PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 14 June 2006

(Extract from book 8)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities	The Hon. J. W. Thwaites, MP
Minister for Finance, Minister for Major Projects and Minister for WorkCover and the TAC	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs	The Hon. J. M. Allan, MP
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development	The Hon. J. M. Brumby, MP
Minister for Agriculture	The Hon. R. G. Cameron, MP
Minister for the Arts and Minister for Women's Affairs	The Hon. M. E. Delahunty, MP
Minister for Community Services and Minister for Children	The Hon. S. M. Garbutt, MP
Minister for Manufacturing and Export, Minister for Financial Services and Minister for Small Business	The Hon. A. Haermeyer, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Assembly committees

Privileges Committee — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

Standing Orders Committee — The Speaker, Ms Campbell, Mr Cooper, Mr Helper, Mr Kotsiras, Mr Loney and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Buchanan, Mr Dixon, Mr Honeywood, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo, Hon. C. D. Hirsh and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
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

CONTENTS

WEDNESDAY, 14 JUNE 2006

Wednesday, 14 June 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 156 to 162, 285 to 288 and 348 to 351 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 before 6.00 p.m. today.

SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL

Introduction and first reading

Mr THWAITES (Minister for Water) introduced a bill to amend the Snowy Hydro Corporatisation Act 1997 to prevent the sale of shares in Snowy Hydro Ltd held by the state of Victoria without the approval of both houses of Parliament and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that:

1. Religious freedom essentially includes the freedom to teach, preach and propagate one's beliefs, and to express opinions about other world views. This applies to all religions, and certainly to the Christian religion where Christ commands His followers to propagate their faith — Matt 28:18–20

2. The Racial and Religious Tolerance Act 2001 aims to outlaw vilification, but its enforcement places 'an intolerable curb on religious freedom' and threatens free speech itself.

In any case, the legislation is unnecessary in a community that has always had effective mechanisms for correcting intemperate or offensive statements (whether on religion, race or any other topic) — namely, public forums in newspapers, open debate and discussion, talkback radio et cetera.

In view of the fact that the Australian constitution

> forbids the making of any commonwealth law 'prohibiting the free exercise of any religion' (section 116), and
>
> decrees that 'when a state law is inconsistent with a law of the commonwealth, the latter shall prevail …' (section 109)

your petitioners therefore request that the Racial and Religious Tolerance Act 2001 be repealed.

By Mr HELPER (Ripon) (10 signatures)

Ballarat Health Services: emergency department

To the Legislative Assembly of Victoria:

The petition of Elliott Francis Charles Pearson, resident of Campbelltown, Victoria, in the state electoral district of Ripon, draws to the attention of the house the case of a disabled pensioner who, on 3 September 2003, approached Ballarat base hospital emergency department for health care regarding a serious undiagnosed condition. She has alleged that she was assaulted by an enraged doctor then, with or without his influence, was wrongfully diagnosed and discharged by another. Appropriate health care was denied her. She sought redress through Ballarat Health Services and, following conciliation failure, appealed to the Health Services Commission, the Medical Practitioners Board of Victoria and Ombudsman Victoria. All of these, however, produced unsatisfactory outcomes which require scrutiny, especially under the provisions of the Whistleblowers Protection Act 2001.

The petitioner therefore requests that the Legislative Assembly of Victoria:

> establish an inquiry to consider:
>
> > these parties' treatments of the pensioner,
> >
> > their adherence to the law, particularly to those acts which prescribe their functions and requirements to protect the public,
> >
> > any deficiencies these parties may have re transparency, accountability, lawfulness, willingness to evidence-share, and the conduct of thorough and impartial investigation(s), and
> >
> > recommendations upon which government can act, including suggestions for legal prosecution of those who may have shown, for example, improper/corrupt conduct,
>
> understand that, until systemic corruption within the health care sector is acknowledged and addressed, the provision of appropriate health care will continue to be negatively influenced, and

consider, as a matter of urgency, the formation of a specifically focused corruption commission.

By Mr HELPER (Ripon) (1 signature)

Housing: loan schemes

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the following residents to the state of Victoria sheweth state government sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings: CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised 'affordable home loans specially structured to suit your purse';

2. the home ownership be achieved within 25 to 30 years from date of approval;

3. the payments to be set at an affordable level (i.e., 20–25 per cent of income) for the duration of the term for all the loan types;

4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;

5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;

6. the interest rate will be at an affordable rate (i.e. flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;

7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty (1 Tim. 2:2).

By Mr HARDMAN (Seymour) (129 signatures)

Housing: loan schemes

To the Honourable the Speaker and members of the Legislative Assembly assembled in Parliament:

The petition of certain residents of the state of Victoria draws to the attention of the house that we object to the exorbitant amounts of public funds being used to mount an unethical defence of litigation brought against a government department by impecunious recipients of failed state government-created home loan schemes.

The petitioners further draw to the attention of the house that these loan recipients have maintained their loans in a meticulous manner and through no fault of their own have been burdened with a lifetime of debt. And that this litigation occurs as a direct result of the refusal of past and present government ministers to acknowledge the government's responsibility to the people who embraced the promise of home ownership offered to them through home loan schemes especially designed for them by the state government of Victoria.

Your petitioners therefore request the house to initiate an independent board of inquiry with the scope to fully investigate the loan schemes. Further your petitioners respectfully request that until such an inquiry is held, the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members and that legal representatives acting on behalf of the defendant in this matter be instructed to act as model litigants.

And your petitioners, as in duty bound, will ever pray.

By Mr HARDMAN (Seymour) (9 signatures

Crime: standard minimum sentencing

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria requests that the Victorian government takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes, violent crimes against children, or violent crimes against vulnerable elderly people and calls on the Victorian government to impose minimum jail sentences for these habitual violent criminals.

By Mrs POWELL (Shepparton) (232 signatures)

Tabled.

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Ms POWELL (Shepparton).

Ordered that petitions presented by honourable member for Seymour be considered next day on motion of Mr HARDMAN (Seymour).

DOCUMENTS

Tabled by Clerk:

Audit Act 1994 — Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2005 balance dates, and other audits — Ordered to be printed

Forensic Leave Panel — Report for the year 2005.

STANDING ORDERS COMMITTEE

Membership

Mr CAMERON (Minister for Agriculture) — By leave, I move:

> That Mr Plowman and Mr Dixon be discharged from attendance on the Standing Orders Committee and that Mr Cooper and Mr Kotsiras be appointed in their place.

Motion agreed to.

MEMBERS STATEMENTS

Peter Moylan

Mr ROBINSON (Mitcham) — The achievements of Victorian baseballer Peter Moylan cannot pass without some congratulatory comment in this place. In March this year Peter was playing baseball with Blackburn in suburban Melbourne, as he has done for a number of years. Currently, however, he is pitching for the Atlanta Braves in the major American league. This follows 27-year-old Peter's success in America after impressing scouts whilst playing for Australia at the World Baseball Classic. He had tremendous success there in striking out a number of major league hitters.

The value of perseverance is evident in Peter's case. At the age of 17 he first tried out for the major leagues in the US. He was a raw 17-year-old when he was signed for the minor leagues by the Minnesota Twins. That did not work out, and he returned home. He kept playing for Blackburn in the summer leagues, Forest Hill and Heathmont in the winter leagues and Victoria in the Claxton Shield. The president of Baseball Victoria, Peter Dihm, has said that they are extremely proud of Peter's achievements. Peter took over the job of managing Blackburn this year. He has managed Forest Hill and Heathmont in the winter leagues, while playing for them as well. To be elevated into the major American leagues at the age of 27 is an outstanding achievement. I am sure this will serve as a great example for young Victorian sportspeople for years to come.

Box Hill High School: funding

Mr CLARK (Box Hill) — I rise to deplore the failure of the Bracks government to address the urgent needs for basic maintenance and repairs, let alone long-awaited modernisation, for schools in my electorate, including Surrey Hills Primary School, Koonung Secondary College and Box Hill High School.

Box Hill High School was funded to undertake detailed master planning and was given every reason to expect it would receive funding in the state budget. Its hopes were cruelly dashed yet again. The school runs an excellent curriculum, attracting students from across the eastern suburbs, but it has 800-plus students on an overcrowded site, with old and run-down facilities. It cannot fit on the site all the portable classrooms to which it is entitled. WorkSafe has inspected and reported on numerous safety issues that need to be remedied. The science rooms still have original fittings from the 1930s and 1960s, and staff fear that a serious accident could occur.

Over 300 students cram into a very badly overcrowded library. At times 50 or 60 female staff members and student teachers have to queue for a single toilet. Twice this year the toilet has overflowed, pouring raw sewage into the quadrangle. The main locker area has also been flooded with sewage twice this year. The cost of fixing the toilets and plumbing was assessed in 2004 as being around $250 000. I call on the minister to provide straight answers to Box Hill High School and all other schools in similar positions as to where they rank for priority and when they are likely to be funded.

I call on the minister to introduce open and honest forward planning into our schools that will see the needs of schools like Box Hill High School addressed on a fair and timely basis.

Franca Tassan-Verruso

Ms D'AMBROSIO (Mill Park) — I wish to inform the house of the passing of Franca Tassan-Verruso on 5 June. Franca was born in the Rhone Valley in France in 1924 of Italian immigrant parents. Her memories of her early life were of great happiness. Very early in Franca's life she experienced the unpleasant aspects of being different.

Franca was originally named France after the place of her birth. Moving back to Italy for family reasons during the fascist regime, the family was forced by the school principal to change her name to Franca, and so it remained for the rest of her life. In her memoirs, *A Piece of Cake, Mate,* written much later in life, Franca described her feelings on the matter:

> I felt sick that I didn't have my own name anymore. It gave me an inferiority complex.

Like so many migrants before and since, Franca confronted many challenges in living in a new land unable to communicate in the national language. Up to then she had known only French and Friulano. It was in her youth in Italy that Franca discovered her great love

of and gift for singing. This continued throughout her life, culminating in the formation of a choir in her beloved Italian-speaking senior citizens club in Epping, of which she was its secretary for many years.

At the end of World War II Franca and her family had become displaced persons or refugees, after the Istrian region became a part of Yugoslavia. No longer considered Italian citizens, they were relegated to the Padova refugee camp. Franca later married Ernesto Mario, and together they started a new life and raised their children, Mario, John and Robbie, in Australia. Vale Franca Tassan-Verruso.

Drought: northern Victoria

Dr SYKES (Benalla) — Northern Victoria is experiencing yet another tough start to the season. Limited, patchy rain in April and May has been followed by a run of severe frosts at temperatures as low as minus 7 degrees Celsius. This puts pressure on livestock owners, croppers and horticulturalists with increased costs such as stockfeed and decreased prospects of a reasonable income next season. As a result, farmer spending is dropping off and this is flowing through to a depression of local businesses and general local community spirit.

Whilst the Bracks government has spent millions of taxpayers dollars trying to have us believe that it can walk on water, country people know that the Bracks government cannot make it rain. However, it can help; first of all, by reducing the pain of rate increases in country Victoria; by stopping the cost shifting to local government; cutting the red tape and providing adequate funding for local roads, infrastructure and services.

The Bracks government could also correct the anomalies in the farm dam legislation which currently restricts farmers in north-east Victoria from drought-proofing their farms. The Bracks government could alleviate the uncertainty about the future of security of supply of water for the people who are dependent on Lake Mokoan by agreeing to an independent assessment of the current security of supply and then delivering on its promise to maintain that in the event of the lake being decommissioned, without buying back thousands of megalitres of water.

I also call on the Bracks government to ensure that people in northern Victoria have access to support measures in the event that the conditions do not improve rapidly. It is time for the Labor government to live up to its claim of governing for all Victorians.

Eltham North Soccer Club

Mr HERBERT (Eltham) — On Sunday, 21 May, in the lead-up to the soccer World Cup, the mighty Eltham North Soccer Club played a series of junior games on Victoria's newest soccer pitch at St Helena Secondary College. The St Helena soccer ground was built as a joint initiative of the state government, Eltham North Soccer Club, St Helena Secondary College and Banyule and Nillumbik councils. I hosted the community day on 21 May and invited all local residents to drop in and watch these young champions display their skills. Eltham North Soccer Club has experienced fantastic growth over recent years as interest in the sport has skyrocketed. With this great interest growing in our local area, Eltham North Soccer Club has been hard pressed to accommodate the many local youngsters vying for the title of being the next Harry Kewell. The new St Helena ground will be used extensively in 2007 once it has fully settled and the grass surface is fully established.

All junior teams who played on the ground had a terrific time. I organised the sausage sizzle which raised $340 for the club, and visiting teams were most impressed with the quality of the new ground. I thank the principal of St Helena Secondary College for opening up the new science and technology centre on the day; Barry Sanders, the president of Eltham North Soccer Club, for all his hard work in organising the day; and Football Federation Victoria for commissioning and inspecting the ground in record time to enable the community day to proceed. I wish the Eltham North Soccer Club all the best success this season and join them in wishing the Socceroos — —

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

Doncaster Secondary College: disability funding

Mr KOTSIRAS (Bulleen) — Last week I raised during the adjournment debate a matter for the attention of the Minister for Education Services. I asked the minister to investigate why disability funding for a student at Doncaster Secondary College was cut. I gave the student's first name, but to protect the student I did not mention his surname. What has annoyed me is that when a local journalist contacted the Department of Education and Training she was advised that no action would be taken because I had not named the student in full in the Parliament. What an uncaring and arrogant government!

How many students attending Doncaster Secondary College have the first name of Christopher and are receiving disability funding? This is a typical response from a government that does not care about the safety and wellbeing of students. We are talking about a young Victorian's right to a free education. We are talking about a young Victorian's right to have access to the best education possible. Unfortunately this government is uncaring and treats our young people with contempt.

Minister Allan must now take total responsibility for this matter, show some compassion for Christopher and provide the funding to Doncaster Secondary College. Christopher's mother will write to the minister, and I urge the minister to make time to speak to the mother and Christopher and assure them that the money will be provided to the school so that Christopher can complete year 12.

Eastern Palliative Care: biography service

Mr LOCKWOOD (Bayswater) — I recently paid a visit to Eastern Palliative Care in Nunawading, which has centres in Bayswater, Nunawading and Kew. It is a not-for-profit organisation run for the last eight years by a committee of management the current chair of which is Jack O'Connell. It is a great organisation that has 90 staff and 100 volunteers. It currently has about 480 clients and deals with 1600 clients in a year. It provides 12-month bereavement support for about a third to a half of the family members it deals with. It is an in-home, care-based service which saves on hospital beds. It is a fantastic service operating throughout the outer east.

I discussed with Lyn Hayes, the executive director, and Jenny Kearney their biography service. This project is a great thing that is enormously appreciated by clients and their families. It can be a reflection, a loving tribute or life history, or it can be the passing on of information. It is in whatever form the biography takes. It is a celebration of the life and worth of the palliative care clients and is an enormous boost to them, as I have said. A project officer has overseen the formation of the service, and there are 18 biography volunteers and 3 transcribers. There is still some work to be done, but it is a wonderful new service for palliative care. Staff are working very hard and the project is in full swing, allowing more people to avail themselves of the service. The volunteers play a wonderful role in supporting the clients and keeping the service running.

Police: cells

Mr WELLS (Scoresby) — This statement condemns the Bracks government, and in particular the Minister for Police and Emergency Services, for gross incompetence in the way the government has dealt with the problem of overcrowding in police cells. The latest incident, reported by Richard Schmelszi from the South Gippsland *Sentinel Times*, involved a leading golfer who was savagely bashed in a police cell in Traralgon. This savage attack, which was reportedly unprovoked by the victim, was a disgusting event that put the victim in hospital with serious injuries. Despite cells being monitored constantly by video, police were unable to get to the cell quickly enough to stop the attack. This is not the fault of the hardworking police in Traralgon. It is yet another example of police having to work as de facto prison guards rather than being out on the beat protecting our community.

In recent weeks we had a case where a prisoner had been moved from police station to police station. In total he had spent 72 days as a prisoner in a police cell. That sad saga led to his trying to commit suicide. In another case reported in the *Herald Sun* a prisoner was kept in a police cell for 52 days. The examples just keep coming. Figures leaked to the Liberal Party show that of the 214 prisoners being held in police cells, 184 are the responsibility of Corrections Victoria and not Victoria Police. More and more police are being taken off the beat and out of divisional vans to look after prisoners in police cells. Despite the minister opening a new remand centre two months ago, nothing has happened except for a few token prisoners being moved in. We call on the Minister for Police and Emergency Services to get on top of his portfolio and sort out yet another mess that he has created.

Portarlington Celtic Festival

Ms NEVILLE (Bellarine) — Last weekend I was pleased to join with thousands of residents and visitors to enjoy and celebrate this year's Celtic festival. This is the fourth Celtic festival to be held in Portarlington, and they keep getting bigger and better. This year's attendance, despite the cold and wet conditions, was up around 20 per cent on last year. I was pleased to again volunteer at the festival, which of course was no hardship as I enjoyed the beautiful haunting music of Aniar as well as the extraordinary fiddle players who make up the Fiddlers Festival Duo. The state government has been pleased to provide financial support to the festival and this year announced a $5000 funding increase to boost the annual funding to $15 000.

I would like to congratulate the National Celtic Festival executive committee, Una McAlinden, Peter McDonald, Deryck Gall, Colleen Guiney, Jane Collins and Stan Liacos. I also thank the many volunteers and the community of Portarlington, which has opened its heart to this festival. I acknowledge the community business sponsors, Geelong Otway Tourism, Portarlington Newsagency and the Portarlington Community Association. This festival has become an important cultural event for the Portarlington and Bellarine Peninsula communities and continues to attract broader audiences. Well done to everyone involved in another fantastic festival!

Rutherglen Winery Walkabout

Mr JASPER (Murray Valley) — The highly successful and acclaimed Rutherglen Winery Walkabout was conducted over the recent Queen's Birthday long weekend and was adjudged by all to be another great success story. The winery walkabout was created in 1974 following the establishment of the Rutherglen Wine Festival in the late 1960s by the Rutherglen Apex Club, of which I was a founding member.

The winery walkabout continues to be a success story in promoting the oldest and greatest wine-producing area of Victoria, despite challenges from other parts of Victoria, and thousands attended last weekend's event. The Rutherglen Country Fair was established over 20 years ago as part of the winery walkabout. The main street of Rutherglen is closed on the Sunday, and there are over 300 stalls, including food and entertainment. The events include a celebrity grape-treading event, in which I invite two other members of Parliament to join me in the challenge. This time last year the event was won by the Minister for Education Services, who returned to defend the title, along with the Minister for Education and Training as a challenger. We all dressed up for the occasion. I dressed up as a schoolboy, and the two education ministers dressed up in gowns and mortarboards and held lightweight canes. Together with our partners, the challenge was on!

The result was: the Minister for Education Services, 3.5 litres; the local member, 4.4 litres; and the ultimate winner, by 100 millilitres, the Minister for Education and Training, with 4.5 litres. Congratulations to the minister! It was a great fun day and provided entertainment for thousands of visitors. We look forward to them coming next year.

Friends of Braeside Park

Ms MUNT (Mordialloc) — I would like to take this opportunity to acknowledge the wonderful volunteer work of the Friends of Braeside Park, including the president, Margaret Hunter; the secretary, Elsie Anderson; the treasurer, Bev Bancroft; the editor of the Friends of Braeside newsletter, Val La May; and the dedicated band of volunteers. They work tirelessly on behalf of our local community to help make Braeside Park a wonderful educational and recreational asset for our schools, families and residents.

The state government has recently awarded another $5000 grant to the Friends of Braeside Park in its 2005–06 community grants program, to be used for stage 2 of the Dingley waterway restoration project in Braeside Park. This project includes weed control, seed collection, propagation of seedlings, planting and monitoring, and reporting on the success of the program. This work will help improve the water quality in the waterway, increase biodiversity in the park, reduce weed abundance and increase the natural regeneration of indigenous species.

Previous grants have also been put to great use by the friends. I thank the friends very much for all the wonderful work they do in Braeside Park. It is a wonderful park to visit and enjoy, which I do on occasion with my family, and that is in large part thanks to these volunteers who do wonderful work in Braeside Park. Keep up the great work!

Caulfield General Medical Centre: redevelopment

Mrs SHARDEY (Caulfield) — Members will be aware that when in government the Liberal Party gave a commitment to the redevelopment of the Caulfield General Medical Centre. Members will also be aware that I have raised the need for this redevelopment on a number of occasions in this place, calling on the Labor government to commit to funding the master plan first launched in 2001. Apart from the rebuild of the nursing home, little had been done or had occurred in relation to the redevelopment since that time. I am therefore pleased that finally in this budget there is an allocation of $23.5 million for a start to the project, although this only represents about 14 per cent of the estimated $160 million cost of the redevelopment.

This money will be allocated over a three-year period, with a very conservative allocation of $4.3 million in 2006–07. This three-year first stage of the budget will see the construction of a new logistics building, which will house an engineering complex. However, it will not see the replacement of any of the ageing wards and

therapy areas. I therefore call on the minister to clarify when the remainder of this project will be funded. I remind her that, at the rate of a 14 per cent allocation of the total funding required every three years, the project will take a very long time indeed to complete — in fact, over 20 years.

Industrial relations: WorkChoices

Dr HARKNESS (Frankston) — While members of the opposition had their feet up over the Queen's Birthday long weekend, many workers were forced to work on the holiday for less pay and lower conditions than in the past. Day after day we hear more and more horrific stories about the Howard government's draconian industrial relations laws destroying families.

Fortunately in response to this blatant and vicious attack on working Victorians and their families the Bracks government has set up the Office of the Workplace Rights Advocate to assist Victorians concerned about their rights at work. The Office of the Workplace Rights Advocate offers free independent telephone and web site advice about the new industrial relations system and promotes fair workplaces. It can advise employees and employers of their rights in the new industrial relations environment. It can look into inappropriate or illegal employment practices and monitor the impact of the federal government's changes on Victorian workers and their families.

The Howard government's draconian and unfair laws have led to job insecurity, which in turn will create a lack of confidence in employees on the shopfloor about raising health and safety concerns with their employers for fear of losing their job. Australia's proud history of a fair go for workers and their families is being destroyed by the commonwealth. I urge Frankston residents to carefully examine the workplace arrangements under the new regime. The tradition of a living wage and fair and reasonable conditions is one from which all Australians have benefited. That tradition has come to an end, and now more than ever workers need to know their current rights and entitlements before entering into new agreements.

Frankston families are facing a triple whammy, thanks to the Howard government, of higher interest rates, higher petrol prices and less job security. All we get from the Liberal Party locally is spin and grin, and it is starting to wear very thin. These laws are unfair, but the Liberals do not care. I will continue to stand up for Frankston's workers rights.

Mitta Valley: place names

Mr PLOWMAN (Benambra) — There has been a real stuff-up in the new arrangements of addresses in the Mitta Valley by the place names division of the Department of Sustainability and Environment. I ask the minister to review the system and ensure that there is sufficient consultation with local people to ensure the correct place names are retained.

