years without positive progress. In late 2004 I arranged a meeting at Yarrawonga with the Minister for Community Services, where detailed information was presented on the urgent need for accommodation for people with a disability. That was supported by a large number of people within the Moira shire. Whilst the minister was sympathetic to the deputation and further representations were made in 2005, we continue to receive a negative response. With the huge revenue base available to the state government I call on Minister Garbutt to act decisively to secure funding for housing to meet the needs of this desperate section of the community of Moira shire.

Telstra: broadband network

Mr LONEY (Lara) — Telstra management has once again abandoned Australians, in particular those in regional, rural and remote areas, with the decision not to upgrade Australia's broadband network. In a dizzying display of arrogance and corporate greed, even for Telstra, it has squarely placed its own profits ahead of Australia's economic interest. Australia, not least because of its geographic position in the world, requires a world best practice communication network. Telstra is condemning us to the worst broadband system in the developed world and putting Australia's economic competitiveness at risk. Why? Because Telstra does not like regulation and wants to charge its competitors more for access.

Telstra, we must remember, is still a 51 per cent publicly owned company, yet it continually acts against the public interest. Its management is constantly out of step with ordinary people, particularly those in regional and rural Australia. It is time the Prime Minister and the Treasurer, as custodians of our shareholding, laid down the law to Telstra on what community service obligations are and what is expected of it as a company. There is one area, however, in which Telstra seems eager to compete, and that is for the title of Australia's worst corporate citizen.

Nepean Highway, South Frankston: safety

Mr COOPER (Mornington) — The condition of the Nepean Highway in South Frankston between Humphries Road and Olivers Hill is a dangerous disgrace, and it has been like that for many months. Rochelle McArthur, the Liberal candidate for Frankston, has been trying to get this road fixed, but the member for Frankston has done nothing to assist that happening. This issue is just another item on the long list of neglect of his electorate by the member for Frankston. He is always boasting that he puts Frankston first, but the reality is that he does precious little for his electorate. That is the reason why Rochelle McArthur and I are receiving a continuous stream of complaints from constituents in the Frankston electorate saying that they cannot contact their local MP because he will not take their telephone calls and never returns calls.

Frankston people of all political persuasions are now eagerly waiting for 25 November so they can elect a local MP who will genuinely work for them. The Nepean Highway at South Frankston between Humphries Road and Olivers Hill is just one section of a large number of roads within the electorate of Frankston that are a government responsibility that are nothing short of a disgrace. The member for Frankston needs to start getting out of his office, where he is hiding from his constituents, and do something to address these issues, which are of importance to the people who elected him and whom he is supposed to be representing.

William Langdon

Mr LANGDON (Ivanhoe) — On behalf of my mother, Laurel Langdon, and the entire Langdon family I would like to thank the Austin Hospital, and in particular the nurses, the doctors and all the staff of ward 7 north, where my father passed away on 20 July. He was in there for some time, but in the last four days his life support system — the dialysis machine — was turned off. My mother was there for the last four days and was accommodated by all the people there. She really appreciated their kindness and support and the services they provided for my late father.

The Austin Hospital is indeed a great, first-class hospital, and although the circumstances were unfortunate, I had a good chance to see it. My father was at the Austin several years ago. He was in a building which was constructed in 1931 and which left a lot to be desired. I am extremely pleased to know that my father spent his last days in a hospital that he would have appreciated, along with the work that the Labor government did to rebuild it and honour my commitment. It was a remarkable achievement of the Bracks government. Again I say to the Austin Hospital and everyone who works there that my family appreciated all their support.

Ruth Woodbridge

Ms MUNT (Mordialloc) — I would like to honour the life of Ruth Vetia Woodbridge, who passed away on 11 July 2006 at 82 years of age. Ruth lived a life dedicated to her family and community. She was a churchgoer, an activist, a teacher, a volunteer, a great mother and wife, and a prodigious knitter. She was a lovely, gentle soul who always had a great deal of love and compassion for everyone around her. My condolences to her husband, George, and her children, family and friends. We will surely miss her sweet presence.

June and Bert Jones

Ms MUNT — I would like to congratulate June and Bert Jones on the occasion of their 60th wedding anniversary on 1 June 2006. Mr Jones is an ex-serviceman who served with distinction in New Guinea. They have been an item since they were 14 and 18 years old respectively. They have two children, five grandchildren and two great-grandchildren. They are a great example to us all of a happy, loving and unified family. June and Bert are a lovely couple, and I wish them continued health and happiness in the coming years.

Hazardous waste: Narracan electorate

Mr MAXFIELD (Narracan) — I rise this afternoon to express the dismay I felt when I heard on Friday that the Deputy Leader of the Opposition said that a Liberal government would abandon plans for a waste facility at Nowingi, near Mildura, and instead build it within a 100-kilometre radius of Melbourne. I call on the Liberal Party to come clean on what its secret plans are for such a facility. If it wants to put the facility within 100 kilometres of Melbourne, that clearly means that it

is looking at a number of sites. Certainly Narracan is within that radius, and my electorate is now looking at the possibility of a facility being located there. We need the Liberal Party to come clean on this issue and reveal what its plans actually are. If it is looking at a site in my electorate, will it come forward and tell us that? We should not be left in the dark.

What are opposition members doing? Are they waiting until after the election, and once in power will they reveal all? As a matter of openness and transparency, opposition members should come clean and tell us what their secret plans and intentions are. We have a situation where the government has nominated a site and an exhaustive environment effects statement process is currently under way. We are looking at the matter in an appropriate manner, so we cannot have these secret Liberal agendas.

Indochinese Elderly Refugees Association: hostel

Mr SEITZ (Keilor) — Last Saturday night I had the pleasure of attending the Indochinese Elderly Refugees Association fundraising dinner at Happy Day Receptions in Union Road, Ascot Vale. ICERA is fundraising for the Mekong Senior Citizens Hostel in East Keilor, which wants to extend its services to provide high-care hostel beds for elderly members of the Vietnamese community. The committee and the organisers of ICERA should be congratulated on the tremendous effort they put in last Saturday night and on the work they have done in the 10 years since the establishment of the Mekong hostel. The work done by the association helps its own community members, particularly elderly people with a Vietnamese background.

It is terrific to see a community organisation pitching in to help its own community to raise funds. On Saturday night the association raised more than $60 000 for this project. I hope that when the planning permit now before the Moonee Valley council is approved the hostel will be able to go ahead with providing the high-care nursing beds that are required in my region in the west of Melbourne. The Keilor district needs such facilities urgently, and I wish ICERA all success for the future.

VICTIMS' CHARTER BILL

Second reading

Debate resumed from 14 June; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — This bill does not take the legislative regime or the policy of the government one step further in relation to victims. Instead what it does is provide a non-binding charter that delivers no remedy, legal or otherwise. In effect it is a statement of policy that has been put into legislation. It could equally form a position paper or be part of a glossy government document. Having said that, many of the statements in the charter are supported by the Liberal Party, except the one which relates to the Adult Parole Board of Victoria, on which I propose to move a reasoned amendment. However, the Liberal Party supports this legislation.

I have spoken to victims groups since becoming the shadow Attorney-General. In fact I consulted with these groups before I became the shadow Attorney-General. Members of victims groups see themselves as disfranchised and disconnected from the criminal justice system — that is, from the first moment of the investigation of a crime right through to the ultimate sentencing of an offender and indeed their ultimate release from jail. Victims believe that in all these matters their interests are not considered as part of the process in any meaningful way, and they feel very hollow inside and are unable to contribute in a dramatic way.

A former Attorney-General — one of my predecessors as member for Kew, the Honourable Jan Wade — made a number of significant and dramatic changes to the law in relation to victims. She certainly ramped up substantially the compensation provisions in the law and introduced victim impact statements. Luckily they have not been repealed. I acknowledge that the government has taken the issues of compensation and victim impact statements to a further level, but the fundamental idea was driven by a Liberal government and by a Liberal Attorney-General.

Victims I have talked to have raised these matters. Victim counselling is still a significant issue. While compensation of $7000 for the most serious offences has been restored and is payable, it is certainly a token gesture given the significant trauma faced by not only the direct victims of crime but also members of their families. It certainly is a significant issue.

The bill sets out a number of principles that govern the response to victims under its charter. While the bill is full of nice, warm and caring statements, they are only that, because the bill provides no remedy and no capacity for victims to actually enforce the obligations imposed on those bodies that have dealings with them — right from the investigation stage through to

the prosecution stage and ultimately to the serving of a sentence by an offender.

You only have to look at clause 6 of the bill, which is about the treatment of persons adversely affected by crime, to see that. It says:

> … all persons adversely affected by crime … are to be treated with courtesy, respect and dignity by investigatory, prosecuting and victims' services agencies …

Perhaps the very fact that we have to restate that in an act in this place is an indication that the government has dropped the ball and has not conducted itself in a way which is courteous and respectful and which gives dignity to those people who have been adversely affected by crime. The number of concerns which have been raised by victims would bear that out. It is good to have a bill containing nice, interesting, warm and caring words such as 'courtesy', 'respect' and 'dignity', but the proof will be in the pudding. Most importantly it does not provide one scintilla of extra protection to victims. In effect victims have to trust the government to implement them in a cogent way.

In relation to the treatment of victims going through the criminal justice process, the Liberal Party has been calling for improvements for a number of years, and in doing so it has compared Victoria with New South Wales. As far as I know, in this state no victims liaison officers are employed by Victoria Police or by the Office of Public Prosecutions. They are people who are dedicated to providing courtesy, respect and dignity to the victims they come into contact with.

I will compare Victoria with New South Wales, where some 30 victims liaison officers are employed in the Police Integrity Commission to directly provide services to victims of crime — either direct victims or those who are adversely affected, such as family members of a victim. That cogent step taken in New South Wales is something the Liberal Party has been calling on the government to emulate. Since we originally made the announcement about two years ago that that would be our policy, I have become convinced that the appropriate agency ought to be Victoria Police as much as it ought to be the Office of Police Integrity.

When Victoria Police employed the three victims liaison officers they could be of assistance as soon as a complaint was made and as soon as the police attended a crime scene. They were employed in Melbourne, so there was little or no capacity to meet the needs of victims of crime who were living elsewhere in Victoria, let alone to face the current situation in which no victims liaison officers are employed by Victoria Police.

I am sure you, Acting Speaker, would agree that that situation is inequitable in the extreme. New South Wales has 30 dedicated officers, and the employment of a similar number would be a significant step in the right direction. That would demonstrate not just the use of words and sentiment but would be a cogent demonstration of the government providing resources that victims so desperately need.

Another area of concern is that while there is a provision which is full of noble words, it does not provide any obligation that can create an enforceable legal right of the victim to compensation. It says a victim may seek compensation from the offender who is convicted. The law provides a very detailed mechanism of compensation that is payable directly upon the conviction of an accused.

Certainly from my experience — and this is borne out by anecdotal evidence — while there is no doubt that an increasing number of victims are using those compensation provisions which have been around for some time, I would like the courts to at least consider the obligation to compensate a victim at the very moment of sentencing and as part of the sentencing process because there is an obligation on our judges and magistrates to at least ask whether a victim intends to make an application for compensation, to at least hear those cases as quickly as possible and deal with them reasonably expeditiously rather than deferring them for a long time.

The issue of compensation is usually based on facts. It can be simply resolved; it is a matter of either yea or nay. If there is an issue about the level of compensation, both special and general damages, or otherwise, perhaps that can be canvassed at some later stage of the process. At the moment of sentencing that a judge 'must', not 'may', consider that issue depending on whether a victim makes that application. A victims liaison officer who is well informed about those matters can bring them to the attention of a victim.

Clause 7 nobly states:

> Investigatory agencies, prosecuting agencies and victims' services agencies —
>
> (a) are to provide clear, timely … information about relevant support services —

and where advice can be obtained in relation to those matters. They are noble statements, but I fear that it will be left to victims to ask the right questions at the appropriate time so as to get the right answers rather than a more cogent response being created through access to victims liaison officers.

It has to be acknowledged that this government has extended the notion that information can be provided about a victim and through the obligations on various and different agencies. As I said, they are noble and bold statements, but there is no cogent delivery of any resources that would enable that situation to actually take place. There is information from agencies not only about support but also regarding prosecutions. Every person who is in the unfortunate position of being a victim tries to make inquiries as to what is happening now.

As you know, Acting Speaker, in this state there has been substantial criticism about the delays between the investigation and the prosecution of a charge. For example, I know for a fact that Lisa Hannan, the magistrate who looks after the Melbourne Magistrates Court criminal list, has been very critical of investigations of the police forensic laboratory and being able to get timely information from the laboratory. At one stage there were delays of some 18 months before drug analyses were returned, when trials could commence. That had a resultant impact on bail applications. Anecdotally, the evidence is that those delays can also take place in relation to DNA testing — all of these valuable tools that the criminal justice system, both the investigation and prosecution aspects, so desperately needs to resolve matters.

The delays in those trials became a matter of some concern, which I raised a couple of weeks ago during debate on the charter of rights legislation. A criminal matter before the County Court cannot be set for trial for 12 months; after the committal process the matter would be listed for mention in the County Court, but the trial date would not be less than 12 months.

A victim of crime, whose son had been killed in a motor accident, came to see me the other day in relation to a culpable driving charge. The investigation took a significant amount of time to get all the forensic evidence. Then, when the charge was laid there were committal proceedings; then the family attended court on the return committal date when the case was listed for mention and was given a trial date in April this year — some 12 months after the committal mention. They attended at the court on that day in line with advice to them from Victoria Police. I make no criticism of Victoria Police — I think they are doing a fantastic job — but my complaint is about the management of a system which the government has responsibility for. I think the family attended the hearing in April but the case was not called on.

They waited for two days for the case to be reached in the County Court, but it was not reached, and it was adjourned until June of 2007 — over 12 months after the commencement of proceedings. The matter had been proceeding for some three and a half years up until that point, which is a matter of real concern. It is all very well for victims of crime to be getting information about the prosecution, but when trial dates cannot even be set — in this particular case — until two years after the committal, then it is a matter of profound concern that we are not getting a demonstrable outcome for victims on the ground.

The information that can be provided to victims also includes information about bail applications. As I said, imagine being the victim in a case and being told it cannot proceed even to the committal stage in a Magistrates Court for up to 18 months after the charge was laid. I am aware of a case that has been reported in the press involving two persons who had been accused of a serious charge. That case was adjourned in the Melbourne Magistrates Court for over 18 months because of a lack of resources at the Victoria Police forensic laboratory in Bundoora. The excuse given was 'We do not have enough resources. We cannot provide the analysis inside 18 months'.

Two men were charged with serious drug offences of trafficking in a commercial quantity of drugs, and those charges were sent off for 18 months, as I said, and bail had to be granted, notwithstanding that trafficking in a commercial quantity of drugs is a show-cause offence — that is, the accused have to show some reason why they should be released. The magistrate accepted — as I think everybody in this place would accept — that 18 months between charge and committal is an unacceptable delay caused by the lack of resources provided by the government.

It is simple enough to make the bald statement that there should be no contact between the victim and the accused in court. That is axiomatic, and certainly the Victorian criminal justice system is trying to deal with those matters through the use of facilities for taking evidence from remote locations. The bill makes a bald statement in relation to these matters; it is simply commonsense more than anything else.

The bill contains provisions about the right to make a victim impact statement. There is certainly nothing new in these provisions. They are just restating and rehashing the current body of law. Again, I acknowledge the work of former Attorney-General Jan Wade, who was the person who introduced victim impact statements, which are such a valuable tool in the hands of the judiciary.

The bill also contains a statement about victims privacy, which is consistent with the Information Privacy Act. There is nothing new or dramatic in relation to that matter. Again, it is just a bald restatement of the law. If you want to rely upon any legal right to privacy you might have as a victim, of course, you have to turn to the very law which has been in place for some time — the Information Privacy Act — to get any particular remedy. This bill does not itself provide a victim with any remedy in relation to privacy matters.

A matter that has been raised with me on a number of occasions is the delay that can take place in relation to property that has been seized. The bill states that property seized during an investigation and prosecution process needs to be stored and handled in an appropriate, lawful, respectful and secure manner, and if possible, and in consultation with the victim, the property is to be returned to the victim as soon as reasonably practicable. Again, delays in our courts make that 'reasonably practical' period stretch out and out, to the point where it becomes simply ridiculous. The bill contains provisions in relation to compensation and financial assistance. Again, that is just a restatement of the existing body of law.

In relation to the provision of information about an offender, I acknowledge that this government has changed the Corrections Act to enable persons who have been victims of violent crime to be registered on a victims register, which enables them to receive a flow of information about an offender even after the person has been sentenced to imprisonment. If the Adult Parole Board of Victoria is considering releasing a prisoner on parole at the completion of their minimum term, certainly the victim now has the right under legislation to make representations to the adult parole board to be informed about the fact that the board is considering the release of the prisoner and the right to make representations through written submissions to the adult parole board, not only in relation to whether the offender should be released or otherwise, but also in relation to special conditions — for example, location of the offender or contact with victims or associated people. All these things can be taken into account by the adult parole board.

I will conclude by remarking that while the opposition certainly supports the general thrust and tenor of this bill, it believes the bill does not take the body of law or the entitlements of victims of crime one step further. The government may just be using the bill as a covering-up device in the lead-up to the next state election. Far more could be done by the bill, including placing an obligation on judges to consider compensation at the time of sentencing. The engagement of victims liaison officers by Victoria Police commensurate with the number in New South Wales — some 30 of them — is certainly required to enable the noble statements in the bill to be implemented.

There is one glaring error in the bill — this is certainly something I have raised before in this place — in relation to the issue of home detention. While opposition members remain implacably opposed to the issue of home detention, they recognise that, as it is part of the body of law in Victoria, they have to make the best of a bad lot. The adult parole board deals not only with issues of parole but also with issues of release on home detention. I am not talking about a judge, at the time of sentencing, placing an offender in home detention, although that is something we are still opposed to.

I am talking about the situation where a person is sentenced to imprisonment and put in jail, but the Adult Parole Board of Victoria, effectively on its own motion, can release them on home detention in accordance with the provisions of the legislation. In those circumstances a victim does not have the right to make submissions to the adult parole board, and that is a glaring oversight by the government. I say 'glaring oversight' because that situation has certainly been known by victims for some considerable time, and I have spoken about it in this place on other occasions.

I would like to see victims given the same rights when the adult parole board is considering releasing somebody on a home detention order as they have when parole orders are being considered by the board — that is, the right to make submissions to the board and indeed to have those submissions taken into account; the right to be informed about the imminent release of offenders; and the right to make submissions to the adult parole board prior to the release of the prisoner. Decisions by the Adult Parole Board of Victoria about parole and about home detention are more or less the same, and they should be treated exactly the same, and victims should be given those clear and cogent rights.

I have spoken before in this house of the Donnelly family. The Donnelly family members are longstanding friends of mine. I know both Kevin and Julia, and in particular I met James when he was a young boy before he was killed in what can only be described as an appalling accident, where not only was James struck and killed but the person responsible left the crime scene and covered up that crime for almost 12 months before sufficient evidence was garnered to enable him

to be arrested. As we know, the offender's parents conspired in covering up the crime. The offender was subsequently dealt with by the County Court. Not only was he dealt with by the County Court, but his sentence went on appeal to the Court of Appeal, which increased the jail term to some 18 months. The Court of Appeal, in reviewing the original sentence, said it was not enough and that it needed to be increased to some 18 months.

Notwithstanding that decision by the Court of Appeal increasing the penalty imposed on that particular offender, the adult parole board released the prisoner on home detention before his minimum sentence had expired. That order was made in accordance with the act, but the victim's family found out about that order only at a time when the press contacted them, which was after the event. If it is considered good law to give rights to victims of crime when the adult parole board is considering releasing offenders on parole, then those victims should be given the same rights when the board is considering releasing offenders on home detention, and the fact they are not seems to me to be a glaring error in this bill.

Accordingly, I desire to move my reasoned amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until victims of crime groups, the Sentencing Advisory Council and the adult parole board are consulted with a view to enabling victims of crime to be notified and have the opportunity of making a submission to the adult parole board prior to releasing any prisoner on home detention'.

I call on the government to recognise this anomaly in the law and address it by a process of consultation with victims of crime groups. I have spoken to Noel McNamara and Stephen Medcraft, who represent two victims of crime groups and who are known by many members in this house. They see this as being a worthwhile consultation process. They have the view that victims of crime should be consulted by the adult parole board about the release of criminals on home detention. Those victims should be consulted in just the same way as they are about prisoners who are being released on parole.

As I said, victims suffer enormous distress, which impacts not only on those people who are injured but also on extended family members. We should do all we can to assist victims. The government has acted by introducing this bill. It is full of noble statements, big words and noble gestures, but it does not actually put any enforceable rights into the hands of victims. Furthermore, unlike the charter of human rights — as flawed as it is — this bill does not change our ability to interpret acts of Parliament in light of the charter of victims rights. Essentially the bill merely represents noble statements. What we need from this government is demonstrable action to improve the lot of victims. The simplest thing for the government to do would be to provide 30 victims liaison officers to Victoria Police and, most importantly, to support this reasoned amendment.

Mr RYAN (Leader of The Nationals) — The best and most appropriate summary of this bill is contained in the second-reading speech notes, which say on the bottom of page 3:

> The Victims' Charter Bill brings together in a coherent framework all the existing legislative rights and entitlements for victims of crime. It does not broaden these existing rights and entitlements.

This bill gathers a series of existing entitlements across a range of legislative instruments and puts them into the one place. It provides, in effect, a practical summary of what victims are entitled to, and it sets out how those entitlements can be accessed. But in doing so it does no more than the individual parts of the legislation already do. I suppose it is a matter of the sum of the many parts now constituting the whole, but it is nevertheless appropriate to consider this legislation on its own terms.

Fundamentally the bill's purpose is to recognise the principles governing the response by investigating agencies of all sorts, including the police, to persons adversely affected by crime. Furthermore, the bill establishes requirements regarding the monitoring and review of those principles.

The bill is broken into three parts. Part 1 is a preliminary series of five provisions; part 2, headed 'Charter principles governing response to victims', has a dozen or so provisions; and part 3 is a general mop-up which contains another half dozen provisions. In essence though — as I say and as the second-reading speech points out — this does nothing by way of adding to the rights, the remedies or the responsibilities of victims. It simply brings all the existing material together at one convenient reference point.

There are a couple of issues in the bill that I want to address. The member for Kew canvassed the provisions of the bill in some detail, so I do not intend to do likewise. It is relevant to refer to some of the definitions in the legislation for the sake of clarity. Firstly, clause 6 is probably the principal operative provision, because it deals with the treatment of persons adversely affected by crime. This clause sets out the basic tenets of the responsibilities the many investigatory agencies and

institutions have to make sure that persons who are adversely affected by crime are treated appropriately.