I will give a few examples. Mr Max Peters has had his address changed from Lockharts Gap, Tallandoon, where he has lived for 60 years. His address is now 1 Mitta Road, Eskdale. There are three people with the same address, but nobody lives at 1 Mitta Road, Eskdale. Mr Peters had a heart attack, and an ambulance was directed there. Luckily the ambulance driver knew where Mr Peters lived and decided to go there instead of where she was directed. She saved his life.

Another instance concerns Mr Mick Franks, who died in a car accident. The Country Fire Authority and the ambulance got a call to the accident at Tallandoon, but in fact that name has been changed to Fernvale. Fernvale is a reserve, not a town. Tallandoon is one of the oldest gold and tin mining areas in Victoria and actually has the oldest timber residence in Victoria still being lived in.

The addresses in Callighans Creek have all been changed. It is totally inappropriate. This has to be reviewed by the minister. The new place names have to be changed back to what they were.

Alexandra Truck, Ute and Rod Show

Mr HARDMAN (Seymour) — I rise to congratulate the organisers of the Alexandra Truck, Ute and Rod Show, especially Gordon Simpson, Andrew Embling and Wayne Miller, on the 10th year of its success. I have attended the show over the last four or so years and have been impressed by the professional manner in which it is run. Several months ago the organisers approached me to see if there was any way the state government could assist them to make the 10th anniversary a bigger success than in previous years. With great support from the Minister for State and Regional Development, the Minister for Tourism, Regional Development Victoria and the Shire of Murrindindi, we were successful in gaining a $10 000 funding grant, which was used to promote the event across the state.

The Alexandra Truck, Ute and Rod Show was bigger and better than ever, with many thousands of people

crowding the streets to see the great displays, trade exhibitions, woodchop tournament, live music, professional skateboard demonstrations and much more. The boost to the Alexandra community as a result of the hard work by Wayne, Gordon and Andrew is phenomenal and very hard to measure. Again, congratulations to all involved in making this day a wonderful success. The member for Benalla was there and enjoyed the day. He would have been surprised by the many thousands of people who crowded the streets of Alexandra. It was so crowded in fact that due to the congestion I could not get a telephone line out to ring my wife to tell her when I was coming home. What a great event!

Geelong: Order of Australia recipients

Mr CRUTCHFIELD (South Barwon) — I would like to acknowledge and praise the work of a dedicated group of people who this week received the Order of Australia award. Deakin University's pro vice-chancellor for research, Professor Pip Hamilton, was made a member of the Order of Australia for services to tertiary education, research in the fields of radio astronomy and astronomy, a range of scientific organisations and the community.

The following people were awarded Order of Australia medals. The former director of music at Geelong Grammar, Dr Malcolm John, who was recognised for services to the community through music as an educator, composer, performer and conductor. He is still helping the St Luke's Uniting Church choir, Geelong Chorale and a host of other musical groups. Fred and Daisy Elsum were both awarded medals for services to the community as fundraisers for the Geelong Hospice Care Association and Vision Australia. Margaret Humphreys earned herself a medal in the general division for volunteering and fundraising for the Cancer Council and the Red Cross. Peter Thomas, deputy chair of Barwon Health and president of the Torquay sub-branch of the Returned Services League, received a medal for services to the community, particularly local health care organisations and the RSL. As a member of the Torquay RSL I know first hand of Peter's tireless efforts for his community.

All these people remind us of the selfless and hardworking volunteers in our communities. As Mrs Elsum said, 'We are very thankful that we can do something for somebody else instead of somebody always doing it for us'. Well done to this deserving group of people.

Central Highlands Tourist Railway: museum accreditation

Mr HOWARD (Ballarat East) — Last Sunday I was pleased to attend the Daylesford spa country railway which is run by the Central Highlands Tourist Railway group. On this occasion I was there to celebrate the achievement of museum accreditation by the railway. It is the first and only railway in Australia accredited under the museum accreditation program. Such an achievement does not come without a great deal of hard work and professionalism. In order to satisfy the museum accreditation program, the group has complied with a detailed list of standards.

This is a fantastic achievement given that the spa country railway is run entirely by volunteers. These volunteers undertake a broad range of tasks ranging from maintaining the physical infrastructure of the railway, including the motor train collection; the maintenance of the track which runs between Daylesford and Bullarto; acting as ticket sellers, station staff, waiters and service staff on the range of railway services provided; and of course doing the planning and paperwork associated with that, which has been done to a very professional standard in terms of funding submissions and so on.

This work has seen the service grow, and I am pleased the government has assisted the service by supporting renovations to the Daylesford station and the development of the business plan. I congratulate Stuart Smithwick, Barry Fell — —

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

Pembroke Secondary College: debutante ball

Ms BEARD (Kilsyth) — It will be a great honour for me to have the 2006 debutantes from the Pembroke Secondary College in Mooroolbark, which is in the electorate of Kilsyth, and their partners presented to me and the member for Evelyn at the debutante ball to be held at Rembrandts on Friday night, 16 June.

Pembroke is my local secondary college, and I say that with great pride. My three children received an outstanding education there, went on to complete their university degrees and then went on to successful careers, having received the essentials at Pembroke. While my two daughters were possibly more likely debutantes, neither partook of this offer. My son was asked to partner a debutante in 1992. He reaped the advantages of dance lessons and had the splendid opportunity to dress up and experience a formal

evening, as will the new group of debutantes on Friday. I am always delighted to tell the students that my son also met his wife at Pembroke when they were both studying year 12. Pembroke is also the alma mater of parliamentary attendant Leigh Pride.

Pembroke Secondary College eagerly awaits the rebuilding of its school. I congratulate principal Aidan Ryan for his persistence in contacting me about this funding.

Last Friday I had the pleasure of observing the reading program currently being implemented at Pembroke. I was delighted to hear from the library coordinator, Pam French, about the accelerated reading program which is working so successfully at the school, providing particular assistance to those students who experience reading difficulties. I was also pleased to donate a book by Gael Jennings, titled *Sick As — Bloody Moments in the History of Medicine*, to the library. Like the member for Evelyn, I look forward very much to the ball on Friday night.

Indigenous Gathering Place: reconciliation dinner

Mr SEITZ (Keilor) — On Friday, 2 June, I had the pleasure of attending a function in Williamstown organised by the western suburbs Indigenous Gathering Place. At the reconciliation dinner I met and talked with members of the indigenous community, and in particular with the chairperson and organiser, Colleen Marion, who should be congratulated for the work she is doing in the western suburbs, particularly with the indigenous community but also with the rest of the community, especially young people. Her aims and dreams are of establishing a bigger centre for indigenous people to get together and be represented and assisted.

One of the things that came up that evening was her dream of organising a trip to the Northern Territory with presents and gift baskets for the children in the Northern Territory settlements. Present at that evening was the manager from the Western Bulldogs who committed himself to sponsoring and supporting Colleen Marion with this project which she is planning for next year. Colleen told us the story of her trip this year to Lake Tyers, where they presented gifts to the children in that area. This was made possible by donations from the western suburbs community which brought great joy to the children of the Lake Tyers community. Once again I congratulate Colleen Marion.

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

Budget: breakfast meeting

Mr LANGDON (Ivanhoe) — Yesterday morning I had the great pleasure of co-hosting a budget breakfast at the Old England Hotel with the member for Eltham. It was a very good morning, and over 100 people attended. It was particularly pleasing that they were there, because a fair portion of them may have stayed up until well past 1 o'clock the night before watching the soccer, so I thank those who attended. I pay tribute to the Old England Hotel for assisting us with what is now our second event at that hotel, and I particularly thank the owner-director, John Payne, the manager, Rosa, and all the staff for getting there so early, helping us set up and preparing it all.

It was a very successful morning. The Treasurer spoke exceptionally well and answered questions. It was all good news for the local scene, and both the member for Eltham and I had great pleasure in hosting what is now an annual event with the Treasurer. I am sure that we will host more and more of them for budgets to come so that the good news of the Bracks government can be heard by everyone and they can hear how well the Treasurer is managing the economy in Victoria. I pay tribute to my staff for assisting me to organise the event, and I again thank the staff of the Old England Hotel for their efforts.

MATTER OF PUBLIC IMPORTANCE

Crime: standard minimum sentencing

The ACTING SPEAKER (Mr Savage) — Order! I have accepted a statement from the Leader of The Nationals proposing the following matter of public importance for discussion:

> That in the interests of promoting consistency and transparency in sentencing and to foster greater community understanding and confidence in the sentencing process, this house calls upon the Victorian Labor government to introduce a system of standard minimum sentencing modelled upon that introduced by the New South Wales Labor government in 2002 and now constituting part 4, division 1A, of the Crimes (Sentencing Procedure) Act 1999 (NSW) (as amended).

Mr RYAN (Leader of The Nationals) — I have proposed this subject for debate as a matter of public importance in circumstances where the sentencing system in Victoria is in crisis. I emphasise that it is not an issue of the judicial system being in crisis — not at all. On the contrary, the judicial system in Victoria functions extremely well, but the sentencing system, I believe, is in crisis.

Let it be said that sentencing people, particularly determining terms of imprisonment, is surely the most difficult of tasks, and I have great empathy for those who have to undertake that very important and difficult role. But sentencing requires consistency and transparency, and people in Victoria are concerned that they are not seeing those factors being delivered in the way the sentencing system functions. If the system The Nationals are advocating is introduced to Victoria I believe there will be a return of public confidence in the way the sentencing system functions.

People are aware that there is a problem; the government is certainly aware. We have the Attorney-General at the moment running around like a headless chook putting up all sorts of propositions to supposedly better the sentencing system when in fact he is skirting around the fringes of the real problem, let alone finding a solution to it. We are proposing a solution because a new approach is needed in Victoria. Victoria needs a system of standard minimum sentencing. That system has applied in New South Wales since 2002. It was introduced by a Labor government, and the Labor government in Victoria should introduce it in 2006.

The basic elements of our system of standard minimum sentencing are simple. Essentially the system establishes a standard, non-parole period of imprisonment for those who have committed the most heinous of crimes. In New South Wales, for example, there are 23 crimes listed in the legislation as attracting a standard non-parole sentence — a standard minimum sentence, in other words. I will quickly list them. The murder of a police officer in the course of duty attracts a standard minimum sentence of 25 years; murder otherwise is 20 years; conspiracy to murder, 10 years. If you go down through these 23 various forms of crime you see that aggravated sexual assault in company attracts a standard minimum sentence of 15 years.

It is a simple system whereby those 23 principal crimes are dealt with on the basis of standard minimum sentences. Those minimum sentences are developed in New South Wales through the use of guideline judgments, and we have that system available to us under our legislation here in Victoria.

If the system were to operate in this state, I would advocate the use of guideline judgments as a basis for establishing standard non-parole periods. I would also advocate the involvement of the Sentencing Advisory Council in providing an informed opinion in regard to the formation of the standard periods. That would enable public input into the work undertaken by the Sentencing Advisory Council, and by that process the public at large would have the means to give its views to the council and in turn to the government as to what the standard non-parole periods of imprisonment should be. Therefore you would have the combination of input from the public together with input from the judicial system through the guideline judgments. By those mechanisms the standard non-parole periods would be established.

The next thing would be to make sure that the legislation encompassing the system enshrined the capacity for judicial discretion. Judicial discretion is a basic tenet of the operation of the judicial system, and particularly the sentencing system. Any system that does not incorporate a capacity for judicial discretion is a mistake. The system we are advocating should therefore incorporate a capacity for discretion. It would enable the court — as happens in New South Wales — to vary standard non-parole periods either up or down depending on the court's approach to the sentence in question.

The next thing would be to ensure that the relevant legislation enshrines the reasons for variation which a court may wish to apply, either by way of aggravation or mitigation, to the standard non-parole period. Those reasons would be set out in the legislation. That is what happens in New South Wales, so under the provisions of the New South Wales legislation there are a variety of aggravating factors that the court can take note of for the purposes of increasing the standard non-parole period. They include whether the offence involved the actual or threatened use of violence or the use of a weapon, whether the offender has prior convictions, whether the offence was committed in company and whether the offence involved gratuitous cruelty, as well as a vast array of other issues which the court can take into account as aggravating factors.

On the other hand the legislation would also set out the mitigating factors to which the court could have regard. They might include whether or not the injury, emotional harm, loss or damage caused by the offence was substantial, whether or not the offender was provoked by the victim, whether or not the offender acted under duress, whether or not the offender has any record of prior convictions, whether or not the offender has pleaded guilty and whether or not the offender is unlikely to reoffend. They are amongst an array of factors that could be taken into account for the purposes of mitigation.

A further thing to enshrine in the legislation would a provision saying that, if the court wanted to vary the standard non-parole period of imprisonment, not only would it have to have regard to the vast array of

aggravating or mitigating factors but very importantly it would have to refer to those specific areas that it was relying upon, and it would have to be careful in the course of its judgment to set out why it was depending on any one or more of those aggravating or mitigating factors in arriving at its ultimate decision.

In New South Wales the system has worked well since 2002, and we believe it should work here. Very importantly, the Court of Criminal Appeal in New South Wales has now determined, in a judgment in *Crown v. Way*, that all the usual sentencing protocols apply under that system. The court has said that important aspects such as proportionality apply under this system in that state, so there is no basis on which it could possibly be said that judicial discretion is fettered. The Court of Criminal Appeal has made that judgment, and it is a vitally important component of all this.

We advocate that the government introduce into the state a similar system to that which operates in New South Wales. It would set a benchmark which people could have some faith in. It would provide transparency in how the sentencing system operates. It would enable everyone to see that in relation to the most serious of criminal offences, the sentences for which involve people going to jail, there is a process into which the public at large has had input and the judiciary has had input, and it would enable everybody to see where the judge is starting from in ultimately determining the sentence. The public would also be able to see clearly the bases upon which the court decided to vary a sentence either up or down, and they would also be able to hear from the court why the particular aggravating or mitigating factors set out in the legislation were relied upon. It would make sure that the court explained these matters in a way that the public could have confidence in.

At the moment, whether we like it or not, there is strong public opinion to the effect that there is no defined system showing how sentencing operates. I know that is not the case. I know that under the current system in Victoria there are established mechanisms whereby judges go about the terribly difficult role of sentencing. But the practical fact is that people do not see the situation that way. This would preserve the best of the way the current system operates in Victoria but add to it a process which would enable people to have added confidence in how that system functions.

Through the office of the member for Shepparton we have circulated a petition in support of the proposition which I am now advancing to the Parliament. When the member for Shepparton speaks she will refer to it in more detail. But I can tell the house this: over about the last 10 weeks more than 12 000 people have signed the petition. I say it is absolutely inevitable that public opinion will grow in relation to this, and the government should adopt what the New South Wales Labor government did in 2002.

I wish to make it clear to the house that this system has absolutely nothing to do with mandatory sentencing. I believe mandatory sentencing is an absolute blight upon any judicial system. To the extent that mandatory sentencing exists in any legal system across this nation, I say it is a disgrace. Some time ago the Northern Territory had misinformed, ill-informed and badly conceived notions of introducing mandatory sentencing. I was among those who condemned that and I will always condemn it. This is not mandatory sentencing. The system that has successfully applied in New South Wales since 2002 has never gone to mandatory sentencing. Indeed, ironically, the government there introduced the sentencing system we now advocate to counter a proposition being advanced by the opposition in that state that there should be mandatory sentencing in New South Wales. The whole idea of this system is to meet the notion of the mistake of mandatory sentencing.

As I said, I believe that mandatory sentencing is a disgrace and that we should not have it. To the extent that Labor Party members stand up here today and say this system has anything to do with mandatory sentencing, they will be palpably wrong. I reiterate that the Court of Criminal Appeal in New South Wales has already determined that the system to which I now refer retains all of the same sort of protocols that apply in the sentencing system in Victoria, just as they have historically applied in New South Wales. Every time we hear Labor members mention mandatory sentencing this morning, as they inevitably will, I can tell the house to forget it, because it is a red herring. It will be another instance of this government not being prepared to face up to its responsibilities and trying to distract people from the real argument.

There are those who say we have mandatory sentencing in Victoria already in different forms. There are those who say, for example, that a speed camera makes no distinction when a car goes past as to whether it is someone speeding for wont of something better to do or it is someone speeding because they are taking their suffering child to hospital and that equates to mandatory sentencing. Therefore, some say why not import that into the sentencing system that involves people being incarcerated. I say that is a stupid proposition. It is a stupid proposition because it is one thing to fine people or to talk about taking away their licences on the basis of some sort of mandatory

sentencing system, but it is a very different thing when you are talking about putting people in jail. It is a fundamentally different proposition when you are going to consider taking away people's liberty. The practical and philosophical fact from the perspective of The Nationals is one size does not fit all in terms of sentencing that involves people having to be jailed. If you are going to contemplate putting someone in jail, it is an absolute fundamental necessity that judicial discretion be retained. The great thing about the system we are now advocating is that it does retain those fundamental tenets of the sentencing system. I say again that the experience in New South Wales, through the judgment of the Court of Criminal Appeal, reinforces that fact.

We say that the government of Victoria should do what its colleagues have done in New South Wales and introduce into Victoria a system which functions well there, which gives people the confidence of having a system into which they can have input, which sets sentencing benchmarks that are appropriate to the most heinous forms of crime and which nevertheless enables discretion to be applied pursuant to the same sorts of sentencing principles that ought to apply in any fair and just system concerned with putting people in jail. We believe the current problems in Victoria have reached the status of crisis. We believe the system I have outlined would largely resolve the doubts people understandably have about the way the sentencing system presently operates in the state of Victoria.

Mr LUPTON (Prahran) — The Leader of The Nationals opened his comments with the observation that he believes the sentencing system in Victoria is in crisis, and he went back to that theme towards the end of his remarks. However, during the course of his comments he told the house what his true, personal opinion is — that is, that it is not in crisis. He well knows that the judges in this state, sentencing people on a day-to-day basis, are doing a good job. They know what they are doing and the system is not in fact in crisis. I think what we have before us at the moment is part of a process The Nationals are going through in this state. Members of The Nationals are circulating petitions and drumming up community concern and attempting to create a crisis, and they know it is in fact not true.

The Nationals are suggesting here that Victoria adopt a system that was adopted a few years in New South Wales so let us have a bit of a look at that and see what the true case is. The Nationals say they want consistency and transparency in sentencing. That is a very noble thing to say, but what does it mean in practice? Does consistency mean that all people committing a particular form of crime need to be sentenced in exactly the same way? If it does not mean that, if it means that individuals coming before the courts have their cases treated on their merits, that is not quite what The Nationals mean by consistency.

Every defendant who comes before a court does so with particular circumstances. The judge or magistrate sentencing that person after he or she has pleaded guilty or been found guilty has to determine the appropriate sentence based on the crime that has been committed and the nature and circumstances of the defendant before them. They have to take into account a range of factors such as specific deterrence, general deterrence and rehabilitation prospects. Things of that sort need to be weighed up and considered by judicial officers — that is the job they have to do.

Consistency is not achieved where a judge or a magistrate simply applies some kind of formula. That is the sort of trick which the matter of public importance that the Leader of The Nationals has proposed is trying to play on the people of Victoria — that there is some kind of scientific formula and you just apply it to every case that comes before the court and you end up with an outcome. That is not consistent, it is not transparent and it does not work.

In New South Wales some years ago they brought in a system that is termed the standard minimum sentence. In Victoria we have set up a Sentencing Advisory Council which is headed by Professor Arie Freiberg. Professor Freiberg has examined the system of standard minimum sentencing in New South Wales. In his opinion it has not made any significant difference to sentencing. That process has been run out and trialled for some years in New South Wales, and you have to question why, if it has not made a great deal of difference, The Nationals wish to bring it in here. The reason, I suspect, why it has not made a significant difference in sentencing is what we might call the let-out clause.

The let-out clause is that the judge retains discretion to vary the minimum sentence. It is really a minimum sentence without a minimum. If the judge or magistrate retains the discretion to vary the sentence down, as well as up, it is not a standard minimum — it is not a minimum at all. What happens is cases coming before the courts are looked at, the judge or magistrate considers all of the circumstances and in appropriate cases varies the minimum down. You do not, in fact, have a minimum that judges and magistrates have to stick to — they retain judicial discretion, as of course they should. That is an important consideration.

The Leader of The Nationals got up and said we must maintain judicial discretion. If you maintain judicial discretion, the minimums do not apply. You are trying to have your cake and eat it too. The Leader of The Nationals came in here and said what they really want is minimum sentencing but they are going to allow judicial discretion to remain. What you end up with is very much the same as the system we have at present. The supposed crisis the Leader of The Nationals is talking about — the community concern and apprehension The Nationals are stirring up and fomenting in this state — would not in fact be alleviated or changed at all by the system he is proposing that we introduce here in Victoria.

The Leader of The Nationals says he empathises with judges and wants to make sure that they retain judicial discretion. He says that the Court of Criminal Appeal in New South Wales has pronounced that the New South Wales system retains all the sentencing protocols and discretions that previously existed. That really gives the lie to the whole thing. If the judge retains all the discretion that he or she had before standard minimum sentencing came into practice, then the system does not need to be changed because it is what we have got now.

We in Victoria are concentrating on making Victoria a safer place. Over the last five or six years the crime rate in this state has been steadily reduced; it is something approaching 20 per cent lower than it was five or six years ago. We have restored police numbers and added 1400 or so more officers. That number is continuing to grow. Victoria has the highest number of police in its history. We also have a far better and more proactive approach to dealing with crime in Victoria. The idea that is being put in place here is that we do far more to stop crime before it occurs. That is what makes Victoria the safest mainland state, and we intend to continue that. We in Victoria are tough on crime and tough on the causes of crime. We are proud of that record, and we aim to continue to do that. The way by which people can be best protected is to have fewer crimes and fewer victims. That is what we are achieving in Victoria.

In addition to those very positive steps that we have taken in reducing the crime rate and the number of victims, we have done a great deal to help and assist victims where crimes have occurred. We have also made sure that Victorian judges have appropriate training and education and that our sentencing and criminal legislation is appropriate for the times. We have set up the Judicial College of Victoria to make sure Victorian judges have access to training and education on issues such as sentencing. We have amended the Sentencing Act to give victims a greater role in sentencing proceedings. We have increased maximum penalties for a range of offences, including drug trafficking, child pornography and the like. We have also created the victims register, which allows victims of serious offenders to register and subsequently to be kept informed about the offender's sentence and release dates. It gives victims the opportunity to make a submission to the parole board when a prisoner is being considered for parole.

We have also brought in the sex offenders register, which bans offenders from working with children and requires them to give police their address, employment details and any travel plans. In addition we have sex offender monitoring laws which allow certain sex offenders to be monitored and placed under various restrictions after they have served their sentences and been released from jail. As well as that we have improved victims rights throughout the criminal justice system by reintroducing compensation for the pain and suffering of victims, which was callously abolished by the Kennett government. We have streamlined access to counselling and financial assistance for victims of crime, so that the Victims of Crime Assistance Tribunal can provide victims with immediate counselling and financial assistance. We have established a new Victims Support Agency and a statewide network of local assistance services. We have created specialist courts to improve the response of the courts to particular victims, such as victims of family violence and sexual assault. Of course the announcement was made just yesterday about the government's proposal to introduce a charter of victims rights.

A lot of very successful work has been done in relation to making sure victims are considered as part of the criminal justice system in this state and are treated with sensitivity and dignity; that where victims have suffered, they are compensated; and that sentencing in this state reflects the reality of the crime and the best ways in which offenders can be dealt with, both from a community point of view in terms of deterrence, both specific and general, and also from the perpetrator's point of view in terms of appropriate rehabilitation.

In the end sentencing is about punishment. We must always be looking for ways to continue to improve the appropriate nature of sentencing. That is why the Sentencing Advisory Council has been established in this state, and that is why the government recently took the advice of the Sentencing Advisory Council in making changes to phase out the use of suspended sentences. It is an example of the way this government in fact listens to the views of the community. It has made the views of the community part of the process by setting up the Sentencing Advisory Council. The recent

actions of the government in relation to suspended sentences that do not appropriately reflect community attitudes clearly show that the government has taken the advice of the Sentencing Advisory Council and has made moves to correct that.

But we are not interested in the sort of notion that the Leader of The Nationals comes along with today — that is, a minimum sentence that is not in fact a minimum and has not to any meaningful degree changed the way in which the judicial sentencing process operates in New South Wales. This is really an opportunity that is being taken by the Leader of The Nationals and his colleagues to stir up community anxiety about sentencing. It is a complicated process.

Mr Ryan interjected.

Mr LUPTON — The Leader of The Nationals knows it is a complicated process. He understands full well that judges and magistrates in this state have the full panoply of powers to enable them to appropriately sentence people and that they use those powers appropriately. Where there are concerns about the appropriateness of a sentence, in the first instance the Director of Public Prosecutions is the appropriate office to appeal those decisions and those matters go off to the Court of Appeal to be dealt with.

In this state we have a system of judicial hierarchy which operates to filter down decisions about sentencing, as is the case with other matters of law throughout the judicial system. The Court of Appeal is the ultimate arbiter of appropriate sentencing in this state. The judges of the Supreme Court and the County Court and the magistrates of the Magistrates Court all look at the words and decisions of the Court of Appeal when it does its job of overseeing the way in which sentencing is applied in this state. It is a good system, and it is working well. We believe the matter put up by the Leader of The Nationals today is not something the government should support, and we do not believe the people of Victoria would support it either.

Mr McINTOSH (Kew) — I have listened with interest to the rambling contribution to the debate of the member for Prahran and his final remark that the system is working well. He is saying essentially if it is not broken, do not fix it. I would have thought that the Attorney-General's announcement on Monday that he was going to mandate that all Victorian judges and magistrates return to school to ensure that they deal with sentencing to produce an appropriate outcome would indicate that the Attorney-General, five months away from a state election, is starting to realise that there is actually a crisis in our sentencing system, not necessarily among the judges themselves but certainly in the public's confidence in the process.

Whatever else this matter of public importance is about, it is about promoting consistency and transparency. It is about public confidence in our sentencing system. Members of the public concerned by daily outrages in sentencing need to be informed about our sentencing process, be able to participate in it and be confident that the government of the day is doing all in its power to ensure that the community's expectations about sentencing are being maintained by our laws. But what is the Attorney-General's response? He is going to send our judges back to school.

Let us drill that matter down. We know it has come about because of the case last week of Mr Ripper, who was sentenced to a non-parole period of 18 months following a serious assault on his young son, notwithstanding his profound history of violence — some 349 charges had been laid against this man. The community outrage was reflected in the media and in this place. This matter of public importance is about the crisis of confidence in the administration of justice in this state. The Attorney-General's answer is to mandate judicial education.

The system is administered by members of the judiciary, but it is prescribed by legislation and essentially carries out an executive function in this state. It will be the Attorney-General who no doubt will be mandating in those courses that judges have to get tougher and impose stricter penalties on offenders. If you are talking about judicial discretion, I would have thought that the greatest interference in judicial discretion anybody could think of would be an Attorney-General and the executive of the state telling judges that they have to get tougher and be more stringent in their sentencing.

I would have thought that a far better and more effective way might very well be the system that has been propounded by the Leader of The Nationals. The Liberal Party is considering all sorts of options, including whether to ramp up the issue of guideline judgments, which were much promoted by this government but have not addressed the fundamental problem of public confidence in our sentencing system. You may have a system of mandatory minimum penalties where you prescribe a minimum penalty or you may go down the route of the standard minimum non-parole periods that are already operating in New South Wales. I might add that my opposition colleagues in New South Wales suggest that that system has gone a long way towards restoring public confidence in the administration of justice and the criminal justice system

in New South Wales and promoting consistency and transparency. It is an option the Liberal Party will be considering in its policy process.

One of the most important things about this is that I stood on the steps of Parliament House when there were some 10 000 people protesting about the sentencing regime in this state. That protest was not driven by the Liberal Party, and it certainly was not driven by The Nationals. It was the public expressing its concern. One could hardly but be moved by the cases in recent days: the seven-year-old girl who was digitally raped by a man who got a suspended sentence; the woman who was raped in her own home by somebody who just broke in — he did not know her, but he raped the woman twice — who got a suspended sentence. They are matters of profound concern. It may have been right or it may have been wrong, but the important point here is that the public is losing faith in our criminal justice system as a direct consequence. We need to adopt all possible measures to ensure that confidence is preserved.

I agree with the Leader of The Nationals that the sentencing process is a difficult task, and many would say it is probably the most difficult task that any judge has to undertake. I have had a unique opportunity of seeing it from the other side, having worked with a Supreme Court judge as an associate. I can confirm that the judge I worked for, and also other judges with whom I was involved, because occasionally associates were lent to other judges, appreciated that developing the appropriate outcome was a difficult process. Certainly some judges get it wrong, resulting in appeals to the Court of Appeal with sentences being set aside and greater penalties imposed. Some get it right and some go the other way and impose a massively excessive penalty, which is why there is an appeal process.

This debate is about public confidence, and one mechanism that will promote that is an appropriate outcome. I do not think the government leaning on judges and sending them off to re-education camps is an appropriate outcome. I am a supporter of judicial colleges, but it is a matter of profound concern that Victoria is a standout state in relation to the Judicial College of Victoria but has not thrown its lot in with the National Judicial College of Australia, which is supported by all other states, territories and the commonwealth and is administered by the Australian Institute of Judicial Administration. However, we have our own independent judicial college which will provide a mechanism for educating judges in an appropriate fashion. I do not think the Attorney-General dictating to them is an appropriate outcome.

I refer to the sentencing options that could be available in Victoria. In this state we have a system of some 20 serious offences, ranging from murder to manslaughter, rape and sexual intercourse with a minor, and also including death by arson, armed robbery and extreme crimes of violence. I would like to think that a judge could sentence someone to an indefinite sentence if their offence was considered a serious offence as set out in the Sentencing Act. There are three or four people in this state currently serving indefinite sentences.

The opposition supported the introduction of extended supervision orders, but it has been critical of them because they do not go far enough. However, in dealing with serious sex offences, the government still does not think that rape is a serious enough offence. All of these matters need to be considered.

It is appropriate that the legislature provides some guidance in relation to sentencing. We do it now. We prescribe the rules in relation to what judges can consider or not consider by way of the sentencing regime. We already prescribe maximum penalties in relation to certain offences; we already allow judges to go above those maximum terms in certain circumstances where a serious offence occurs. Where someone is considered a serious violent offender or serious sexual offender there can be top-up sentences. All of these are prescribed by this place. On top of that the common law also prescribes a number of factors overlaying all those matters.

The legislature has always participated in the sentencing process. If there is a crisis in our criminal justice system, the Liberal Party believes, as do I, that it is incumbent upon the legislature to participate in that process, so the ideas propounded by the Leader of The Nationals are worth considering. I call upon the government to consider these in forthcoming months.

It is not about the independence of the judiciary. It is about preserving judicial discretion. Whatever else I have heard the Leader of The Nationals utter, or what I have uttered in relation to sentencing, it is important to preserve judicial discretion to enable those factors to be taken into consideration when mapping out the appropriate outcome. However, where those appropriate outcomes are inconsistent with the community's expectations, as I believe they are with many offences — and that is demonstrated by the headline cases — there is a desperate need to deal with this situation. Just putting judges back to school and saying there is not a problem in relation to our criminal justice system is not the answer.

Ms DUNCAN (Macedon) — I am a little confused after listening to the Leader of The Nationals and the member for Kew. They seem to be saying, both very strongly, that they support judicial discretion absolutely. I think the Leader of The Nationals actually said that anything other than that is an absolute horror to him. Yet in the next breath we talk about standard minimum sentencing. I do not know what standard minimum sentencing is, if it is not mandatory sentencing.

Mr Ryan — I just explained it to you.

Ms DUNCAN — The Leader of The Nationals said he had just explained it, but if I understand the explanation, we want standard minimum sentencing except when the judge does not think a standard minimum sentence should apply. I am not sure how that differs from the current system. Judges look at the facts of the case in every single instance. They make their judgment on the basis on that offence and on the criminal behaviour.

The problem is with this idea of a crisis. We all like to think that things that affect us dearly could be more simple. We heard the Leader of The Nationals talk about how this could be a wonderfully simplified system, yet in the next breath he spoke about the complexities of sentencing and the range of things that are taken into account. We say on the one hand that all of these factors should be taken into account, but on the other hand if public opinion is such that the public thinks there should be certain sentences, then we should mandate judges to impose those sentences. I do not understand how it can be said that we will leave it to the judges except when we do not want to leave it to the judges. If we considered the public outcry we would impose a mandatory sentence!

Judicial officers take evidence very seriously. No case is the same and no sentence is the same as a result. Judicial officers look at the facts and the evidence; they do not look at the court of public opinion or the front pages of the tabloids, but the facts, and they hear all the evidence. Our courts are public places, so you cannot get much more transparent than that. Unfortunately most people, including journalists, do not sit and listen to all the evidence given by witnesses. We read the basic facts in sensational headlines and we can all be shocked at times at what we might read.

However, the court hears the case and the judges make judgments, and they are not easy judgments, which has been acknowledged here this morning. They make those judgments having regard to all the circumstances, giving due consideration to all the relevant facts. They operate under the rule of law and our law values judicial discretion — which the opposition says that it does too, except when it does not. To remove that discretion is to ask us to overturn legal principles we have valued for centuries. We would be asking the judges not to use their brains. We would be asking them to suspend their consideration and to look at all the facts, taking into account all the mitigating circumstances, but then to do as we say and not exercise their judicial discretion.

The sad part about it is that there is no evidence — if only there were — to support the notion that detention or confinement would deter offenders. One only has to look at the United States to see the outcomes of tougher penalties, mandatory sentencing or matrix sentencing — or whatever it is they call it. Do we want to go anywhere near that? Australia has taken a different path in a number of different areas — and thank goodness. We only have to compare the crime rates and incarceration rates in the US with the outcomes and trends in the crime rate in this country to see we are having much greater success in dealing with crime than is the United States, and the evidence suggests it is going in the opposite direction.

The mandating of sentences, or whatever phrase the Leader of The Nationals gives it, is a quantum leap from what we might have at the moment. We have mandatory penalties in some areas. In many parts of the law strict liability applies, but there is no strict liability or absolute liability within the Crimes Act. I can only assume that the Leader of The Nationals is seeking to have it become part of the Crimes Act. While we might have mandatory penalties in some areas of crime, it is a very different matter when you are talking about immediate terms of imprisonment.

The Nationals also talk about consistency of sentencing, claiming that some sort of mandatory minimum sentencing — or, as the Leader of The Nationals calls it, standard minimum sentencing — would somehow create better sentencing. Yet if you look at sentencing across this state and this country, you find there is remarkable consistency. If you are looking at the worst examples of major or violent crimes, the sentences are remarkably similar — very tough sentences are handed out for the most serious of crimes — so I am not sure that mandating minimums would make any changes to that level of consistency. In fact if you look at the law in this state, you find that 99.9 per cent of the people who are found guilty of a serious offence receive immediate periods of imprisonment. If someone is found guilty of murder, they would almost certainly receive an immediate period of imprisonment. In the very small number of

cases in which this might not occur, which we are bound to read about on the front pages of the tabloids, the judiciary would already have stated very clearly to the court why, having regard to all of circumstances, they had given those particular sentences. There would have to be compelling and cogent reasons for that to occur.

The member for Kew cited a couple of examples — again, I presume, straight from the front pages of the *Herald Sun*. He gave the most basic of facts about particular cases where to all of us the penalties would seem to be completely inadequate. He then went on to say, 'They might have been right or they might have been wrong in giving those sentences'. I do not know — and the member for Kew did not indicate — whether or not those cases were appealed. Presumably if the sentences were manifestly unjust they would have been appealed. This is the greatest strength of our system: if a judge gets it wrong, there is an appeals process.

We already have in place a system for looking at each individual case on its merits, and we have given judges the power to look at all the circumstances and to make their judgments accordingly. I agree that there are people who feel quite concerned about what they think is a crisis in sentencing, but when you look at the information they receive you see it is only the basic facts of a case and the actual penalty, with no regard for the circumstances that have been taken into account.

We have seen it again today, with the member for Kew contributing to that fear and the so-called crisis of confidence by giving only the basic information, with no regard for any of the circumstances. In the end we do not know whether the sentences were manifestly correct or incorrect and whether they were appealed or not appealed. He used examples we know nothing about in arguing a case for change. He was absolutely making an argument based on no knowledge.

The member for Kew seemed to be saying that he had read the cases. If we all read the cases and applied to politics generally and to our judicial system the same level of analysis that we apply to our football — that is, the hours and hours of analysis of replays, with all the circumstances involved in the course of play taken into account — I would argue that a lot more people would have a lot more confidence in the judicial system. We hear that that has been done, but I have never, ever seen a straightforward analysis of a case. I think this matter of public importance tries to simplify what is a very complex process.

Mrs POWELL (Shepparton) — I rise to speak in support of the matter of public importance put up by the Leader of The Nationals. I do so because we are responding to community outrage at the problems that are happening in this state as a result of lenient sentences or sentences that are not at the standard the community expects. I will make some comments about the member for Prahran's comments later.

The Nationals believe the law should be amended so that criminals convicted of heinous crimes are jailed for non-parole periods — that is, given minimum sentences. We intend that the Sentencing Advisory Council should be directly involved in setting those minimum sentences, which would in turn be set in legislation. Sentencing judges would still have the discretion to vary minimum sentences, but they would be required to justify their reasons for doing so, and the reasons for varying sentences would have to be set in legislation.

People speaking in this house have raised a number of concerns about the discretion of judges. If minimum sentences are to be set, judges who want to vary them will need to have a set of guidelines on how sentences can be varied, which would make the system a lot more accountable and a lot more open and transparent.

It is our intention that the general community would have input into those deliberations by the Sentencing Advisory Council, as well as victims of crime and the judges themselves. It is important that the whole of our community has input into the standards that are set, especially when we believe that some of the standards set by some judges — not all of them — mean they are making mistakes in some of the sentences they are handing down. At this time the community has very little confidence in the judicial system, believing that many sentences are too lenient.

The Labor government set up the Sentencing Advisory Council in 2004 to research and disseminate information on sentencing matters. It was also set up to gauge public opinion on sentencing and to consult the Attorney-General on sentencing issues. I hope that the council is taking into account the outcry from the community at the moment. A recent poll conducted by *A Current Affair* shows that 98 per cent of respondents thought that judges are out of touch with community standards. The community is also angry at the leniency of sentences and the reasons for that leniency.

One reason for a lenient sentence may be that the offender feels remorse, but of course someone is going to say they are remorseful if they are looking at going to jail. Also there is the issue of prisoners being told that if

they behave well in prison they will be let out of jail earlier. The government has to listen to the community. I know Labor members are saying that this is a witch-hunt and all of those sorts of things and that the justice system is working. The justice system does work, but the sentencing is out of touch with what the community expects.

The Leader of The Nationals has set out the system that we believe should be applied. I would like to speak on more of a personal level. My community started the lobbying for minimum sentences with a petition and with some letters after two local girls from Toolamba were savagely murdered. I take offence at the comments made by the member for Prahran that The Nationals are scaring people into signing petitions. The Nationals started this petition because public opinion was absolutely against what was happening. The murders were just the straw that broke the camel's back. The media response over the last 12 months had shown that sentencing is out of kilter with community expectations.

On 28 January this year Colleen and Laura Irwin were found brutally stabbed to death in the home their parents had bought for them in Altona North. The girls had spoken to their mum and dad earlier that day, and they were very excited because both of them had good news. Colleen, who worked at Ted's Cameras, had just received a promotion, and Laura, who had always wanted to work in television and was working at Channel 10, had finally got a job as a cameraperson.

Alan and Shirley Irwin were woken early in the morning by a police officer, who told them that both their girls were dead. They thought that they had been killed in a car accident. Can you imagine what they went through when they were told that both their girls were killed so that their whole family had been wiped out? The person went to the house, killed one girl, waited for a while and then killed the other girl. A few days later the girls' parents found out that the prime suspect lived next door. His name was William John Watkins, a convicted criminal. He had a 20-year violent history. We do not know all of it, but some of it has been documented in the papers.

In 2000 he was sentenced to a maximum four years and three months jail after pleading guilty to rape — he raped a woman in her own bed — aggravated burglary and theft. Two months later he was sentenced to an additional 12 months jail after pleading guilty to bashing a defenceless, blind invalid pensioner in her own home. He was out of jail in two years, and the family believes it was unsupervised parole. The family wants to know what the judge knew when he arrived at that sentence. We know the judges have the history of the person before them; the family wants to know what that history was and why the judge imposed that sentence.

Ian and I attended the girls' funeral at Toolamba Community Centre with over 500 people. We heard about the lives of the girls. Colleen was 23; she was fun loving, confident and artistic. Laura was 21; she was a bit more serious, but friendly and outgoing. They had their lives ahead of them. I met with the family the next day. Alan and Shirley, the parents, and Hugh and Di McGowan asked us how anybody could allow a man with this sort of convicted criminal past to be out in two years. The parents believed their daughters would still be alive if this man had been given a longer sentence. They wanted to know why he was not monitored and why he was not given enough time in jail to be rehabilitated. But they also wanted to do something positive. They wanted no other family to go through what they were going through.

The petition was brought forward. Again it was not our decision, but the family and the community said they wanted to do something positive. Catherine Macmillan, a Toolamba resident, asked what she could do to help, she felt so strongly about it. There have been over 12 100 signatures; I have presented a further 232 signatures today. This is not just from my community, it is from right across Victoria. I am still collecting signatures because when people see in the paper reports of crimes such as a father bashing a five-year-old child and getting an 18-month suspended sentence it causes outrage in the community that judges are giving out these sorts of sentences.

We want to make sure that families can feel protected and know when their children are going to Melbourne or are in the community that these violent, brutal criminals are put away for an appropriate length of time so that they do time for the crime and can be rehabilitated. It is important that those people are not let out too soon to ensure that they are rehabilitated and do not do it again.

I know people are angry with the judicial system; they feel it is letting families down. I know the Irwin family wants to make sure that nobody else goes through that again; it wants to see the system changed. I have sent a letter to the Sentencing Advisory Council telling it of my community's anger. I also know that Hugh McGowan wrote the Premier a letter in February — I handed it to him personally. The Premier wrote back to him and expressed his deep sympathy, saying that he would send a letter to the Sentencing Advisory Council.

The Premier also believes it is important that sentencing reflect community opinion.

The Sentencing Advisory Council has told me that it will prepare an information paper on mandatory sentencing. But this is not mandatory sentencing; it is minimum sentencing. If a judge wants to vary it, let the judge say why so that people out there know why. The judge is the person who has the criminal history in front of them, not the jury. The jury makes the decision about whether the person is guilty or innocent, but it is the judge who has the history. If judges have the history, why on earth do they let people out early when there can be such tragic circumstances?

The government is tinkering at the edges. It is saying it is going to abolish suspended sentences, but that is going to be in three years. I heard the member for Kew say legislation is still not before us. The Attorney-General now wants to send judges back to school to be retrained. What we are saying is that the system is in crisis and the system is wrong. Judges are getting it wrong and people are dying out on the streets and in their homes because offenders are let out too early or are given sentences that are too lenient. We need to fix the problem.

I ask the government to support minimum sentencing to give the community confidence in our justice system. It works in New South Wales. Ian and I have visited Shirley and Alan many times, and I know they want to make sure that people understand the anger and the devastation of people who are left behind when the system lets them down. I would say to the government, listen to what the community is saying and fix the problem.

Mr HELPER (Ripon) — In my relatively brief experience in this chamber occasionally debates come along that really engage the passion of members opposite and members on this side in productive discussion and debate. As this debate is playing out in this chamber, I believe this is one of them. Certainly the presentation by the member for Shepparton was well considered and one I respect enormously. What I fear, however, is that what goes on in this chamber in discussing the intent of the matter of public importance put forward by the Leader of The Nationals and what happens outside this chamber after the debate are two different things.

The respectful discussion we are having about an incredibly difficult set of issues is quite a positive one, but I fear that the outcome of the discussion may well be portrayed by those, dare I say it, with political motivation as being about minimum sentences and mandatory sentences — lock-them-up-and-throw-away-the-key simplistic interpretations of the circumstances of our legal system. That indeed would be a pity. I look forward to being proven incorrect on that, but I fear I will not be.

To come to the substance of the matter of public importance, it talks about a system of standard minimum sentences. Members of The Nationals and the member for Kew have talked about the crisis in our sentencing system that has brought them to the point of raising this matter of public importance. I am a mere observer of 46 years of the world's history, but during those 46 years — and I am sure for the eons before that — there have always been disputes in the community about whether sentences are too lenient or excessive. It depends on where people sit in their view of the processes of the legal system and the community. It is one of those issues where you are never going to line up everybody in agreement.

The Leader of The Nationals acknowledged the difficulties the judiciary has in arriving at sentencing; the member for Kew echoed that in his presentation. They both acknowledged the difficulty and enormous complexity of the process of arriving at a sentence. If we take this matter of public importance at face value — and as I said before, I have one or two difficulties with that — fundamentally it is about the transparency of the sentencing system. We need a better explanation by the judiciary of how it arrives at its sentences so that there is greater community understanding. Greater community understanding results in a greater level of community acceptance of that sentence.

Frankly, I would have thought that the system proposed by the member for Gippsland South, the Leader of The Nationals, which is similar to the system operating in New South Wales, is not really any more transparent than the current Victorian system of sentencing, or, conversely, that the Victorian system is any less transparent than the New South Wales system. The New South Wales system relies on setting a so-called minimum sentence. Although I had a discussion with the Leader of The Nationals before I got to my feet, I would argue that a minimum sentence is, in effect, merely an indicative middle-of-the-range sentence set out in a table attached to the division of the sentencing procedures legislation, which says, 'Okay, this is the midpoint for the average seriousness of that offence'. If the judiciary wants to impose a greater or lesser sentence than that, it has to justify it.

Those very same mechanisms exist in Victoria anyway. The judiciary has to justify its sentences and explain why, if it imposes a more lenient sentence, it does so, or indeed, if it imposes a heavier sentence, why it has to

do so. Obviously it is the prerogative of the defendant to appeal any sentence that they feel is too excessive — and I am sure that occurs — by testing the reasoning of the original sentence and indeed putting scrutiny on that original sentence. The suggestion that the Victorian judiciary operates in a closet and does not explain its reasons is frankly incorrect. Similarly, of course, if a sentence is considered to be too light, the Crown has the opportunity to appeal that sentence also, ultimately to the Court of Appeal.