Some of the definitions deserve specific reference. For example, there is the definition of a 'person adversely affected by crime'. In the definitions in clause 3 of the bill there is reference to the fact that this legislation relates to someone who is termed 'a natural person'. By definition that of course means that no corporate entity can be the beneficiary of the provisions contained or referred to in this legislation. Rather, this legislation relates to the entitlements of 'a person', using the normal definition of the word, who has suffered an injury. There are half a dozen aspects of the definition of 'injury' that range from actual physical bodily injury to the loss of or damage to property. There is a catch-all provision which sweeps all the others up, so that any combination of those various aspects can constitute an injury for the purposes of this legislation.

There is a reference to persons who have suffered an injury as a direct result of a criminal offence, which is defined in clause 3 as meaning:

> … an offence, or a series of related offences, committed at any time, whether or not a person has been accused or convicted of that offence, and in relation to a victim, is the offence that gave rise to the injury suffered by the victim …

It is not necessary, therefore, that the person who actually committed the criminal offence be identified per se, rather the criminal offence is defined in the sense of the action that took place which gave rise to the injury, which in turn resulted in a person being adversely affected by the crime which was committed. The definitions are relevant from that point of view and are giving a clearer picture of the applications of the legislation. As I say, this is a series of broad principles that are set out in part 2 of the legislation. Essentially those principles constitute a bringing together in the one place of a series of rights that already exist in a variety of other forms of legislation. In each instance the specific source of that right is referred to in the notations to the relevant provisions.

I make some general comments concerning some elements of not only this legislation but matters attendant to it. The first is that while these things are worthy in one sense in that they act as a quick reference point for those who want to access them, it really is no more than a bringing together in the one place of what already is there. It does not add to rights, remedies or responsibilities, as the second-reading speech says. Nevertheless, I suppose it has a practical purpose to it in that people, if they want a reference point, can come to this legislation, see that it is reflective of their rights and see it in the one place.

The second thing is that I sense this legislation has been created to attract victims rights groups. Understandably, they are attracted to it because of the reasons I have already mentioned, but I am sure they also understand there is no addition to their rights or remedies created in the bill. I cannot help but think those same groups would be much more interested in initiatives by the government about the matters that they have been calling upon the government to fix.

For example, The Nationals have suggested the introduction in Victoria of amendments to our sentencing regime, which, for persons convicted of crimes, is very relevant in the eyes of victims of crime. We propose that a system of standard minimum sentencing, modelled on the system that presently operates in New South Wales, be introduced in Victoria. It would enable the most serious of criminal offences to be subjected to a regime of a specified sentencing period. There would remain in the court a capacity for the judge to vary that sentence either up or down, but that variation would have to be based around a series of aggravating or mitigating factors set out in the legislation. It would also require the sentencing judge to specify the aggravating or mitigating factors upon which the judge is relying in making a variation from the standard minimum sentence.

That system works well because it enables the public to have a benchmark of sentencing and be confident in the sentencing perspective of the way in which the criminal justice system works. To establish those sentences in the first place, it is our view that the Sentencing Advisory Council should be involved in engaging the public to have its input as to what should be the terms that are imposed under this system. I emphasise that the court would and should always retain the capacity for varying that standard minimum sentence as the court sees fit. This, of course, colloquially is known as retaining the discretion — the all-important discretion that is vested in a sentencing judge.

We would never want to see anything done to deny that or impinge upon it. The system that operates in New South Wales achieves the very good balance, we believe, of giving the public much more faith in a sentencing system where it has an input to it and can see the benchmark for the most serious crimes while also enabling the court to have the discretion to vary that sentence up or down as the court may deem appropriate.

That is the style of thing that I would have thought is more likely to appeal to victims groups and to victims as individuals rather than gathering together a series of

rhetorical statements which, for the main part, are comprised of the pages of this bill.

The legislation will also up the ante, to a degree, on investigating police officers and the other agencies involved in the criminal justice system. Investigating police are already under enormous pressure to undertake the work that is relevant to catch criminals in the first place or those accused of crime, to then have the various forms of investigation carried out, to then complete the brief and actually go through the process of having the particular offence subjected to the process of prosecution and to generally dealing with all the issues that go with bringing before the court a person alleged to have committed the crime.

Into the mix, of course, everyone well understands that in this contemporary era of discharging judicial responsibilities and the responsibilities of investigating police officers and those many agencies that are involved, there is the need to ensure that victims of crime are kept informed as to the processes that are unfolding. It is untenable that matters are happening regarding the way in which a given offence is being investigated and then prosecuted without the persons who are the victims of the crimes being informed of what has happened.

I would hope that police officers are not in the position, having regard to the content of the legislation, where what is already recognised as the responsibility upon them is a greater burden to the point where their capacity to conduct all the investigatory aspects of these matters is impinged upon in any way. I am heartened by the fact that even the second-reading speech says that this bill does nothing to add to the existing rights, remedies, responsibilities or otherwise — that is the general tenor of the commentary — but I would like to make sure that such is the position of things that are taken up by police officers who are involved in the important work of investigating crime and going through the processes of criminals being prosecuted.

The further aspect of this legislation that I think requires commentary is the issue of general resourcing through the courts. The position in the County Court is now absolutely lamentable. To think that it takes a year beyond the committal date for a matter to come to trial is a disgrace. There is no other word for it — it is an absolute disgrace.

In an age when the government is forever out there trumpeting its supposed achievements in a variety of spheres, I do not think even it would be game enough to run its publicity machine and spin doctors on the operation of the justice system. The fact is that the delays are fundamentally wrong. The people who feel those delays are the persons who have been charged in the first place — they are innocent until proven guilty — but the victims of crime have to cop the brunt of the conduct of a criminal event yet have to wait 12 months or more in the case of the County Court to see the matter actually disposed of. In an age where contemporary care for people who are victims of crime contemplates bringing matters to closure I cannot help but think it is reprehensible that the government can be ultimately in charge of a system, and be responsible for its resourcing, that puts people through the grinder to that extent.

In the Supreme Court the situation is no better. The Supreme Court, in my opinion, requires the immediate appointment of at least two further justices to the bench. The load upon Supreme Court judges is reaching the point of being intolerable. It is also increasing there, as it is in the County Court. These are matters that the government needs to have regard to. I know from conversations with various people at different levels in the justice system that they are dreadfully concerned about the apparent lack of interest on the part of the government in addressing what are fundamental flaws in the resourcing of the County and Supreme courts.

In the Magistrates Court, with the ongoing increases of jurisdiction and the ever expanding role which the courts are having to deal with, it is a similar story, but at least it can be said that in those areas the extent of the commission of the crime is not so serious as is the case in the County and Supreme courts. Equally, the persons who are there as victims of crime, in the case of those matters coming before the County and Supreme courts, are persons who by definition have been the subject of even more forms of appalling conduct than is often the case in Magistrates Court matters.

While it is one thing for the Attorney-General to introduce a bill of this nature into Parliament, it does nothing to add to victims rights. I would have thought the issue on which the government ought properly be focusing its attention is the resourcing of our court system at all levels to make sure that crime can be dealt with through the courts in a manner which is appropriately timely and which, from the perspective of victims, brings some closure, because in the end that is one of the fundamental aspects that enables those people to move on. This bill certainly does nothing to achieve that end.

Mr LUPTON (Prahran) — In introducing this bill the Bracks government is building on its commitment to improve the justice system's treatment of victims of crime with a victims charter that sets out the rights of

victims in one document. I believe it is an important thing to be doing because it will enable those who have an interest in the rights of victims — be they the victims themselves, their families or anyone else involved in the justice system — to go to one document, a victims charter, that will set out what the rights of victims are and will highlight the importance of the rights of victims in our justice system in Victoria.

The charter itself will provide clear standards for the agencies involved in the justice system and in the prosecution of criminal activity to follow. In addition to setting out the rights of victims in this victims charter, the government is also committing $3.3 million over the next four years to support the charter in its operation. The rights in the victims charter will include the right to be informed of the progress of a police investigation, the right to be informed of victim support services, the right to apply for compensation and, in cases of violent crime, the right to request information on sentenced offenders and to make applications to the Adult Parole Board of Victoria.

The Bracks government has done more than any other Victorian government to assist victims. One of the most important things that this government has done since its election in 1999 in relation to crime is to ensure that there are less victims of crime by ensuring that our police are resourced effectively, our police numbers have been increased in Victoria and that the methods of operation of the police in Victoria are more effective in preventing crime and in driving down the crime rate. I know that in Victoria we have had a fall in the crime rate of over 20 per cent. We have had a massive increase in police numbers that has turned around the cuts that were made by the previous Liberal government in Victoria. We now have the highest number of police in Victoria's history and we will continue to build on that achievement.

I know in my electorate of Prahran the results in relation to increased police numbers and increased police resources have been very marked. There is great community support for those achievements, and we want to make sure that those results continue to be built upon in the future. The fact remains, however, that while there has been a reduction in crime in Victoria of very significant proportions, there are still victims of crime, and they need to be treated with sensitivity, dignity and respect. As I said, this government has done more than any other Victorian government to assist victims.

I will mention a few of those achievements. One is the reintroduction of pain and suffering compensation for victims of crime, which was taken away callously by the former Kennett Liberal government. In my work as a barrister over the years I represented many people at the former Crimes Compensation Tribunal who were victims of crime. It was apparent to me in that work that victims of crime often suffer very significant and long-lasting effects. The removal of compensation for victims of crime by the Kennett government was a particularly callous act that adversely affected many people and made their adjustment and their recovery from the effects of criminal activity all that much harder. It was a very great achievement of the Bracks government to reintroduce pain and suffering compensation for victims of crime in Victoria.

In addition the government has overhauled victim counselling and support services across the state. We have given victims a greater role in sentencing by introducing and reinforcing victim impact statements. We have allowed vulnerable victims to give evidence via video link, which is very important in respecting the sensitivity of a lot of people, and also in creating specialist courts for crimes such as family violence. In the context of the important reforms that have been brought about in Victoria by the Bracks government, it is also important to make reference to the Sentencing Advisory Council, which has also been set up and which plays an important role in making sure that the sentencing regime we have in Victoria reflects community expectations.

The bill before the house, which sets up the victims charter, follows an extensive period of consultation throughout the state, with some 50 forums being held with victims of crime, support workers, the legal sector and members of the public. All interested parties had an opportunity to participate in that consultative process and a great many took advantage of that opportunity. That consultation showed overwhelming support for the introduction of the victims charter, and the government has acted upon that consultation process and the overwhelming support for this legislation by introducing the Victims' Charter Bill. It is important that victims groups and the government continue to work in partnership in the way that they have been doing in recent years in order to ensure that our justice system is responsive to the needs of victims of crime now and into the future.

I want to deal with some of the particular details of the proposal contained in the Victims' Charter Bill to illustrate the types of rights that are contained within it. Importantly, the bill creates a framework within which the principles that govern the responses by the criminal justice system to victims of crime will be specified. It will provide a benchmark for the development of service standards and victims policy across the criminal

justice system in Victoria. The principles contained in the bill create various obligations on criminal justice agencies, on investigating agencies, on prosecuting agencies and on victims services agencies.

The principles contained particularly in clauses 6 and 7 provide that wherever a person identifies themselves as a victim, they are entitled to be treated with courtesy, respect and dignity by all criminal justice agencies and should be provided with clear, timely and consistent information and referral to relevant victim support and legal services.

Those principles provide a basic benchmark against which all agencies in the state of Victoria should treat victims. The principles set out in clauses 8 to 17 create obligations in relation to providing information to victims about investigations, prosecutions, applications for bail, the court process and limited information about the offender. They also contain provisions to minimise contact between the victim and the accused where that is reasonably practicable, particularly in relation to attendance at court, and provide for victim impact statements. They relate to ensuring the privacy of victims, the appropriate storage of victims property, compensation and financial assistance for victims of crime.

It is important that we understand the rights victims have in the criminal justice system. It is important that those rights be contained in an easily accessible form so that anybody who is interested in finding out what rights victims have or anyone who is involved in dealing with victims of crime understands those rights. That means the rights of victims will be highlighted, that they will be known and will be accessible to all the people who have an interest in them — be they victims or people who are dealing with victims.

It is important to make sure that the rights of victims are well understood and that the community understands it is important to treat victims with appropriate courtesy, respect and dignity. Putting the rights that exist in relation to victims in Victoria into one piece of legislation, the victims charter, will ensure that the rights of victims, which we all should respect and uphold, are well known, understood and respected by the community.

Mr WELLS (Scoresby) — I rise to join the debate on the Victims' Charter Bill and support the shadow Attorney-General's view that this bill does not go far enough. He has moved a reasoned amendment to enable a victim to be kept informed of and be able to make submissions to the Adult Parole Board of Victoria about the release of a prisoner on home detention.

The first thing I do is pay tribute to a number of people who have long been supporters of victims of crime — namely, Noel and Bev McNamara, Steve Medcraft, Janine Bramley and Anthony Roberto, all of whom have been tireless workers in the fight for the rights of victims.

The government wants to bring in this bill to set up a framework for its response to victims of crime. The main provisions include the requirement for investigating and prosecuting agencies to take the rights of victims into account. Agencies will be required to provide advice on possible entitlements and legal assistance available for victims and to inform victims at reasonable intervals about investigations and prosecutions. Upon the request of victims, agencies will be required to inform them about the bail conditions of the accused. The legislation restates the rights of victims to seek compensation from a guilty party and to make victim impact statements.

I am not sure what the bill will achieve. I cannot imagine how it feels to be the victim of a serious crime or, worse still, how the family of a victim who has lost their life due to a crime feels. The greatest frustration for victims of crime in this state is clearly the soft sentencing that is being handed out. Home detention is part of that soft sentencing. The Liberal Party has made it very clear that we are going to address this issue, and we are totally opposed to home detention.

There are two reasons why we are opposed to home detention, the first being the front-end system. If a judge determines that a person has committed an offence so serious that he or she should be in prison, the Liberal Party believes that he or she should be in prison. Allowing that sentence to be served at home makes no sense at all, because home detention does not confine a person to home. That person can still continue to work, go to the pub, play footy and do a number of things.

Even more inequitable is back-end home detention — that is, a judge sentences someone to a minimum jail term. A maximum term can be set, but the adult parole board can then come over the top, undermining the original sentencing judge, and send the person to home detention without any consultation with the sentencing judge. If the government were fair dinkum about addressing the needs and rights of victims, surely one issue it would address would be home detention.

I want to pick up a point made by the member for Prahran who claimed, wrongly, that there are now fewer victims of crime — since the Bracks government came to office — compared to earlier times. I want to put the facts very clearly before the house. Victoria

Police data shows that the number of victims of crime has increased to a record level in this state. It is factually incorrect for the member for Prahran to say that there are now fewer victims because there are more police out on the street. The latest Victoria Police figures in the 2004–05 provisional crime statistics clearly show at figure 3, under 'Recorded victims of crime against the person per year, 2000/2001 to 2004/2005' a record level of 32 932. That is the highest it has ever been in this state. It is disgraceful that the member for Prahran should get that completely wrong.

In 1999–2000 the 'recorded victims of crime against the person' figure was 26 001. In other words, in the seven years of the Bracks government the figure has gone from 26 001 to 32 932. While the Bracks government is running around saying there are more police on the street, the fact remains that there are more victims of crime against the person than ever before. What is more disturbing is the amount of violence. It has increased in just the last 12 months. The figures for 2004–05 show an increase of 11.1 per cent when compared to the previous year — an 11.1 per cent increase in violent crime in one year. When you look at homicide, rape, sex crimes, robbery, assault and abduction/kidnap, the figures show they have gone from 29 469 to 32 932.

The government will argue that this is all attributable to Victoria Police's protocol on domestic violence. We strongly support the protocols Victoria Police has brought in. The Chief Commissioner of Police, Christine Nixon, has done a very good job with the protocols on domestic violence; we support that. However the issue is it is quite clearly not all related to domestic violence — violence in general across the community has increased. We would question why the government is so keen on and so transfixed by the idea that crime has reduced since it came to office. It is true that if you own a bicycle there is less chance of that bicycle being stolen after seven years of the Bracks government.

Mr Holding — What about a car?

Mr WELLS — Car theft? Absolutely. Car theft is right. The Minister for Police and Emergency Services has said there are fewer car thefts. That is right; we acknowledge that.

Mr Wynne interjected.

Mr WELLS — All those things government members are keen to yell across the chamber are right but this party, the Liberal Party, is focusing on the actual violence in the community — that is, homicide, rape, sex crimes, robbery, assault and abduction/kidnap, the violent crimes that affect the person in the street. The government is focusing on the theft of cars, shoplifting and the theft of bicycles. That is all very important but let me make this commitment: this side of the house — the Liberal Party — will be focusing on the level of violence. We say it is a bit rich for the government to come in and say we are going to have a Victims' Charter Bill. That is a fat lot of good when you are increasing the number of victims. That is the point we are trying to make.

The shadow Attorney-General made a strong point about the case of the Donnelly family. If this government is so committed to victims of crime, what went wrong in the case of the Donnelly family? The person who committed the hit-and-run failed to give any help and then spent more than two years lying, deceiving and perjuring himself, as did his family, to escape his crime. Kevin Donnelly, the father of the victim, wrote on 29 June:

> To see the driver responsible, walking free last week after being released six months before the end of his non-parole period, rubs vinegar into the wounds and makes the healing process so much harder.

This is how the father sees it.

> Even worse for us is that we, with the help of the Director of Public Prosecutions, appealed against the leniency of … original sentence of a non-parole period of 10 months. Even though the odds were stacked against the DPP, who had to prove the original non-parole period was manifestly inadequate, the Court of Appeal agreed the non-parole period should be increased from 10 to 18 months.

The adult parole board then undermined the Court of Appeal by releasing the offender two months into the additional eight-month non-parole period imposed by the Court of Appeal. As Mr Donnelly says, this:

> … beggars belief, and, worse still, undermines the community's trust and respect for the justice system.
>
> …
>
> How can the public have any trust in the justice system when magistrates and judges sentence offenders to a set time in jail and then the parole board intervenes at a latter stage to set them free?

We can understand how the Donnelly family is feeling. We say the victims charter is a feelgood statement by the government. It does not go to the proper process of dealing with victims rights.

Mr WYNNE (Richmond) — I rise to support the Victims' Charter Bill 2006. In doing so I indicate that having the Minister for Police and Emergency Services at the table today is very appropriate. In relation to its

performance in tackling crime and the causes of crime, by any measure this government can hold its head high.

Clearly the efforts of this government in rebuilding the infrastructure of Victoria Police — a massive capital works program to renovate and refurbish police stations across the state, in metropolitan and country Victoria alike — and its recently exceeded target of putting 1600 more police on the beat have borne fruit. The government proudly claims that there is a direct correlation between police on the beat and a reduction in crime rates. That is an indisputable fact. In my studies of criminology those statistics can stand any test. I invite members of the opposition, in their contributions on this bill, to seek to rebut the self-evident fact that the investment of this government in both physical infrastructure and personnel has delivered real and sustainable gains in terms of crime rates and the expressed confidence of the community in the work done by the Bracks government and this minister in leading that work.

It is important that we are not bound up in unnecessary discussion and statistical debate around crime rates. While the shadow Minister for Police and Emergency Services indicates that crimes against the person have increased — we do not debate that point at all; it is a self-evident fact — the vast majority of that increase, in our view, is due to the regime put in place by Victoria Police to encourage victims of domestic violence to report these insidious crimes and for the police to act on them.

Mr Wells interjected.

Mr WYNNE — The retort from the shadow minister was that he supports that. I recall that not long ago the shadow Minister for Police and Emergency Services was, I assume accurately, reported in a newspaper as suggesting Victoria Police could use its time more profitably than on domestic violence matters. If that is not an accurate reporting of the shadow minister's comments, I will acknowledge that point. He indicated in an earlier remark across the chamber that he does support the initiatives of Victoria Police in relation to domestic violence matters.

Anybody who understands statistics and the way crime is reported in this state would recognise that a substantial proportion of this increase is around the very important initiative spearheaded by the Chief Commissioner of Police. She has had a very active influence on the way police address this most insidious crime, which has largely gone unreported in the community until now. As the shadow minister indicated, Victoria Police has done a good job, and we commend it for that.

It is important that I set the record straight in relation to the work this government has done in standing up for the rights of victims. Since our election in 1999 we have worked hard not only in supporting Victoria Police in its work but also in helping victims of crime. One of the first steps we took was to reintroduce compensation for pain and suffering for victims of crime, which compensation had been shamefully and cruelly abolished by the former Liberal government. Members will remember how the former Premier, Jeff Kennett, got up in this chamber and said one of the reasons why compensation for victims of crime was being removed was because a woman victim of crime had bought herself a red coat.

She had bought a coat to try to provide herself with some form of comfort or some form of recompense for a very nasty assault upon her. And good on her for doing that! If it meant that it could provide some form of succour, compensation or healing for the crime that had been inflicted upon her, in my view and in the view of this government, that was an appropriate use of her compensation money. It was a shameful act by the former Liberal government. Liberal members strut around here today, seeking to be the friends of victims of crime, but let the record show that it was the Liberal Party that abolished compensation for victims of crime.

We have also amended the Victims of Crime Assistance Act to make it easier for magistrates to grant interim awards, to provide counselling services to victims of crime as well as to overhaul and give the support system a proper resourcing base. It is very important that victims of crime have access to appropriate and professional counselling services and that we have a system established on a financially sustainable basis. Indeed, I was delighted in a former role in this government to assist the Attorney-General in putting in place these two critical, important initiatives.

The government has been responsive on the question of victims. The Sentencing Advisory Council, chaired by the eminent criminologist, Professor Arie Freiberg, has done a splendid job in working with and listening to what the community has to say about sentencing and in providing proper, timely and sober advice to the government on how to go forward in relation to sentencing.

Major improvements in relation to crime against women include the specialist family violence courts, reforming the sexual offence laws, amending

sentencing legislation to acknowledge the impact of crime on victims, and victim statements to be read aloud by the prosecutor. We have moved to ensure that, where it is desirable, victims are not automatically excluded from court during a criminal trial. All these issues go to the very heart of engaging victims more appropriately in the process.

This bill brings all of those initiatives into a clear and articulate one-stop framework. It treats victims with respect, courtesy and dignity. It provides clear, timely and consistent information to victims about the services, entitlements and legal services that may be available to them, and it ensures that where appropriate, victims are informed particularly about the process of investigation. It is often very mysterious to victims how investigations are proceeding. Court cases can be very challenging and disconcerting for victims who have to front up to a court, which is often a very alien environment, when they will be informed about bail decisions associated with the crime. This legislation will ensure victims are properly protected from actions by the perpetrators of crime and other witnesses. The bill also spells out the arrangements for victims to obtain compensation and deliver victim impact statements as part of the sentencing process.

By any measure this government has done a fantastic job for victims of crime. It has reinstated the much-needed victims of crime assistance program compensation for victims of crime. I think it has been particularly sensitive to the calls for greater access, understanding and accessibility for victims of crime in the judicial process. We certainly want to ensure that victims do not become secondary victims of crime through the whole court and sentencing process but have an opportunity to play an active role in the process and feel that their needs are acknowledged and their voices are heard in the judicial process. This is a good bill, and it is a very strong signal that the government is standing up for victims.