If we now try to apply a test on whether the Victorian system is in crisis, I would have thought a way of doing that would be to see whether the Court of Appeal has had an increase in the number of appeals before it. I do not have the statistics in front of me, but I am sure if that were the case, and if there were an enormous increase in the number of appeals going to the Court of Appeal on the basis that sentences were too lenient, opposition speakers so far would have already made the chamber aware of it. Let us just split the difference and say there is no significant increase in the number of appeals to the Court of Appeal. Therefore, I would question whether the so-called crisis is a crisis or whether it is what I suggested before as the normal product of the interaction between the judiciary and the general community and on which, depending on which side of the sentencing argument an individual stands, they disagree with the judiciary.

The poor judiciary — in this case its members are big enough and ugly enough to defend themselves, but let me just jump to their defence and say that they are indeed the meat in the sandwich in terms of sentencing. That is not in any way, shape or form to denigrate the personal circumstances the member for Shepparton spoke about, of the senseless and brutal murder of Laura and Colleen Irwin. I respect that the member for Shepparton feels passionate about that. I think in some way or another we all feel an enormous amount of angst and discomfort when we hear of senseless and particularly violent crime occurring in our community. I am not saying that, but it is debatable whether the window-dressing solution proposed in The National's matter of public importance actually goes to the substance of the issue.

I would argue it does not. Whether you then use this type of measure to simply put up a smoke screen so that the community feels a greater degree of affinity with the sentencing dished out by our judiciary is questionable, and in my case I answer the question in the negative. I do not see this as an appropriate mechanism to simply say to the community, 'Look, everything is hunky-dory'. If there is no substantial change and it is not mandatory sentencing, as the Leader of The Nationals kept telling us, then the judiciary remains capable of varying its sentence from the average sentence that the New South Wales model suggests, just as it obviously can vary it from the maximum sentence that the Victorian law suggests. Any variation requires the judiciary to explain it, whether in New South Wales or in Victoria.

Maybe the substance of the issue is how the judiciary can more effectively communicate those reasons with the general public. I think that would to a large degree satisfy the community anxiety referred to by the member for Shepparton — which is a basic human emotion that all of us feel, and that is certainly beyond politics. But we have to work out a method, or the judiciary needs to work out a method by which it can more clearly communicate the reasons for its — —

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

Mr WALSH (Swan Hill) — The matter of public importance that the Leader of The Nationals has brought forward today is probably the most important matter of public importance (MPI) that I have seen come before this Parliament in the time I have been here. I congratulate the Leader of The Nationals for putting his case so well. It is just a pity the members on the other side did not listen — and I will come their responses later, because I do not believe they actually listened to the case that was put.

I believe it is commonsense, and it is always great to see something of commonsense brought into this place. The issue that has been brought forward in the MPI goes to the core of our responsibility as members of Parliament, representing the people of Victoria in this place. The people of Victoria have a right to expect us, as their representatives in this place, to put in place laws that will protect their health, safety and wellbeing. The citizens of Victoria need to have faith that that will happen. They have to be able to trust the parliamentary system, they have to be able to trust the justice system, and they have to be able to trust that appropriate sentences will be put in place for convicted criminals.

Quite a few people in Victoria — and I think it would be the majority of people in Victoria — believe that the system when it comes to sentencing is failing those community expectations. I refer to the petition presented by the member for Shepparton. As she said, the petition has something like 12 350 signatures on it. Petitions are a great way of understanding the real issues out there in the community. The member for Shepparton has been representing her community very well in bringing their concerns into this place.

Admittedly it was triggered by a particularly horrendous crime that was perpetrated on Laura and Colleen Irwin, but that is typical of the concerns that are out there. It quite often takes something to trigger that sort of response.

It is not only that particular issue that has triggered this matter. In 2004, 10 000 people rallied here at Parliament House to object to the soft sentences for sex offenders, sparked at that time by the wholly suspended 33-month jail sentence given to a chef, David Leslie Sims. That again was an issue that brought to the fore the fact that sentencing was failing us here in Victoria.

The member for Prahran said that we have more police now and that has solved the problem, but there are still concerns within the community, and I quote from the *Herald Sun* of 11 June.

Mr Nardella interjected.

Mr WALSH — Members on the other side of the house are very critical of the *Herald Sun*. That newspaper in some ways reflects community concerns. Just as an aside, the Treasurer is always very happy to bring clippings from the *Herald Sun* into this place when it suits his argument.

To return to what I was saying, the member for Prahran said we have more police on the streets so this is no longer an issue, but the very people who are doing their job — the police — have concerns too. The *Herald Sun* article says that police believe:

> Soft sentencing, early parole and easy bail are causing a crisis of confidence among the Victoria's police.
>
> A wide-ranging survey of Victoria Police members reveals the people who uphold the law are worried that justice is not being done.

The article goes on to say:

> Officers are fed up with repeat offenders winning bail, prisoners reoffending on parole and courts dishing out sentences that … the front line see as too soft.

The member for Prahran might think that putting more police on the streets will solve all the issues, but the very police who are out there enforcing the laws and making sure we have a safe place to live believe the justice system is too soft on sentencing.

The notice paper tells us that the Attorney-General is going to second-read the Victims' Charter Bill later this day, and when the time comes we will see what is in that charter, but people I talk to tell me that what they want as a right is to see justice done. It is my understanding that the one single thing any victim of crime, their families, their friends and others would like to see — and I have been very fortunate in my life not to have been a victim of a serious crime; I have been a victim of people not paying me in business, but apart from that I have not been a victim of serious crime — is the perpetrator getting a suitable punishment for what they have done. That would be the greatest thing any victim of crime would be looking for. We may or may not have some things that are of use in this Victims' Charter Bill, but the thing most people want to see is that perpetrators receive a suitable punishment.

I confess to not being a lawyer, but I have had separation of powers 101 explained to me at length, so I understand these issues. As is set down in the constitution, it is the responsibility of the Parliament of Victoria to make the laws; it is the responsibility of the justice system to enforce them. In those laws maximum sentences are set down for particular crimes, and the proposition put forward by the Leader of The Nationals is a very good balance for putting in place some form of minimum sentence that can be varied at the discretion of the judiciary. However, the judge should have to go through a process to do that and set out the reasons why he is varying that minimum sentence. It comes back to the issue of victims wanting justice. Victims will then know why someone is not necessarily getting the sentence they thought might be imposed.

Members on the other side of the house did not really listen to what the Leader of The Nationals said in putting forward his case, because the member for Prahran said that the system is working well but they are going to send judges back to school. Obviously something is missing. He said that the system is working well, but they are going to introduce legislation that will take away suspended sentences. Obviously the system is not working well, because the government is making some changes as it goes forward. The matter of public importance put forward by the Leader of The Nationals is another step in making the system work substantially better.

I do not want to be frivolous about this issue, but we have heard a lot of mantras from members on the other side of the house about the state of Victoria and what it may or may not be. I put forward another one that they might like to consider: that Victoria is a great place to commit a serious crime, because you will spend very little time inside.

Ms Duncan — That is not true.

Mr WALSH — It is true. The member for Macedon is another who did not listen when the Leader of The Nationals was speaking.

Honourable members interjecting.

Mr WALSH — I take up the interjections from the other side. This issue is not about the death sentence. If the Minister for Health, who is at the table, had actually listened — —

Ms Duncan interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The debate should go through the Chair. The member for Swan Hill has the call, through the Chair.

Mr WALSH — If the minister had actually listened to the case put forward by the Leader of The Nationals, she would know that that is not the issue that is on the table at the moment. This is about making sure that victims of crime in this state have faith in the system and believe justice will be done when a crime is committed against them and that their families believe justice will be done.

I commend the Leader of The Nationals for the matter of public importance he has put forward. It is commonsense. It is great to see something come into this house that would have a practical outcome and be enforceable, and I support it.

Ms NEVILLE (Bellarine) — I am pleased to join the debate on this matter of public importance. There are various models around Australia and around the world that look at either standard minimum or mandatory sentencing. Overall what they do is to seek in some way to limit judicial discretion.

Mandatory or minimum sentencing is not new, and in fact throughout the 18th and 19th centuries it was standard practice, but as our democracy has developed and as common law has developed we have moved away from this approach. We have developed a better understanding of the need to distinguish between the different levels and arms of government. We distinguished the roles so that Parliament itself was not the prosecutor, the judge and the jury. We established Parliament's role as setting the broad parameters and framework of the criminal justice system and acknowledged the role of the judiciary in examining offences to look at all relevant circumstances and determine sentences.

We have heard a number of opposition members talk about public calls for tougher sentences, judges being out of touch and people getting off too lightly in this state. I am not surprised by those claims. We regularly see the media reporting selectively on criminal justice cases. They pick a few of the many cases that go through our courts each year and they highlight a few where sentences do not seem to reflect community values. But they do not follow up on whether there have been appeals and reviews of the original sentences that were handed down. Further, when you ask simple questions of the community, such as, are courts soft on criminals, it is not surprising that people say yes. It is not surprising that people sign petitions of that nature. However, the evidence is clear. The evidence that has been gathered and the reports that have been done suggest that when you ask people to consider a case and its circumstances, and give them options in relation to the penalties that are available, the less punitive they are.

It was interesting listening to the member for Swan Hill earlier speaking about what victims want. What victims say is not that they are wanting some sort of punitive response. That is not what they are concerned about in terms of the current system. They talk about the need to be kept in the loop, to be treated with respect within the system and to be part of the process. It is not about the sentencing. The sentencing itself does not — —

Mr Ryan interjected.

Ms NEVILLE — No, this is the evidence. The severity of the sentence does not necessarily make that victim feel better about it. It is about how they have been involved in the overall system and the way in which their views and the consequences for them have been taken into account. That is where the charter of victims rights has come from; it is a reflection of what victims have been talking about in terms of the changes they would like to see within the system.

Moving back to the issue of public opinion, certainly the research that has been undertaken shows that the more information provided to those who are surveyed, the less punitive they are. This reflects very closely the complexity of individual crimes: not one crime is the same as another. When the community is provided with that information you see the complexity of public opinion, and it is not just 80 per cent of people saying that judges are soft on crime.

It is easy to talk about inconsistency in sentencing and to say that we are soft on crime. It is easy to talk about some sort of crisis in the criminal justice system or lack of transparency in sentencing. Unfortunately more and more the issue of sentencing has become a political issue. It is very disturbing that it is about who can win the most votes based on convincing people in our community that we have a huge increase in crime, that we should be very fearful, that judges are too soft and you need someone who is going to be tough on crime. Rather than members of Parliament talking about crime

prevention and rehabilitation, we take the easy way out and focus only on sentencing.

It is of concern that there is such a difference between community perceptions of the level of crime and the reality. The reality is that the crime rate in this state continues to decline — for example, we have safer communities now than we did 10 years ago, yet the community continues to feel that we live in a less safe place. Why? Part of that is because of the media. We have 24-hour media coverage now. Journalists are filling the pages of their papers, and crime is regularly but selectively reported. Also, crime has become a political issue, and that is concerning for this Parliament. It means that we seek to make it a political issue in order to win votes rather than to look at ways in which we can continue to ensure that we have a safe community and that we focus on prevention rather than just on punishment.

That is not to say that public opinion does not matter. We need to be sensitive to the views of the community and continue to look at ways in which we can improve our justice system and improve the confidence of the community in our justice system. But that also does not mean that the public, nor we as parliamentarians, know best when we do not have the opportunity to hear all the details and circumstances of a case.

Earlier the member for Ripon spoke about the issue of transparency and that that goes to some of the issues raised in this matter of public importance. Obviously no-one would argue against the need to ensure our system is transparent — I am sure that would continue to build public confidence — but the reality is that judges are transparent in their decisions. They outline the reasons for which they make either a guilty or a not guilty judgment and the basis of their decisions about sentencing. Anyone who reads any case law, and having done a law degree I have read way too many cases — —

An honourable member interjected.

Ms NEVILLE — They are very detailed cases. It is clear that judges always take the time to explain and outline their decisions.

The reality is that the papers do not report that. The reality is that day to day none of us read those cases — we do not go to the courts, we do not read the judgments of those cases — so we need to look at ways in which we can better explain and have dialogue with the community about sentencing, about where resources are put and about the nature of crime in our community. That is not solved by some easy political vote-gaining strategy of saying we are tough on crime.

The proposal put forward by The Nationals — the New South Wales model — is in my view saying that we are tough on crime, but in reality it does not change anything. The evidence in New South Wales is that the sentencing outcomes are no different now than they were prior to this legislation being introduced in New South Wales. I am concerned that The Nationals have picked this up and said, 'Here is a way for us to distinguish ourselves; we will say we are being tough on crime and we are tougher than the Bracks government on crime'. In reality it is talking about a model that continues judicial discretion and has seen no real outcomes or changes in the nature of sentencing.

So where should we be putting our energies? Certainly some of the things the government is investing in are important. Policing is important, because having police on the ground is about not just catching criminals but working in communities, identifying areas of risk and putting in strategies to prevent crime. We are investing in mental health services because we know that people with mental illness are over-represented in the criminal justice system. We are investing in drug rehabilitation because we know a lot of people in our prison system are there for drug-related crimes. That is where we should be investing money. Youth employment programs are very important. Anyone who works in the juvenile justice system can clearly pick up those young people who are at risk and who are likely to re-enter our system over and over again. Let us invest our money in that. Experience in the Northern Territory and Western Australia has shown that the prison population continues to increase with mandatory sentencing, the cost goes up and there is no reduction in crime or recidivism.

Mr WELLS (Scoresby) — I rise to join the debate on the matter of public importance (MPI) put forward by the member for Gippsland South and Leader of The Nationals introducing a system of standard minimum sentencing modelled on the system introduced by the New South Wales Labor government in 2002.

I think the MPI is very important because the community is becoming increasingly fed up with soft sentencing and judges who are out of touch with community expectations. I suspect that the polling the Bracks government is doing at the moment is showing that it has a problem with law and order, because all of a sudden over the last month or so there has been a rush to give the impression that safety is a very important issue in Victoria. The government is going to abolish suspended sentences, it is educating judges, it is

bringing in a victims of crime charter and, through extended supervision orders, it is going to be tougher on paedophiles.

But the fact remains that under the Bracks government violent crime has increased. Most of the backbenchers who have stood up have claimed that crime in this state has gone down over the past seven years. But the police figures are now very clear. The backbenchers are technically correct in that their bicycles are now safe and car thefts have been reduced somewhat. But the reality is that when the coalition left government in 1999 there were 26 001 victims of crimes against the person. The latest figures show that there were 32 932 victims of crimes against the person for the year ended 30 June 2005. So there were 7000 more victims of crime in this state in 2004–05 than there were before the Bracks government came to power.

Let us look at the rates of crime. From 1999 to 2005 there was a 21 per cent increase in homicide, an 18 per cent increase in rape, a 41.6 per cent increase in assaults and a 30 per cent increase in abductions and kidnappings. So there has been an overall increase of 23 per cent in violent crime against the person. The government has been very clever in manipulating the backbench to get a message out to the community saying that figures show that crime has been reduced, but in fact violence in this community continues to increase under the Bracks government.

This has been mentioned by the member for Shepparton, but if you look at actual cases you can understand why there is such outrage in the community and why people want something done in regard to sentencing. Look at the case of Damien Paul Ripper. He had 349 previous convictions, and the damage he did to his son, whom the newspapers called Brandon, was horrendous. Yet Judge Fred Davey gave him an 18-month sentence, which is one-tenth of the maximum sentence of 15 years allowed by law for that offence.

One would have thought that if it had been a first or a second offence there could have been some leniency in regard to sentencing, although even that would have been hard to swallow, but this man had 349 previous convictions, including 13 breaches of suspended sentences and community-based orders. Not only is he a thug, but he is a prisoner who cannot be trusted. He has been given more chances than he deserves, and as he has 13 breaches of suspended sentences one has to ask, 'Why would you give this person any more suspended sentences? Why would you give him a light sentence?'. People like him need to be punished.

The young boy in his care had 35 areas of injury on his head, arms, chest, abdomen, back and legs. His injuries included a fractured jaw, a healing fracture of one rib and possible bite marks on his left and right cheeks. The director of the Australian Childhood Foundation, Dr Joe Tucci, said yesterday that the sentence sent an appalling message. He went on to say:

> It's way out of step with community attitudes … It's an appalling outcome in relation to how much pain that child suffered and the torture he will continue to suffer as a result of the trauma he's gone through.

When police arrived to investigate this case, the poor little kid was so scared he was hunched over and struggling to walk. He was too frightened to give any evidence against his father for fear of repeat attacks.

We have also had the case of William John Watkins. He received a maximum term of four years and three months with a two-year minimum after breaking into a home and raping a woman in May 2000. He was later convicted by exactly the same judge for an assault on a blind invalid pensioner in her own home in 1998. He bashed the blind woman so severely that she spent 10 days in hospital. Do members know what extra sentence he received? It was bad enough that he only received four years and three months with a two-year minimum for breaking into a home and raping a woman but when he came before the same judge for bashing a blind woman so severely that she ended up in hospital for 10 days this thug received only an extra 12 months.

The Bracks government continues to try to argue that judges should be left alone to dish out penalties as they see fit. The theory is fantastic but the practicalities are quite different. When they hear of this extra 12 months people just shake their heads in disbelief. That is why we have a problem with confidence in the legal system.

Members will remember William John Watkins, because in January of this year he was linked to the rape and murder of sisters Colleen and Laura Irwin before he was shot by a police officer in Western Australia. Reading these sorts of cases brings more and more concern to the fore. There was soft sentencing in the case of William John Watkins. He committed an offence and another offence and received soft sentence after soft sentence. He was released back into the community and committed the ultimate crime with the alleged murder of two sisters. We question the Labor government and its views when it comes to dealing with sentences for these sorts of people.

The other case I would like to refer to is that of David Leslie Sims. He raped a woman inside her home and

the judge handed down a suspended sentence. We question the message this sends to the general community. People say he received a suspended sentence so he is being punished. However, the fact is he can live in his own home. The fact is he can continue to work. The fact is he can do whatever he likes lawfully. The woman he raped will live with this every single day for the rest of her life.

The Liberal Party is committed to setting minimum sentences. We are very committed to this in the area of violent crimes. We believe this has to be done because we need to send a clear message and we need to build up confidence in the community that if a crime is committed and if it is a violent crime, the judge will be bound to consider the minimum sentence. I believe that will restore an enormous amount of confidence in the judicial system.

The Liberal Party is committed to this. We have looked at the New South Wales model that has been put forward by The Nationals. We think it is a good idea to have a non-parole standard for murder where the victim is a police officer and to have non-parole standards for sexual assault, aggravated sexual assault and other offences. We call on the Bracks government to carefully consider what The Nationals have put forward and what the Liberal Party is putting forward. The community is fed up with soft sentencing. We are fed up with judges who are out of touch with community expectations.

Mr NARDELLA (Melton) — I rise today to oppose the matter of public importance before the Chair, which is all about trying to make The Nationals relevant to this debate. When they were last in office The Nationals, with their mates in the Liberal Party, decimated the police force, decimated the court systems and closed courts in regional Victoria. The crime rate in Victoria went through the roof in the seven long, dark years of the Kennett government.

In putting this matter before the house today The Nationals have demonstrated without a shadow of a doubt that they cannot be trusted in regard to law and order. They cannot be trusted in regard to sentencing. They cannot be trusted in regard to looking after the people of Victoria. That is the long and the short of it. The Nationals have shown through this matter that they are not worthy to stand here today and ask for mandatory sentencing. That is what they are doing — they are asking for mandatory sentencing.

Mr Wells interjected.

Mr NARDELLA — I will come to the honourable member for Scoresby in a moment.

Standard minimum sentencing is mandatory sentencing. Mandatory sentencing means there is no judicial discretion when it comes to sentencing. Regardless of what happens in the court, regardless of the case that is put and regardless of the circumstances — and every circumstance is different in the court system — once guilt has been determined the judge has to implement that minimum sentencing.

It is even worse in the case of the Liberal Party. We just heard from the honourable member for Scoresby, who has just walked out. The honourable member for Scoresby enunciated the Liberal Party's policy, which is mandatory sentencing. He said to this house not 4 minutes ago that if you kill a police officer, there should be a mandatory non-parole period and that if you commit other heinous crimes, there should be a mandatory non-parole period in your sentence.

My view, and the government's view, is that those decisions should appropriately be made by the judge. The judge should have discretion after hearing all of the evidence. We have had honourable members on the other side go through case after case of situations they found unpalatable. However, they did not say to the house that in all of those cases a judge had sat and heard the evidence. In many of those cases juries sat and heard the evidence and made determinations for the court to implement. The judges take into consideration what has been said within the court proceedings and then use that information to impose a sentence. Who are we to stand here today and say that instead of their having discretion, having listened to the case and having gone through the processes to provide a fair hearing, we should be taking the law into our own hands, that we should take away that discretion?

The Nationals, and the Liberal Party following The Nationals, believe they have a greater understanding of these issues than a judge and the court system. The Liberal and National parties believe in popularism and believe that policies that have not worked here in Australia or overseas should be implemented. The greatest proponent of this type of policy is the United States of America. I have been to the United States of America and I can tell the house that it is not safe. Even with the mandatory sentences, even with the non-parole periods, even with putting away people with three strikes and you are out, even after jailing them for long periods of time, you do not want to be walking the streets late at night in some of those boroughs and places in the United States.

Here we have the Liberal Party and The Nationals peddling the United States model. They are peddling the Northern Territory model where the incarceration rate, especially among indigenous people, is way above the national average. In Western Australia the burglaries which were supposed to have been stopped through mandatory sentencing have not been stopped.

In the United States of America the next stage in this is the call for the death penalty. It is not good enough that we put people away for life, and it is not good enough that we put away people without a parole period; we should be hanging them, we should be killing them and there should be state-sanctioned murder. That is the next stage in their incorrect call for tougher sentencing. This call for tougher sentencing is insatiable. There are grubs out there like Steve Medcraft and others, and people within the Liberal Party, who will never stop until they get the death penalty. You only have to scratch a bit of the surface to understand where this is going.

The Nationals have a real problem with this, because they are trying to make themselves relevant and retain the white cars and their party status. But apart from that, what we should be talking about is how to break the cycle of criminality. How do we break the cycle of violence? What are the things we do as a society and as a government to make sure that people are not in a position where their only option is going out and undertaking criminal activities or where their only option is violence — for example, in a domestic context? This is taken seriously by the police.

The police commissioner, Christine Nixon, is doing a fantastic job in trying to make sure that those cycles of violence are broken. You only have to read today's *Age* to understand what that means. That is what the debate should be about: how do we protect people? Yes, there are instances where people should be locked up for life, where they should not be allowed out or should be supervised for the rest of their lives, but those instances have to be balanced out. Judges are absolutely critical in determining the best courses of action to make our society and our community safer.

As a government we are making the community safer. We have put more police out in the community to deal with these situations — 1400 in six and a half years. Compare that to the policy of The Nationals, which sponsored this debate before the house today. They promised, when they were in office with their mates in the Liberal Party, to increase the number of police by 1000, and then they went out of their way not only to close police stations but to cut 800 police on the beat. That is their record. That is not how you make society safer. The government is about making sure that we have the tools to reduce the recidivism rate, we have the ability to give police and the courts the support they need to be able to deal with these situations and we provide the policies to break the cycle of crime.

The Nationals and the Liberal Party have not necessarily criticised the government because of its activity — I could go through that if I had more time — what they are doing is criticising the judicial system and the judges. They are never going to be in that position, and they have no idea of what judges need to go through in making their determinations in court cases. I challenge the honourable members on the other side of the house to talk to some of the judges and gain an understanding of the decisions they make. That is why the proposal put forward in this matter of public importance is wrong.

Mr MAUGHAN (Rodney) — We have heard the usual diatribe against The Nationals from the member for Melton. Once again he has his facts wrong, wrong and wrong again. He is equating this proposal to mandatory sentencing. When putting this proposition before the house the Leader of The Nationals very clearly explained that it is not mandatory sentencing, it is minimum sentencing. If the government wants any confirmation of that, it should look to its colleagues in New South Wales, who have adopted this system. It works okay in New South Wales. It is supported by the New South Wales Labor Party, and I do not understand why members of the Labor Party here are railing against the very sensible, commonsense proposal that has been put by the Leader of The Nationals.

The member for Melton says we should talk to judges. For heaven's sake, the Leader of The Nationals was at the bar for 20 years: he talks to judges regularly! Most of us have spoken to judges about this issue. I wonder how often the member for Melton actually discusses this issue with judges. To suggest that there is not a problem is simply flying in the face of reality. The government acknowledges that it has a problem; otherwise, why would the Attorney-General of this state want to send judges back to class for further education? Why would he be talking about being tough on paedophiles? Why would he be talking about a victims of crimes charter? It is because the government acknowledges that there is a crisis in confidence out there in the public as far as sentencing is concerned and it really wants to do something about it.

I want to get on to the principles of this debate, because I think it is important to put forward a few general principles to start with. I have a number of them. The first one is that the public must have confidence in the

judicial system. The second one is that judicial discretion is absolutely fundamental to our system of justice. The Leader of The Nationals spelt that out very clearly in his contribution to the debate this morning. The third principle is that the Parliament and individual MPs must listen and respond to the concerns of their constituents. I commend the member for Shepparton for listening very carefully to the concerns of her constituents, which were expressed very clearly in a petition with 12 000 signatures. We Nationals listen and we respond, and we respond in a positive way.

The fourth principle is that the public has shown very clearly that it is losing faith in our criminal justice system because of what it perceives to be lenient sentencing. The next principle I would put forward is that judges, like all of us, are human and have their own ethics and their own biases, and they sometimes get it wrong. There have been arguments from the other side of the house saying that the appeals system sorts that out and that, generally speaking, it does a good job in sorting out any clear aberrations in the criminal justice system. The fact is that the public has a distinct lack of confidence in the current system, and there is a crisis.

The Leader of The Nationals, in speaking on his very sensible matter of public importance before the house today, talked about consistency and transparency in sentencing and fostering greater community understanding. That is certainly something we need to do. Members on the other side have referred to the lack of understanding of the sentencing process. I agree with that. I think it was the member for Macedon who quite rightly pointed out that members of the public analyse sporting events and sporting moves in much greater detail than they do sentencing. How we overcome that is beyond the debate today, but it is a very important factor.

We can argue that the media has some responsibility to better explain some sentencing decisions, but the reality is that members of the public are not reading those sentencing decisions or analysing them in the same detail as they do sporting and other events in our community. For whatever reason there is a lack of community understanding and a lack of confidence in the sentencing process.

The proposal put forward by the Leader of The Nationals today is to introduce standard minimum sentencing modelled upon that used in New South Wales. I simply refer those members on the other side of the house who have been critical of the proposal to their colleagues in New South Wales, and recommend they look at how it is working in that place.

The member for Macedon in her contribution equated minimum sentencing with mandatory sentencing, as have many members on the other side. She suggested that we in The Nationals are taking a quantum leap, arguing that we have an appeal process which usually gets it right. Yes, it does usually get it right, but the public is still concerned about the leniency, as they see it, of many of the sentences that are handed down. There is a crisis of confidence out there in the community.

We, the public, determine what we want to read in our newspapers, what we want to watch on our television screens and what we discuss at the local pub. I am not one to blame the media for that lack of information. We, the public — and that is all of us — need to have more objective reporting of the sentences handed down by our courts. I agree with the member for Macedon on that point. It would be great if the community analysed those sentencing options more than it does, but the reality is that the public does not do that, and this needs to be addressed, as I have already indicated.

This issue was addressed in a commendable way by the member for Shepparton. There was widespread community concern with what was correctly perceived as a very weak sentencing option in the past which allowed a violent criminal to be released to the community with disastrous consequences. There was concern; the member for Shepparton listened to her community and she acted. Today The Nationals have come up with a proposal to overcome some of those concerns.

We have not heard any members today defending the judge's decision in the case referred to by the member for Shepparton. We are hearing that sentencing is fine so why do we need to change it, but not a single member of the government today has been able to stand and defend or articulate the reason for the judge's decision in that case. As a member of the public who probably reads more than most, I have not read a reasonable explanation for that violent criminal being allowed out, with horrific consequences not only for the two victims but also for the family and community concerned. Why was a person with such a violent criminal background released after only two years, leading to the loss of the lives of two lovely girls, Laura and Colleen Irwin, from the Shepparton area? Sentencing should reflect community opinion.

The minimum sentencing proposal by the Leader of The Nationals is very sensible. It is based on the New South Wales model which allows for the judge to vary sentences up or down, but needs to take into account principles that are very clearly explained in the New

South Wales act. I will go through a few of those in terms of mitigation and aggravation.

Aggravating factors must be taken into account when determining an appropriate sentence for an offence — for example, that the victim was a police officer or other person of authority; the offence involved an actual threat or use of violence; the offender had a record of previous convictions; the offence was committed in company or involved gratuitous cruelty. Mitigating factors include offences where the injury, emotional harm, loss or damage caused is not substantial and where the offender was provoked, was acting under duress, does not have a record, was a person of good character, has prospects of rehabilitation, has shown remorse or has assisted law enforcement officers. The proposal is modelled on the New South Wales legislation. I could quote from the New South Wales Attorney-General's speech when he introduced the legislation, pointing out that it was not mandatory sentencing but gave the judge discretion. The judge then had to give reasons for his decision and explain it to the general public.

This is a very important matter of public importance. I commend the Leader of The Nationals for putting forward a commonsense approach to a problem that concerns the community, and I hope that the public adopts the principle that has been articulated today.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget outcomes 2004–05

Ms ASHER (Brighton) — I would like to make a few comments on the Public Accounts and Estimates Committee (PAEC) report on the 2004–05 budget outcomes. I have finally exhausted the estimates and I will move on to the outcomes, even though this report was tabled some time ago.

I will look particularly at the performance of the Department of Innovation, Industry and Regional Development (DIIRD) in its foray into major projects. The committee has reported in particular on the Australian Synchrotron project and the Docklands film and television studios. It is interesting that in an attempt to try to get some major projects up the Minister for State and Regional Development has decided that he will move into this area and get his two pet projects up — that is, the synchrotron, which is not quite up yet, and the Docklands film and television studios.

Mr Nardella — They are building it.

Ms ASHER — They are building it. I turn first to the Australian Synchrotron, which is late and $57 million over budget. The Public Accounts and Estimates Committee refers to the funding of beamlines. I also note that funding of beamlines is short of its target. Clearly this Labor-dominated committee is well aware of this and has discussed this material at page 270 of the report. Recommendation 59 states:

> The Department of Innovation, Industry and Regional Development set targets for the attraction of further investment in beamlines and on the usage of the facility and publicly report on the degree to which these targets have been met.

The committee has picked up something that the opposition picked up some time ago. The minister keeps saying that the beamlines will be funded, but he has dropped his previous targets because the beamlines are still not funded. Again I think that is a very useful recommendation from the Public Accounts and Estimates Committee.

I now move on to the comments on page 271 of the report on the Docklands film and television studios, where there is far more fertile ground for commentary. That is a project that was late and over budget and even had a mock opening with a power generator before the electricity was turned on. Finally we have a confession in the response of the Department of Innovation, Industry and Regional Development to the committee's 2004–05 budget outcomes questionnaire, and it sits with what the opposition has been saying all along. I quote from page 271:

> In relation to the Docklands film and television studios, the department has advised the committee that the market for attracting productions is more difficult than several years ago.

It is more difficult because the original estimates were pie in the sky from the Minister for State and Regional Development as he tried to move in to get some pet projects going. I note further that the committee advises that:

> To allow for the expansion of the studios, the Victorian government has signed new contracts with MCCS.

These contracts were referred to in DIIRD's annual report last year, and the department advised the committee that:

> The Victorian government is supporting the expansion by helping MCCS secure finance for the project through a tripartite agreement with a bank.

The PAEC, again dominated by Labor Party members, went on to say:

> The department further advised that the state has in effect become guarantor for the new bank loan.

That is reflected in the annual reports. We are now seeing evidence that in my opinion shows that the original estimates were overstated. The PAEC has been advised that the market has become more difficult, but I suspect that the market is exactly the same and that the projections were overstated. Yet the department is still risking taxpayers money in relation to this venture. The committee proposed in recommendation 60 that:

> The Auditor-General conduct a review of the new contract arrangements covering the upgrade of the Docklands film and television studios to determine if they represent good value to the state and whether any additional risks have been adequately addressed.

We have seen the committee advise in its previous report that the Auditor-General should audit the regional fast rail project. What does this tell you? This is a committee, with Labor members dominant, that is still talking about whether these contracts represent good value for Victoria. I commend the committee for its work.

Road Safety Committee: country road toll

Dr HARKNESS (Frankston) — It gives me great pleasure to rise to talk about the Road Safety Committee report on the country road toll, which is an excellent report. I would like to commend the member for Geelong for his fantastic chairmanship, as well as the other members and staff of the committee, both past and present. Over the last three years Victoria has recorded low road tolls, and this is in large part due to the important road safety initiatives that have been both recommended by the committee over a succession of years and implemented by the Bracks government, which takes this issue very seriously. Every life lost on Victorian roads is one life too many.

Road safety initiatives generally fall into one of three categories: enforcement, education and engineering. I want to talk about some of the enforcement initiatives which have been picked up by the committee in this particular report and which are being implemented by the government. It is fundamentally important to encourage drivers and other road users to modify and correct their behaviour. This can be achieved through education campaigns such as the highly successful Transport Accident Commission advertisements or through increased and enhanced enforcement measures.

That is why I am particularly pleased that in the recent budget the government has allocated $702 million to various road safety improvement programs which will help to both reduce injuries and save the lives of many Victorians. Victoria Police's ability to drug test motorists, maintain the reliability and accuracy of traffic cameras and continue the state's highly successful speed reduction program will be enhanced.

This increased expenditure builds on the government's work over the past six years to drive down the road toll and make our roads even safer for Victorian families. Equally important in reducing the road toll in both metropolitan Melbourne and throughout country Victoria is improving the quality of our road network. I look forward to seeing details of the forthcoming $526 million next generation Arrive Alive road safety strategy to reduce the number and severity of road crashes. The government has spent more than $500 million targeting accident black spot sites and has a strong commitment to road safety that will be further built upon from 2007 onwards with the next generation Arrive Alive strategy.

The Road Safety Committee, in its inquiry into the country road toll, identified a series of countermeasures to address the deadly issues of speed, fatigue, alcohol and drugs. So the government has allocated funding to purchase an additional drug-testing police bus and give drug-testing capability to seven existing booze buses; to fit out 100 traffic patrol cars with in-car video systems; to continue the testing and maintenance of digital road safety cameras, including extra levels of verification; and to provide funding to cover the costs associated with the seizure and the empowerment of vehicles as part of the new hoon laws, which will soon take effect.

Black spot projects are a highly cost-effective way of reducing deaths and injuries on our roads. In the adjournment debate last night I spoke about three black spots in Frankston for which funding has been announced, and I am pleased that work on those projects will commence and finish next year. I am particularly pleased about the funding of $542 000 for work on the intersection of Cranbourne Road and Beach Street, Frankston, which is heavily used by motorists and pedestrians alike. It is directly opposite the Frankston RSL and is used by a lot of diggers, and it is also near primary schools and shops, so the installation of traffic lights at the corner will be particularly welcome.

Anyone driving down the Frankston Freeway in recent weeks will have seen a lot of work being done as part of a $6 million program to install safety barriers and remove the thick 30-year-old vegetation along the freeway which contributes to both the incidence and severity of run-off-the-road crashes. This strong investment in road safety infrastructure, including barriers along the heavily used arterial roads and

freeways, will pay big dividends for the Frankston community. I look forward to continuing to stand up for road safety projects in the Frankston electorate.

Drugs and Crime Prevention Committee: strategies to reduce harmful alcohol consumption

Mr WELLS (Scoresby) — I rise to speak about the report of the Drugs and Crime Prevention Committee, of which I am a member, on strategies to reduce harmful alcohol consumption. One of the issues the committee looked at was the availability of alcohol in a number of countries around the world. There are obviously different views on how the serving of alcohol should be dealt with.

For example, in Mediterranean areas there is a view that if you allow children at a younger age to have wine with their meals they will be more able to handle alcohol later on in life. There is also a view that regardless of the length of time hotels and clubs are open, people drink the same amount but over longer periods of time. However, I am sure that the research shows something quite different — that is, that the longer nightclubs and hotels are open, the more people will drink. There is the notion that people go to such places and instead of having four pots over 4 hours, they might have eight pots over 8 hours, or a similar figure.

I want to draw the attention of the house to the situation in Sweden, which has a reputation for having a responsible alcohol policy. Alcohol can only be sold in government shops. Sweden believes that is a good way to control the amount of alcohol consumed. It says that having stricter controls over who it is able to sell to gives it greater control over people who try to buy alcohol at a younger age. But of course now that Sweden is part of the European Union (EU) it is having trouble inasmuch as the European Union's rules and regulations override existing Swedish rules and regulations. The system is in the hands of the health department, because the Swedish believe that is the most responsible way to go. Now that Sweden has joined the EU there is going to be some liberalisation of the alcohol trade between Sweden and other countries, so there will need to be a revamp of that policy.

In January 1997 Sweden implemented a sharp reduction in the tax on beer. The decision to reduce the tax was prompted by the fact that a number of Swedish people were catching ferries over to Finland and Denmark. The problem was that sales in government stores were falling, which meant that the government was losing an enormous amount of tax. The government reduced the amount of tax to make it less attractive for people to go to Denmark or Finland to buy alcohol. The problem was that some Swedes were prepared to travel for up to 5 or 6 hours to be able to buy alcohol cheaper in Denmark or Finland. The interesting thing is that in the southern part of Sweden, where alcohol is freely available, the problem of alcoholism is significant compared to the northern part of the country. It is a fact that the more alcohol is available, the more health problems it can lead to, especially alcoholism.

We spoke with Dr Hakan Leifman, who has studied this area. He told us that the effects of freeing up the markets and import quotas had meant that the consumption of alcohol had risen dramatically in Sweden, and that when the pressure from the EU starts to take more of a hold there will no longer be any quotas on the amount of alcohol being brought back into Sweden. There will be the same tax rates and tariffs right around the EU, so there will not be that advantage and there will be less strict control. The Swedish experts put this disappointing point to our committee — that is, the fact that they will no longer be able to control the sale and consumption of alcohol in Sweden because it is now part of the EU.

It has been an interesting inquiry, and I think the committee has done an excellent job in putting its report to the Parliament.

Economic Development Committee: thoroughbred breeding industry

Mr ROBINSON (Mitcham) — I want to make a few brief comments on the Economic Development Committee's recent report and ongoing work on its inquiry into the viability of the thoroughbred and standardbred breeding industries in Victoria. It has been a very productive inquiry, which has resulted in one report being tabled in this place with one still to come.

The breeding business is a very big business, although the scale of the industry is not widely appreciated. Essentially, the role of the industry is to produce the necessary numbers of horses to fill race programs across the country. Those race programs in turn act as the very real generators of economic activity, both through substantial wagering and the employment effects of race meetings.

In order to produce approximately 15 000 racehorses per year across Australia, the industry necessarily needs to have hundreds of millions of dollars invested per annum. Whilst stallion service fees are the most obvious external indicator of the health of the industry,

investment takes other forms, including broodmare agistment, foal care, veterinary bills, feed supplies, staff wages, land management and land improvement. The multiplier effects of the thoroughbred and standardbred breeding industries are quite extraordinary, particularly in regional Victoria. The member for Lowan is a member of the Economic Development Committee and has been involved in the deliberations of the committee on this particular subject, and I know that he would agree wholeheartedly as to the significance and the value of the industry in regional Victoria.

The committee estimates that approximately $200 million per annum is expended upon stallion service fees. Today in Australia the state of play is that most of that is directed to stallions based in the Hunter Valley in New South Wales. In fact about two-thirds to three-quarters of that sum each spring is directed to that part of the Australia. From Victoria there is a very considerable leakage of investment by broodmare owners into the Hunter Valley. In the course of the inquiry Thoroughbred Breeders Victoria estimated that each year approximately $20 million is paid by Victorian broodmare owners to Hunter Valley studs. That represents a loss of investment from Victoria to stallions, which are owned and based interstate, and the economic activity that those service fees generate accrues to the Hunter Valley and to New South Wales rather than to Victoria.

Unlike other livestock industries, horse reproduction is particularly fickle. It is not like livestock industries that seek to produce a homogenous product for consumption. Horses can be produced readily enough, but producing fast horses is a very challenging exercise. In fact owning fast horses and backing fast horses is equally as challenging, but it results in a situation where there is a high wastage rate. As a rule of thumb it has been widely understood in the industry that in order to produce 100 racehorses of sufficient quality to compete, certainly at city level, you would some three years beforehand need to have about 250 mares served. It represents quite a wastage rate, but that is the nature of the industry.

The committee's recommendations have been well received, and in particular the recommendation that a new entity be established to be funded largely by the industry, which would have as one of its roles to undertake a continuous thoroughbred promotional and marketing campaign for the Victorian industry. I want to commend the work of Racing Victoria Ltd over the past year. It has undertaken a number of efforts to support breeders, which is very welcome. In this sense the committee's work on this inquiry has acted as a catalyst, and that is a good thing. It is similar to the way the industry's role worked out in relation to labour hire and the role of WorkCover.

Education and Training Committee: promotion of mathematics and science education

Mr DELAHUNTY (Lowan) — I rise to speak on the report of the Education and Training Committee's inquiry into the promotion of mathematics and science education, which was released in March. I note that the member for Eltham, who is the chair of the committee, is also in the chamber. I have had the honour and privilege of looking through this report, and I congratulate the committee members on their great work. I also thank the committee's staff on their work. There is an enormous number of tables and a large amount of reference material in the report. I congratulate Karen Ellingford, Andrew Butler and Eva Tench. I know that staff play an important role on any committee, and this is a good report.

I want to talk about some of the issues raised in this report. I want to quote from the chair's foreword. It states:

> The economic prosperity of Victoria and Australia is highly dependent on our ability to develop scientists who can compete globally. Of equal importance is the need for Victoria to be mathematically and scientifically literate … Mathematics and science education must also be relevant to students' lives, promote deep conceptual understanding and embrace investigative inquiry and problem solving.

Before I get too far into this, I must declare that I have three daughters-in-law who are in the education field. My oldest son is married to Timi, who is a secondary education teacher; my second son is married to Adele, who is a preschool/kindergarten teacher; and Heather, who is married to my youngest son, is a primary school teacher. I have some interest in the education system.

Education and training is vital for the development of western Victoria. I have many schools in my electorate — well over 50. I have many preschools as well. It would be interesting to hear the debate in the other chamber in relation to preschools because we are keen for them to be moved to the Department of Education and Training. In the Lowan electorate I have TAFEs and universities. RMIT University is in Hamilton, there is the Ballarat University campus at Horsham, and Workco has taken over Longerenong College, which used to be run by the University of Melbourne. In western Victoria we are reasonably well serviced by facilities. It is important that we have courses run that are suitable for us in country Victoria.

The second page of the chair's foreword talks about the importance of science and research facilities in

Victoria. He mentions the synchrotron. I was very disappointed that the report did not mention the fact that we have great facilities in western Victoria, whether it be the Pastoral and Veterinary Institute at Hamilton, which does a lot of work with the pastoral industry, or Grains Innovation Park in Horsham, which has a sub-campus at Walpeup. They are great research and science facilities. In Horsham, for instance, about 120 scientists work; they play a very important role in the future development of western Victoria not only servicing that area but also right across Australia and internationally. It is well recognised.

The chair's foreword talks about participation, which I will not go through in too much detail. I also looked at the recommendations. Chapter 3 covers curriculum structure, chapter 4 covers trends in enrolments in mathematics and science, chapter 7 is engaging students in mathematics and science, chapter 8 covers teacher supply and demand and chapter 9 is about teacher quality. One of the key things is participation, which is covered in chapter 6.

Regarding teacher quality, I have had a teacher contact me who is concerned by the trend of the Department of Human Services, which is not responding to mandatory reporting as it is obliged to do. There are also problems with participation in rural Victoria and the vocational education and training (VET) buses. In western Victoria around Horsham there are over 300 students coming in from the towns, but the buses are funded very minimally by the government. If we increase participation in science and mathematics, we need most importantly to respond to the concerns of teachers about mandatory reporting of child abuse and neglect, and also continue to provide those very important VET buses for our country students.

Education and Training Committee: pre-service teacher training

Mr HERBERT (Eltham) — It is my pleasure to resume my comments on the Education and Training Committee's report into pre-service teacher training in Victoria. Before I begin my comments I would just like to thank the member for Lowan for his interest in education and the work of the committee. The members of the committee put a lot of work into the mathematics and science report he commented on. It is good to see other members of Parliament looking at these reports and actively engaging with them. I agree with him that we have some excellent research and science facilities in western Victoria.

In particular, the comments I would like to make on this report relate to recommendations on the use of information and communications technology (ICT) in teacher education, particularly recommendations 6.1, 6.2 and 6.3 of the report. These recommendations outline the need for the application of ICT to be included and assessed as a compulsory and formal requirement of teaching practicum. Recommendation 6.2 outlines that it be a condition of course accreditation. Victorian universities should be required to submit detailed ICT plans about how they are using ICT in their teacher training courses. Recommendation 6.3 is:

> That the Department of Education and Training explore partnership opportunities between universities and schools to access centres of ICT excellence for use in the delivery of pre-service teacher education.

These are incredibly important recommendations for the future of education in the state and for the approximately 800 000 students who undertake our schools education in Victoria. The committee basically found a dysfunction between what was happening in schools with regard to multimedia and ICT and what was happening in teacher education at our institutes. I would just like to point out some further relevant parts of the report which go to the substance of my comments today. On page 184 the report points out that:

> As early as 1999 a national survey of teacher use of digital content conducted by Education Week found that teachers recognised that quality ICT products were a most effective tool for enhancing their students learning. The same survey also found that teachers were aware that excellent, relevant products were increasingly available for use.