Mrs POWELL (Shepparton) — I am pleased to make a contribution on the Victims' Charter Bill. The Nationals will not be opposing this bill. Other speakers have said that the bill does not actually broaden any of the rights or entitlements that are already in any of the other bills before the house or in Parliament, but it actually collates them all into one bill.

The sad reality is that victims of crime have often been forgotten in the justice system. I hear that time and again from people who come through my office, or we read in the media about some of the issues that victims face when they go before the courts and have to deal with the justice system. Hopefully this bill will address some of the issues and concerns that those people have felt for a long time. I understand that the second-reading speech said there was broad consultation, so hopefully those areas of concern that the victims have brought forward have been addressed in the bill.

The bill deals with principles mainly about how to deal with victims of crime and how to change their treatment by the criminal justice system. Many members of the community believe the Victorian criminal justice system can be improved. There has been a lot of criticism in the media about the type of sentences handed down to a number of criminals. I know the government is going some way to addressing those by bringing in provisions that will remove suspended sentences, even though that will not happen for a while yet. In some way that reflects the community saying that no longer should we have such lenient sentences for the perpetrators of such crimes. If they do the crime, they should serve the jail sentence rather than having that time put aside so that they are on good behaviour orders and do not actually comply with the conditions of the sentencing.

Clause 4 provides a recognition of the broad impact of crime. It acknowledges that all persons affected by crime, regardless of whether or not they report the crime to the police, should be treated with respect by all the agencies that deal with them, and they should be offered the appropriate information. Similarly, clause 6 deals with persons adversely affected by crime, including victims and their families and even witnesses to crimes, and provides that those people need to be treated with courtesy, respect and dignity.

I will give a number of examples that have come to my office of how a number of people have been affected. Hopefully one issue that this bill will address is the issue of the numbering of cases. When people who have lost a loved one due to a crime ask agencies about a matter concerning a loved one or when a case is to be heard, their loved one is referred to as a case number. While that may be the way that some authorities deal with such matters, the staff in such organisations need to realise that using numbers is a little bit insensitive. People have come to me and have said, 'Why do they have to use a case number? Why can't they use a person's name?'. They could have a case number as well, but they could at least identify the person and treat them with respect by having their name on their case.

A number of parents in my electorate have lost children. When the parent of one child who had died in an industrial accident went to the courts to find out when their case was going to be heard, they were told

that no date had been written down for case number such-and-such. The parent had to continue going to the court to find out when the case was going to be heard. This caused hardship for the person who came to my office, who felt that she was not treated in an appropriate manner. It may be a small issue, but the name of the person can be included on the records as well as a number, just to give some dignity to the person who is being dealt with and to remove some of the distress and anger that loved ones feel when they see a case number written on any formal document.

Clause 7 provides that investigatory, prosecuting and victims services agencies provide clear, timely and consistent information regarding the relevant services and entitlements to persons who are adversely affected by crime to make sure that any relevant information about support services is also given in a timely and accurate manner. I guess that this is a way to minimise the impact on victims of crime.

Recently a constituent came to my office who was very angry about some information supplied by the State Coroner's Office. This person had received a letter and an information pack from the counselling and support service of the SCO. His wife had died about six months ago in tragic circumstances, and he had decided to phone the counselling number. He was advised that he could receive counselling, but that it would have to take place in Melbourne. Again, a case number was used. My constituent was quite angry about this and wanted to know why numbers were used. He decided to have some counselling, and the person on the end of the phone said, 'We can give you counselling, but it is in Melbourne', and asked where my constituent lived. When he said he was in Shepparton, he was asked if that was anywhere near Kilmore. This added to the aggravation and grief that this person was feeling.

I then wrote a letter to the Attorney-General to raise this issue with him. To his credit, he sent two staff members to Shepparton to speak to my constituent, who was very happy with the meeting and its outcome. Whilst he was angry about it at the time, this constituent feels that he has been able to put his point of view across and that these people have dealt with him in a very sympathetic manner. I have written to the Attorney-General and asked him to pass on my thanks and the thanks of the family. My constituent said he was dealt with in an appropriate manner, but is concerned that other people who go through the same thing will not be dealt with properly at the end of a phone. He was dealing with some other issues, which I will not go into because of time constraints. However, I will say that the concern was raised with the Attorney-General's department and dealt with in a proper and sensitive manner. I have passed on my thanks to the Attorney-General. That was a great outcome, so hopefully the coroner's office has dealt with and learnt from that. I understand that some training has been put in place and that that situation should not happen again.

Clause 8 of the bill provides that an investigatory agency is to inform persons adversely affected by crime at regular intervals about the progress of an investigation. This is a really important issue. Family members and friends of people who have been involved in sexual assaults or murders need to be kept informed at regular intervals. There is a tragic issue at the moment which concerns Colleen and Laura Irwin, who were murdered in Altona in January. I know that members of the girls' family are pleased with the support they have received from police in Melbourne. They have been informed of what is happening in the case and what has been said in the Coroners Court. It is important that they are kept in the loop, and I urge the government to make sure that is done.

About 10 years ago I was a local government commissioner in Campaspe shire. Some murders had occurred in Burwood, and one of the victims came from Kyabram in my electorate. I heard about some concerns expressed by members of the victim's family. Sometimes they had been out for dinner or somewhere else when, all of a sudden, a photo of their loved one had appeared on television, which they found very off-putting. They asked that police inform them of any new information so that they could be aware of the fact that their loved one may be on the television again, or that a photo may appear in the media years later.

It affects those people very much. They want to know that a protocol is put in place for police to alert families of the victim that there is new information. Before putting out a media release or alerting the media, police could let the next of kin know, where practicable, that new evidence may appear in the media. I know that that is not always possible, but some protocols could be put in place so that the next of kin are alerted that there is new information and that photos of their loved one may appear on television or in the newspapers, which can be off-putting and cause distress to the families.

The second-reading speech talks about the Sentencing Advisory Council. I have written to Professor Arie Freiberg, the chair of that committee, about the petition we collected with 12 500 signatures calling for minimum sentences for certain violent criminals. Professor Freiberg is coming to Shepparton to discuss that issue, and we hope he will take on board The Nationals support for minimum sentencing for various crimes and the fact that judges will still have discretion

in sentencing. If a judge wants to vary the response of imposing a minimum sentence, they will have to take that response from decisions in legislation.

Increasing police numbers is important. If police are going to have more responsibilities, then we need more police. I urge the Minister for Police and Emergency Services to look at those issues, particularly in country Victoria where there is a need for more police. I hope the bill protects victims of crime and their rights, and I wish it a speedy passage.

Debate adjourned on motion of Mr HOLDING (Minister for Police and Emergency Services).

Debate adjourned until later this day.

MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL

Second reading

Debate resumed from 20 July; motion of Mr CAMERON (Minister for Agriculture).

Mr CLARK (Box Hill) — The Mineral Resources Development (Sustainable Development) Bill amends the Mineral Resources Development Act 1990 and the Environment Protection Act 1970. It has a number of purposes and objectives. It amends the title of the Mineral Resources Development Act 1990 to include the reference to sustainable development in that title. It requires licensees who undertake mining to consult with local communities in respect of various aspects of the life cycle of a mine, including mining itself and rehabilitation. It requires licensees undertaking mining to develop a community engagement plan that would form part of a licensee's work plan and to meet requirements that are set out under the regulations.

It seeks to restate the so-called 100-metre rule in consequence of a ruling of the Victorian Civil and Administrative Tribunal (VCAT) in 2004 that conflicted with the common understanding and practice of that rule. The amendments seek to ensure that licensees cannot undertake works within 100 metres of defined natural and man-made features without consent under the act or the authorisation of the minister.

The bill incorporates codes of practice into licensing conditions — for example, in relation to environmental offsets and rehabilitation of land. An environmental auditor will be able to act as a third party under the Environment Protection Act to look at rehabilitation assessments.

The bill introduces two new processes for the direct allocation of coal that is subject to exemption under section 7 of the legislation — that is, coal that is quarantined from exploration and mining licence allocations. The first of these processes will allow the minister to allocate coal to successful tenderers under a prior competitive process, equivalent to a tender under the act, in circumstances where the coal is required to implement the requirements of the tender.

The second of the two processes will allow the Governor in Council to directly allocate coal in circumstances of state interest. The bill also outlines under what conditions an applicant would be granted access to the coal. The bill allows the minister to make statutory codes of practice. It enables the minister to establish advisory panels to consider and advise on issues relating to mining and exploration, and it sets out provisions as to how the panels are to operate. The bill requires a mining warden to provide an annual report of his or her activities, and it amends the powers of inspectors and the obligations of various parties in relation to powers of entry, search warrants and powers to give directions. There are also corrections of various drafting errors and anomalies within the legislation.

The opposition has a number of concerns relating to the legislation, and many of those concerns arise from what appears to have been a chronic failure by the government to properly consult on the legislation. I pay tribute to the opposition spokesperson in another house, the Honourable Philip Davis, who, in his usual manner, has consulted very extensively. It has become apparent to us as a result of his consultation that key parties in the mining sector were left completely in the dark by the government. I refer in particular to the Prospectors and Miners Association of Victoria, which first became aware of the existence of the bill on being contacted by the Honourable Philip Davis.

Victoria's mineral and energy sector is vital to its economic prosperity. I understand that each year the sector produces more than 65 million tonnes of coal and about 4 tonnes of gold. It also produces 85 per cent of Victoria's electricity and has an annual turnover of $600 million. The mining industry alone directly employs more than 5000 Victorians and indirectly more than 10 000, a majority of whom are located in regional Victoria. It is important that the regulation of the mining industry is well designed and effective and achieves desirable social and environmental objectives — but without prejudicing or unreasonably restricting the ability of the mining industry to create value for Victoria.

In relation to the new processes for the direct allocation of coal that are contained in the bill, it is going to be important for the government to ensure that procedures are in place to avoid any threat to their probity. I refer in particular to the new process that allows the Governor in Council to directly allocate coal in circumstances of state interest. Honourable members can readily imagine the potential for the abuse of that power if it is not exercised very carefully indeed.

In relation to the so-called 100-metre rule, the provisions in the bill are in response to an inquiry that has been conducted into sections 45 and 46 of the Mineral Resources Development Act following a dispute that arose in Mount Egerton concerning a mining operation that was taking place within 100 metres of many of the private homes that surrounded the licence. Complaints were made about that, and department inspectors issued a notice requiring the operator to move outside the 100-metre range of one of the local properties. There was an appeal against the notice, and the case went to VCAT. The decision made by VCAT overturned what was generally considered to be the common understanding and practice in relation to this rule. The bill seeks to clarify and resolve that matter. However, concerns have been raised about the way in which that clarification will take place.

Before moving to the comments that have been made to the opposition — and I gather, in at least some instances, to the government — by the Victorian division of the Minerals Council of Australia and by the Prospectors and Miners Association of Victoria, I want to comment on what this bill says about the so-called new red tape reduction regime of the government that was proudly announced by the Treasurer on 11 July this year. In his media release the Treasurer boasted that the government was adopting a regime that would contain and reduce red tape. The bill currently before the house, which was introduced into this place on 18 July, after the Treasurer's announcement, is a test of how well the Treasurer's trumpeted reduction in red tape is going to work in practice. In his media release the Treasurer boasted that the government was going to cut the existing administrative burden of regulation by 15 per cent over three years and 25 per cent over the next five years and that he would ensure that there was no new net administrative burden introduced by new regulation, which he would achieve by introducing requirements for an offsetting simplification whenever new restrictions were introduced.

Although he said that that is what the government was going to do, he put in place no mechanisms by which to demonstrate that it has been delivered, and the bill before the house is a classic illustration of that. It is full of new administrative burdens imposed on various parties. Of course the fact that an administrative burden is being imposed may be acceptable for good public policy reasons, and a policy of attacking red tape has to address that possibility, so there may well be good reasons for the various pieces of new red tape that are contained in this bill. But if the government is going to boast that it will reduce red tape and will have offsetting simplifications whenever it introduces new red tape, then it needs to be able to demonstrate that that is the case. I have said previously that I think the Treasurer's regime is set to fail because it does not put in place mechanisms that provide for independent scrutiny to ensure that red tape is minimised and because it will not disclose any of the claimed or purported offsetting simplifications of new red tape, if indeed those offsetting simplifications are to be made.

In looking through the bill before the house I will highlight some of examples of the new administrative burdens that are contained in it. Clause 11 contains new requirements in relation to the granting of licences in terms of providing and implementing environmental offsets and protecting community facilities. If we look at clause 12, we see that it inserts proposed section 26AD, which outlines the extensive requirements that are to be complied with when a licence to explore or mine for coal on exempted land is applied for. If we look at clause 26(3), we find new provisions for what is required in work plans. If we look at clause 29, we find there is a power for the minister to require an impact statement to be prepared if the minister is of the opinion that the proposed exploration work or other matters will have a material impact on the environment.

If we look at clause 36, we find it inserts proposed section 47, which says that a licensee must obtain a consent under section 45 to do any mining work proposed by a variation to an approved work plan under section 41 or section 41AA in certain circumstances. If we look at clause 41, we find it inserts proposed section 79A, which relates to rehabilitation liability assessments. It provides that the minister may require a licensee to undertake an assessment of the licensee's rehabilitation liability under section 78 for various purposes, and the procedures in connection with that are then laid down.

If we look at clause 45, we find it inserts proposed section 89A, under which the minister is given the power to make codes of practice that may specify standards and procedures for carrying out any of the objectives or purposes of the act or the regulations and provide practical guidance to persons on complying

with their obligations. This is not just a piece of red tape in itself; the minister is being given the power to create a virtually unlimited amount of red tape. Again, if we look at clause 53 of the bill, we see that it inserts proposed section 120A, headed 'Ministerial guidelines', which says that the minister may from time to time issue guidelines relating to any of the objectives or purposes of the act or the regulations made under the act.

As I said earlier, there may be circumstances in which additional administrative burdens are justified, and therefore one or more of these new additional administrative burdens in this bill may be justified; but the issue of whether they are justified and the issue of the overall growth of red tape and whether or not the government is complying with its undertaking to provide offsetting simplifications are entirely different. There is absolutely no evidence in what has been put before the house in the second-reading speech or in the explanatory memorandum to demonstrate that there has been any offsetting simplification to match all the additional red tape that is contained in the bill, so only one of two possible conclusions can be drawn.

The first is that the government is keeping secret whatever purported offsetting simplifications it is making and is not prepared to make them public to allow them to be examined. The second conclusion that may follow is that the government is not making any offsetting simplifications at all and that this bill is in breach of the policy announced by the Treasurer on 11 July.

I now turn to some of the concerns about the bill that have been raised by the Minerals Council of Australia, Victorian division, and by the Prospectors and Miners Association of Victoria. I should say that overall the Minerals Council of Australia welcomed the legislation in a media release it issued on 26 July, in which it said it trusted that the amendments would be passed without any undue delay. However, even in that media release it expressed some concerns, saying:

> The consent arrangements have been clarified, simplified and made binding; however, we question the need to increase the 100-metre rule to what will, in effect, be a 1-acre rule.

At a later date, by email sent to the Minister for Resources in the other place, a copy of which has been provided to the opposition, the minerals council made a number of specific comments raising additional concerns and said:

> … whilst we have indicated general support for the bill, we wish to bring the following issues to your attention so that you may consider remedying these in a supplementary amendment.

It then referred to concerns about clauses 26AD, 26AK and 27C on the requirement for licences on unrestricted Crown land, indicating that it believed they were confusing.

The minerals council expressed some concern about the wording of clause 41A in relation to the requirement for environmental impact assessments. It said that the wording of the clause was far more general than was previously the case and that it would prefer that the intent of the original version be maintained. It pointed out an opportunity to correct a reference to the name of its own organisation, and then it expressed particular concern about the powers of the minister to appoint advisory panels:

> The ability of the minister to appoint advisory panels currently exists under other legislation. We are concerned that the inclusion of this power in the Mineral Resources Development Act could lead to an additional process for project approvals. We recommend that clause 54A be reworded to make it clear that the advisory panels are for strategically significant aspects related to the act and are not for individual project approvals as an additional process beyond existing approval processes, including the EES process and other planning and environmental approval processes.

Those points raised by the minerals council are quite material. They appear to be well considered and to raise matters that, at very least, require a response from the government in terms of explaining what consideration it has given to those points and what its conclusion is.

If the Minerals Council of Australia was supportive of the bill and offered a number of limited suggestions, the Prospectors and Miners Association of Victoria has taken a different view of the bill and has indeed been highly critical of a number of aspects of it.

As I mentioned earlier, the Prospectors and Miners Association of Victoria said it was not aware of the existence of the bill until the Honourable Philip Davis, a member for Gippsland Province in another place, drew it to its attention. As one of the two peak bodies involved in the industry, the association was understandably amazed and appalled that it had been kept in the dark. In writing to us the association referred to the fact that it had previously raised its concerns with the minister and had been assured that a process to achieve a timely flow of information to the association would be put in place, but that has just not occurred. In relation to the contents of the bill, the association said:

> Here we have a minister who introduces legislation stressing the importance of miners 'adequately engaging with the community' and yet he totally ignores his own 'community' — the miners. This government has often been accused of being all talk and no action — we can think of no better example than this bill. It publicly espouses support for

> the industry and then ignores us when vitally important changes are proposed.
>
> The PMAV is obviously very disappointed that this bill has been introduced without our being given any opportunity to be briefed on its implications. Nor have we had the chance to have any input into the legislation, to ask questions of the government on any areas of uncertainty or to evaluate its impact on the industry. In our 26 years of dealing with various governments we have never been treated with such disdain

The association made a number of specific comments. It expressed particular concern about the way in which the community engagement provisions are going to operate:

> Experience indicates that it is only the 'anti-mining brigade' —

to use the association's term —

> who wish to have an ongoing input into a miner's operations generally just to make life difficult.

The association also argued that:

> The situation at Mount Egerton came about because of inaction at the ministerial level … The initial problem was caused by a drafting error in the MRDA and exacerbated by a subsequent lack of supportive action by the minister.

The association also expressed concern about the practical operation of the requirement for written permission from landowners for activities to be carried out. It expressed concern about the level of bureaucratic control of the industry. It raised a telling point about the interpretation of new section 45 and the definition of work contained in it. The new section says that work means:

> (e) any construction or use of roads for the haulage of ore, waste rock or overburden …

The significant word there is 'use' — in other words, the use of roads for haulage, waste rock or overburden falls within the definition. The association raised a legitimate query: does that mean that whenever ore, waste rock or overburden, which is part of a mining operation, is taken along a road it is going to be necessary to obtain the consent of householders on either side in order to carry that ore, waste rock or overburden along the road? I would be surprised if that was the intention of the legislation, but on the face of the drafting of the term 'work' and the operation of the provision, that is what is going to happen. I would certainly like the government to address that point and either correct it or explain how the association's interpretation of that provision is in error.

The association also expressed concern about the function and membership of the advisory panels:

> The current legislation has the Mining and Environment Advisory Committee, which is a balanced mix of people with an interest in and working knowledge of mining. We have grave concerns that these new panels will be bureaucratic anti-mining bodies that will add to the already unnecessary burden carried by Victorian miners.

It also expressed concern that:

> We are not sure how the 'environmental auditor' requirement will be applied to small mining operations —

and is fearful that —

> … it will be yet another unnecessary cost …

It is concerned about the reintroduction of codes of practice and is fearful that this will provide another level of regulation. The association raised another point in relation to new section 94(2) and the powers of inspectors to enter work sites which seems to be supported by the wording of the legislation. The association pointed out that new section 94(1) says that:

> An inspector may enter a place that the inspector reasonably believes is a worksite at any time during working hours.

There is an extension of that provision in new section 94(2), which says:

> … an inspector may enter any place … at any time if the inspector reasonably believes that there is an immediate risk to the environment …

The association said that that is fine if there is an immediate risk to the environment, but what if there is an immediate risk to people? There is no power for the inspector to enter a workplace out of working hours if he reasonably believes there is an immediate risk to people. The association asked why there is that difference.

All of the various concerns that have been raised by the association and the way it has been treated by the government are further illustrations of the fact that, while the government may talk about consultation and support for the industry, it has during the course of introducing this legislation managed to further alienate an important representative body and its membership. The distress, fear and uncertainty that this legislation is raising in the minds of the members of the Prospectors and Miners Association of Victoria does not bode well for the future of the mining industry in Victoria.

Even if the government were able to allay all the concerns it has raised, it is the wrong way to go about it. Creating this uncertainty and distress is something that cannot be undone. If the government were truly

proactive in trying to support the industry, it would attempt to take all sections of the industry with it and ensure all sections of the industry were properly consulted and their concerns treated reasonably and fairly.

In conclusion, there are a number of points in this legislation that need to be addressed by the government, and I look forward to hearing the government's response during the course of this debate.

Mr JASPER (Murray Valley) — I rise on behalf of The Nationals to comment on the Mineral Resources Development (Sustainable Development) Bill. I indicate at the outset that the minerals and mining industry is a huge industry for Australia and for the export of minerals onto the world market. The industry plays an important part in the Australian economy.

We recognise the huge developments that are taking place with the export of minerals from Western Australia and the huge revenue generation that creates for that state and for Australia. We all recognise the importance of the minerals and mining industry to Victoria, which, in the early history of this state, made a massive contribution to the economy and drew a lot of people from around the world to Australia, and particularly to be part of that industry in Victoria. Because of the higher prices for minerals generally we have seen a rejuvenation of the developments occurring in the mining industry in Victoria. There is a need for appropriate regulation of the operations of the mining industry in Victoria and Australia to ensure its effectiveness.

I note that the purposes of the bill are to change the name of the legislation from the Mineral Resources Development Act to the Mineral Resources Development (Sustainable Development) Act; to establish a duty to consult and develop community engagement plans; and to further clarify the 100 metres rule, which is included in amendments to sections 45 and 46 of the act, which result from incorporating the recommendations in the report on changes to the operation of the rule. On my reading of the legislation and the information provided in the second-reading speech, the changes will make the 100 metres rule more effective in its operation.

The bill also contains amendments relating to environmental offsets and rehabilitation, which is an important part of any mining operation in this state. The bill will allow Latrobe Valley brown coal to be allocated without the companies going to tender in certain circumstances, and it introduces two new processes to enable this direct allocation of coal to take place. I also note that there are miscellaneous amendments including the setting of statutory codes of practice, the establishment of advisory panels, including the duties of mining wardens, and the powers of inspection.

The bill addresses a range of issues. As is normal, The Nationals have reviewed the legislation, and investigations have been undertaken by the Honourable Peter Hall in the other place. We have also had discussions with people in the mining industry and in particular have taken notice of comments made by the Minerals Council of Australia and the Prospectors and Miners Association of Victoria. A different approach in response has been provided by those two organisations as far as The Nationals are concerned.

I note that insofar as the Minerals Council of Australia is concerned, it generally is in favour of the legislation. I quote from a media release dated 26 July from Chris Fraser, executive director of the Victorian division of the Minerals Council of Australia. It states:

> The proposed amendments to the mining act appear a balanced response to improve the operation of the mining laws in that they will provide increased certainty for mining project investors and protection of the rights of neighbours and introduce steps to ensure communities are effectively consulted on mining projects. We trust that the amendments will be passed without any undue delay.

From Chris Fraser's comments it appears there has been consultation between the government and the Minerals Council of Australia and that the council has made an appropriate assessment of the legislation to provide a balance in the operation of the mining industry in Victoria. The information and the response from the Prospectors and Miners Association of Victoria are totally different. The Nationals have had a close working relationship with the association over many years. It has been an important organisation in Victoria and should be recognised as such when the government needs to consult on any plans to make changes to the industry.

I have a copy of a letter dated 3 August 2006 to the responsible minister, the Minister for Resources in the other place, the Honourable Theo Theophanous. It is signed by Rita Bentley, the president of the association. The letter was sent to the opposition spokesman and the Honourable Peter Hall, the spokesperson for The Nationals. The first paragraph of the letter states:

> I write to express the disappointment and anger of this association with the above bill and the manner in which it was introduced into Parliament.

It is disappointing to see a letter containing that first paragraph being sent to the minister. It further states:

> Despite the fact that there are just two peak bodies representing the mining industry in Victoria you —

that is, the minister —

> neglected to speak to us. I had no idea that the PMAV is held in such disregard by your office.

So far as we are concerned, when the association writes in that vein it is an indictment of the minister. Rita Bentley further stated:

> Minister, is it Bracks government policy to rid Victoria of all smaller scale mining operations? If it is simply say so and stop trying to get rid of us by stealth. It is fraudulent for you to accept applications for small licences if you plan to make life so difficult for us that we are forced to give up in despair!

I could quote further from that letter, but so far as we are concerned the lack of respect it has for that organisation, which has been operating in Victoria over an extended period, is an indictment of the government. As the representative of small miners surely the association should have been consulted on all aspects of the legislation. From The Nationals point of view, while we acknowledge many of the issues set out in the legislation and will not be opposing it in the Legislative Assembly, we would like to think we can get responses from the minister about the issues raised by the Prospectors and Miners Association of Victoria over its genuine concern about the lack of consultation. We will reserve the right to reconsider our position in the upper house should the response from the minister about the association's concerns be inadequate.

I do not think it is too late for the minister to undertake appropriate consultation with the association while the bill is between the two houses and convince the Prospectors and Miners Association of Victoria of the merits of this legislation. I trust consultation can take place, and I look forward to a response from the minister, particularly to the Honourable Peter Hall.

When you see the damning comments which have been made by the president of the association, Rita Bentley, in expressing the concerns of the organisation directly to the minister, and the disappointment and anger that there has not been appropriate consultation, there is no doubt that we need to get appropriate consultation for all legislation, particularly when a peak body like this representing small miners in Victoria is trying to protect their position. The Minerals Council of Australia took a different attitude. Perhaps it had appropriate consultation from the government and was able to look at the various amendments that have been brought before the house.

I should say from The Nationals point of view that we have concerns generally with overregulation, which is quite evident in Victoria at present. We need to make sure that balanced views are put forward and that there are balanced regulations that take account of all parties and all considerations when looking at particular issues — and on this occasion, at amendments to the operation of the minerals industry within the state of Victoria.

The Nationals have reviewed the legislation. At this stage, as I mentioned, we are not opposing the legislation. We would like to think that between here and another place there will be more appropriate consultation with all the organisations and individuals that have an interest in this legislation to ensure that we get appropriate responses, are able to respond in the Legislative Council through our spokesman for the legislation, the Honourable Peter Hall, and are able to support the legislation in its entirety. We will then have an effective mining and mineral resources industry that will be a wealth generator for this state because of the resurgence of minerals generally throughout Australia but also within Victoria. There will be a major contribution to the economy of the state of Victoria by some of the larger miners in the minerals industry generally, but they will be supported by smaller miners who play an important part with the investigations that they undertake in various areas.

With those comments I indicate that The Nationals will not be opposing the legislation. We look forward to further information being provided by the minister, particularly in response to the critical comments made by the Prospectors and Miners Association of Victoria.

Mr HOWARD (Ballarat East) — I am pleased to speak in favour of the Minerals Resources Development (Sustainable Development) Bill, and I am pleased that the other side of the house generally supports this bill too. Let me say at the outset that this government is very supportive of the mining industry in this state and recognises that it can play a significant role in the state's development.

Mr Jasper interjected.

Mr HOWARD — What obviously needs to be done is to ensure that there is greater certainty within the mining industry as it operates, and this bill clearly intends to do this. I will move to take up some of the points that have been made by those on the other side of the house in regard to consultation. What they would be aware of is that this government held an extensive inquiry into section 45 of the act. That was a very detailed inquiry where the Prospectors and Miners Association of Victoria (PMAV), the Minerals Council

of Australia and numerous community groups had the opportunity to make representation.

Mr Jasper interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Murray Valley was heard in silence. I ask him to refrain from interjecting.

Mr HOWARD — At that inquiry I was very pleased to see that my constituents made contributions too because they felt that a number of things could be learnt from the mining that was taking place at Mount Egerton. They were pleased to address those issues and put their views to the inquiry to ensure that for any existing and future mining operations the issues would be made clear in regard to the 100-metre rule, gaining consents in regard to mining, developing community engagement plans and so on. That process was a very thorough community consultation process.

Mr Jasper interjected.

Mr HOWARD — The bill was developed in line with that extensive consultation process, so it is a bit strange to come back now and say, 'Why isn't there consultation?'. That was an extensive consultation process. Through the feedback we gained through that process as a government we developed the bill.

Mr Jasper interjected.

Mr HOWARD — That is right, and the bill was developed as a result of the community consultation. How many ways can I say that? The bill addresses all of those key issues that were raised to ensure there is certainty within the Mines Act and clears up a number of issues.

Mr Jasper — The PMAV isn't happy.

Mr HOWARD — I understand the PMAV would still like to have changes in this legislation, but the issues I notice in regard to the Minerals Council of Australia have generally been able to be addressed, and within the legislation a number of those concerns were not considered to conflict with the legislation and therefore are addressed in what is already in place.

Mr Jasper interjected.

Mr HOWARD — That is right. We are happy to engage in further discussions with PMAV, but it clearly had the opportunity. I understand that it took that up with the section 45 inquiry and that the views put by PMAV and the broad community were taken into account to develop this legislation.

What is in this piece of legislation? Obviously the duty to consult with community engagement plans is a key addition or clarification. I have worked extensively with the community and the mining operator in Mount Egerton at Tech-Sol Resources, where there were a number of concerns raised by the community that what they believed they were getting when that mining operator came into place was not what they believed they received, so we were able to establish a community environment review process that has met on regular occasions, almost monthly, since its establishment. That has enabled the community, the mining operator and other government and associated bodies to come together regularly to work through a number of issues.

Through that process we discovered that there were a number of problems historically with the act, that work permits and so on were unclear at times and that certainly the issues associated with the 100-metre rule were unclear as to what was required in terms of approvals to go ahead with mining within 100 metres of certain houses. It is very important that we clarify that process so that any mining operations that continue in this state do not have that community antagonism or uncertainty in place. This legislation clearly tries to address that.

We are not only trying to clear up issues associated with what is required in terms of gaining approval to mine within 100 metres of any building or road on a mining lease and so on, but also we need to have these community engagement plans in place to ensure that it is a proper mining operation. Good mining operators understand the need to engage with and work with the community. This bill sets in place the guidelines which all good operators already follow. But it also ensures that other operators understand what their obligations are so that they can operate successfully within a community environment, that the community understands what is happening and can generally express concerns about issues. People need to know what the limitations are and what the miner can rightfully continue to do.

The inquiry into sections 45 and 46, as I said, was very extensively undertaken. Members of my local Mount Egerton community were pleased to be able to raise their issues at that inquiry, as were numerous other groups. That is what has brought about these changes.

There are also amendments in the legislation to strengthen environmental considerations within mining operations and an additional provision which relates to allocation of coal.

I am pleased to see that while the opposition still worries about the consultation process that was undertaken, overall it is generally supportive of the bill, and that is a good thing. The bill will progress through the house and will ensure that mining in this state continues to operate on a very sound basis where people understand the rules and the community has the opportunity to be included where it is appropriate and knows the bounds of its involvement.

I am satisfied that the community of Mount Egerton is now in agreement with the ongoing process of mining there. It does not mean that people are always going to agree with what is proposed, but they understand that they have opportunities for input on a number of occasions in the process and that clear guidelines are set for any mining operation in terms of getting permission to operate on private property and so on. I am pleased to see this bill come before the house. It is a very sensible outcome following the inquiry that the government undertook, and I look forward to a strong, healthy, robust future for mining in this state not just in regard to Bendigo, which is a great goldmining site, but also in central Ballarat East where Ballarat Goldfields is continuing to develop a significant goldmine, and we look forward to a very sound economic future for our town. I commend the bill to the house, and I am pleased to see that overall the opposition is supportive of it.

Ms ALLAN (Minister for Education Services) — I am very pleased in summing up and supporting the bill before the house to acknowledge the contributions of the members for Box Hill, Murray Valley and Ballarat East. I would like to point out to the member for Ballarat East that whilst we both represent great central Victorian goldmining cities, more gold has come out of the Bendigo goldfields over the last 150 years than out of the Ballarat goldfields. That is something worth remarking upon as we consider the history of not just the gold industry in this state but also the history of this bill.

In briefly summing up I would like to make a couple of comments regarding the genesis of this bill. Members of the house may recall that in 2001 we went through a substantial reworking of the Mineral Resources Development Act, and there were some significant changes at that time. Since then there has been an opportunity to look particularly at sections 45 and 46 of the principal act which the Minister for Energy Industries in the other place, who is also the Minister for Resources, has done in this case. He initiated a review where people could put in submissions. The Prospectors and Miners Association of Victoria, which we have heard a lot about this evening, put in a submission to that review which brought us to the legislation and amendments before us today.

With two goldfields, Bendigo Mining and Perseverance Mining, at either end of my electorate, mining issues and the robustness of any legislation that covers the operation of the mining industry are very important to me, and this bill goes a long way in terms of strengthening and clarifying the role of legislation in governing the works that go on in goldmines.

I am very pleased to see that this bill clarifies a number of provisions not just for the mining industry but for members of the community whose residences and properties are adjacent to mining operations. The bill strengthens sections 45 and 46 regarding the proximity of mining operations to properties. I am very pleased with the changes in clause 33, which inserts section 45(8), regarding the distance specified under the legislation of 25 metres or 0.4 hectares depending on the dwelling that we are talking about. That strengthens the 100-metre rule for members of the community, property owners and residents, and at the same time provides clarity for the mining industry.

I am also very pleased to see that this bill enshrines in legislation the requirement for community engagement plans. That is a very strong indication to both the community and mining sector of the government's expectations in this area. As the member for Ballarat East indicated, many mining companies do this already, but putting it in legislation sends a very strong message to everyone that mining operations can cohabit with the community, and this legislation allows that to continue and strengthens those requirements.

Importantly this bill talks about sustainable development. We have in Victoria a very strong mining industry. We are seeing a resurgence in the gold industry not just in central Victoria but also in other parts of the state, and we have to make sure that we have a modern, contemporary legislative framework to continue to support that development but also keep in mind that Victoria is a closely settled state. Many properties and residences abut mining operations, and this bill meets a number of the concerns of owners in the past at the same time as providing a very strong framework for the mining industry here in Victoria. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL

Second reading

Debate resumed from 19 July; motion of Mr BRUMBY (Treasurer).

Mr CLARK (Box Hill) — The Energy Legislation (Hardship, Metering and Other Matters) Bill amends the Electricity Industry Act 2000, the Energy Safe Victoria Act 2005, the Gas Industry Act 2001 and the Pipelines Act 2005. It has three broad areas of operation. The first is to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to require energy retailers to develop and submit for approval to the Essential Services Commission what are to be known as hardship policies. These policies will provide for those who have difficulty paying their bills. They will outline how energy retailers are to handle the problem of such customers. The policies will include guidelines and limitations on when a customer may or may not have their energy supply terminated.

The second area of operation of the bill is to amend the Electricity Industry Act 2000 to require the deployment of what are referred to in the second-reading speech as electricity interval meters. They are known in some contexts as smart meters or advanced metering infrastructure and by various other names. The bill makes provision in relation to the potential deployment of these meters, by whatever name they are known. It provides for the making of orders in council and gives very sweeping powers as to what may be contained in those orders in council.

The orders in council may cover matters such as specifying a process for determining who is to be a relevant licensee; specifying the minimum functionality required of advanced metering infrastructure; specifying minimum standards of performance and service that must be met by relevant licensees; requiring trials of technologies to be conducted by or on behalf of a relevant licensee; determining the minimum number of customers or supply points in respect of which a relevant licensee is required to supply or install meters; determining dates by which and locations at which the advanced metering infrastructure must be supplied; if a retailer is a relevant licensee, specifying the responsibilities of the licensee on being notified of a customer's election to transfer to another retailer; and providing for the setting and regulation of prices, fees and charges that a relevant licensee which is a distributor may charge in connection with the provision of this metering technology.

The third area of operation of the bill is to amend the Energy Safe Victoria Act 2005 and the Pipelines Act 2005 in order to allow Energy Safe Victoria to recover costs in relation to functions under the Pipelines Act 2005 which are to be transferred to Energy Safe Victoria in 2007.

I want to make some remarks in particular about those provisions of the bill that deal with electricity interval meters. I say at the outset that the Liberal Party has been a strong supporter of the concept of interval meters for many years. It was part of the regime that was envisaged at the time of the reform of the electricity industry undertaken by the Liberal-National coalition government led by then Premier Jeff Kennett. The main constraints at that time related to the availability and effectiveness of the technology and the benefits that could be obtained for the cost involved. However, the aspiration and the plan was always that, as the cost of the technology fell and its functionality rose, interval meters should be deployed.

An interval meter, as its name implies, allows consumption of electricity to be measured over defined intervals. The existing meters most customers have simply measure the total electricity consumption of that customer over a period of weeks or months. I believe there is some provision to allow separate measuring of what used to be known as peak and off-peak consumption, but subject to that qualification the current metering simply measures how much electricity in total is consumed over an extended period of time.

An interval meter may be able to measure the consumption that would take place, for example, in a half-hour interval or indeed in a shorter period of time. That opens up the possibility of pricing for electricity that varies with the time of day or the day and the week or other factors that can be measured by the interval meter but cannot be measured by existing meters. That opens up the possibility of providing price signals to consumers to reflect the variations in the demand for electricity at different times. It provides the possibility of very substantial discounts in off-peak periods and perhaps the potential for higher prices at peak-load times.

One of the factors that adds to the overall cost of electricity provision is the cost of having enough total capacity in the system to meet peak demand. Even if that peak demand might last for only a few minutes in every day the system needs to have the capacity to meet that peak. If through pricing signals some use of electricity can be shifted from peak to off-peak periods, the size of the peak can be diminished and therefore the overall cost of the system can be reduced to the benefit

of consumers generally. Of course, this demand shifting can take place with various classes of customer, be they large industrial or commercial customers or indeed household customers.

In concept the notion of installing interval meters is a welcome one. It has been a cause of concern to our side of politics that there has been such extensive delay in decisions being made by the current government about deployment of these meters. I think it is fair to say that by at least around 2004, if not earlier, it was generally considered that the technology to deploy these interval meters or smart meters was sufficiently advanced to make it worthwhile. Indeed, members of the current government have made remarks over the years about the government's intention to deploy these meters but a lot of time has passed and there has not been much action.

One of the concerns about the bill before the house is that it is a very general bill by which the government intends to confer on itself very sweeping powers to provide for the deployment of interval meters, but there is very little detail about what exactly the arrangements will be for that deployment. In the second-reading speech the Treasurer said that:

> Clause 4 of the bill amends the Electricity Industry Act to require the deployment of electricity interval meters …

That in fact is not the case. Clause 4 inserts a new division 6A which will empower the Governor in Council to publish an order in the *Government Gazette* relating to the matters I referred to earlier. Proposed section 46C says:

> A relevant licensee's licence is deemed to include a condition requiring the licensee to comply with an Order under section 46D.

In other words, this bill does not require the deployment of electricity interval meters — it empowers the Governor in Council to make an order to require the deployment. As I said, the basis on which that deployment may be required is extraordinarily open. It is cause for concern for many participants in the industry that that creates substantial regulatory uncertainty. Participants in the industry believe that, even given that the government has not made up its mind about what it wants to do, these powers go far more broadly than they need to, continue for far longer than they need to and therefore open up unnecessary risks. For industry participants, risk is cost, and it therefore adds to the total cost of the industry.

One of the critical issues which the government needs to resolve is by which industry participants the interval meters are to be deployed. There are at least two options available. The first is that they be deployed by or through retailers; the second is that they be deployed by or through distributors. The argument in favour of distributors is that it can then be made mandatory for all consumers in a particular class, and uniformity and standardisation may be obtainable in particular regions. I suppose that is on the assumption that the distributor deploys meters of the same brand consistently within its region, although I understand that the government intends not to actually specify the branding or sourcing of the meters but rather specify the standards.

The alternative deployment method would be through retailers. The arguments in favour of that approach are that it allows much more flexibility because customers have a choice of retailer, and retailers may team up with different meter providers to offer choice and competition to consumers as to the functionality of the meters concerned and presumably as to the electricity pricing packages and options that the customers have in consequence of the metering that the retailer chooses to deploy.

That approach also has the potential advantage that not necessarily all customers will be required to switch over to smart metering, and that in turn can be made a choice for customers — whether they want to have the flexibility and the option of taking advantage of the lower cost off-peak power or whether they are content to continue with the traditional meter and avoid the cost of the upgrade but forego the opportunity of having the more flexible and presumably more competitive pricing packages. There is this competing debate. Even though many years have passed, this issue still remains to be resolved, and there are fiercely contesting views. I certainly look forward to what the minister or other government speakers have to say on that score.

I want to say a few more words about some of the breadth of the discretions that are contained in the legislation and the concerns that those discretions and their breadth raise for industry participants. It has been pointed out to the opposition that the powers of the order in council include setting and regulation of prices, fees and charges that a distributor may charge in connection with the implementation and operation of the metering and that such an order may direct the commission to make adjustments to the instruments made by the commission in order to give effect to matters specified in a relevant order.

In other words, the order in council can direct the Essential Services Commission to amend its 2006 electricity distribution price determination and existing licences without, it has been put to us, any apparent reference to existing process or legislative provisions. It

has also been put to the opposition that the power of the order in council should be to require the commission to make a determination rather than to make a decision, and that is particularly important in relation to the regulation of prices, fees and charges to ensure the current accountability framework is preserved as a safeguard for the stakeholders when the commission exercises its functions. It has been put to us that that would be consistent with a similar provision that was previously provided in section 45 of the Electricity Industry Act, which provision has since been repealed.

Another concern that has been raised with us is the absence of a sunset provision. It has been put to us that there are no appropriate sunset provisions or other mechanisms to restrict the application of the powers contained in the bill. The argument is that while it is certainly necessary to make an adjustment to metering charges to allow for the costs of deployment of interval meters, there appears to be no need to carry this adjustment power over into future price review periods. The industry says, 'Why should we have this potential wild-card factor hanging over our heads in future, given that the initial move to the smart metering arrangements will have been made in the 2006–10 period?'.

Similarly, it has been put to us that the circumstances and way in which any price determination should be amended need to be very limited and very clearly specified, because the whole basis of price regulation of the industry is supposed to be incentive-based regulation, so that prices are fixed for a five-year regulatory period. It is questioned whether the mechanisms that already exist under tariff orders should be used rather than the more sweeping power that is contained in this legislation.

Another issue that has been raised with us is that it appears to be inappropriate for a delegated power such as an order in council to seek to override a legislative requirement in relation to the process for variation of licences, which of course is the way that sections 46C and 46D of the legislation operate.

The concerns that have been raised with us by industry participants further illustrate that the government has not clearly thought through what it is intending to do with the regime in the legislation. While the opposition welcomes the objective of deploying smart metering technology, the government needs to address these issues of regulatory uncertainty and needs to move quickly to spell out exactly how it intends to exercise the powers it is conferring on itself by legislation. The government says that it anticipates that the process it follows will be consistent with the approach taken under the national electricity rules. That is welcome, but a lot of detail needs to be filled in as quickly as possible.

If the government is going to persist with the very broad legislation it has before the house, then at very least it needs to make clear in unqualified terms that would almost amount to undertakings and commitments it gives to the industry as to how it exercises its powers. The government needs to make those decisions as soon as possible and make them known to the industry in order to create greater certainty than exists at present.

In conclusion, while the objectives of this legislation are understood and appreciated by the opposition, I have outlined a number of concerns. I trust the government will address them in order to make sure this legislation works effectively and as it is intended to.

Mr MAUGHAN (Rodney) — It is a pleasure to follow the member for Box Hill on these issues concerning the energy industry and anything to do with privatisation. He played a significant role in the Kennett government's privatisation of the electricity industry and a range of other industries and speaks with a great deal of knowledge and authority on these particular issues. I certainly respect the views he has put forward.

The purposes of the Energy Legislation (Hardship, Metering and Other Matters) Bill are set out in the first two clauses of the bill. Essentially they are to amend the Electricity Industry Act 2000, which provides for the introduction and implementation of financial hardship policies and to provide for the regulation of advanced metering infrastructure; to amend the Gas Industry Act 2001, essentially to provide for similar provisions; and to amend the Pipelines Act 2005 to require licensees under that act to pay an annual amount to Energy Safe Victoria.

Clause 2 is about the commencement of the act. It actually comes into operation on the day after it receives royal assent, except for part 4, which deals with amendments to other acts and which comes in at a date yet to be proclaimed or, if that is not done, on 1 July 2007. The Nationals will not be opposing this legislation because it is sensible and a logical extension of the privatisation of the power industry.

Advanced metering infrastructure is dealt with in clause 4, and the member for Box Hill has already spoken on that issue. As I indicated earlier, it is a natural consequence of the reforms of the energy industry. This side of the house made some massive changes to the electricity industry — and the gas and other industries — under the Kennett government,

which were vigorously opposed by those on the other side of the house. But now they have come to acknowledge and accept that those changes were sensible and reasonable. One only has to look at what the other states are doing now.

We have a national grid, and the very sensible proposals implemented by the Kennett government were at that time well ahead of what other states were doing and have now been seen and been acknowledged as serving this state well. Generators of power compete with each other, as do retailers, on a short-interval basis to buy the power at the best possible price. There are also smaller generators — hydro and gas, and increasingly wind generators — which feed electricity into the grid, and the same applies to gas. Victorian retailers are now able to buy power generated in other parts of the commonwealth, including Tasmania now that we have the cable across Bass Strait. That provides real benefits to all consumers, but particularly the large manufacturing industries that use large amounts of electricity.