They were being used at an unprecedented rate by students and teachers. The report went on to say that:

> The continuing development of sophisticated ICT educational materials is placing growing demands on the ICT capabilities of teachers. Teachers need to know how to use state-of-the-art learning products, the rudimentary authoring and construction of ICT products and the linking of sound and video files to design effective PowerPoint presentations and the use of ICT to complement lesson planning.

It went on to say that there is a need for schools and teachers to work collaboratively in designing these tools and ensuring that ICT is used across the curriculum. Whilst we have this basic understanding that teachers need it, that teachers are using it and that the software is more available, we have found that the best way to make it happen is to ensure that the new teachers coming out of teacher training and teacher education institutes are going to bring those skills into the schools and help develop the schools' use of ICT.

The government has accepted these recommendations and is well into the process of implementing them, but

the pace of change in this area is rapid, and it is crucial for universities to maintain close contacts with schools and to adapt their courses and the level of ICT training annually. I know that the deputy chair of the committee, the member for Bulleen, and other committee members share this viewpoint quite strongly. Nowhere in Victoria can the rapid pace of multimedia and ICT incorporation in the learning processing be seen better than in my electorate of Eltham. During recent visits to primary schools I have had the opportunity to speak to students and teachers about the impact that ICT is having and to hear their response. It is clear that teachers recognise that engaging young people with multimedia and ICT is now an essential tool in learning. Secondary schools are striving to provide the very best computer and technology use for net-age students, digital natives, who have incredible skills in the use of computers and ICT. As I say, right across the electorate — —

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired, and the time for statements on reports has also expired.

VICTIMS' CHARTER BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Background

Nobody chooses to become the victim of a crime.

Here in Australia, we enjoy a historic social legacy that has traditionally been open, trusting and generous in our approach to life and to each other. Crime shatters this trust and openness.

Becoming the victim of a crime affects each person differently, not just because crimes vary in type, but because our individual circumstances are also different.

Crime is much more than the act itself. Crime can leave its victims devastated, often violated. It destroys people's sense of faith in each other and the effects of crime on victims can be severe and long lasting.

As a community, we tend to think of the damage caused by crime to the health and welfare of individual victims. The cost of crime can only partly be measured in terms of property and immediate financial loss. There can also be an enormous toll on the families and friends of victims, as well as on their communities and on society at large.

The criminal justice process itself can exacerbate the trauma that victims have already experienced and can, in fact, become a source of secondary victimisation. This not only hinders victims recovery, but can impact on their future willingness to report crime and participate in the prosecution process. If this happens, the efficacy of the criminal justice system as a whole is undermined. If victims stop reporting crime and do not come forward to give evidence in the prosecution process, this makes it much more difficult to call perpetrators to account for their actions.

Supporting and acknowledging the needs of victims, and assisting them to recover from crime, are key priorities for this government. Since being elected in 1999 we have introduced a wide range of reforms for victims.

One of the first things we did was to reintroduce compensation for pain and suffering to primary victims of crime, which had been so callously abolished by the previous government.

Since then, we have embarked on a systemic process of reform to recognise and improve the position of victims of crime in their dealings with the criminal justice system. This includes:

establishing a Sentencing Advisory Council, which provides a forum for the community to have input into sentencing reforms;

introducing major advances in relation to crimes against women, in particular the introduction of specialist family violence courts;

new laws to improve the court experience for children and people with a cognitive impairment who are required to give evidence; and

various amendments to the sentencing legislation which:

acknowledge the impact of crime on victims;

provide that appropriate and admissible parts of their victim impact statement can be read out aloud by the prosecutor during the sentencing process; and

ensure that, where desirable, victims are not automatically excluded from the court room during a criminal trial.

The criminal justice system, historically, has focused on the investigation and prosecution of offenders. It is now time for the criminal justice system to also consider the

needs and interests of victims. Indeed, victims recovery needs to be one of the system's priorities.

Any changes made to the criminal justice system should minimise the secondary victimisation which can occur when victims are required to be a part of the prosecution and trial process.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power sets out principles for responding to the needs of victims. These are based on the themes of access to justice and fair treatment, restitution, compensation and assistance.

The government supports the principles contained in the United Nations declaration and has used this declaration as the basis for the principles now incorporated in the Victims' Charter Bill.

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.

The bill sets out principles which will represent minimum standards governing responses to victims of crime across criminal justice and government agencies. It also provides a benchmark for the development of service standards and victims policy across the criminal justice system.

Enshrining these principles in legislation provides a clear recognition by the government of victims of crime and their important role in the criminal justice process. It will form the basis for future policy development in this area.

Objectives of the victims charter

The Victims' Charter Bill is the result of extensive community consultation which took place during late 2005. The aim of this consultation process was to give a voice to victims of crime, service providers and the broader community about the nature and role of a victims charter.

The objectives of the victims charter are to:

provide statutory recognition for victims of crime and the harm that is caused by criminal offending, irrespective of whether an offender has been identified, arrested, prosecuted or convicted;

establish principles which will govern responses to victims of crime by the criminal justice system; and

seek to improve the experiences of victims of crime and minimise the impact of secondary victimisation by the criminal justice system.

Charter principles

The bill acknowledges that crime can impact on a wide range of people, including immediate and extended family, children and witnesses to crime. It also acknowledges that not all victims report the crime to police.

The principles in the bill spell out various obligations on criminal justice and other agencies, investigating agencies, prosecuting agencies and victims services agencies.

For the purposes of the principles in clauses 6 and 7 of the bill, if a person has been adversely affected by a crime they are entitled to be:

treated with courtesy, respect and dignity by all criminal justice, investigating, prosecuting and victims services agencies; and

provided with clear, timely and consistent information about the services, entitlements and legal services that may be available to them, and referral to those services where appropriate.

The bill provides that where principles create obligations on agencies in relation to victims, their obligation only applies in situations where they are or should reasonably be aware that a person is a victim.

The principles contained in clauses 8 to 17 of the bill require that:

victims are informed at reasonable intervals about the progress of investigations, unless the disclosure may jeopardise the investigation, in which case the victims should be informed accordingly;

victims are informed, at the earliest practicable opportunity, of charges laid against the accused, the date, time and place of hearing of those charges, the outcomes of criminal proceedings against an accused and any subsequent appeal. If a criminal justice agency decides to substantially modify or not to proceed with charges, the victim should be informed of this and the reasons why the decision was made;

victims who are going to be witnesses in a criminal trial are informed about the court process and, where appropriate, the role of prosecution witnesses;

reasonable practical arrangements are taken to protect the victim from intimidation by and

unnecessary contact with the accused, defence witnesses and the accused's supporters at court;

the privacy of victims is respected; and

the property of the victims is treated respectfully.

A number of the principles incorporate existing legislative provisions, detailing the rights and entitlements of victims, as follows:

victims are able, on request, to be informed of the outcome of any bail application and of special conditions intended to protect them or their families. Where relevant, the physical protection of the victim and their family should be taken into account when an application for bail is being considered;

victims should be able to have their views on the impact of crime presented and taken into account by the court on sentencing, by way of a victim impact statement and the victim should have access to information and assistance to help them prepare the statement;

victims should be able to apply for compensation from offenders, in accordance with the provisions of the Sentencing Act 1991. Victims should also be able to make an application for compensation and financial assistance, in accordance with the provisions of the Victims of Crime Assistance Act 1996; and

victims of violent crime may, in accordance with the provisions of the Corrections Act 1986, request information regarding the length of offenders' sentences, their likely release dates and details of any escapes and have their views taken into account by the Adult Parole Board when a decision about possible parole is being considered.

These principles have already been given effect by existing legislative provisions and it is intended that the principles be consistent with, but not extend, those existing provisions.

Monitoring and review

The bill provides that the Secretary to the Department of Justice will ensure that:

the charter is actively promoted;

adherence to its provisions is systematically monitored; and

processes are in place to deal with complaints.

Further, the operation of this act will be reported in the Department of Justice annual report.

Implementation

We know from interstate and overseas experience that giving effect to victims rights can be a gradual and evolutionary process. It often requires a major cultural shift by justice agencies and this does not happen overnight.

We also know that jurisdictions which have established cooperative and collaborative relationships between all their stakeholders are best placed to implement victims rights.

A phased and closely monitored approach to implementation is proposed for Victoria, with the bill commencing operation on 1 November 2006. The primary focus will be on victims of violent crimes, particularly sexual assault and family violence.

Implementing the victims charter in this way will mean that criminal justice, investigating, prosecuting and victim services agencies will be developing consistent and systemic approaches to responding to victims. This will facilitate the ongoing cultural change within the criminal justice system which is necessary to ensure they are adequately and consistently responding to victims of crime.

Conclusion

In enacting a victims charter, we will have created a framework for system-wide reforms that recognise and promote the rights of victims of crime.

Through developing and maintaining cooperative and collaborative relationships between service-providing agencies who are committed to the principles of the charter, we will make a positive difference for victims in their dealings with the criminal justice system.

I commend this bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 28 June.

WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Tourism) — I move:

That this bill be now read a second time.

The tremendous success of the Melbourne 2006 Commonwealth Games has intensified the anticipation surrounding the staging of the FINA World Championships in Melbourne in 2007.

This bill makes amendments to the World Swimming Championships Act 2004 to make further provision for the staging of the championships. It facilitates works for the event, provides for the management and regulation of venues and establishes measures to protect crowd safety and enjoyment.

The FINA world championships are the largest aquatic sports event in the world. The 12th FINA world championships in Melbourne will continue the momentum built up from our spectacular staging of the Commonwealth Games.

Aquatic sports have provided Australians with many of our most memorable achievements. Melbourne has already hosted a fair share of these. Any journey down memory lane will pick up the achievements of Dawn Fraser, Murray Rose and Lorraine Crapp.

Victoria can rightly be proud of the Commonwealth Games, which united athletes, spectators, volunteers and the people of Victoria in an unforgettable sporting and cultural celebration. One of the highlights was the electric atmosphere at the Melbourne Sports and Aquatic Centre where sell-out crowds saw Australian aquatic sports stars win a total of 71 medals in swimming, diving and synchronised swimming.

The 2007 FINA world championships will provide an opportunity for Melbourne to deliver another of the world's great sporting events.

The passage of the World Swimming Championships Act 2004 was an important step in the delivery of the championships. That act established the 2007 World Swimming Championships Corporation, provided all powers necessary for the establishment of venues and events associated with the championships, and provided for the management of commercial aspects of the championships such as logos, images and broadcasting. Dates and venues for the championships have been announced and planning for the event is well advanced, in partnership with FINA and Swimming Australia Ltd.

The championships will take place from 17 March to 1 April 2007. Five aquatic disciplines — swimming, diving, water polo, synchronised swimming and open-water swimming — will be contested at three magnificent venues, all within 10 kilometres of Melbourne's CBD: Rod Laver Arena, the Melbourne Sports and Aquatic Centre and St Kilda Beach.

A temporary pool will be installed at Rod Laver Arena for swimming and synchronised swimming, allowing up to 12 500 people to enjoy these events. With these planning elements in place, the government is ready to implement the second phase of legislation required for the event.

The amendments set forth in this bill draw substantially on the legislative framework that helped to make the Commonwealth Games such a success. The controls established from the Commonwealth Games were integral to the timely completion of works for that event and the safe and seamless management of venues and crowds. This bill establishes similar controls to assist the delivery of the FINA world championships.

I now wish to identify some key areas of the bill.

Modifications to local and other powers

The World Swimming Championships Act 2004 modified the effect of a number of pieces of legislation to facilitate timely preparations for the championships and the conduct of events. Clause 8 of the bill makes some further modifications. It moderates the effect of specified state laws relating to noise and light emanating from venues or access areas, and limits the powers of local councils during access and event periods to make or apply certain local laws affecting venues or access areas. These further modifications will ensure that the various works and activities planned for the championships can proceed on schedule.

Works and venue management

Clause 9 of the bill establishes a range of measures to facilitate construction works and the management of championships venues and events.

The clause enables the minister responsible for the act to temporarily close roads in consultation with other relevant ministers. It also enables parts of championships venues or access areas to be marked off as restricted access areas. Access to these areas will be restricted to authorised personnel and it will be an

offence to enter a restricted area without authorisation or to intentionally interfere with works. These measures are necessary not only to prevent delays to essential works, but to protect people's safety in the vicinity of works and event areas.

Clause 9 also sets out the management arrangements that will apply to championships venues and designated access areas once the championships commence.

The bill invests the Secretary of the Department for Victorian Communities with responsibility for the management and control of venues and access areas during the event period, and enables the secretary to delegate these responsibilities to the 2007 World Swimming Championships Corporation. It is intended that the secretary will delegate to the corporation all necessary powers to manage and control key event venues and access areas.

The powers of existing venue managers and businesses currently operating at the venues will not be able to be exercised during the event period except by agreement with the secretary or the corporation. The government's intention is to limit disruption to normal business operations at venues as much as possible. Business activities will be able to continue as long as there is agreement and no adverse impact on the championships.

I am pleased to report that already the corporation has made substantial progress in planning and consultation with venue managements to minimise disruption to business operations, including establishing arrangements for venue managements to play key roles in the delivery of the event.

The government also recognises that normal business and recreation activities will need to be resumed as quickly as possible after the championships have concluded. The bill requires venues and designated access areas to be restored to reasonable condition as soon as possible after a venue has been decommissioned or the event period has ended.

Management of events and crowds

The successful management of the huge crowds that attended the Commonwealth Games attests to the importance of having a strong crowd management framework to underpin the work of police, security personnel and venue staff during the event. Indeed, Victoria has been at the forefront of the development of legislative and other measures to protect crowd safety at major sporting events.

Clause 11 of the bill contains a number of crowd safety provisions that have been adapted from the Major Events (Crowd Management) Act 2003. It was decided to duplicate these provisions in the bill rather than declare the championships as an event under that act in order to maintain a single, overarching framework for the management of the championships.

It will be an offence during the event period to bring alcohol into a venue that has not been purchased at a venue, to throw flares or other objects, to jump or dive into swimming pools or to intentionally hinder an event or a participant. These and other offences will draw maximum penalties in the range of 2 to 60 penalty units, depending on the seriousness of the offence.

The bill creates a set of offences to control unauthorised commercial activity in venues or access areas such as unauthorised advertising or hawking. It will also be an offence to possess prohibited items such as dangerous weapons. Authorised officers and police will be able to seek the surrender of such items and, if a person refuses to comply, direct the person to leave or confiscate the item.

Clause 13 of the bill enables the secretary to appoint authorised officers and outlines the various enforcement powers of authorised officers and police. These include the power to inspect and search through the contents of patrons' bags and pockets and the power to direct people to leave a venue in response to disruptive or dangerous behaviour. Police will also be able to remove people from a venue if they refuse to comply with a direction to leave.

Repeat offenders who have previously been directed to leave a championships venue and who are likely to cause further disruption will not be tolerated. Police will be able to apply to the Magistrates' Court for an order prohibiting repeat offenders from entering championships venues during the event period.

To assist quick and effective enforcement, police — and for some offences, authorised officers — will also be able to issue infringement notices on the spot.

The amendments to the World Swimming Championships Act 2004 presented in this bill mark another milestone in preparations for the 2007 FINA World Championships, which are now less than 12 months away. The 2007 World Swimming Championships Corporation, led by chairperson Tony Beddison, AO, and chief executive officer Michael Scott, is making excellent progress in its plans for the event, together with FINA and Swimming Australia. This bill consolidates a strong and transparent delivery

framework for an event that promises to be one of the most exciting Victoria has staged.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Wednesday, 28 June.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTERS

The SPEAKER — Order! I wish to advise the house that the Treasurer is absent today, and in his absence the Premier will take questions on his Treasury portfolio. Questions on his other portfolios should be addressed to the Minister for Manufacturing and Export. I also wish to advise the house that the Minister for Education and Training is away, and questions for her should be addressed to the Minister for Education Services.

QUESTIONS WITHOUT NOTICE

Transurban: probity audit

Mr BAILLIEU (Leader of the Opposition) — Given that the Premier agreed to advise Parliament of who did the probity audit for the government's dodgy deal with Transurban but that the Treasurer yesterday — —

Honourable members interjecting.

The SPEAKER — Order! The member for Monbulk is to cease interjecting. That will do!

Mr BAILLIEU — Given that the Premier agreed to advise Parliament of who did the probity audit for the government's dodgy deal with Transurban but that the Treasurer yesterday at the Public Accounts and Estimates Committee hearing stated that the government had decided against the probity audit, can the Premier now explain why no probity audit was undertaken on a deal involving $2.9 billion of taxpayers money?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As the Treasurer indicated yesterday at the Public Accounts and Estimates Committee hearing in questions that he was answering, a probity audit always occurs when there is a competitive tender process that is overseen. That has always been the case. It has been in the past, and it will be in the future. In this case of course these were concession notes held by one operator. There was no tender arrangement.

Honourable members interjecting.

The SPEAKER — Order! The opposition has asked the question. I suggest its members listen to the answer.

Mr BRACKS — Given that these were held by one operator, there was no tender for it, because there was no market for it. Therefore, in accord with arrangements which are in place for public accountability, probity orders only apply when there is a public tender process — and that has always been the case.

Melbourne convention centre: benefits

Mr MILDENHALL (Footscray) — My question is to the Premier. I refer the Premier to the government's commitment to growing the Victorian economy through attracting people to Victoria and maximising benefits from major projects. I ask the Premier to detail for the house how the new convention centre is an example of the government delivering on those commitments.

Mr BRACKS (Premier) — I thank the member for Footscray for his question. I know that the member for Footscray shares the view of many members of this house that the convention centre, which is being built adjacent to the exhibition space, is going to be of magnificent benefit for this city and this state. I was very pleased today to be with the plenary group, with Multiplex and with the other operators on site to mark the site works which have been completed and the start of work on the new convention centre, which will be completed at the end of 2008 for conventions to start in 2009.

This new convention centre will be a 5000-seat and 6-green-star centre. It will be environmentally sustainable and will therefore be a demonstration for anyone having a convention there of what can be achieved in environmental sustainability, with energy use and water use as part of the building requirements. It will have a 5-star Hilton Hotel on site too. It will have an office and residential tower, a riverfront promenade, shops and cafes. It will also have the new Maritime Museum and the upgrade of the *Polly Woodside* and all the works associated with that as well.

We understand, as was highlighted by our budget, the need for significant investment in infrastructure in the

future — $4.9 billion in infrastructure investment over the next 12 months, and more than $12 billion in infrastructure investment over the next four years. Associated with that is the need to ensure we have a competitive environment for undertaking business activities in the state. We recognise that we do not have the benefits of the resource states of Queensland or Western Australia so we have to work harder. We have to have a competitive environment and we have to have superior quality infrastructure in place. That is why this convention centre is so important. We need to ensure we have the best convention centre in the country when we are bidding for these major projects.

Victoria will be known not only as the major events capital of the nation and the sporting capital of the nation but also as the business convention centre of the nation. There are great synergies between major events and business conventions and they will be capitalised on. I am very pleased we launched this today. We will have the largest convention centre in the country, the best quality, associated with other good facilities close by. I am very pleased to see the work kicking off today.

Preschools: government administration

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the fact that parents are regularly rostered to clean toilets in Victorian kindergartens, and I ask: instead of trying to bribe parents with the School Start bonus, why does the government not move kindergartens into the Department of Education and Training, which would take parents off the toilet-cleaning roster and give kindergartens access to all the support services the department has to offer?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. I reject the comments made by the Leader of The Nationals which effectively mean you cannot trust parents with money — that is what he is saying. He is effectively saying you cannot trust parents with a School Start bonus of $300, and I reject that. I have a lot of faith in parents and their ability to know what is best to make ends meet. They know the best way to handle the expenses that are there at the start of school when you are taking your young child into prep or your child into year 7.

Around 130 000 Victorian families will benefit from our School Start bonus. They will benefit at a time when the costs for average working families are at the highest they have been for a long time. The cost of petrol, the cost of interest rates on home loans and other costs will be relieved because we will be able to provide payments at a time when families are finding expenses at their highest — when they are sending their students to school. I reject the comments of the Leader of The Nationals that you cannot trust parents. We have great faith in parents. Following our budget parents would have calculated this as part of their ongoing budgets, and so they should.

If the Leader of The Nationals had a great opposition to this matter, why did he not vote against the Appropriation (2006/2007) Bill? He voted for the School Start bonus.

Honourable members interjecting.

Mr BRACKS — It has gone to the upper house; it cannot be that bad. The $300 initiative in our budget, a part of the budget supported by The Nationals when they voted for the bill, is something that will make a difference to working families in this state. It will make their circumstances easier and better at those critical times of starting prep and year 7, and that is what we expected would be the case.

Employment: skilled migrants

Ms OVERINGTON (Ballarat West) — My question is to the Minister for Employment and Youth Affairs. I refer the minister to the government's commitment to growing the Victorian economy by attracting skilled migrants to Victoria. I ask the minister to detail for the house the success the government is having in delivering on that commitment.

Ms ALLAN (Minister for Employment and Youth Affairs) — I would like to thank the member for Ballarat West for her question. Indeed, I think all members of the house would understand and agree that migration has played a crucial role in the economic and cultural development of our great state. You only have to look at the Socceroos. Seven of the Socceroos are Victorian: we have Culina, Skoko, Grella, Bresciano, Thompson, Viduka and Kennedy. Just to see — —

Honourable members interjecting.

The SPEAKER — Order! I know soccer is a very exciting topic for some members of the house, but I ask members to restrain themselves to allow the minister to answer the question.

Ms ALLAN — The point is these are Victorians and the arrival of their families from different parts of the world has contributed to both the growth of the game in this state and the growth of this state as a whole. It is thanks to the efforts of the Bracks government, through its innovative skilled migration strategy, that we are continuing to attract more and more migrants to

Victoria. We now attract more than 26 per cent of Australia's skilled migrants, compared to less than 19 per cent when Labor came to office in 1999.

Just yesterday the *Age* reported that Victorians are more positive about migration than people living anywhere else in Australia. That is not surprising when you consider the many benefits Victorians are getting from skilled migrants, and nowhere more so than in provincial Victoria. We are attracting and retaining more migrants through our $3 million Regional Migration Incentive Fund and the $6 million boost in the provincial Victoria statement. We are seeing skilled migration helping regional employers meet those emerging challenges around the ageing of the population and the historically low level of unemployment.

With Victoria's unemployment rate now at 5 per cent — the lowest it has been since 1990, and much lower than the double-digit rates experienced under the Liberal-National government in the 1990s — we know we need to continue our efforts in this area. That is why I was pleased to announce today the new Job Ready database for regional employers. This is a new database which will be providing — —

Honourable members interjecting.

Ms ALLAN — The opposition might scoff at this.

The SPEAKER — Order! The level of audible conversation is too high.

Ms ALLAN — I would have thought the interest in jobs in the opposition might have been put to rest for now.

This is something regional employers have told us they want. We will provide free of charge to regional employers a database that will contain detailed career profiles of skilled migrants who are ready and keen to get to work in regional Victoria. This is another example of the efforts we on this side of the house are making to work with regional communities and regional employers to help increase the number of skilled migrants coming to Victoria. It is another great example of the Bracks government working with the community and employers to help make Victoria the best place to live, work and migrate to.

Transurban: concession notes

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. In October 2000 the Premier stated:

> … contractual confidentiality should not inhibit the Auditor-General, the Ombudsman or parliamentary committees from exercising their investigative powers.

Will the Premier now overrule the Treasurer, who at the Public Accounts and Estimates Committee hearing yesterday refused, on the ground of commercial confidentiality, to release any external advice the government received on its dodgy deal with Transurban?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The Leader of the Opposition failed to say that the Treasurer indicated that this whole arrangement is being overseen and examined by the Auditor-General. That is what he said yesterday. The Leader of the Opposition failed to mention that comment. Consistent with that, the Auditor-General, as is the role of the Auditor-General as enshrined by our government through independent legislation, will as a matter of course be examining this arrangement, which is and should be the Auditor-General's responsibility.

Tourism: government initiatives

Mr LONEY (Lara) — My question is to the Minister for Tourism. I refer the Minister for Tourism to the government's commitment to growing the Victorian economy through tourism. I ask the minister to detail for the house the most recent examples of the government delivering on that commitment.

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Lara for his question and his interest in tourism. As I told the house before, this government has invested a record amount in tourism since it has been in government. There have been some critics on the other side, but as I said last week, the reality is that the yield from customers is increasing overall. There is some new data that has arrived since the start of the year that confirms the government's record. So far this year the opposition has had their third spokesperson on tourism, while we have actually been delivering results. There have been more international visitors and more interstate visitors, and increasing spends and earnings for the tourism industry.

I am very pleased to be able to tell the house that since this government has been in office the tourism industry has increased by about 50 per cent in economic value. That means there is an extra contribution of about $3.6 billion being provided by tourism to the Victorian economy since we have been in government. Not only have we had a record number of international visitors, but the latest international visitor survey data again shows that we have had another record increase in international visitors. This is a 3 per cent annual

increase, compared to New South Wales's zero increase and Queensland's 1 per cent increase, bringing an extra 300 000 international visitors a year since we have been in government. That is on top of the half a million extra interstate visitors that have come to Victoria.

I have been saying in the past that the future for tourism is that Victoria is more likely to see more international and interstate visitors, and that is what our efforts have been focused on — and it is not just on all of Victoria and not just on Melbourne, it is on regional Victoria as well. In this financial year we have launched a new marketing campaign to build the profile interstate of the Mornington Peninsula, Daylesford, the Macedon Ranges and our ski industry.

We have been targeting interstate markets, because we know that Victoria being a compact state with a good and accessible road network in and out of Melbourne means that people can see a lot more and have a lot more experiences in our little state than they can in a lot of other destinations. We are trying to build the profile of those regions. The ski campaign this year is targeting Adelaide, Sydney and Brisbane as well. At the moment we are planning for the new campaigns in the new financial year in Gippsland, the Murray and the Geelong–Bellarine area.

I am also prepared to tell the house about the new $600 000-odd food and wine industry campaign. One of the many thing that are unique about Victoria is that it has wineries in every part of the state, and there are 22 different regions. We are the home of food and wine, and we have great food and great wine in every part of Victoria. This new $600 000 campaign is about showcasing the strength of the product we have and our competitive strength compared to the other states.

It is not just about these campaigns. We also have the industry investing because of the growth we are seeing. Since 2004 we have seen an extra 630 hotel rooms become available in Melbourne alone. The private sector is committing to another 880 rooms between 2005 and 2009. That is a $350 million investment that follows the record investment that the government is making in tourism.

I will give the house one example. We have just launched our $1.5 million Melbourne in Winter campaign. Melbourne is the place for shopping, Melbourne is the place for culture and Melbourne is the place for events, and we have been increasing our investment. Last year we had a record hotel occupancy in Melbourne in winter, and we are launching the campaign again. The latest state tourism accommodation data tells us that takings have increased in Victoria by 8.9 per cent over a year. There has been extra growth in hotel and motel establishments in regional Victoria. There have been 36 new establishments, with 910 new extra rooms available in regional Victoria. They have seen growth in expenditure as well.

Mr Cooper — On a point of order, Speaker, the minister has now been speaking for well over $4^1/_2$ minutes. I ask you to bring him back to order.

The SPEAKER — Order! I ask the minister to conclude his answer.

Mr PANDAZOPOULOS — I would be embarrassed if I had had three tourism spokespeople in six months as well.

Mr Cooper interjected.

Mr PANDAZOPOULOS — In closing, a recent report by Jones Lang LaSalle says that by 2014 Melbourne will need 14 new 400-room, 4-star hotels because of the growth in tourism. We are seeing that already, of course, with the commitment to the new 5-star Hilton Hotel at the convention centre. We are also seeing another 59 extra international airline services coming into Melbourne. Tourism is booming in this state. We are getting more international and interstate visitors, and they are spending more. It is happening because of our investment. The private sector is also investing on the back of our investment.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Speaking of visitors to Melbourne, before I ask for the next question I welcome to the gallery the ambassador for Belgium, who is visiting the Victorian Parliament today. Welcome to our Parliament.

Questions resumed.

Royal Children's Hospital: financial management

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. I refer the minister to, one, revelations this week that confirm the children's hospital is suffering an ongoing cash crisis; two, the minister's statement to this house on 9 February 2006 that there was no cash crisis; and three, a leaked ministerial briefing note dated

25 January 2006, which advised her that there was a projected $12 million cash shortfall. I ask — —

An honourable member interjected.

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

An honourable member interjected.

The SPEAKER — Order! I warn the member for Derrimut as well.

An honourable member interjected.

The SPEAKER — Order! The member for South Barwon! I ask members to be quiet to allow the member for Caulfield to ask her question.

Mrs SHARDEY — Will the minister now admit that she misled the house and deceived all Victorians?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. It takes a long time to get those questions out, and in the meantime we are committing $850 million to building a brand-new Royal Children's Hospital at Parkville. It will be the largest hospital project in Victoria — in fact, the largest hospital project in Australia. It is just another example of the way this government is committed to providing the best quality health care to the children of Victoria. This new development builds on a range of additional commitments that we have given to the hospital over many years.

Consultants were commissioned by the Department of Human Services late last year. It is quite an old report and an old story that the member for Caulfield is referring to.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to resume her seat for a moment. I ask members not to interject at that level and to allow the minister to be heard answering the question.

Ms PIKE — We commissioned the consultants to work with the Department of Human Services and the Royal Children's Hospital because we wanted to make sure that with the desegregation of the Royal Children's Hospital from the Royal Women's Hospital, which had taken some time to bed down, we had the accurate financial position. We also consistently monitor the demand for services at the Royal Children's Hospital. There are peaks and troughs in demand for services at all our hospitals. Sometimes they are short term, sometimes they are longer term embedded peaks and troughs, and we need to ascertain that.

In a regular evaluation of the outcomes of casemix funding we also want to consistently look at the complexity of the work that is being done at the Royal Children's Hospital. It is true that over time the children's hospital is seeing more and more complex cases. We have already given it quite a lot of additional funding to reflect that complexity, but of course we need to consistently evaluate that, and we have responded with additional support.

Over a period of time the government has been looking at it very closely and has commissioned independent reports. Through these and other work we have undertaken we have provided adequate funding for the Royal Children's Hospital to go about its work. We want to make sure that taxpayers resources are used wisely at the children's hospital. We commissioned the reports for that very reason: because we wanted to know the exact financial position of the Royal Children's Hospital.

Mrs Shardey — On a point of order, Speaker, on the question of relevance, the minister is undoubtedly providing a lot of background, which we know about. I would like you to now direct her to answer the question about her behaviour in this house.

The SPEAKER — Order! The Chair does not have the right to direct ministers to answer questions in the way questioners might wish. The minister, as I understand it, is answering the question that was addressed to her.

Ms PIKE — I think it is important to explain to the member for Caulfield how hospital funding actually works, because it fluctuates and changes on a day-to-day basis. It is the financial position of the hospital at the end of the year that is reported to this house through the annual report, and that really reflects the true position.

This government has consistently supported the Royal Children's Hospital. We know how valuable the hospital is to all Victorians and how important the work is that it does on behalf of Victorian families. We have not only provided massive amounts of additional capital funding but we have also consistently boosted the recurrent funding and provided extra resources to reflect the growing demand for services there.

Alpine National Park: cattle grazing

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Environment. I refer him

to the government's decision to protect Victoria's unique alpine national parks and ask the minister to update the house on the success of this initiative.

Mr THWAITES (Minister for Environment) — I thank the member for his question. Twelve months ago this Parliament passed legislation to protect the great Alpine National Park. We removed cattle grazing from the national park but we allowed it to continue in the high country state forest. This decision was based on scientific advice that — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Scoresby and other members on the front bench of the opposition to cease their continual interjection. The minister, to continue.

Mr THWAITES — This decision was based on expert scientific advice that there was significant damage impact caused by the grazing. The decision was supported by many — for example, the Tourism and Transport Forum of Australia, which said the decision was an important milestone engendering year-round tourism in the Alpine National Park and was a vital step in ensuring that the protected area could be enjoyed by future generations.

The Bracks government backed up this decision with a $7.5 million package. We are investing that now in removing weeds, preparing moss beds and restoring the alpine environment. There was also funding in the package for up to $100 000 for transition payments to cattlemen, and that also has been very successful. Over the past summer we have seen the biggest volunteer operation ever undertaken in the alpine park with nine separate groups who volunteered some 19 000 hours of work, including restoring moss beds damaged by cattle and erosion. Ecotourism will provide a future for the high country. It is interesting to note that Tom Groggin cattle station was reportedly considering a major ecotourism development in the region.

The government believes the region needs certainty. We need certainty about the future of the alpine region, not a debate about cattle grazing and the renewal of cattle licences. With this in mind we welcome the Leader of the Opposition's recent statement on ABC radio. We welcome the fact that the Leader of the Opposition has now indicated he is not committed to renewing cattle grazing leases in the national park. This gives us certainty and the region certainty that the Alpine National Park will be protected from cattle grazing.

I should say that we also agree with the comments of the Leader of the Opposition that the reality is that many of the cattlemen have accepted the transition payments and many have adjusted and restructured. We welcome that. All I can say is that it has taken a little longer than it should, but we welcome the backflip.

Sex offenders: supervision

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Corrections. I refer to the minister's comment yesterday in relation to supervision orders for serious sexual offenders such as Robin Fletcher:

> Protecting vulnerable Victorians from the threat of predatory sexual offending is one of our paramount responsibilities and one of our highest duties.

I ask the minister: given that another notorious sex offender, Brian Keith Jones, or Mr Baldy, is reportedly living in a cottage outside the gate of the Ararat prison, does the government intend to apply for more extended supervision orders for serious sex offenders to be housed inside Ararat prison, and if not, what extra facilities will be put in place to ensure the security of nearby residents?

Mr HOLDING (Minister for Corrections) — I thank the Leader of The Nationals for his question. It is a very important issue. Obviously in each case the Adult Parole Board and the Supreme Court, in terms of making a judgment on whether or not to grant an order in the first place, will make a judgment on a case-by-case basis as to what the most appropriate level of supervision and monitoring is.

There are several people in the community who are on extended supervision orders at the moment. We obviously do not, in each instance, disclose the location of those people or the exact conditions which those people are under. It would be totally inappropriate for me to do so. In each case we take the view that the Adult Parole Board is in the best position to make a judgment about what the supervisory arrangement should be, what monitoring should be in place, what risk that person poses to the community and how best to make sure they are monitored and supervised effectively. We commit to providing the resources to make sure that supervisory and monitoring arrangements are effective and robust. That is why in the most recent budget we allocated $8.3 million to support the monitoring and supervision of serious sex offenders.

We take this issue very seriously, not just in terms of the rhetoric of trying to scream the loudest in relation to

this issue, but in terms of putting in place robust legislation and robust supervision and monitoring arrangements. That is why it was this government that introduced the sex offenders registration legislation; that is why it is this government that introduced the serious sex offenders monitoring legislation; and that is why it is this government that has put the financial resources aside to make sure that resources exist to monitor these offenders in the most appropriate and effective way.

Industrial relations: WorkChoices

Ms McTAGGART (Evelyn) — My question is to the Minister for Industrial Relations. I refer the minister to the government's commitment to making Victoria a great place to work, and I ask the minister to explain how the Bracks government's approach to industrial relations is encouraging investment in Victoria.

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for her question. We are experiencing unprecedented growth across the spectrum of the economy in Victoria. That is because, unlike some, Labor has been busy investing and encouraging investment in Victoria. We want all Victorians to share in this investment.

The Bracks government's collaborative and innovative approach to industrial relations has actually contributed to this growth. Unlike the coalition, the Bracks government knows that partnership, flexibility and cooperation are what makes industries grow and economies flourish. We also know that is how we create jobs and how we avoid pitting employer and employee against each other in the workplace. Tragically that is what WorkChoices is all about and that is why we totally reject WorkChoices.

Under the Bracks government working days lost to industrial disputes has continued to decline. Since December 1999 — and we all remember that time — the number of working days lost in Victoria has increased from 30 per 1000 employees to 15.3 per 1000 employees for the quarter ending September 2005. That is a reduction of 49 per cent. It is because we believe in collaborative cooperative industrial relations.

Mr McIntosh — On a point of order, Speaker, question time relates to government business. It is the commonwealth government which controls industrial laws and the state industrial relations minister should not be claiming the credit.

The SPEAKER — Order! The Minister for Industrial Relations is allowed to speak about how federal laws affect Victoria. There is no point of order.

Mr HULLS — That is quite sad. Building approvals in Victoria have again been over $15 billion in the last 12 months and in the 12 months before that. These figures and other investments speak of a climate in which ordinary Victorians can realise their hopes for home ownership, their hopes for strong and better resourced communities, and for better employment opportunities closer to home and perhaps a little extra for the odd share or two.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr HULLS — The Bracks government understands these aspirations. That is why we are constantly striving for an industrial relations climate that attracts investment and prosperity to this great state. That is because we have our eye fixed on all ordinary Victorians, not just the all ordinaries!

Honourable members interjecting.

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

Mr HULLS — Regardless of where we sit — —

Honourable members interjecting.

The SPEAKER — Order! The members for Nepean and Kew will cease interjecting in that manner or I will remove them from the chamber.

Mr HULLS — Regardless of where we sit in this place or the extent of our portfolios, we need to understand these hopes and aspirations and why we need to stay on the path of collaborative and cooperative industrial relations.

Mr Wells interjected.

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

Mr HULLS — This government is about looking out for the future of ordinary Victorians. After all, a person may well understand the futures market but that does not mean they have an agenda for the future of the state.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Polwarth! I ask the Minister for Industrial Relations to conclude his answer.

Mr HULLS — In conclusion, Victorians want a government that has an agenda; one that protects their interests and one that is prepared to promote cooperative and collaborative industrial relations and reject WorkChoices. The Bracks Labor government is prepared to do that.

Honourable members interjecting.

The SPEAKER — Order! I advise members of the opposition that I do not intend to continue question time in future with that level of interjection. It is totally inappropriate. While members are entitled to ask questions and be heard, ministers also have the right to be heard without a constant level of idiotic interjections. I warn members that tomorrow, if they persist in that continual and unnecessary form of interjection, I will remove them from the chamber without any prior warning.

Mr Cooper — On a point of order, Speaker, having ruled as you just have in regard to interjections, I would ask that you turn your attention to the government benches as well. When opposition members are asking questions they are being badgered and harassed all the time. I do not believe it is reasonable that there be one rule for one side of this house and one rule for another. Therefore I ask you to turn your attention to what goes on on the government benches.

The SPEAKER — Order! If the member for Mornington had been listening instead of interjecting so often, he would know that I frequently ask members of the government to be quiet when questions are being asked.

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

Mr Wynne interjected.

The SPEAKER — Order! I warn the member for Richmond. Points of order are serious business, and I ask members to be quiet.

Mr Baillieu — On two occasions now the Premier has undertaken to provide prospectus details for the Snowy Hydro float. That information has not been provided to the house, and to the best of my knowledge it has not been provided to our office. I invite you again, Speaker, to ask the Premier to fulfil his commitment to provide that information.

The SPEAKER — Order! It is not actually for the Parliament to impose that on the Premier, but I understand the Premier had undertaken to give — —

Mr Perton — But he made the commitment to you yesterday.

The SPEAKER — Order! Perhaps if the member for Doncaster spoke less and listened more he would make a more positive contribution to this Parliament. As I was saying — —

Honourable members interjecting.

The SPEAKER — Order! As I understand it, the Premier gave an undertaking to give that information to the opposition yesterday.

Mr Bracks — On the point of order, Speaker, I indicated, and I have indicated regularly, that that matter will be furnished, and I have also indicated that it would be subject to, of course, the arrangements of the other states which are involved in this as well. I have indicated that in the past.

Honourable members interjecting.

The SPEAKER — Order! The time for questions has now expired.

Mr Perton — On the point of order, Speaker, you have a general responsibility to uphold the standards of this house and to ensure that undertakings are kept. If you check the *Daily Hansard* of yesterday, you will find that the Premier gave an unqualified undertaking to provide the documents. I ask you, Speaker, to this afternoon check the *Daily Hansard* of yesterday and require the Premier to comply with his undertaking, which was made to you as Speaker representing the house.

The SPEAKER — Order! As the member for Doncaster well knows, I do not have that authority.

Honourable members interjecting.

ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 31 May; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The Electoral and Parliamentary Committees Legislation (Amendment)

Bill is very much an omnibus bill that has a number of different aspects to it. The first major thing the bill does is amend the Electoral Act to provide for a trial of electronic voting at the November state election. This trial is something that the Scrutiny of Acts and Regulations Committee advocated in its e-democracy report. Although I was not a member of the subcommittee, I was a member of the committee when it adopted that report. It is something that I see worthy of trialling in order to ensure that as many people as possible are enfranchised by our electoral process.

From discussions I have had with staff at the Victorian Electoral Commission I understand that there will be six trial super-booths, if you like, and the minister referred to them in the second-reading speech. They will be electronic kiosks that will enable vision-impaired voters to cast their votes without the intervention of an outside agency. We have been assured by the government that, if somebody presents at a booth and does not wish to take part in the trial of electronic voting, they will still have the option to vote in the normal and regular way. However, if they so choose, they will be able, with the assistance of earphones to provide instructions and a large touch screen, to vote in accordance with the instructions given aurally. These people will be able to cast their votes without the intervention of an outside source. The machine will then record their votes electronically.

The electoral commission is being given the ability to approve software, with appropriate security arrangements. The criteria for doing so are set out in the bill. Those security arrangements have to be put into place for the trial. Essentially, at the end of voting the stand-alone kiosks, which are to be sealed so they cannot be tampered with during an election day, will print out a number of ballot papers in accordance with the way people wanted to vote. Their names will not be printed on the ballot papers, so the anonymity of each individual voter will be preserved. Although those ballot papers will be electronically generated, they will be counted as ballot papers in the normal way.

The Scrutiny of Acts and Regulations Committee reported on this matter a few years ago. Electronic voting deserves to be trialled by the government, and I welcome its trial at the November election and its extension if it is successful. It is a mechanism for enabling as many people as possible to cast anonymous votes.

The bill makes other amendments to the Electoral Act. There were some concerns that the various offences set out in the Electoral Act, such as bribery, forging ballot papers or interfering with the political liberty of voters — and in this place we treat such matters very seriously — would not be seen as indictable offences. However, the amendments to the Electoral Act make it perfectly clear that they are indictable. While offenders may be tried summarily in accordance with the Magistrates Court provisions, the offences carry hefty penalties of up to $60 000 as well as five years imprisonment. That would indicate the Parliament's concern that the electoral process be preserved as widely as possible.

There are also amendments to the Constitution (Parliamentary Reform) Act. From my recollection, this is the fourth occasion since 2003 that we have had to come into this place to amend that act as a result of inadvertent errors or oversights in the original bill. The real problem is that, although the Constitution (Parliamentary Reform) Act was a normal bill passed in the ordinary way, as of November — after the state election — its provisions will in effect be entrenched in our constitution and will require either a special majority in this place or a referendum to be changed. Again it is disappointing that we have again had to amend this legislation because of inadvertent errors.

On this occasion we find the government has finally discovered that the passage of the original act resulted in the removal of provisions relating to the timing of a by-election that would be occasioned. The result of that repeal was not picked up, and we are now having to amend that particular act some three years after its passage. One would hope the government trawls over this bill with a fine-tooth comb to make sure we do not have any of those inadvertent errors that may come about in June of next year. If those entrenched provisions were contravened, it would require either a special majority or a referendum to change them.

There are amendments also in relation to the ballot paper for the Legislative Council. The issue of amendments to a ballot paper for election to the Legislative Council causes me some concern. We now have above-the-line voting and preferential voting for election to the upper house based upon eight electoral districts. Five candidates will be returned from each of those electoral districts. We have adopted a Senate-style election and above-the-line voting. That voting was introduced to reduce confusion and to enfranchise as many people as possible in what could otherwise be a complicated process. We are well aware of the complexity of a Senate-style ballot paper because of the number of groups and ungrouped candidates who stand for election. In any democracy people who want to participate in the process as candidates should be welcomed, within the limits of the law. I am sure that

those people who want to stand will be welcomed in this particular process.

In one of the elections in which I participated the Senate ballot paper was almost one and a half metres wide. I am sure you, Speaker, would have voted in that election too. In one case in New South Wales there were something like 128 candidates for the Senate and the ballot paper was actually 2 metres wide. It is difficult to unfold and manage such a ballot paper. At the end of the day there is the mechanism for above-the-line voting so that you can vote for your party or candidate in accordance with the party distribution that has been previously arranged. It simplifies the process because all you need to do is put no. 1 in the box above the line. For those aficionados who want to fill out every square, that is provided for. There is a slightly different mechanism here in Victoria, but essentially that Senate-type ballot paper was an integral part of the process of the amendment to the Constitution (Parliamentary Reform) Act for election to the upper house.

Unfortunately, to my mind we are introducing another level of complexity by virtue of the fact that when there are 20 or more groups on a ballot paper, which may be foreseeable, rather than the ballot paper being horizontal with each of the groups and candidates names above them so that you can clearly identify which party or individual you want to support above the line and below the line, the whole thing will be squashed together. Instead of having a horizontal line of names they will all be grouped together. Certainly the schedule document in the bill would seem to demonstrate that no longer will you have a particular box for individual parties or ungrouped candidates with names going across the line; they will all be grouped in together. If aficionados want to select that particular style of voting, that is their prerogative. It will be confusing because the names will no longer appear underneath the groups.

At the end of the day it is still a valid way of doing it. It is just unfortunate that we are deviating from the accepted and well-understood process that we have supposedly adopted, which is the Senate-style horizontal ballot paper, to introduce this second and alternative ballot paper where there are more than 20 groups of candidates.

There is an amendment to the Parliamentary Committees Act. As a member of the Scrutiny of Acts and Regulations Committee, I see this as a significant amendment which will enable SARC to consider a bill within 10 sitting days after it has received royal assent. I am aware of only one bill that came within the ambit of that provision as a result of the new Parliament after the last election. The Constitution (Parliamentary Reform) Act received royal assent before SARC was seized of that legislation, simply because the committee had not yet been formed. At the beginning of any new Parliament there will be the difficulty of appointing a committee while bills are coming into the house in the ordinary way and being passed very quickly. At the moment that would prevent SARC from having any real role to play. This amendment clarifies the fact that SARC has jurisdiction to scrutinise legislation within 10 sitting days after royal assent is given. As a member of that committee, I welcome that reform.