Clause 4 of the bill, which deals with advanced metering technology, will take that a stage further, because it will allow those competing retailers to be able to offer packages to their consumers for blocks of power at a certain time so that they can, for example, use base load power within certain hours. Clearly base load power is cheaper than bringing in hydro and the other more expensive forms of power. Then consumers, particularly larger consumers, can work out the utilisation of those packages to their own best requirements, so it is a win-win situation. It keeps the base generators going for a longer period and it allows industry to buy its power at the best price according to its needs. Domestic consumers have also benefited from the privatisation and competition introduced into the electricity industry. The same comments go for gas.

Clause 3 of the bill deals specifically with amendments to the electricity industry, and clause 5 deals with the gas industry and exactly the same sorts of principles apply, so I will speak on clause 3. Clause 3 defines more clearly 'approved financial hardship policy' and 'domestic customer'. Essentially the legislation is about having codes of practice for electricity distributors to be able to assist people who have hardship in paying their electricity accounts and to ensure that nobody is denied electricity if they are making reasonable efforts under the codes of practice to pay off their accounts. The object of new division 6 is set out in section 42(b) on page 3 of the bill. It is:

> to promote best practice in electricity service delivery to facilitate continuity of electricity supply to domestic customers experiencing financial hardship.

Section 43(2) sets out further that a financial hardship policy submitted under subsection (1) must include flexible payment options and provision for the auditing of a domestic customer's electricity use. This is often needed when a customer has what appears to be an unusually high bill. If they get an account for, say, $800 when their usual quarterly account is $200, there needs to be a mechanism for auditing that. Quite often there is something wrong with a meter or an appliance, so there needs to be a means of auditing that can come in quickly and determine whether or not that account is for electricity that has been consumed by that consumer. This provision also provides flexible options for the purchase and supply of replacement electricity equipment and processes for the early response by both licensees and domestic customers.

It also indicates that the commission may develop guidelines. I think we ought to acknowledge that many of the electricity retailers already have these policies in place within their own organisations. Many of them are innovative, and I will speak in a little more detail on that later. However, I just want to acknowledge that this is not a brand new initiative. In some ways it is formalising what is already happening in the electricity industry. It will require retailers to have codes of practice, which will need to be approved by the commission and, if necessary, by the minister. This is all set out in clause 3, which substitutes new section 45 under the heading 'Commission may approve financial hardship policy':

> (1) The Commission must consider a financial hardship policy submitted by a licensee in accordance with section 43 and may approve the policy if it considers it appropriate.

It will do that only if it satisfies the guidelines that are set down by the commission — and they are all set out in the bill. They include the need to have regard to such things as the essential nature of the electricity supply, community expectations that licensees will work with domestic consumers to manage consumers' present and future electricity usage, and community expectations that a domestic electricity supply will not be disconnected solely because of a customer's inability to pay — and I think that is very important one. The other principle which I very strongly support is that the electricity supply to premises should be disconnected only as a last resort. The main principles are that the community expects that power will not be disconnected solely because a consumer cannot pay and that electricity should be disconnected only as a last resort.

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

Mr MAUGHAN — Before the dinner adjournment I was saying that clauses 3 and 5 of the Energy Legislation (Hardship, Metering and Other Matters) Bill are very similar in that they have similar objectives and principles. Essentially it is all about having financial hardship policies for the various retail distributors and retail businesses. Clause 3 relates to the electricity industry and clause 5 to the gas industry, but the principles about having financial hardship policies that are approved by the commission are very similar, as I said. A whole lot of principles are set out. The licensee is not able to disconnect from either electricity or gas supplies if there is compliance with the financial hardship policy and the consumer is essentially complying with the agreement that they have with that particular retail business.

Earlier I was talking about the importance of the reforms to the electricity industry and the gas industry and about the fact that their privatisation has led to a far more competitive industry which has benefited consumers, whether they be domestic consumers, small businesses or large business enterprises. The model that was developed in Victoria has been applied around Australia and in other parts of the world. We now have that national grid with a very competitive electricity industry — generators competing on the one hand and the distribution businesses on the other.

It is sometimes popular — certainly for members on the other side of the house — to paint large business as being greedy or rapacious or only interested in maximising their profits. I remind the house that that is not always so. I will not mention the electricity retailer involved because the information about this example was given in confidence. A family in my electorate had a child who was about nine years old and who had cancer.

The child was in and out of the Royal Children's Hospital over many years, so the family spent a lot of time here in Melbourne. Because the father's no. 1 priority was being with his wife and looking after his children, he was unable to keep a job, so the family suffered financial hardship. Because of the travelling backwards and forwards the family got way behind on its electricity account. When the bill came to my attention, from memory it was several thousand dollars. The family had no idea of how it was going to pay it, and neither did I, quite frankly. I happened to telephone the chief executive officer of one of the major electricity retailers. That company not only waived the amount owing but sent its people to the home of the consumer to assess how the electricity could be used more economically with the aid of more modern appliances.

Not only did the company do the assessment, but it provided the appliances — and one of the conditions was that it did not want its name publicised or any publicity to come out of it. I have no doubt that there are other retail companies that do exactly the same sort of thing. I was amazed because I did not realise how generous some of these companies can be in cases of genuine hardship. This was an extraordinary case that certainly deserved that level of support. Some retail companies already have the policies that are required under this legislation. This bill will certainly require those retailers that do not already have these policies in place to implement something similar that satisfies the guidelines set out in the legislation before the house.

There is another case involving the distributor Powercor which I will mention while we are dealing with these issues. A young man with two young children had come from interstate on a Friday afternoon to occupy a home in Echuca. I got the call at 4 o'clock in the afternoon to say that the electricity had not been connected as arranged. There had been some difficulties with the previous communication. I am now quite sure it was not Powercor's fault, but I did not know that at the time. Nonetheless I contacted Powercor, and because this man had two young children and needed the electricity it sent an electrician up from Geelong to connect the power for that family that night. Again I make the point that some of those large companies have a heart when it comes to the crunch of looking after people in necessitous circumstances.

As I indicated before, clause 4 of the bill deals with smart metering, which certainly will enable energy retailers to offer more competitive deals to consumers out there, and consumers will be able to choose whether they want to buy the package from company A or from company B. There will be different permutations and combinations, and having smart metering will certainly enable that to happen.

This is a fairly simple piece of legislation. Clause 6 in part 4 deals with what are consequential amendments to the Pipelines Act and the Energy Safe Victoria Act. The amendments will enable Energy Safe Victoria to recover costs in relation to functions under the Pipelines Act that will be transferred to Energy Safe Victoria in 2007. As I said earlier, this is a logical extension of the reform of the electricity industry. We in The Nationals will certainly not be opposing this legislation, because we see that it has a great deal of merit. I wish the legislation a speedy passage.

Mr CARLI (Brunswick) — It is with great pleasure that I rise in support of the Energy Legislation (Hardship, Metering and Other Matters) Bill. First of all, apart from its being a very good bill it has an excellent title. 'Hardship, metering and other matters' is very descriptive of its contents. While very small it is a very important bill for consumers of energy in this state who often have to struggle to pay their bills and who are often fighting poverty because of the build-up of debt arising from the cost of energy. The bill has two key components. One is the management of hardship, and the other is the introduction of smart meters, which will enable individual households to have greater control over their electricity use.

Firstly, I want to focus particularly on the issue of hardship. The bill contains provisions dealing with both electricity and gas. I have had some experience in dealing with hardship and poverty. In the early 1980s I was employed by the City of Brunswick, which had its own electricity supply. A large number of people were being disconnected because they could not pay their bills. This included the members of one community which was particularly poor in those days and which in part still is. My role was to provide support and assistance to households that were struggling with their energy bills by reducing their energy costs. We offered a service that provided free insulation and the retrofitting of households. We also gave advice to and in many cases assisted households in purchasing low-energy appliances, but probably more importantly we helped them to manage their payments. So we tried to assist them to both reduce their costs and manage their bill levels.

What I recognise from that experience is that energy utilities have an enormous amount of knowledge about individuals and can build on their relationships with them and intervene. One of the things about energy hardship or poverty is that it is very hard to identify at a policy level — or, if you like, at a broad level. It really depends on the conditions in the household and a number of other issues. Getting the utilities to manage energy hardship is critical to that. It is important to provide models and assistance schemes that alleviate energy poverty, support households that find it difficult to pay their energy bills and help them reduce the level of their bills. That is essentially what the bill does. The bill provides a framework that enables the Essential Services Commission to have a role in the introduction of best-practice hardship policies by establishing guidelines, auditing compliance and reporting the actions of retailers based on the programs they choose to instigate.

This bill is a response to a committee inquiry into energy consumer hardship that was undertaken in 2005. It is a real attempt to ensure that early intervention occurs in cases where individuals and families are struggling as a result of their energy bills. It means that good policies are in place to ensure that where individuals and families encounter mounting debt there is a mechanism to intervene that allows them to pay back the debt at a reasonable level.

It is really important that we have a prohibition on simple disconnections. When I was with the City of Brunswick Electricity Supply in the early 1980s, that is essentially what we did: we stopped disconnecting people as a rule.

Mr Walsh interjected.

Mr CARLI — There I was in the 1980s, just out of university and in my first serious job. We stopped disconnecting people, and we put in place mechanisms that enabled us to be interventionist and to have a role in ensuring that poor families were able to manage their energy bills. Many years later I am very pleased to support a piece of legislation which ensures that electricity and gas retailers have similar programs in place, that those programs are overseen, that early intervention occurs and that people are able to manage their energy bills and are not simply disconnected.

Going back to the experiences of the 1980s, I must say I came across disconnections that led to families having no power. That is a tragic situation to find people in. This issue is manageable in a society like ours, and things should never get to that stage. I am very pleased to support a bill that ensures that we have a framework within which retailers are mandated to have policies to manage financial hardship and that those policies are overseen by the Essential Services Commission, which in turn ensures the application of best practice.

The other key issue in this legislation is the provision of advanced metering infrastructure. In 2002 the Essential Services Commission mandated the rollout of interval meters for the electricity customers of Victoria. This decision has meant that smart meters will become available to households throughout Victoria, and it will ensure that there is no mandating of a particular type of meter. There are provisions in the legislation for the rollout and testing of different technology. The important thing is that it will provide greater control for households in terms of their energy use. It will allow them to get energy at the best possible time for the best possible price or to simply know the actual costs of various appliances or various use patterns so they can better control their usage. The rollout will prioritise

large users, in particular industrial users. The key to the legislation is that it will provide consumers with greater control over their energy use, and it will also give larger consumers access to greater market competition, which will ensure savings for all consumers.

This is an important rollout that will make Victoria a world leader in this technology. It is always pleasing to have a piece of legislation that will ensure that Victoria is the first among equals, if you like, and a world leader in the application of technology, in particular technology that really matters in terms of both ensuring competition in the selling of energy and allowing consumers to have more control over their own costs and energy use. This is an important component of energy policy in this state. As honourable members would know, we are a government that is committed to renewable energy, and we have a 10 per cent mandated target for renewables. We are obviously big supporters of wind power, but we also believe very strongly in the importance of managing demand and managing the consumption of energy. Smart meters are certainly very much a part of that, because for the first time consumers will actually have a real-time understanding of their costs and the costs of particular consumption patterns or particular appliances.

The bill will improve the functionality of people's use of electrical appliances and will ensure that we have new and efficient technology in place. It will allow for a very competitive electricity market, but one in which consumers — from the very large to the very small — are very much empowered. These areas, which are essentially linked into our energy market, are all very important. They mark the Bracks government as a very progressive government that is committed to protecting consumers, particularly those in our society who are most vulnerable to energy poverty and energy hardship, by giving them more control over their usage patterns and by imposing on retailers a level of responsibility to ensure that disconnections do not occur. It means that people in a wealthy society like ours are not forced to go without energy simply because their level of debt has mounted or they have had some particular level of hardship. The bill allows for intervention, and it allows for smart metering. This is a good bill, and I am very pleased to see the support for it from the house.

Mr WALSH (Swan Hill) — I rise to make a contribution to the debate on the Energy Legislation (Hardship, Metering and Other Matters) Bill. I would like to start off by picking up on what the member for Brunswick was saying about smart meters. I have had contact from some electricians in my electorate on this issue, and they have raised some concerns with me about where this smart metering concept is going. They sent me an extract from the National Electrical Contractors Association newsletter of July 2006, which I assume is a quote from a government press release, because it talks about 'energy minister, Andrew [sic] Theophanous'. It also talks about the fact that the state government had announced a $730 million plan to install smart electricity meters amid growing concern about greenhouse emissions and power shortages. That is a lot of money. The press release goes on to talk about how the government's sustainability action statement will announce details of how it will provide $350 million in economic benefits to the state. Anyone who understands simple arithmetic would wonder why we are spending $730 million to save $350 million for the state.

The press release also talks about the fact that these smart meters will replace mechanical meters which are in effect 100 years old. It goes on to say that they will be distributed or supplied free by the electrical distributors. I cannot imagine that the electrical distributors of this state are going to distribute anything free at all. Someone, somewhere, is going to pay for it, and it will be the customers of those electrical distributors in particular.

Ms Pike interjected.

Mr WALSH — He did say they were not, but that was in a different context. As we all know, there is no such thing as a free lunch, so if the electrical distributors are going to put in smart meters right across the state, the cost is going to be built into our power prices into the future. The benefit is not as great as the member for Brunswick would have us believe, because we will all be paying for it.

A major concern about the introduction of the smart meters that one of the electricians raised with me is that off-peak tariffs as we now know them will be phased out. One issue in particular which this electrician has been raising with me for a considerable time is the off-peak rate for floor heating. The other issue he has raised recently is the off-peak rate for two-element hot water services. He has a concern that once we go to smart meters these off-peak rates that people installed particular energy infrastructure in their houses to gain the benefit of will no longer exist.

I am pleased to see that the departmental adviser in the box is shaking his head. I took up the slab-heating issue on this electrician's behalf in September 2003, when I wrote to the chief electrical inspector about it. The concern was that the 1.00 p.m. to 4.00 p.m. section of that off-peak rate was going to be withdrawn. The chief electrical inspector wrote back to me and said it was an

issue he had forwarded to the Minister for Energy Industries in the other place, the Honourable Theo Theophanous. So I wrote to the minister in December 2003 about the issue. I received no response. I wrote to him again in July 2004 requesting a response to that issue, and still received no response.

In November 2005 the minister and I exchanged some words on ABC radio about an issue with the Banyena mineral sands development, during which he said, 'If the member for Swan Hill has any issues, he only needs to pick up the telephone and call my office to resolve them'. So I took the minister up on that offer in November 2005, and finally in July 2006 I had a response informing me that the power industry had been privatised and that it was up to the particular suppliers — in this case, Powercor and Origin Energy — to determine what tariffs were going to be charged locally. But a comment from the minister in the response irritated me:

> For those of your constituents with LPG heating or access to natural gas —

and I emphasise 'natural gas' —

> the Bracks government introduced the high efficiency gas heater rebate, providing rebates of up to $1000 to encourage consumers to replace less efficient forms of heating.

Although we heard a lot of promises in 2000 about how the natural gas network was going to be extended throughout country Victoria, it is now the unfortunate situation that the act that covered that particular issue was amended to include the interface councils around Melbourne. That is where the majority of natural gas money was spent — to bring those particular communities onto natural gas — and good luck to them! But the likes of Swan Hill happened to miss out, and I would have thought that the Minister for Energy Industries in the other place would have known what areas of Victoria were actually on natural gas before he gave that response. My view is not quite as positive as the member for Brunswick. There will be a cost to the industry of installing these particular meters throughout Victoria which will have to be paid for by the customers of those particular companies over time.

The other issues I would like to touch on are the hardship provisions of this bill. I think every member in this place would not like to see someone have their power turned off because they are unable to pay for it. But if over time people cannot manage their own affairs and end up in significant debt to the power companies, the power companies will suffer a loss and other customers will eventually pay for those losses; otherwise the power companies are not going to make money. I put forward a caution: we do not want to see a situation where there is not the opportunity for power companies to reclaim debt, because that would ultimately be borne by other customers and shareholders of businesses. Companies would not be able to provide to their shareholders a return that would be as high as would have occurred otherwise.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on this bill. This legislation is particularly important, because we are dealing with one of the fundamental essential services that people need to access — energy.

We know that in the community there are large numbers of people — people on pensions and benefits, low-income families, those who fall into unemployment and those who experience large expenses during their lives when they are on limited budgets — who are often in a position where they are faced with the difficulty of being able to pay their bills. We also know that there are poorer people in the community who always end up paying a larger percentage of their total household budget in energy costs. The phenomenon of fuel poverty is something that is very real in the community. If we are not constantly vigilant about what needs to be done to provide adequate safeguards, we run the risk of people being disconnected from an essential service.

I want to commend the Minister for Energy Industries in the upper house for the work he has done in this area. The problem that we faced with the privatisation of electricity and gas companies and the emphasis on the market was that those people who could not afford to pay a market price or always pay their bills on time would end up facing fuel poverty. We know this from studies in jurisdictions where the issue has not been dealt with properly — for example, there are prepayment meters. Poorer people in the community are literally disconnecting themselves in the privacy of their own homes. In those circumstances there is no information about the kind of hardship these people experience.

I am very proud to be part of a government that has reduced disconnections by over 50 per cent during its period in office. We have been able to set up arrangements with companies. Under the retail code this ensures that those companies are doing everything they can to ensure that poorer and low-income people in the community remain connected to this essential service. There are easy-way payment options. There is a whole range of assistance and steps that these companies have to offer to consumers under our retail code.

As a government we are going further than that. Retailers and the government are now providing over $20 million for a range of hardship programs. This is absolutely critical, because we know that those people who experience hardship are often in the poorest, the most inappropriate and the most energy-inefficient accommodation. They do not have houses that have the right thermal qualities. They do not have the right insulation. They often have massive draft problems, and often they do not have proper carpet. They certainly do not have the right kind of appliances in the home that are energy efficient, and all that results in high energy bills. By expanding the hardship programs and utility relief grants, we are ensuring that those people will have access to the kind of help they need to remain connected to energy.

The other thing we have done through the code is to ensure that we have imposed very severe penalties on retailers for illegal disconnections. That fee is currently $250 a day. This sends a very important message to the community that it is only in the most extreme circumstances that someone would ultimately be disconnected from their power source. We are trying to prevent disconnection due to incapacity to pay to ensure that wherever possible people can still maintain this essential service. It is interesting that, whilst the opposition is raising some questions about that issue, when you sit down with retailers around a table — which I did with the energy hardship inquiry panel — you find that they are accepting of the need to make sure that we maintain a universal supply wherever possible to these people. They accept that they have some responsibilities in this area. They also accept that in terms of their total liabilities, they are carrying a very small liability in relation to people who cannot afford to pay their bills.

The opposition made some comments about smart metering. We need to note that the critical thing about smart metering is that it will bring costs down for consumers. We have had a situation where you have had enormous cross-subsidies occurring within the system between people who do not have airconditioners and those who do. Those who have the capacity, because they are on a higher income, to aircondition their homes and to use electricity at times of high-peak demand when prices are at their highest are being cross-subsidised by the poorer members of the community who do not have the capacity to install airconditioners in their homes.

Smart metering will help us accurately identify the cost of electricity at different times during off-peak and peak times for every individual household. If people are smart about their use of power, when they use power and how they use power, there is great potential for them to save themselves hundreds of dollars a year. That is occurring in a context where the government has actually negotiated a reduction on average in electricity prices over the next year. The average household could expect a reduction on their bills, separate from the smart metering initiatives, of $35 to $50 a year. That is a very good saving. It is a saving that is being delivered in a context where other states are facing rapidly increasing electricity prices. For example, in South Australia there have been huge increases — well over 10 per cent — but this government has not only kept electricity prices down but has reduced electricity prices in real terms.

This is a very real difference between the government and the opposition. We do not believe that the market will totally deliver what Victorians want in terms of energy pricing. We believe it is important that while we utilise the full benefits of the market that we regulate the retailers and ensure appropriate safeguards are in place. The minister has demonstrated that he is able to do that very well. Yes, we want our electricity providers to make profits. We want a robust market in which there is choice; there are a large number of retailers who are offering that choice and we foster that choice. We also want to ensure that vulnerable consumers are given the protections that they need.

That is why we have maintained the energy concessions that were offered on winter energy bills; that is why we have put in place the consumer protections available through the retail code; and that is why we have ensured customers cannot be disconnected because of their incapacity to pay. We have made sure they are offered easy-way payment schemes and provided incentives to ensure retailers do not illegally disconnect.

Some people in the community cannot always pay their bills. We know there are people who go to bed early at night to avoid having their lights on and that some people go to bed early so as to stay warm. These people are experiencing real hardship. This government is determined to ensure that those people do not experience increased hardship but that we make the situation easier for them in the future. I commend the bill to the house.

Ms PIKE (Minister for Health) — I thank all honourable members who have contributed to the debate on the Energy Legislation (Hardship, Metering and Other Matters) Bill. This is a significant piece of legislation as it ensures we offer protection for vulnerable citizens and makes sure we can alleviate

hardship that can be caused by energy-related poverty. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 20 July; motion of Mr HULLS (Attorney-General).

Mr Walsh — Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Mr McINTOSH (Kew) — The opposition will support the Coroners and Human Tissue Acts (Amendment) Bill. Certainly the amendments made at a primary level, if you like, reflect what has been in operation. The legislation regularises and provides a legislative base for those practices that are currently being carried out in the Coroners Court and hospitals in relation to human tissue.

Essentially the bill falls into three or four different levels, but I do not propose to go into great length about it. The bill will allow technicians and specialists, but not medical practitioners, under the supervision of a medical practitioner to remove tissue during autopsies and such tissue can be used for transplants or medical research. All of that has to be done with the consent of the family. Where those people are able to provide consent, a legislative regime for the taking of that consent is provided.

It is also a matter of some note that a significant amount of time and effort is necessary to obtain that consent and properly inform family members or otherwise of the need to take human tissue to ensure their particular concerns are addressed. Some degree of discrete and demonstrated decency is provided for family members in those circumstances. As I said, that consent mechanism, we are told in the second-reading speech — and certainly we were told it at the briefing — has been implemented, but this provides a formal legislative regime for the taking of that consent. There is also a mechanism to formalise the exchange of medical history and medical records of a deceased person. That would be used to ascertain whether any medical conditions of the deceased may possibly render the taking of the tissue unusable for a transplant. That is necessary to ensure that any tissue that is to be transplanted will not cause any transfer of disease. I note in the second-reading speech that the Attorney-General has said the Victorian Institute of Forensic Medicine has had an outstanding record and that there are no records of any transfer of disease as a result of tissue transplants there.

The one final matter I want to raise concerns the provision in the bill that, understandably, validates the actions of the Victorian Institute of Forensic Medicine and other organisations. It essentially regularises that which has been so in practice — and that validation is retrospective. That provision was a matter of some discussion at the Scrutiny of Acts and Regulations Committee meeting yesterday, and I understand that SARC has written to the minister to have him clarify whether there are any outstanding claims and whether that retrospectivity is formulated on litigation.

Obviously, any retrospective law that would extinguish someone's rights would be regrettable. I have no doubt that the answer that comes back will be no, but it is just a matter of some prudence that SARC has made that request. We will be looking forward to the Attorney-General's report in relation to those matters. With those few remarks, I indicate that the opposition supports this bill.

Mr RYAN (Leader of The Nationals) — It is a pleasure to join the debate in relation to the Coroners and Human Tissue Acts (Amendment) Bill. This is very important legislation that touches upon an area of medical science which has seen extraordinary developments to the good of all mankind over the course of the past 20 years in particular. This is about the crucial issues of, on the one hand, sanctity of life and, on the other hand, respecting those who have died and also respecting the wishes of the next of kin of those who have died.

It is legislation that attempts in an even more extended fashion to strike the balance between making certain that the persons who have passed away and their next of kin have their respective wishes observed whilst also ensuring, where it is possible, that if tissue can be obtained from the deceased for the benefit of those who are living, important protocols and processes should be in place to enable that to happen.

The bill deals with amendments to two principal acts, they being the Coroners Act 1985 and the Human Tissue Act 1982. But in the very broad, the amendments are similar in content to a degree and certainly similar in intent. Part 9 of the Coroners Act establishes the Victorian Institute of Forensic Medicine, which is known colloquially as VIFM. The amendments to the Coroners Act are primarily with regard to that part. VIFM runs the Donor Tissue Bank of Victoria, which is also colloquially known as DTBV. The DTBV is the only tissue bank in the state of Victoria. It retrieves tissue from donors through the coronial system. DTBV is the only multi-tissue bank in Australia — that is to say, it also houses heart valves, corneas and other body parts that have been removed from deceased persons.

There is, under the legislation and by dint of the way in which this institution operates anyway, a very close liaison between DTBV and the families of the deceased. I cannot emphasise that too much. There is an enormous respect shown by the staff who play their important roles with enormous delicacy while respecting those who are deceased but also taking particular regard to complying with the wishes of the next of kin of the deceased.

In the case of DTBV, within 24 hours of a body arriving at the Coroners Court consultations must take place; very strict procedures apply. All appropriate respect is paid to the next of kin. These carefully developed processes have resulted in extraordinary success through the work of DTBV over the course of the years. It is to their great credit that I record in this house the extraordinary achievements by both DTBV and VIFM. I do not detract from those two organisations by referring to them in the way that I have, as opposed to my constantly using their full titles.

This legislation adds to the objects and functions that are set out in part 9. I believe it is worthwhile reflecting upon them specifically. They are threefold. The first is to receive tissue lawfully taken:

> … from living persons … and to process, store and supply the tissue for transplantation to living persons … or for use … for other therapeutic medical or scientific purposes …

Secondly:

> … to remove tissue, or receive tissue taken, in accordance with the Human Tissue Act 1982 from deceased persons … and to process, store and supply the tissue for transplantation to living persons … or for use … for other therapeutic purposes or for medical or scientific purposes.

Thirdly:

> … to receive … process, store and supply the tissue … taken —

in accordance with comparable corresponding laws from interstate or overseas —

> for transplantation to living persons … or for use … for other therapeutic … medical or scientific purposes.

The embodiment of those additions to the objects and functions will extend the work which is able to be undertaken through part 9 of the Coroners Act. That will be to the betterment of all who are the beneficiaries of the extraordinary work done by those who undertake it.

There are also amendments to section 27 of the act. They deal with the fact that in those instances where autopsies are being conducted, sometimes mortuary technicians or scientists under supervision of pathologists or a doctor may now be entitled to assist in the process of tissue removal. This amendment will also be made in similar form to the Human Tissue Act 1982, which governs non-coronial autopsies. Again, this work can be undertaken in that case for the sake of general scientific outcomes. These amendments bring us in line with other jurisdictions around Australia and also with the legislation that applies internationally.

The Human Tissue Act governs the regulation of tissue donations. All of this occurs under very detailed criteria that is set out in the principal legislation. There can be removal of tissue if there is consent by the deceased before death or if the next of kin are prepared to consent to such a course. What is to be emphasised in this whole process is that there are by definition many medical disciplines that may be involved in the processes of removing tissue or organs, or as they may be.

I emphasise that there are very careful protocols in place as to who deals with the next of kin when circumstances require. At hospitals there is a designated person responsible for ensuring that there is compliance with all the requirements of the legislation. This bill deals with the division between the health service requirements and the donation service requirements that are stipulated in the respective acts of Parliament that apply. An added power in this legislation is that the donation coordinator will now be able to access the records of the deceased to ensure that the tissue and organs of that person are appropriate for the purposes of transplantation. It might be that the deceased suffered from a particular disease, and unless their records can be made available to the donation coordinator it is not

certain that the tissue transplant can occur in an environment of complete safety for the recipient. This bill will allow the coordinator to access those records, which is a sensible amendment under the terms of the legislation.

Various other amendments of a relatively minor nature set out in the bill are intended to line up the two principal acts and make sure that at all times the sanctity of life is respected, that those who have passed away are respected in death and that their next of kin are also respected.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Coroners and Human Tissue Acts (Amendment) Bill. It is important to remember the basis of the original act, because the Human Tissue Act was developed to provide a framework in which we could regulate the removal of organs and tissues for the purposes of donation and transplant. The current act provides for the removal by medical practitioners, with appropriate consent, of tissue and organs for donation. The removal from a deceased person of organs such as heart, lungs and kidneys and the transplant of those organs into a recipient is performed by specially trained medical practitioners.

The regulations in the current act allow for other categories of professionals, principally scientists and technicians from the Donor Tissue Bank of Victoria at the Victorian Institute of Forensic Medicine, to remove corneas and skin tissue. I want to comment briefly on the work of the donor tissue bank and the VIFM because they are world-class facilities. In the work that the parliamentary Law Reform Committee has been doing in its review of coronial services it has been quite apparent that the work of the Victorian Institute of Forensic Medicine and the donor tissue bank is not only recognised Australia-wide but internationally. VIFM and the donor tissue bank are regarded as leading the world not only in the rate of donations that they are able to achieve but also in the quality and professionalism of the work that is undertaken.

As medical science develops and expands technicians can now remove more types of tissue safely and appropriately from deceased people under the direction of medical practitioners. This bill expands the types of tissue that, under the regulations, can be removed by certain classes of people from skin and eye tissue to cardiac and musculoskeletal tissue such as heart valves, bones and so on. That is absolutely critical, because such tissue can be stored and made available to hospitals where required for surgery. Essentially it is tissue that can either save lives or make a very significant difference to the quality of life a patient might experience once they recover.

The donor tissue bank has a very strong track record. In the last 15 years it has provided over 10 000 allografts. That level of tissue donation represents a whole range of people in Victoria whose lives have been saved or whose quality of life has been improved as a direct result of the donor tissue bank and VIFM. It is vital as we move through the 21st century to make sure that legislation keeps up with advances in medical science and that we are not unduly restricting or placing uncertainty over the legal basis under which VIFM and the donor tissue bank operates.

These amendments to the legislation will ensure that tissue extractions can be performed not only by registered medical practitioners but by other people with the supervision of medical practitioners. They will ensure that medical practitioners and others such as nurses and midwives involved in, for example, taking blood samples from children in the course of newborn genetic screening programs or, more generally, taking tissue with the patient's consent for screening, diagnostic and other medical purposes under the supervision of medical practitioners will not face any liability under this bill, because they will be authorised to do so.

It is sensible legislation, it is good legislation and it ensures that VIFM and the donor tissue bank remain at the forefront of this kind of work not only in Australia but internationally. I commend the bill to the house.

Mrs POWELL (Shepparton) — I rise to support the bill. The main purpose of this bill is to amend the Coroners Act 1985 in relation to autopsies, and to make provision for the objects and functions of the Victorian Institute of Forensic Medicine, or VIFM as it is known. Most of the amendments in the legislation reflect appropriate and acceptable medical practices which are already followed in human tissue retrieval and the way autopsies are conducted. This bill does not introduce any new regimes for these practices or processes. However, it does clarify how the current practices are governed by law. An important issue with this legislation is that it is not bringing in new laws, it is simply tightening up processes which are already in place.

The bill deals with human tissue removal and donor organ removal. These issues are very sensitive. We are dealing with loved ones who are deceased. Whether a person has put on their drivers licence that they will become an organ donor is a very sensitive issue, particularly for the families and friends of that person.

This issue needs to be dealt with sensitively and in a respectful manner. As the Leader of The Nationals said earlier, autopsies are carried out in such a way. The people who carry them out understand that they need to deal with the bodies of the deceased in a way which is exemplary and takes into account the expectations of the family.

I would like to put young Zaidee Turner on the record. She came from Shepparton and died in 2004 at the age of seven. She became the only child in Victoria to donate her organs that year. Her parents, Kim and Allan Turner, and her brother, Jaz, have spent all of that time raising awareness of the importance of organ and tissue donation. They have formed a foundation called Zaidee's Rainbow Foundation. In May of this year they were recognised by Tattersall's and received a monthly award for enterprise and achievement. I attended the annual award lunch on 3 August to see the other 11 awardees who had been nominated for certain awards. While Zaidee's family did not win the annual award, they were able to put on record the importance of organ and tissue donation, particularly for children and young people. They were able to highlight the waiting list of people who are looking for organs and who are surviving on the waiting list.

They also raised awareness of the importance of communication. The second-reading speech talks about the importance of people who are thinking about donating organs communicating with their families. On 28 July of this year an article headed 'Low donation rates prompt call for action' appeared in the *Shepparton News*. The article was written by Kristin Favaloro. It states:

> Organ donations have dropped by more than 20 per cent this year, prompting calls for urgent changes to address the trend before more people die on the transplant waiting list.
>
> While numbers on the organ donor register are rising — especially in the Goulburn Valley — the actual number of people donating their organs has dropped by 22 per cent.
>
> The statistics have alarmed Shepparton's Allan Turner whose seven-year-old daughter, Zaidee, died tragically in 2004 and became the only Victorian child under 16 to donate her organs in that year.
>
> New statistics show just 84 donations in the first half of this year, down from 108 in the same period last year.
>
> Meanwhile, more than 3500 people are on organ transplant waiting lists around the country.

I think that is because people are not communicating with their loved ones that they want to become organ donors, or there is some concern about the way donor organs are taken and tissue is removed. There is some concern that perhaps all of the protocols will not be adhered to when somebody is working on a deceased person's body. I understand that this bill will address a number of those issues.

The bill deals with who may remove tissue from a deceased person and who may authorise the removal of tissue from a deceased person for donation. It amends the privacy conditions about the disclosure of information, which is vitally important when organ donation is carried out in hospitals after somebody has died. This ensures the responsible practitioners will have access to the relevant health information to assess whether that tissue donation will be acceptable and suitable for transplantation. Some of the reasons organs or tissue may be unsuitable for donation are that organ or that piece of tissue may have a disease or be infected. While the person may have listed that organ or tissue for transplant, there needs to be a person who has the authority to say that that organ or tissue is not suitable for transplantation.

As I said earlier, the community needs to have confidence in the process of human tissue removal and organ donation and transplant. I hope the provisions in this bill go some way in ensuring the community has confidence in this very sensitive issue.

Ms McTAGGART (Evelyn) — I rise to speak briefly on the Coroners and Human Tissue Acts (Amendment) Bill 2006. This bill proposes to make amendments to the Coroners Act 1985 and the Human Tissue Act 1982. It will ensure that the legislation matches established and accepted medical best practice, particularly in the context of human tissue retrieval processes and autopsies. The amendment will bring the legislation up to date with current accepted medical practice and will address unanticipated areas of potential liability.

The Bracks government recognises the importance of the Victorian Institute of Forensic Medicine, of which the Donor Tissue Bank of Victoria is a business unit. It wants to ensure that organ and tissue donation continues to be properly regulated into the future. We know that better regulation and improved protection will benefit donors and their families. Victoria is the first state in the country to move to reflect these advances in science and medical practice in legislation. The Donor Tissue Bank of Victoria is leading the way by being the only multi-tissue bank in Australia. It retrieves heart valves, skin, corneas, and bones and tendons. This bill will ensure that our first-class medical system will continue to work well by ensuring that technicians acting under the supervision of pathologists and doctors, as well as the pathologists and doctors

themselves, can continue this life-saving and life-enhancing work.

This area of medicine is of significant importance to me personally. In 1992 my husband, Greg, died suddenly of a massive heart attack at the age of 33. I was widowed and pregnant at the age of 29. This was absolutely devastating for me and our families and friends. Greg and I often spoke about organ donation and would laugh that neither of us would have any organs of any use to anybody. Just hours after his death I received a phone call from the Donor Tissue Bank asking whether I would give permission to donate his organs. Absolutely drowning in grief I remembered our conversations from previous years and gave my permission. We were both aware of the benefits to recipients of organ and tissue donation, and I am very proud to say that the donated tissue from Greg resulted in successful transplants to enhance the lives of not 1 but up to 10 persons.

This bill will not affect any existing criteria governing organ or tissue donation but it will ensure that the legislation and medical best practice are matched. This bill has inspired me to run a campaign in my electorate of Evelyn to raise awareness of organ and tissue donation in the wider community. Many of us are a bit lazy and do not take the time to pop online and register or discuss it with our families. Maybe enough time has now passed that I am able to talk about this in the house and promote organ and tissue donation in the wider community. I hope to hold this information and sign-up day in late September or early October. I encourage all those in my electorate and the surrounding districts to come and sign up. We know that better regulation and improved protection will benefit donors and their families. I commend the bill to the house.

Mr MAUGHAN (Rodney) — It is a pleasure to follow the member for Evelyn, having listened to her very emotional remarks about her personal experience. I commend her for speaking with such courage on a very sensitive issue. She pointed out how important this legislation is.

It applies to all of us who are able to donate tissues which can improve and save the lives of a range of people whom in most cases we will never meet. We can do some good for the rest of the world — and we can meet some of them, because sometimes we can give tissues without actually dying. You can help people. My wife was prepared to do that for a very dear friend who needed a kidney. She was of the same group, so she was prepared to donate one of her kidneys. It was not able to happen because of various protocols at the time, but people are prepared to do that and certainly it happens within families.

This is good legislation. The Nationals are obviously supporting it. It clarifies many of these provisions that have been happening for years and it puts beyond doubt some of the protocols that have been followed and need to be followed. They are set out in the purposes of the bill:

> (a) to amend the Coroners Act 1985 in relation to autopsies and to provide further for the objects and functions of the Victorian Institute of Forensic Medicine …

I support the comments on this legislation that were made by the member for Bentleigh. I am a member of the Law Reform Committee, as is the member for Bentleigh. We have had quite some dealings with the coroner and the staff during our inquiry into the Coroners Court. I have nothing but admiration for the professionalism of the coroner himself and his staff and certainly for the people at the Victorian Institute of Forensic Medicine, which, I agree, is a great organisation. It is respected around the world and has done some fantastic work in a range of different areas. Not least is this one of — I do not like using the term, but — 'harvesting' organs for the benefit of members of the community.

I make it very plain that my drivers licence is endorsed. If they can find anything of any value left working in me when I leave this world, they are very welcome to it if it is going to help somebody. I suspect and I hope every bit of me will be worn out before we get to that stage and none of it will be worthwhile, but nonetheless, who knows?

I think it is important that we make provision for things like heart valves, corneas and skin. As the member for South-West Coast will know, valves from pig hearts were used for many years in human medicine. A lot of the trailblazing work was done at the Royal Melbourne Hospital. The pig, because it is very similar in many ways to the human in terms of its digestive system, its heart and so on — —

Mr Delahunty — Organs.

Mr MAUGHAN — Organs! Thank you to the member for Lowan for correcting me on that. Actually some people are exactly the same too, but it is the organs that I am speaking about.

The essence of this bill is to ensure that the legislation reflects accepted medical practice in this important field of human tissue removal and autopsies. As the member for Shepparton and the Leader of The Nationals pointed

out, this is a very sensitive and personal issue and so those involved in these procedures need to be very sensitive to the needs of individuals; I know they are. They deal with many people and have the right techniques in going about this job.

Over the last 15 years some 10 000 allografts to recipients have been carried out. That is a huge number of Victorians — in other words, 10 000 people have received donations of tissue of one sort or another that has been able to improve their health or prolong their lives, while all of that has to be done sensitively. There are a whole range of religious and ethical considerations to take account of.

This is good legislation, and The Nationals are perfectly happy and willing to support it and wish it a speedy passage.

Ms OVERINGTON (Ballarat West) — I, too, am pleased to speak in favour of the Coroners and Human Tissue Acts Amendment Bill. This bill will provide a number of amendments to the Coroners Act 1985 and the Human Tissue Act 1982. It will ensure that the legislation reflects acceptable medical practices in the vital fields of human tissue retrieval and autopsies.

As the house would be aware, the Victorian Institute of Forensic Medicine and the Donor Tissue Bank of Victoria (DTBV) is currently the only tissue bank that retrieves tissue from donors who are accessed through the coronial system. It is also the only multi-tissue bank recovering corneas, heart valves, skin and musculoskeletal tissue such as tendons and bones. Unlike organs such as the heart, liver, lungs, kidney and pancreas, which can be donated only under very specific circumstances, the donation of valves, skin, bone and corneas is not restricted.

Whilst they can be donated in a hospital environment, as the lungs, kidneys and such must be, these other tissues can be taken in the environment outside of a hospital precinct. As the tissue needs to be retrieved within 24 hours of the death of the person, families are often contacted at a very stressful time. If people have discussed the possibility of donation prior to a tragedy and are aware of what their loved ones wanted, their stress can be eased.

It is extremely important to note that most of these tissue donations come from unexpected deaths as a result of car accidents, suicides and other sudden deaths. Because donation criteria are not as strict as for the vital organs, the number of people who are able to donate is greatly increased. More than 10 000 people — children, adults, even injured footballers — have been helped by the donation of tissue. The decision by families of a deceased person to donate tissue can be very confronting. However, there is overwhelming feedback from families that they have found great comfort in the fact that something positive has come from such a negative tragedy.

Families who face the difficult decision of whether or not to donate have stated that the process was made less traumatic by the incredibly sensitive and caring staff of both the DTBV and the Victorian Institute of Forensic Medicine. We need to remember that so many more people who die unexpectedly in tragic circumstances are able to donate, and that by discussing tissue donation with their families, family members are better able to make informed decisions.

At some point in their lives every Victorian will know someone who has either donated tissue or benefited from the fantastic work performed by the DTBV. This legislation will ensure that the DTBV can continue to provide this vital, lifesaving and life-enhancing service to the community. I commend the bill to the house.

Ms MORAND (Mount Waverley) — I am also pleased to support the Coroners and Human Tissue Acts (Amendment) Bill. It is a pleasure to follow the contributions made by other members this evening, particularly the member for Evelyn, about the practice of organ and tissue donation. Like the member for Evelyn, I have also had experience with organ and tissue donation, but from the other side of the hospital bed. As a transplant coordinator at the Austin Hospital for five years part of my role was to approach families to seek organ and tissue donations. Organ donation occurs via intensive care units.

When I first started at the Austin Hospital the approach was to encourage donation of kidneys and corneas. Over the five years I was there heart and lung transplants started at the Alfred hospital and liver transplants at the Austin Hospital. What always struck me was that the people involved — the organ donors — had died in sudden, unexpected and tragic circumstances. None of their family members expected to get a call to come to the hospital to see their loved ones on a respirator and be confronted with a decision about donating their organs. They did not have days or weeks to think about and discuss organ and tissue donation with the person on the ventilator; they had to make decisions in a very short period of time.

What always amazed me was the number of people who agreed to organ and tissue donation at such incredibly stressful and emotional times in their lives, particularly when children were involved. Children are

organ donors, not just adults. There are many different ways that people end up in these terrible situations, such as car accidents and brain haemorrhages. I remember one child at the Royal Children's Hospital who was on a ventilator as a result of an allergic reaction to food. The parents had to decide whether they would agree to an organ donation. In every case I was involved in the parents always agreed to donate their child's organs. As the member for Ballarat West said, such people can see the benefits. Although they had suffered enormous tragedies in the loss of their loved ones, they could see the potential benefit for somebody else — obviously anonymously — with a life-threatening illness.

We are supporting this very important legislation, and the debate on it provides an opportunity for us to encourage people to think about organ donation and talk about it with their families. Many people are waiting for organ and tissue transplant across Australia. Around 3500 Australians are waiting for transplants — kidneys, hearts, livers and corneas — and of those 1500 are waiting for kidney transplants.

The debate on this bill provides us with an opportunity to think and talk about organ and tissue donation and to encourage people to talk about it with their families, which obviously makes it a lot easier for families to make decisions. But it is also easier for specialists to approach families when they know that people may have discussed the subject broadly within the family so that family members have already had the opportunity to think about it and will not find the issue so confronting. I commend this bill to the house.

Ms BEATTIE (Yuroke) — It is indeed a privilege to make a contribution to the debate on the Coroners and Human Tissue Acts (Amendment) Bill. I say it is a privilege because there are times in this house when, in the day-to-day rough and tumble, we all forget that each of us is a human being with a family and has circumstances behind us which others might not know about. To follow the courageous contribution made by my colleague and friend the member for Evelyn is indeed a privilege. The member for Evelyn was faced with a decision that nobody should have to make on their own. I implore everyone in this house to think about becoming an organ donor.

I am an organ donor. In light-hearted moments my husband says that nobody would ever want my liver, but maybe somebody will. I implore everybody in this house to consider becoming an organ donor and to make their wishes clearly known to their loved ones. It does not matter what we put on pieces of paper. If we do not make it clear to our loved ones, they can override that. Everybody wants to make sure that they carry out the wishes of a deceased person, and it makes the burden a lot easier. I pause to reflect on my next-door neighbour, who came out of hospital on Sunday after donating a kidney to his wife. I understand that Ira is coming home today or tomorrow, and I wish him and his wife well. This shows what can be done.

The Victorian Institute of Forensic Medicine and the Donor Tissue Bank of Victoria (DTBV) are equal to any donor tissue bank and forensic medicine institute in the world. They should be able to carry out their work, and as parliamentarians we should be able to give them the tools to carry out this work, and that is what this legislation is about. This approach will ensure that our legislation keeps up with advances in science and medical practice. The bill makes clear that medical practitioners who conduct autopsies can now be assisted in this process by mortuary technicians or scientists who work under the general supervision of a medical practitioner.

The member for Mount Waverley talked about her experiences, and I know the DTBV works closely with bereaved families on the very sensitive issues of organ and tissue donation. Within 24 hours of the donor arriving at the coronial centre, staff investigate the cause of the death and liaise with the family. I know that that work is all done in a sensitive, caring and understanding manner in what are often extremely stressful circumstance. I conclude my remarks by saying once again that it has been a privilege to speak on this bill and share the personal experiences of others in this house.

Mr PANDAZOPOULOS (Minister for Gaming) — I would like to thank all members who have contributed to the debate on the Coroners and Human Tissue Acts (Amendment) Bill. Many have given of their personal experience, and I want to congratulate and thank everyone who has nominated themselves for organ and tissue donation on their drivers licences. I have done so, and I think it is important that all of us in this place show leadership on the issue.

The passage of this legislation shows that all sides of this house can work together on some very important issues. The member for Evelyn in particular has shown us the real-life situations that many people face. Many members have commented that we all know or will know people who have benefited or who will benefit from human tissue transplants. I have good friends who have benefited from transplants. Dennis Avgoustatos has benefited from a cornea transplant. What a great gift! Dennis nearly lost his sight in one eye, but he was

fortunate that the family of a deceased person could give in that circumstance.

I think of other friends, like the former mayor and councillor of the City of Greater Dandenong, Naim Melhem, whose seven-year-old daughter died in a motor vehicle accident in front of his house. She was playing in the same way as the little boy, just two years old, who was hit by a truck in Chandler Road in my electorate just the other day. Naim's seven-year-old daughter died chasing a ball out into the middle of the road in a residential area. It was hard, but that family made the right decision about donating their daughter's organs. Naim Melhem is now someone in the multicultural community who advocates people volunteering to donate their organs. It is very important that we recognise that there are literally thousands of people in Victoria who are registering and being part of this campaign.

The multicultural commission has worked with the organ donor registry in funding a community building strategy to encourage multicultural communities to be involved in and understand how the transplant process works. It is something that we all have responsibility for. If any of us are left in a situation where we have a loved one in dire need of a transplant, this bill is going to clarify things and make it easier to do what needs to be done. The reality is that in the coroner's office there has been a lack of certainty about the eligibility of some staff to take human tissue from deceased bodies. This bill will assist in defining that process, as there are many members of the community that can potentially benefit from this.

I would like to mention that I have had the big tick on my drivers licence for a long time. The tick makes it easy for your family to decide that that is your desired wish if something unforeseen happens to you relatively early in your life, when your organs are still valuable for potential transplant patients.

My mother died on 14 May, just over 10 weeks ago. She was suffering from renal failure, and we were considering an organ donation. All of us are touched by these sorts of things. Unfortunately she passed on after an accident at the nursing home she was in. Because of her failing renal health she had to be in a nursing home at a younger age than you hope people have to. We had to get the coroner's office involved. I still have to find the time to write to the coroner, based on his coronial inquiry into her accidental death. This bill is a forward-thinking piece of legislation that will assist Victorians who are confronted by this in the future. We all have a responsibility in these sorts of situations. It is great to see so much leadership from both sides of Parliament in saying that we all want to support organ and human tissue donation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL

Second reading

Debate resumed from 14 June; motion of Mr PANDAZOPOULOS (Minister for Tourism).

Dr NAPTHINE (South-West Coast) — The World Swimming Championships (Amendment) Bill amends the World Swimming Championships Act 2004 to provide for the management and regulation of the venues and areas to be used for the 12th FINA World Championships, to facilitate the carrying out of works for events and the conduct of those events, including crowd management, to provide for other related matters associated with world swimming championships, and for other purposes.

Let me state from the outset that Liberal Party members strongly support the world swimming championships that will be held in March next year and support the bill. We understand the need for comprehensive legislation to manage this major event, to ensure the security of the swimmers, the crowds and the organising officials involved in the event, and to protect the interests of the sponsors who have put their hands in their pockets to support major events such as this and to make a positive contribution to the running of such events in Victoria. They need their investment to be protected, and some of the legislation provides for that protection. As a party we recognise that sometimes you have to put forward legislation that can be seen to infringe some people's rights and civil liberties in the interests of protecting a greater number of people and of ensuring the smooth running of an important event that the community supports.

I would like to acknowledge the role of Steve Vizard as chair of the Major Events Committee. He was a major player in attracting the world swimming championships to Melbourne. He saw the benefit of those championships and put a lot of his own personal energy and effort, along with the energy and effort of his committee, into winning that bid for Melbourne.

While Mr Vizard has faced some other issues in recent times, we still need to recognise that he made and continues to make in his own way a positive contribution to our community. He played a particular role in attracting these events, and I am pleased to recognise that contribution.

The 2007 world swimming championships will be held from 18 March to 1 April next year. Over 200 countries belong to FINA, which is the international swimming association, and we expect somewhere between 170 and 180 countries to be represented at the 2007 world swimming championships. The world championships are held every second year. They were held in Montreal in 2005, and I believe they will be held in Rome in 2009. It is interesting to note that at the 2005 world swimming championships in Montreal about 50 countries won medals. So they are very diverse and very competitive championships. Over 2000 athletes are expected at the event, including divers, water polo players and, of course, swimmers, both in the pool and in the open water.

Mr Pandazopoulos interjected.

Dr NAPTHINE — I believe the Leader of the Opposition has a proven track record in swimming and has outperformed the ministers and the Premier in events on a number of occasions. I am sure the Leader of the Opposition will take up any challenge put forward by the government in that circumstance. I am sure that, as the Premier of the state after the election later this year, the current Leader of the Opposition will be eminently qualified to manage these events.

The diving and water polo will be held at the Melbourne Sports and Aquatic Centre (MSAC) in Albert Park. There will be approximately 3000 seats for the diving and 5000 seats for the water polo, and the open-water swimming will be held at St Kilda. I understand that will be an open event for the public, which I think is a very good idea. It was the same with some of the events at the Commonwealth Games. The marathon, some of the bike races and the walking were open events which were very popular. The swimming, including the synchronised swimming, will be held in a temporary pool at Rod Laver Arena. That is being done at the request of the organisers, who wish to have the most appropriate venue that provides the most suitable seating, including the maximum number of seats. I will talk more about the temporary pool in a moment.

It is interesting to note that previously the superpowers in world swimming were the United States, Australia, to a lesser extent Canada at various times, and of course East Germany in the 1970s for various reasons — and we will not go any further into why East Germany was a superpower in swimming. As I said earlier, at the 2005 world swimming championships in Montreal over 50 countries won various medals; and if you look at the recent European Swimming Championships in Budapest, in Hungary, you will see from the performances of the swimmers that Germany, France, Britain and many of the European countries are now very strong in swimming. Countries that have not had a tradition of swimming are now quite strong. I recollect that at the Commonwealth Games this year Scotland performed extremely well in swimming, which is hardly a traditional sport in Great Britain.

At the European Swimming Championships we saw the German 4 x 100 metres women's freestyle relay team break the Australian women's record. Britta Steffen set a new world record for the 100 metres freestyle, breaking the record held by Libby Lenton. This will provide an enormous challenge for the Australian golden girls, who dominated the pool both in Athens and in the recent Commonwealth Games. I am sure the Australian girls — Libby Lenton, Jodie Henry and Alice Mills — are looking forward to the challenge presented by Britta Steffen and the German girls in the freestyle relay. Petria Thomas has retired from the Australian relay team, but I am sure there are many other up-and-coming young female swimmers who are looking forward to the challenge of competing in the team. Laure Manaudou from France also broke her own 400 metres freestyle record at the European Swimming Championships. Again, it just goes to show the diversity of talent in swimming across the world and the enormous competition that we will see in Melbourne next year.

Our own Liesel Jones is an absolutely dominant breaststroker. I have to put in a plug for Tayliah Zimmer from Koroit, in the South-West Coast electorate. Tayliah is a backstroker of great renown. She won a bronze medal at the Commonwealth Games, which was one of her first major events, and she competed at Montreal. I am sure Tayliah will be at the forefront when she swims for Australia in Melbourne and of course in Beijing. It is a great inspiration for people throughout regional and rural Victoria that someone from a town like Koroit — a town of about 1300 people in western Victoria — can compete on the world stage in swimming events.

In the men's swimming, of course, we will be hoping that Ian Thorpe will be leading the team. Ian obviously has an enormous record of performance, and I am sure all Australians are looking forward to Ian being fit and getting back in the pool, leading the charge and supporting Grant Hackett — and congratulations to

Grant on his recent engagement. Both Grant Hackett and Ian Thorpe were not able to compete in the Commonwealth Games, which provided the opportunity for a number of other swimmers to come to the fore. But it was quite noticeable that in their absence the men's team was not quite as strong as the normal team from Australia. Some of the more experienced swimmers such as Michael Klim and Matt Welsh continue to perform well, but there is a real challenge for the men to look to the new talent, because there is competition coming from around the world.

After many years of facing a number of challenges in diving, including struggling to get into finals, Australians have performed extraordinarily well in diving in the Sydney Olympics, the Athens Olympics and the Commonwealth Games. Both male and female divers have done very well, but again the new emerging divers face the challenge of coming up to assist Robert Newbery, Chantelle Newbery and some of the other divers who have been to the fore. It really will be a very exciting time for Australian competitors.

As I said, the main swimming events and the synchronised swimming will be held at Rod Laver Arena. This will be an interesting exercise, and part of this bill deals with how the venue will be set up and how we will make sure the event is run smoothly and safely. A pool will be inserted into Rod Laver Arena. It will have a pool deck, and there will also be warm-up pools available in the arena complex.

I asked at the briefing whether it will be a fast pool, and I was advised that it will be. When I say 'a fast pool', I do not mean it will be downhill, and I do not mean it will be short! There are characteristics that make pools faster in terms of water quality and, most importantly, depth. I am advised that this drop-in pool will be 3 metres deep, compared to the Commonwealth Games pool, which was 2.8 metres deep. Being a deeper pool, it is expected that it will be faster. The other important thing is that there will be extra width, so there will be spare lanes on each side. When you have a wider pool, again there is less splash, or fewer ripples.

Mr Delahunty — Less turbulence.

Dr NAPTHINE — There is less turbulence — we have the right word from the member for Lowan. So we can expect a fast and very competitive pool.

I have a question which I ask the minister to answer in his summing up. I understand that the pool may be reusable, and I wonder whether consideration has been given to where it may go after it has been used and, in particular, whether there is an opportunity for it to be put to community use somewhere in country Victoria.

I also need to advise members of the house that there will be no athletes village. The athletes, including the swimmers, will actually be in about 15 hotels in the community.

There are a couple of points I wish to make. Unlike the Commonwealth Games, the world swimming championships will be held during school time in the last two weeks of March. School holidays will not be adjusted for this event. Therefore I think there is an enormous opportunity for the government to involve schools and schoolchildren in this event.

Mr Delahunty — And country kids too.

Dr NAPTHINE — I suggest the member for Lowan is anticipating the debate.

I think the government should use this opportunity to provide tickets and free travel to students from country Victoria to come, be involved and see the heats, because there are opportunities in the heats and warm-up times for young people to experience the atmosphere, see the championships and form a crowd at events where tickets are slower to sell. If the government is serious about encouraging sport among young people, particularly in rural and regional Victoria, this is a unique opportunity to provide not only tickets but also free travel by train or bus from country Victoria to children so they can come in school groups, participate and be of service in the world swimming championships.

There are some particular challenges regarding the world swimming championships. One of those challenges which was recently announced was that the Australian Formula One Grand Prix will actually be held on 15, 16, 17 and 18 March.

Mr Delahunty — It is a great event.

Dr NAPTHINE — It is a great event. I will quote a few things later about the government's view of the grand prix — —

Ms Gillett — On the bill!

Dr NAPTHINE — It is on the bill, because one of the challenges — —

Ms Gillett interjected.

The ACTING SPEAKER (Mr Ingram) — Order! I ask members not to interrupt the member for South-West Coast.

Dr NAPTHINE — If the member for Tarneit has difficulties, I indicate that clause 6 specifically refers to the grand prix. There are some challenges about running the event at the Melbourne Sports and Aquatic Centre (MSAC) when the grand prix is on at the same Albert Park location. I think it is very important that this legislation provides powers to allow for the integration of the Australian Grand Prix Corporation and the world swimming championships and cooperation between the people running them so that we get good management of traffic flow, patrons and security and ensure we get good crowds at both events.

I understand that the last weekend of the swimming championships — although I have not seen the draw — is probably going to clash with round 1 of the Australian Football League. Round 1 of the AFL is traditionally the last weekend of March. The world swimming championships finish on 1 April. Again, if there are events at the Rod Laver Arena, games at the Melbourne Cricket Ground and games at the Telstra Dome — —

Mr Trezise — It sounds like it will be a great month in Melbourne.

Dr NAPTHINE — It will be a great month in Melbourne. That is why the Liberal Party has always supported a major events strategy; that is why the Liberal Party brought the grand prix here; that is why the Liberal Party was instrumental in building the Telstra Dome; that is why the Liberal Party was instrumental in building Vodafone Arena; and that is why the Liberal Party was instrumental in building MSAC and having the grand prix at Albert Park. Let us look at some of the issues in the bill itself.

The bill provides broad and extensive powers that will be available under this legislation. It gives the secretary of the department the power to enter into contracts and agreements. Proposed section 41B(2), to be inserted by clause 7, states:

> The Secretary may do all things necessary or convenient to be done to give effect to the contracts, agreements and arrangements referred to in sub-section (1).

These are fairly broad powers. Proposed section 50A, to be inserted by clause 8, provides limitation on the powers of local government to make local laws so that it cannot impinge on the operation of the world swimming championships. Proposed section 50B states:

> Nothing in the Health Act 958 or the Local Government Act 1989 or regulations or local laws under those Acts applies in respect of noise or light emanating from a Championships venue or a designated access area.

We have absolute carte blanche when it comes to noise and light. We support that and think it is important in these major events, but it is interesting that it is contrary to what the Labor Party said when it was in opposition. We have provisions regarding the operation of the Australian grand prix; the temporary closure of roads; restricted access areas; the authorisation and declaration of people who are allowed to be in restricted access areas; the stopping of people from entering restricted access areas; and the warning of people to leave those areas. There is a whole range of issues. Division 3 refers to management during the championships, and deals with the movement of vehicles in and out of the area.

There are also provisions regarding crowd management and the role of authorised officers. May I say — and I appreciate the minister's response in regard to clause 13 — there were some concerns during the Commonwealth Games when authorised officers and security officers were brought in from interstate. There were some concerns that some of those officers may not have met the strict police checks and security standards that we require from similar officers in the state of Victoria. I ask the minister when summing up to confirm that that matter has been overcome, so that we can ensure that all authorised officers at this event will undergo appropriate security and police checks. It is interesting when you compare this issue with what has been previously done. Division 5, on page 65 of the bill, refers to no compensation being payable. It states:

> No compensation is payable in respect of any loss, damage or injury, other than the death of, or personal or bodily injury to, a person, resulting from arising out of any act or omission —

et cetera. Let us have a look at what the Labor Party said about this sort of legislation when it was in opposition. Let us have a look at the hypocrisy of the Labor Party.

The Liberal Party has been consistent on this. We support the legislation with respect to the world swimming championships, we supported it with respect to the Commonwealth Games and we supported it with respect to the grand prix. On 15 November 1995 the member for Albert Park, who is now the Deputy Premier, said in the debate on the Australian Grand Prix (Further Amendment) Bill that:

> … it reduces the rights of the people.

Further on he said:

> The legislation will have dramatic consequences on the people's democratic and recreational rights.

He was talking about people's access to Albert Park, and this legislation provides exactly the same limitations for access to areas around Albert Park and Rod Laver arena. The member for Albert Park further said:

> … people's usage of the park will be interfered with and their right to enjoy the facilities and the sports grounds will be regulated by provisions which have one purpose: to look after the financial interests of the Australian Grand Prix Corporation, to look after the personal financial interests of Mr Walker and his casino, and to ensure that the average citizen, the average sports player, the average park user and lover is not able to use the park. That is a disgrace.

That is what the member for Albert Park said when he was in opposition in 1995. Further he said:

> This legislation sets a climate where the whole state is a designated democracy-free zone … the government interfering with the democratic rights of Victorians.
>
> …
>
> It is another example of the continued interference with democracy and the continued erosion of rights related to the grand prix.

That is what the member for Albert Park said in 1995. Now, as the Deputy Premier, he is introducing exactly the same rules in relation to the world swimming championships. The difference is that we in opposition see the benefits to Victorians of this legislation. We see the need for this legislation to assist a major event and to ensure the safety, security and good management of this major event. The Deputy Premier says one thing in opposition but another thing in government.

The member for Footscray joined in the same debate. He said that he would oppose the grand prix bill because he said it is:

> … denying people their rights, including their right to proper process under the law.

He further said that the Melbourne Parks and Waterways would have to:

> cordon off or declare areas during the construction phase and the race period.

The member thought it was terrible that people would be cordoned off from areas of Albert Park, which is exactly what the legislation does regarding Melbourne Sports and Aquatic Centre and Rod Laver Arena. The member for Footscray further said in 1995:

> The bill also gives extraordinary power to close off access to the park …

I can find other speeches by the now Attorney-General, the then Leader of the Opposition, now the Treasurer, and even the Premier himself, when he was in opposition, who all spoke long and hard about the antidemocratic processes regarding the grand prix legislation. Yet the legislation that the government has brought forward actually takes the grand prix legislation a few steps further. It provides greater powers for the minister and the secretary of the department and provides greater restrictions on the access of people to venues and sites. It takes away the council's rights. As I have said, we as a Liberal opposition support the legislation because we support the swimming championships and understand the need for the legislation. It is a pity that Labor Party members in their own opportunistic and selfish way continue to change from one side to the other depending on which side of the house they are on.

I am sure and will guarantee that after 25 November when they are back on the opposition side of the house it will be amazing how they will suddenly find their voice in opposition about these so-called antidemocratic bills that deny people their rights when they have spent seven years in government actually writing the legislation and putting the legislation forward. Fundamentally Labor Party members are hypocrites when it comes to this issue; absolute hypocrites. They say one thing in opposition and do a different thing in government. It is not just about this, but about everything they do. It is about time the people of Victoria started to wake up to the government, and they are because it is not consistent in its position.

In contrast, the Liberal Party is absolutely consistent. That is why we support the legislation and the swimming championships. We continue to support the efforts to gain major events for Melbourne and Victoria. We understand the need for comprehensive legislation that provides a framework for the efficient management of major events and also provides for the security of those events and those who participate in them, whether they are athletes, officials or patrons. There is a need for fairly comprehensive legislation that guarantees the protection and security of those events. We also understand the needs of the commercial world. When you are attracting major sponsors, the lifeblood of some of these major events, you need to protect their interests. If people are going to put millions of dollars on the table to sponsor the world swimming championships and other major events, you have to protect them from ambush advertising. You have to protect them in terms of their investments and the contributions they make.

I say again that the Liberal Party supports and looks forward to a very exciting world swimming championships and to the opportunity that they present to focus world attention on Melbourne and Victoria.

We also support the opportunity they provide for Victorian and Australian athletes to compete at the highest level. We wish them well at those championships.

In conclusion, I strongly suggest to the government that this provides a special and unique opportunity for schoolchildren to be invited to this event and in particular for country children to participate through the government providing them with not only free tickets but also free transport to come along to the heats of the world swimming championships in particular, the synchronised swimming, the diving and the water polo events.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

> That the house do now adjourn.

Police: Brighton station

Ms ASHER (Brighton) — The issue I raise is for the Minister for Police and Emergency Services and the action I am asking of him is that he direct Victoria Police and indeed his department to stop developing a case for the closure of the Brighton police station and the sale of police land in Carpenter Street and Asling Street, Brighton. The government's objective for some time has been to shut down Brighton police station and to move police services to Sandringham, which is unacceptable. Documents have been released to me under freedom of information in recent times and, unfortunately, this closure is still being considered. I refer to the business case development consultancy brief of September 2004, which states:

> The construction of the new Brighton–Sandringham police station is a priority within the Victoria Police's *Strategic Facilities Development Plan.*

It may well be a priority there, but it is certainly extensively opposed in my community. I further refer to a final note from Victoria Police dated 8 December 2004 which indicates that the justice executive committee has knocked back this submission in the 2005–06 expenditure review committee cycle. However, we see from this document that the justice executive committee has recommended that the project be reconsidered in the year 2007–08. I note from the documentation that in 2002 the land value of the two Brighton properties was $1.4 million for Carpenter Street and $413 000 for Asling Street, and that they were to be flogged off to fund a $7.8 million project in Abbott Street, Sandringham.

I am quite happy for Sandringham to have improved facilities, but not at the expense of the Brighton community. I require the minister to quash the further development of this outrageous proposal which would remove the entitlement to a police station and police services from Brighton. Members of the Brighton and Hampton communities want what most other municipalities have — that is, a local police station — and we want the local police service that we currently have. If anything, this station should be upgraded.

I will give the minister credit in that he said on a previous occasion that this is not a happening thing, but documents released by his department have consistently shown that there are people in his department and people in the police department who want to shut down the Brighton police station and sell off that highly valuable land, thereby removing all police services from the Brighton electorate. I will be in front of the bulldozers on this land. I will be leading my community. We deserve services in our community, and I am calling on the minister to stop this outrageous, preposterous proposal to remove services from my electorate.

Planning: Doreen Hall

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Planning. The action I seek is that he not agree to any request from the City of Whittlesea to demolish the historic Doreen Hall. I have deep concerns about the future of the historic Doreen Hall, which is located on Crown land at the Doreen recreation reserve.

The Doreen Hall, along with the general store and the school, has been a much loved and integral part of the Doreen district since 1907. Like all country halls, many a birthday, wedding, debutante ball and sporting achievement has been celebrated there. I understand that heritage advisers have previously recommended to the City of Whittlesea that the hall be heritage listed — advice which I understand the council has not acted upon. Regrettably, it seems that the hall has been allowed to fall into disrepair and has been unavailable for public use since early this century.

The City of Whittlesea took over responsibility for the hall from a community-based committee of management in the late 1980s. I am advised by former members of this committee that some $14 000 in a bank account was transferred to the council at the time for the upkeep of the hall. I understand from media

reports and very concerned locals that the council now wishes to demolish the hall.

Council held a public meeting in June to discuss the future of the hall, and I am advised that council officers presented to this meeting three options as a replacement — a barbecue, a plaque or a time capsule. It is quite hysterical that a barbecue was proposed because, since the hall has been not available for public use, the power has been removed from it. There is a barbecue that should be available for public use, but it is powered by electricity. It just shows that the council is completely out of touch in that it has offered that as a response. I share the community's concern about the lack of genuine discussion and engagement with it in arriving at such an appallingly insensitive set of options.

I understand that in order for the council to demolish the building, it is required to obtain the minister's approval. I want to stress in the strongest possible terms that I support the community's opposition to the loss of a community hall in the centre of Doreen. I respectfully request that the minister does not give approval unless or until the council undertakes some genuine community consultation that canvasses all options for this important community icon. There are options for this hall if it has fallen into disrepair. There is no doubt that the community wants to retain something in the heart of Doreen, and I believe there is an opportunity for a collaborative approach between the City of Whittlesea, the neighbouring Shire of Nillumbik and some progressive developers. I would support applications to the Community Support Fund to retain the hall, and I ask the minister to not decide until this has been arrived at.

Lake Mokoan: decommissioning

Dr SYKES (Benalla) — My issue is for the Minister for Environment who is also the Minister for Water. It concerns the increased flood risk to residents of Benalla and downstream in the event that Lake Mokoan is decommissioned. I ask the minister to reconcile claims being made by the Goulburn Broken Catchment Management Authority of minimal increase in flood risks with statements made by Mr Frank Rankin, the Lake Nillahcootie weir keeper for over two decades.

The Goulburn Broken Catchment Management Authority has recently posted on the web its findings in relation to increased flood risks to Benalla and downstream residents. However, it is difficult to reconcile its conclusions of minimal increase in flood risks with the public statements of Mr Frank Rankin, who is adamant that Lake Nillahcootie was managed to have a significant flood mitigation impact on Benalla and downstream land-holders. Mr Rankin claims that Lake Nillahcootie and Lake Mokoan were managed in tandem with early winter flows into Nillahcootie being diverted to flow into Lake Mokoan, thus leaving Lake Nillahcootie with a freeboard of up to 30 000 megalitres capacity to absorb run-off from sudden downpours upstream of Lake Nillahcootie.

Goulburn Broken Catchment Management Authority claims that 30 000 megalitres free board is insignificant as it can fill up quickly after a heavy rainfall event. However, long-term residents of Benalla know that Benalla experiences the biggest floods when both Hollands Creek and the Broken River peak in Benalla at the same time. As flood waters in Benalla rise and fall rapidly, any strategy which can delay the peak of the Broken River by 6 to 12 hours can have a significant flood mitigation impact.

Given that serious floods in Benalla have a daily flow rate of about 70 000 to 80 000 megalitres per day, local people firmly believe that delaying up to 30 000 megalitres, even if it is only for a few hours, has a significant effect on flood mitigation. At this stage the Goulburn Broken Catchment Management Authority has not answered this question to the satisfaction of those who are most likely to be affected if flood frequency and flood levels increase.

The community has a sound basis for concerns about the accuracy of statements by the catchment management authority and the government. A couple of months ago the catchment management authority offered to conduct a public workshop on flood risks, but it withdrew that offer when it was pointed out that it had little information to support the claims it had been making about minimal flood risks for months.

It did not even know of the existence of a letter to the editor by Mr Frank Rankin outlining the management of Lake Nillahcootie and denied there were changes in operating rules of Lake Nillahcootie between the 1980s and 1990s. It still continued to make misleading statements — for example, stating that only 29 per cent of the catchment is upstream of Lake Nillahcootie — but it provides no information on the actual run-off and therefore what the impact of 30 000 megalitres free board is.

The ACTING SPEAKER (Mr Nardella) — Order! The member's time has expired.

Yarra–Fyans streets, South Geelong: traffic lights

Mr TREZISE (Geelong) — I raise an issue for action tonight with the Minister for Transport. The issue relates to the intersection of Yarra Street and Fyans Street in the south of the Geelong electorate. For the information of the house, Fyans Street is a very busy and important east-west route taking traffic from the west of Geelong down into the South Geelong industrial estate and out onto the Bellarine Peninsula.

The intersection of Yarra Street, which is another main thoroughfare, with Fyans Street is a very busy one that is currently serviced by a large roundabout. The roundabout has been in place, from my memory, for at least 20 years and no longer copes with the traffic requirements. I therefore seek from the minister a commitment to install traffic lights at the intersection of Yarra and Fyans streets in South Geelong. The intersection of Yarra and Fyans streets is an intersection that I use on a very regular basis.

Mr Mulder interjected.

Mr TREZISE — I can assure the house that not only is it a very busy intersection, but a lot of traffic heading down into Colac and onto Warrnambool would also use the intersection, so the member for Polwarth should sit down and listen to this contribution instead of laughing about a very important intersection in my electorate.

People, especially on their way home, take risks at the roundabout due to frustration at the traffic congestion there. Therefore I am of the firm opinion that traffic lights at this intersection are well and truly required. Traffic lights have been installed along Fyans Street at Latrobe Terrace, Moorabool Street and, in more recent times, at Swanston Street. The installation of the lights at Swanston Street which took place about six months ago was a recognition by VicRoads that Fyans Street is a main thoroughfare and is becoming very busy. Yarra Street, in my opinion, is just as busy as Swanston Street, and therefore I believe it is totally justified to have traffic lights there. This is an important traffic management issue in my electorate of Geelong and I therefore look forward to the minister's action.

Transport: south-eastern suburbs

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Transport. In particular I seek action to improve commuter access to the central business district from the east and south-east of Melbourne. The Bracks government has made a number of commitments at different stages — commitments that have not been kept — but the residents to the east and south-east of Melbourne are very keen to improve both public transport commuter outcomes and road user outcomes. In 1999 the Premier was quoted in the *Mordialloc Chelsea Leader* as stating:

> If we were elected —

in 1996 —

> we would have built the —

Dingley —

> bypass, and if elected will do it.

Later the Premier commented in a press release:

> Labor has committed an initial $30 million to build the Dingley bypass between Warrigal Road and the Springvale bypass — and that the road will be toll free.

Not only is it toll free, to date it is also road free! Later the Minister for Transport was quoted in the *Chelsea Independent* of 3 July 2000 as follows:

> I'm very pleased the Bracks government is able to make this project a reality in its first budget.

The transport minister must have been out with Mungo MacCallum the night before to have made a remark like that, because that commitment has not been kept. In the south-east of Melbourne roads such as White Street in Mordialloc are carrying an inordinate level of traffic, the Dingley bypass has not been completed and the Scoresby freeway, now EastLink, is going to be a toll road rather than a toll-free road, which was the underpinning commitment of the Bracks government when it last went to the people of Victoria at the polls.

Many people are seriously concerned about these matters. If they choose to take public transport on the Frankston line travelling from Frankston to the central business district, they find that 11 per cent of the services are 6 minutes or more late. In the Premier's electorate 2 to 3 per cent of services are running more than 6 minutes late. Likewise on the Sandringham line, the number of train services running 6 minutes or more late is of the order of 6 per cent, which is a serious matter.

In the south-east of Melbourne a number of people, including Rochelle McArthur in Frankston, Stephen Hartney in Mordialloc, Jeff Shelley in Carrum, Michael Carty in Clayton, James Gobbo in Bentleigh and even Heidi Victoria in Bayswater, are working very hard to improve transport and traffic outcomes so that

commuters can access the city freely and hold the Bracks Labor government to account for its failed promises at election time.

Hazardous waste: Hastings electorate

Ms BUCHANAN (Hastings) — My adjournment matter is directed to the Minister for Major Projects in another place. I ask that the minister take appropriate action to reassure the constituents of Hastings by ruling out their electorate as a future site of a long-term waste containment facility.

My office has had numerous telephone calls and visits from concerned residents, families and businesses about statements made by the Liberal Party on 4 August that it will consider sites within a 100-kilometre radius of Melbourne and that the region around Western Port or the Mornington Peninsula may be such a site. The radius includes the electorates of Bass, Nepean, Mornington and Hastings. To add insult to injury, the region has also been mooted publicly as a potential site for a nuclear reactor. Western Port is a great source of the water that would be required for the heating and cooling aspects of a nuclear reactor. Attempts to get local federal Liberal MPs to categorically rule out this region as a site for a reactor have been met with silence, so we can appreciate the concern that many locals feel over the more recent announcements about a long-term waste containment facility that typically had no detail attached to them.

This government has been honest with the Victorian community about its proposed site. As you know, Acting Speaker, we are halfway through a very extensive and exhaustive environment effects statement process to determine whether Nowingi is a suitable site on which to build such a facility. Given the extensive and inclusive technical referencing process this government has gone through to determine the current proposed site, which includes a detailed consideration of local environmental, economic and occupational health and safety issues, including strict Environment Protection Authority guidelines, it is most disconcerting for the constituents of Hastings electorate that the recent statements that have been made do not have any research underpinning them. The Liberals oppose the Nowingi site but will not say where they would build such a containment facility.

This government has ruled out any towns in the Mornington Peninsula and Western Port regions as sites for a hazardous waste containment facility. People need to hear the opposition parties, and particularly the Leader of the Opposition, say the same. The opposition leader needs to be honest with the communities of the Hastings electorate and tell them now whether his party would build a facility in this region. The government has made the tough political decision to nominate a potential site for a hazardous waste containment facility, and it set up an open and transparent process from the start. It is shameful that the Liberal Party will not, or more specifically cannot, do the same. It has been too lazy to do the analysis. Instead it continues to say anything to get a headline and avoids making tough political decisions on anything. The opposition has repeatedly refused to rule out any town or suburb as a potential site. The constituents of Hastings deserve better from the opposition. The Liberal Party has not treated my constituents with the respect they deserve.

The Bracks government is getting on with the job of establishing national benchmarks to encourage industry to reduce waste volumes. It is doing so through tougher legal provisions that require industry to reduce and recycle waste, along with tighter controls over waste classification, treatment and transport. But — surprise, surprise! — the Liberals have no such policy on this important community issue. They need to come clean on where they want a hazardous waste facility to go.

Videos: X-rated

Mr PLOWMAN (Benambra) — The issue I wish to raise is for the attention of the Attorney-General and the Minister for Police and Emergency Services. It deals with the sale of X-rated videos, which are freely available for purchase in adult centres in Victoria. During the debate on the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill on 24 February 2005 the Attorney-General stated in his second-reading speech that:

> The sale, hire and exhibition of RC —

restricted circulation —

> and X 18+ films will continue to be illegal in Victoria.

I ask the Attorney-General and the Minister for Police and Emergency Services to enforce the provision of the act that the Attorney-General introduced 18 months ago and ensure that police are not put in the invidious situation where an illegal product is freely and openly available for sale. If you are aware of what is currently on the shelves of adult centres across Victoria, you will know that a big part of the income that these adult shops enjoy comes from the sale of illegal films, DVDs and videos, which it is illegal to sell in all states in Australia but which are readily available for sale in the Australian Capital Territory and the Northern Territory.

The problem is there is not uniform regulation in all states and territories in respect of these films and videos. The Attorney-General has a responsibility to represent the interests of the people of Victoria and ensure that all attorneys-general across Australia introduce uniform legislation to overcome this problem.

Currently the hands of the police are tied because it is so hard to gain a conviction on the sale of X-rated films and videos. However there are two avenues available to the Attorney-General to control the sale of these films and videos in Victoria. Firstly, the second-reading speech the Attorney-General read provides for forfeiture. It states:

> … this bill amends the act to provide an additional means to trigger forfeiture of seized items to the Crown. The bill inserts new forfeiture provisions that will apply where a person has been found guilty of a classification offence … involving 10 or more films …

Secondly, there are provisions under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. I would like to quote them very briefly but I do not have the time.

The ACTING SPEAKER (Mr Nardella) — Order! The member does not have the time.

Youth: Cranbourne electorate

Mr PERERA (Cranbourne) — I raise a matter for the Minister for Employment and Youth Affairs. I call on the minister to take action to help the young people of the Cranbourne electorate who have disengaged from education, training or employment by providing support to help them access existing government services and education and training opportunities. This year's budget allocated $10 million over four years for a program to support disengaged young people who need help getting their lives back on the right path to further education or a career.

I am proud to be a part of a youth network consortium which is delivering for the youth of Cranbourne. I am also part of a community group in Carrum Downs which is actively coming up with initiatives for working with young people in Carrum Downs. At present it is working on a youth needs analysis project. I am proud to note that the Bracks Labor government recently announced $600 000 over three years to assist all residents in Frankston North, including young people, in delivering a Frankston North community renewal program. I am working with Frankston North community groups and members of the Brotherhood of St Laurence to develop community enterprises whereby young people can get involved in skilling themselves in a number of different areas.

The youth network consortium of Cranbourne was formed by me with several impressive community leaders, including a local councillor, Steve Beardon; a local minister from the Cranbourne Uniting Church, Reverend Paul Creasy; William Angliss representative Phil Sealy; and youth worker Terry Knight. We have formed some very worthy partnerships. Just recently we successfully lobbied the Australian Football League, which was kind enough to send us over 300 AFL packs which we duly handed out to the young people of Cranbourne in a Christmas in July event. This event was well received.

Recently I met with young people who are following a special course of study at the Miranda Park community centre. These are kids who fell through the cracks in the education system but are now coping very well with an adult education program which offers work and life skills such as cooking, self-defence, computer skills et cetera. They really enjoy this program. Our young people are our future. I call on the minister to ensure that the young people of the Cranbourne electorate are supported by this wonderful initiative.

Disability services: Greensborough accommodation

Mr PERTON (Doncaster) — The matter I raise is for the Minister for Community Services who is absent from the chamber. In her absence I ask the Minister for Education Services to raise this matter with the minister. I ask the minister to investigate discrimination and offensive behaviour by her departmental officers against the parents of Mr Shaun Low since I raised concerns about the treatment of this young man in this Parliament on 20 July.

In July I asked the minister to intervene to help the family of Mr Shaun Low, who is severely autistic and currently living in a community residential unit (CRU) in Greensborough. He is sharing with three other men, one of whom severely assaulted him three years ago. The unit is due to be closed shortly by the department and the four men are to be transferred to separate accommodation. However, the Lows, who live in my electorate, believe the department has not been able to find accommodation that provides a safe environment for their son. They are concerned that he will have a reduced level of care and access to transportation at the new facility.

After I raised this matter in the Parliament the issues were covered in the local media. Mrs Low has today

advised me as follows. She received a call from Maree Belleville, the sector manager, on the morning of Thursday, 3 August, saying that the staff at Plenty Lane CRU were upset with Dr and Mrs Low because of an article in the local paper reporting their complaints about the care of their son, Shaun Low. That day when Mrs Low made a call to find out what happened during her son's daily activities — a routine call she has made daily for years — no-one answered the phone to speak with her. She made four calls which went unanswered, the last one at approximately 9.15 p.m.

Mrs Low was very concerned and thought something was very wrong — maybe the violent co-tenant had attacked her son again. She started driving to the centre but eventually 'Angelo' — a staffer working on the night shift — rang her and reported that Shaun was asleep. He said he was told to pass on a message to Mrs Low that the house supervisor had emailed notes on Shaun's day and if Mrs Low had any further queries she was to direct them to the sector manager the next day. He said this was strictly a directive from management. The next day Mrs Low rang the sector manager, Maree Belleville, who denied it was her directive and said it was strictly the staff's request and there was nothing she could do about it.

The following day no calls whatsoever were answered and the Lows drove over to the CRU because the staff were not taking Mrs Low's calls. One of the staff — Robert Van — opened the door and when the Lows told him that they wanted to see Shaun he said, 'Hold on, you cannot come in. I have to ring and check it out first', and slammed the door shut in Mrs Low's face. Another staffer then drove up and upon hearing what had happened took the Lows to the door and admitted them.

I ask the minister to investigate this matter and take steps to ensure the rights and services of the Lows are observed despite any discomfort staff may have with the public airing of the Lows' complaints. There will be a privileges matter in the Parliament tomorrow to defend the rights of constituents to bring matters to their members of Parliament and it would be a shame — —

The ACTING SPEAKER (Mr Kotsiras) — Order! The member's time has expired.

Hazardous waste: Melton electorate

Mr NARDELLA (Melton) — The adjournment matter I have tonight is for the Minister for Major Projects in the other house. The action I seek is for the minister to take appropriate action to reassure my constituents in the Melton electorate by ruling out this state electorate being considered as a future site for a long-term waste containment facility.

The Liberal Party does not support the Nowingi site. We have a situation where the Liberal Party is saying it would establish this facility within 100 kilometres of the Melbourne central business district. It should be understood that my electorate is just under 70 kilometres — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Kotsiras) — Order! The members for Benambra and Doncaster have had their go. I would like to listen to the member for Melton in silence.

Mr NARDELLA — My electorate reaches about 70 kilometres from the centre of Melbourne. The Liberal Party is saying it wants to put a toxic waste dump, which it does not support locating at Nowingi, in my electorate. I want the minister to rule out this option, to rule out this crazy policy and to rule out the madness that has overcome the Liberal Party. Maybe members of the Liberal Party have been eating some of the toxic waste. They have come up with this loony-bin, Monty Pythonesque policy because for their own political reasons they do not support Nowingi. The Leader of the Opposition was up there the other day crouching down on the soil. His option is to dump this facility in electorates like mine. That is wrong. It is lazy politics. It is lazy policy development. It is scaring my constituents. Whether it is Rockbank, Toolern Vale, Balliang East, Parwan or any of the other areas within my electorate, like Diggers Rest, this option has to be ruled out by this government.

We understand that we have to have a fair dinkum policy on this issue. That is why we are going through the full environment effects statement process. That is why our policy is about reducing waste at the source and dealing with these problems in a fair dinkum way. This just demonstrates that the Liberals are not ready to govern. Their policies are rubbish, and this should not be supported.

Responses

Ms ALLAN (Minister for Education Services) — I am very pleased to rise tonight to respond to the matter raised by the member for Cranbourne, who is a very hard worker in the electorate of Cranbourne and a strong advocate for education and youth programs in advocating for young people in his electorate. I have made quite a few visits to his part of the world to see

first hand and meet with young people who have a range of challenges and opportunities — —

Mr Perton — What is his electorate again?

Ms ALLAN — Cranbourne, and he is an excellent member for Cranbourne. I look forward to his continuing to be the member for Cranbourne after the next election.

Mr Perton — Not much chance of that.

Ms ALLAN — Victor will not be here to know. We are going to miss him so much!

It is an important issue that the member Cranbourne has raised. It goes to the support the government provides to young people. We know that this government has made a record investment in education. We have invested over $6 billion in education and training over the last six and a half years, but we know that some young people need support transitioning between school and further work, further training or further opportunities. For some young people that transition can be a little bit difficult if they do not have the right amount of support.

In response to the member for Cranbourne, I am very pleased to advise him that as part of the A Fairer Victoria package which was released earlier this year the Victorian government is to provide $10 million towards the establishment of our youth transition workers program which will provide youth transition workers right across the state to assist young people. It is going to be focused on the young people in areas of greatest need. That is particularly to do — —

An honourable member interjected.

Ms ALLAN — No, I am not, actually.

It is particularly to do with the framework of A Fairer Victoria, which is targeting areas of most need. It is recognising that we have made record investment in education, health and transport — and universal services are important — but we know that we need to make targeted interventions to support people, particularly young people. I am very pleased to advise the member for Cranbourne that this program is soon to be rolled out. Indeed this Friday, when we release further details on future directions in the youth area, more details will be made available about which areas will be picked up in this new program.

Mr Perton — On a point of order, Acting Speaker, on 20 July I raised a matter for the Minister for Community Services. As you know, the rules of this house require either that the minister be present to give an immediate response or, in the event that another minister takes down the matter, that the minister ought to respond. I ask you, as Acting Speaker, to take up the matter with the Speaker to inquire as to why the Minister for Community Services has not responded to the matter of 20 July and indeed why she is never present in the house at the adjournment.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Doncaster will sit down.

Mr Perton — This minister is just cruising on a salary of $200 000 a year. It is virtually theft.

Ms ALLAN — On the point of order, Acting Speaker, there is no point of order. The member for Doncaster knows full well the forms of the house. I know he has been here for 18 years, and I know he is going to sorely miss the green couches in this chamber, but he knows full well that his point of order cannot be upheld. We would have thought he would be a bit tired of his antics after 18 years, but it looks like there is life in him yet.

The ACTING SPEAKER (Mr Kotsiras) — Order! There is no point of order. The Minister for Education Services, to respond to other honourable members.

Ms ALLAN — The member for Brighton raised a matter for the Minister for Police and Emergency Services regarding the future of the Brighton police station. That matter will be referred to the minister for his attention, but it is a shame the member for Brighton did not have this much to say about police when her government was sacking 1000 police.

Ms Asher interjected.

Ms ALLAN — She says now that she did, but it is a shame we do not see any evidence that that was the case.

Mr Walsh — On a point of order, Acting Speaker, the minister, in responding to issues raised, is I believe now debating them.

Ms ALLAN — On the point of order, Acting Speaker, there are forms of the house that provide that a minister, in responding to matters raised by members, can make some comment on those matters. They are long-established forms of this house.

The ACTING SPEAKER (Mr Kotsiras) — Order! There is no point of order.

Ms ALLAN — The member for Yan Yean raised a matter for the Minister for Planning regarding the future of the historic Doreen Hall. That matter will be referred to the Minister for Planning. It is terrific to see that we have such great advocacy by the member for Yan Yean on this matter, which she provides on many matters across her electorate.

The member for Benalla has raised a matter for the Minister for Environment, which will be followed up for his attention and response.

The members for Geelong and Sandringham raised matters for the Minister for Transport. In the case of the member for Geelong, the matter relates to the intersection of Yarra Street and Fyans Street in his electorate. The member for Geelong has a very firm history of advocacy for transport issues in his electorate. I am sure the Minister for Transport will respond.

The member for Sandringham raised a matter regarding commuter access to the central business district for people residing in the eastern and south-eastern suburbs. The member for Sandringham might have missed the $10 million transport statement that was released by the Minister for Transport but I am sure the minister will provide further details to the member in due course.

The members for Hastings and Melton raised matters for the Minister for Major Projects in the other place. I congratulate them for raising their concerns about this very serious and important matter on behalf of their constituents. I can understand why their constituents are deeply concerned about this issue and about the plans for the Liberal Party because the Liberal Party has said that it wants to establish this facility within 100 kilometres of Melbourne. Already a process has been established — —

Mr Plowman — On a point of order, Acting Speaker, the minister is now clearly debating the issue and has gone beyond the realms of what is a reasonable response by a minister on the adjournment debate.

Ms ALLAN — On the point of order, Acting Speaker, I was not debating the issue. I was about to provide some details of fact about the planning process regarding the environment effects statement process that is under way on Nowingi.

Mr Perton — On the point of order, Acting Speaker, the most junior minister in the government has been left here late at night to take down the list of matters raised and pass them on to ministers. She may think she is still in the third form debating team, such are the antics being adopted by this minister! If ministers of the Crown are not going to be in the house to respond to matters raised by their own members — —

The ACTING SPEAKER (Mr Kotsiras) — Order! I have heard enough from the member for Doncaster. There is no point of order. The Minister for Education Services, to continue.

Ms ALLAN — We will not miss the embarrassing performances given by the member for Doncaster at late hours in this chamber.

As I was saying, the members for Hastings and Melton raised important matters on behalf of their constituents, and they have a right to raise these matters. A planning process is already under way with the environment effects statement on the location of the facility at Nowingi. It is appropriate that we allow this process to conclude properly, but unfortunately Liberal Party members are choosing to pre-empt the results of this process and to alarm people in those areas. I congratulate the members for Hastings and Melton for raising those issues.

The member for Benambra raised a matter for the attention of the Minister for Police and Emergency Services and the Attorney-General regarding the sale of X-rated material. I am sure those ministers will respond to that request.

The member for Doncaster raised what I understand to be quite a serious matter for the attention of the Minister for Community Services regarding allegations of assaults on a young man who lives in a community residential unit and issues regarding his parents and their interactions with the department. They are very serious matters, and I am sure the Minister for Community Services will respond. I urge the member for Doncaster that when raising these very serious matters he respect the forms of the house by allowing ministers to respond to matters raised.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Benambra raised a matter for the attention of the Attorney-General and the Minister for Police and Emergency Services. He can raise a matter with only one minister, so the matter will be directed to the Attorney-General.

The house is now adjourned.

House adjourned 10.39 p.m.