There are also provisions that would enable the holding of joint parliamentary investigative committees to conduct their hearings by way of audiovisual or just audio links if there is a unanimous decision by the committee to so do. Members of the committee can participate — and I use that word advisedly — in that meeting. In the second-reading speech the minister has made it perfectly clear that participation does not actually constitute a quorum. The quorum must still be drawn from those members physically present at the meeting.

While members using that system are able to participate, they are not counted as members of the quorum. Likewise, that system can provide for the taking of evidence remotely and the administration of an oath, when required, over an audiovisual link or an audio link. Given the fact that those sorts of links are in common use in our courts at the moment, it seems that it is wise to make this amendment. One could say it is perhaps overdue, but it is certainly a welcome reform that will provide all those technical opportunities to enable as many committee members and witnesses as possible to participate in that process.

As I said, it enables members to participate, but there is an issue as to whether a member who is not present and does not form part of the quorum but who certainly participates in the meeting — the member would either hear the evidence and the discussion or in many cases hear and see them — has the opportunity to vote at that committee meeting in the normal way. Because they are not present to make up the quorum, there is some lack of clarity as to whether they still get a vote. I know perfectly well, because I was at the meeting that decided it, that the Scrutiny of Acts and Regulations Committee has written to the Premier seeking clarification of whether there should be a right to vote as well and whether that could be made clear in the legislation or otherwise. With those few remarks I reiterate that the opposition does not oppose the legislation.

Mr RYAN (Leader of The Nationals) — We do not oppose this legislation. Indeed there is much to be recommended in the course of the pages of this bill. It has four primary purposes. The first of those is to provide for electronic voting for vision-impaired people. That picks up a recommendation made by the Scrutiny of Acts and Regulations Committee. There will be these six super-booths, as they have been described, and we will all have the opportunity to see how they function in practical terms. We think that is a very good innovation which will bring some peace of mind to those who wish to exercise their democratic right to vote and who historically have had to contend with very difficult circumstances under the system which has until now applied, so we applaud the inclusion of that provision within the terms of the legislation.

The second element of the bill is to provide for a different Legislative Council ballot paper where there are more than 20 groups involved. As we know, the ballot paper for the Legislative Council has been of different and sometimes vast proportions over the course of the different elections that have been held in the state of Victoria. This provision is intended to bring some change that I think will be welcomed in the general scheme of things, so we further support the propositions advanced with regard to this issue. We will see at the next election, of course, the introduction of the capacity to vote above the line in Senate style here in Victoria, so one would like to think that the propositions the legislation reflects are of benefit to voters who are going to be faced for the first time in Victoria with a voting system that, to some degree at least, is similar to that which applies in the Senate.

The third purpose of this legislation concerns the capacity of parliamentary committees to use videoconferencing facilities. We commend the government for adopting this proposition. It is something The Nationals advanced last year. We think, especially from the perspective of country members of Parliament, that this will be of particular use. After all, it is only bringing the Parliament and the committee system into the contemporary era of the use of technology. We think there will be many benefits to be derived from the implementation of this system. Amongst those is the fact that it will make possible much better use of time on the part of committee members — certainly for those within our party.

Of course by definition we all live in the country, and the prospect of having to come to Melbourne to attend committee hearings for a couple of hours, often having to make up the quorum when metropolitan-based members, most particularly from the government, are not able to find the time to get to the committee hearings, is a bit of a daunting prospect. For members of our team it can mean many hours of driving just to get here, then spending perhaps 2 or 3 hours here and then having to turn around and make the return trip. As I said, the use of the technology in the way the legislation contemplates is something that we recommended last year, and we are very pleased to see that this innovation is being embraced in this legislation.

Another element of the same provision which will be of benefit is the fact that people who wish to give evidence to committees will also be able to access the technology that is contemplated under the terms of this legislation. Again I think that is a very good move. It increases the prospect of people who want to make a contribution but who simply do not have the time or the capacity to come to Melbourne coming to a central location for the purpose of giving that evidence. It increases the likelihood that those people will be able to participate in the committee process. As I have said on many occasions in this place, I think the 11 parliamentary committees do an outstanding job in examining the many issues that, on an ongoing basis, come before the public of Victoria.

The committee system is one of the pivotal aspects around which this Parliament functions. Much of the legislation which comes through this place is based around work that was undertaken by the committees in the first place. The fact of potentially being able to expand the ability of committees to hear from persons who have an informed view to contribute to the work of the committees is a terrific step, and having the legislation in the terms that we now see will enable that to happen. There are, of course, various checks and balances around the operation of the legislation to ensure that the appropriate protocols are complied with under the terms of the principal act. The bottom line, though, is that through the use of contemporary technology we are going to have a much better system for the operation of the committees themselves, not only for the members of Parliament who comprise those committees but also for persons who desire to give evidence that will be considered in the committees' ultimate deliberations.

The fourth element of this bill will enable the Scrutiny of Acts and Regulations Committee to review acts that are passed through this place within 10 sitting days of royal assent, if that process has not occurred during the stages of consideration that would normally apply when the act is in its initial form as a bill. Again this is a very good innovation, bearing in mind, though, that there are two, in a sense, diametrically opposed aspects to the

way this can be used. In the first place there is sometimes the problem that arises in situations of urgency, where the Scrutiny of Acts and Regulations Committee does not have the opportunity to examine legislation that is coming before the house. Indeed in its most recent report the committee made some observations concerning that issue and nominated a couple of examples where that has applied.

It is very important to put this legislation under the category of being the exception to the general rule. By design, of course, we would all want the Scrutiny of Acts and Regulations Committee (SARC) to undertake its important role prior to a bill being debated in this place. The whole scheme of things is designed to enable that to happen. The whole basis of the reporting from the committee is to enable the *Alert Digest* that it produces arising from its examination of a bill to be available for the consideration of members at the time the actual debate takes place. That is an important aspect of the work SARC does. Not only is it invariably the culmination of the committee's consideration, but where appropriate it might also be the subject of consideration by witnesses who may be called by the committee to give evidence about different aspects of the legislation. In a sense, therefore, it is a means of enabling the public at large, through the committee, to make contributions on the virtues or otherwise of the legislation that is under debate. In the end, though, the intention is to produce a report which is available for consideration by members at the time the legislation comes on for debate.

This provision is intended to accommodate a position where for whatever reason some urgency arises, the legislation has to be passed, and the committee simply does not have the time to do its work. The committee will now be able to consider the terms of the legislation, albeit that it has passed through the Parliament, subject to that consideration being given within the time frames to which the provision refers. This is where the flip side of the whole discussion occurs because it will be incumbent particularly upon the government of the day to make sure that this is not a provision which is in any way abused.

It would be easy for the government of the day, of whatever persuasion, to create a position where a given piece of legislation is not the subject of consideration by the committee process before the debate; the legislation then passes through Parliament and after the event is made the subject of a committee report. We certainly do not want that to happen. This provision in the bill will need to be used under the exceptional circumstances rule, which is the unspoken rule, I suppose, of application in Parliament. It should not be the norm; it should be the exception. Nevertheless, on balance the prospect of rounding up the overall function of the committee by ensuring that it can consider all forms of legislation, preferably before the event but if necessary after the passage of the bill, is a sensible provision. It has been sought by the Scrutiny of Acts and Regulations Committee; it is something that was sought in the time that I chaired that committee, and I am pleased to see that it has effect here now.

I conclude my remarks on the legislation with a further plea to the committee in terms of its ongoing deliberations. I still think there is room for a system where we can have national — in the sense of across Australia — consideration of bills in the form of template legislation. It would be better for this whole scrutiny process if we had a mechanism whereby all the jurisdictions which now have the capacity to examine legislation through their equivalent of our Scrutiny of Acts and Regulations Committee were able to come together as a single entity to consider the terms of template legislation before it is introduced to the host Parliament.

I make that suggestion in an environment where I think it is now the case that in all jurisdictions bar one there is the capacity for scrutiny of not only regulation but legislation across Australia. It is after all the primary responsibility of these committees to consider the terms of legislation. Whilst it is important to be looking at regulations, because they are the mechanisms by which a lot of our legislation actually operates, the more important role for these committees is by definition to look at the legislation which gives the basis for the operation of those regulations, as opposed to simply being confined to consideration of the regulations themselves.

In conclusion, The Nationals do not oppose this legislation. It has many elements to recommend it. There are benefits and functions of the legislation which we will need to see and make judgments about as they are applied at the election on 25 November this year. Needless to say, if changes need to be made arising from that experience later this year, then one would expect those changes would come back through this place for further debate.

Mr LEIGHTON (Preston) — As the member who chaired the electronic democracy inquiry, I am thrilled that the government has introduced this bill, and it is a personal pleasure to be able to speak in support of it. It is also good to see that the bill has the support of both sides of the house.

This bill follows the Scrutiny of Acts and Regulations Committee (SARC) inquiry into Victorian electronic democracy. The committee's final report was tabled in May 2005. The bill particularly implements the electronic voting and videoconferencing recommendations of that report.

Technological change is dramatically altering not only the way we work but the way we live our lives. Technology used properly can make us more efficient — for instance, the bill provides for committees to be able to conduct meetings and take evidence by videoconferencing, which is an example of how we can use information and communications technology more efficiently. However, technology can do much more than that. It can empower the people we represent in their dealings with government; it can enrich the relationship between constituents and their representatives; and in the case of people with disabilities, such as the vision impaired, it can give them access and rights that we take for granted.

I want to quote the first recommendation in our report which was really the guiding principle that underpinned the rest of our report. Recommendation 1 reads:

> Any electronic democracy initiative introduced by the state of Victoria, including the Parliament, should be assessed against the four principles of:
>
> 1. majority rule through popular elections and the primacy of Parliament;
>
> 2. equality of participation in civic life for all citizens;
>
> 3. human rights of citizens to participate freely in public life;
>
> 4. minority rights of groups within the community.

I believe this bill will, in respect of the e-voting trial for the vision impaired, achieve those principles.

As I said, the major feature of the bill is the electronic voting trial. That was the focus of much consideration in the Scrutiny of Acts and Regulations Committee (SARC) inquiry and in a lot of the resulting media attention. I wish to look at that area in some detail. The bill provides for a trial in six centres of stand-alone, kiosk-style electronic voting machines. We are not introducing Internet voting, and I fully support that approach. When we started our SARC inquiry several years ago I started off being sympathetic to the idea of people being able to vote via the Internet. The more we took submissions, heard evidence and looked at experiences overseas, the more I became concerned, and I maintain that concern to this day.

In the United States of America in 2004 we had an opportunity to look at SERVE — the secure electronic registration and voting experiment — developed by a division of the Pentagon and intended to apply in the 2004 presidential and congressional primary and general elections. We had a half-day meeting with the director and the staff of that division of the Pentagon while we were in the United States. There was a lot of interest from the Republican administration in introducing SERVE, because it figured that 1 million defence force personnel overseas would be likely to take it up and would be sympathetic to their candidates. Some defence force personnel, if they were in a submarine or in a village in Afghanistan, could not easily vote by traditional means. Some 6 million other Americans are overseas.

However, the Pentagon engaged a panel of computer scientists to evaluate and advise on the program. The scientists did so on the basis that they would be permitted by the Pentagon to publish their findings. I have a copy of their report, entitled *A Security Analysis of the Secure Electronic Registration and Voting Experiment*. We had a meeting with one of the authors of the report, Dr David Wagner. The report had the effect of sinking the American attempt to introduce Internet voting, and it did so for a number of reasons.

Internet voting provides insufficient scrutiny, including no paper trail, and it has all the known Internet flaws, such as susceptibility to cyber attacks, denial of service attacks, spoofing, phishing, automated vote buying and viral attacks, any one of which could be catastrophic to the voting process. There were other issues, such as the process being in some way sabotaged without your even knowing that that had occurred. As I said, two years later I am even more convinced that we should not have Internet voting. It is one thing for a club to elect its committee on the Internet, it is another thing to expose the election of a government to those sorts of Internet security issues. However, the introduction of electronic stand-alone, kiosk-style voting machines, which is provided for in this bill, is a very different matter. The bill provides for them to be located in six centres in Victoria as a trial for the vision impaired.

During the course of our inquiry we took evidence from the Australian Capital Territory Electoral Commission. Electronic voting is working well there, although there will be some subtle differences in the Victorian system. For instance, the ACT uses open source software but does not have a verifiable paper trail, whereas the Victorian Electoral Commission will use proprietary software but at the same time will have paper ballots which will be able to be used to verify the electronic votes that are cast. I would say to the VEC that,

especially if it has proprietary software, it is critical that it have an independent audit of the system. I understand that will take place, and it is part of the reason why we should have a trial.

This is a particularly important initiative for those with vision impairments. During the inquiry we took good evidence from Blind Citizens Australia and Vision Australia. This is an example of their submissions and evidence translating into legislation. While people with a vision impairment can vote at the moment, they are denied what we take for granted — that is, secrecy. There have previously been other, well-intentioned attempts such as braille templates, which have not worked well. I believe this initiative treats those people with dignity by giving them rights of access and participation.

The bill also provides for parliamentary committees to allow members to participate remotely by videoconferencing and to take evidence by the same means, and those are positive moves. During the course of our inquiry we took video evidence from the ACT Electoral Commission, but we were subsequently advised by the clerks that because the commission was interstate and the meeting was by video link we could use it as information for the purpose of our report but not table it. So this is a positive move. It will save money: if you were to send four members interstate to take such evidence it would cost a couple of thousand dollars in expenses, whereas you could do it now for, say, $400 by video link.

With the development of VoIP — voice-over-Internet protocol — it is going to get cheaper all the time. Certainly if individual members can participate in a 2-hour committee hearing remotely rather than having to travel from, say, Mildura or Murray Valley, that will be positive. There are other initiatives in the bill, such as increasing the number of offences under the act and allowing the SARC to consider and report on bills that it has not previously had the opportunity to report on. Those are both positive steps.

Overall, technology is going to change our personal and working lives in ways we cannot yet imagine. It is important that this Parliament provide leadership on those matters, and this is a modest step towards that. I am pleased to be able to support the bill.

Ms ASHER (Brighton) — I wish to make a couple of observations on the Electoral and Parliamentary Committees Legislation (Amendment) Bill before the house. As was indicated by the member for Kew, the Liberal Party is not opposed to this piece of legislation. Its provisions are rather interesting. As other speakers have discussed, it introduces an electronic voting trial for those with visual impairment who need assistance. Our advice is that this will be conducted at six centres, and the bill specifically refers to both early voting centres and voting on election day. As do so many bills which come before this place, the bill corrects matters that have been overlooked by this government. For example, the need for a new form of ballot paper for the Legislative Council where there are 20 or more groups and some changes to the conduct of by-elections are matters that were overlooked in the initial drafting of this original legislation. These rectifications, albeit small, are in this bill. It is symptomatic of a pattern of behaviour by this government that legislation is constantly being corrected.

Sensibly the bill will take advantage of the electronic age for parliamentary committees. As has been discussed by other speakers, committees will be able to use electronic means to conduct meetings and to take evidence, provided certain conditions are met. I think this is sensible in terms of the use of the Parliament's time. However, I stress that there are a number of provisos and conditions in the bill which make it more workable.

The bill also introduces what I think is a good change to the Scrutiny of Acts and Regulations Committee's operation and gives the committee the capacity to report on an act that has been passed if the committee has been unable to consider it as a bill. When I was first elected to Parliament a long time ago in 1992 I served on the Scrutiny of Acts and Regulations Committee. It was initially formed under the Kennett government. The then Premier saw a need to scrutinise bills, so that committee was set up reflecting models in the commonwealth and other states. That sort of committee had not existed previously, and although the committee varies in quality from Parliament to Parliament I think it has a particularly useful brief and has done some useful work. This is a sensible change, albeit a small one, to the manner in which the committee works.

I want to make a couple of brief comments on the bill. I was particularly interested in the member for Preston's comments when he spoke about Internet voting and his role in providing the report on electronic voting that was put together by the Scrutiny of Acts and Regulations Committee — in this term of Parliament, I believe. I was also interested in the discussions he had had in America and his overall knowledge of this subject. Given his advanced knowledge in this particular area I was pleased that he had some reservations about Internet voting. Obviously this bill is specifically targeted to a limited trial of electronic

voting for those who suffer from visual impairment and who would otherwise need assistance. I accept that it is very narrow, but I think there is an overall need for caution in this area.

I note with interest — and am pleased to see in the bill — the government's conditions in relation to software and the government's fines for tampering. There are people around with fraudulent intent at election time. We all know about dead people voting and people voting twice — we all know the stories. Like it or not there is fraud associated with the conduct of elections. It is not widespread, although there have been a few famous inquiries back in history. I probably should not go back as far as Richmond council, for example. However, there are examples of fraud, and I have some concerns in relation to a new method of voting. I think the old method of voting has its problems, although it is tried and true, so I was pleased to accept the member for Preston's assurances in relation to Internet voting. I accept his expertise and value his knowledge in this area, and I am pleased that the electronic voting is confined to a trial. I understand it is provided for in the bill, and I think the Parliament needs to observe the outcome very carefully. It is important to have integrity of the electoral roll and the voting process.

I want to touch on the issue of scrutineering, because every member of Parliament is very focused on scrutineering on election night. Obviously this is more relevant in marginal seats, but I can assure the house that members in the so-called safe seats still have a raft of scrutineers to ensure that every single vote gets into the right pile as does every vote where there is some incapacity in complying with the law. We are all very, very focused on scrutineering. The Liberal Party's information, which has been supported by the member for Preston, is that in this electronic voting trial there is the capacity for the ballot paper to be printed off so that scrutineers can view it. I would urge the Victorian Electoral Commission to make sure that this is so in the conduct of the next election, because a number of us have significant concerns and reservations.

The scrutineering process is a particularly important point of the electoral process, as I am sure you, Acting Speaker, would understand as an Independent in this Parliament. You may not have understood it when you first stood for Parliament, but I am sure you understand it now. The capacity to print off and to check is very important, and I hope a lot of preparatory work is done and there is the opportunity for scrutineers of all parties or the Independents to provide feedback on how that particular element of the electronic voting trial works. With those few words I again indicate that the opposition is not opposed to the bill — although some of us are urging rigour and caution.

Ms NEVILLE (Bellarine) — I am pleased to speak briefly this afternoon in support of the Electoral and Parliamentary Committees Legislation (Amendment) Bill. I want to touch on two particular provisions. The first is the provision to enable a trial which will allow visually impaired Victorians to vote unaided and in private. The report that was done on electronic voting indicates that this can be undertaken in a safe and secure way.

When I have been speaking to schools as part of the celebration of our 150 years of Victorian democracy one of the things I have been talking about is the introduction of secret ballots in Victoria and what a step forward that was. An issue for a number of Victorians who are visually impaired has been their inability to cast their vote in secret and unaided. One of the very strong advocates for the introduction of this trial and a change in voting for people with sight impairment has been a woman who is well known to those in Geelong, Val Nicholls. Val and members of her family are long-term friends. Unfortunately Val was involved in a very serious accident a few years ago and lost her sight.

Val was a very active participant in the democratic process. She participated in all elections and assisted in them. One of the things that confronted her about the lose of her sight was the first election she cast a vote in where she needed assistance. She felt that caused her to lose self-respect and her entitlement as a Victorian to vote in secret. I know she will be very pleased to see this bill and the introduction of a trial. Obviously it is a trial. It will be available at about six facilities at the next state election, and there will be an independent audit process.

I want to briefly talk about the changes in relation to the operation of parliamentary committees. As a regional member of a parliamentary committee, for me to attend a committee meeting takes a 3-hour round trip. That is not as many hours as it takes others like my colleague on the Family and Community Development Committee the member for Shepparton — she travels a bit further than that. This just provides an opportunity to conduct particularly those technical meetings you often have electronically by either video or audio connection. That will enable us to participate in a more fuller way as members while continuing to do the important job we have as local members of Parliament.

I think this is a welcome change. I do not think it will replace us travelling around the state because those visits and taking evidence from witnesses are very

important. It is important to go out to local communities across Victoria, as we have done, but this will enable witnesses who are perhaps even more isolated than some of the regional towns to participate in inquiries. I welcome both these changes and commend the bill to the house.

Mr COOPER (Mornington) — A couple of matters drew my attention and caused me to want to contribute to this debate. I will continue on with the topic the member for Bellarine was talking about and that is the question of committees and the use of electronic means to assist those committees. The minister's second-reading speech states:

> The bill will also amend the act to allow committee members to participate in meetings by audio or audio-video link.

I think this is a very good step forward. However, I have noted with some interest the contributions from a couple of members who have commented that this will enable members who have long distances to travel to stay in their electorates and participate through these electronic means. The reality is the minister's second-reading speech states:

> A quorum would still be required to be constituted only from those members physically attending the meeting.

If anybody is taking comfort from the bill and the idea that they can stay wherever they are throughout Victoria and register by phone or electronic means, then the minister's words in the second-reading speech would appear to throw a wet blanket over that idea very rapidly. I might say it is something I support. I think the approach that has been taken here is quite correct. We do not want to have a situation develop in this Parliament where parliamentary committees are solely conducted by audio link or video link and members are doing it from their electorate offices or some other location within their electorates.

Committee work is very important for face-to-face contact with members. Those members who are members of committees will readily attest that the work of committees enhances the cooperative way this Parliament can work. Certainly the committees I have been a member of, and I have been a member of three joint parliamentary committees, have operated on a virtually non-partisan basis, not completely but virtually all the time. That situation is created by the face-to-face contact, particularly when you are on visits outside of Melbourne, whether it is in country Victoria, elsewhere in Australia or indeed overseas. It enhances that level of cooperation and adds to the value of the work the committee can produce.

I certainly support the extension of electronic communication to committees, particularly in regard to being able to receive evidence from people from long distances away. That is a good thing. However, I caution members of the house who are seeing this as an enthusiastic way of participating in committees without having to travel from their electorates into the city that, according to the minister's second-reading speech, that will not occur.

I want to move on to another matter and that is the question of the integrity of the vote. All members of this house and the other place would stand up and put their hands on their hearts and say this is very important. We need to be zealous in protecting the integrity of the vote. That is one reason I think the cautious approach that has been taken in this bill in regard to electronic voting is commendable. The member for Bellarine gave a good example of somebody she knows who has lost their sight and could see their independence and their ability to participate in voting in an independent way being removed by that disability. Electronic voting for sight-impaired people will restore that independence and allow them to participate in a full way without having to seek assistance from somebody else to cast their vote.

While I support this and think it is great, I want to be cautious about it. That is why I am supportive of the trial of these electronic voting facilities at six super voting centres at the next state election. I think that is a good way to proceed. It is a way we can, after the election, go through the nuts and bolts of how it was all put together and how it all worked, and have a look at the things that have gone wrong. While I am sure a lot of effort will be put in to try to make this as perfect as possible, we all know things go wrong. Murphy's Law will apply and things that can go wrong will go wrong, as they do in the present voting system. All sorts of disputes occur on election day and in pre-poll voting. I am sure things will occur with this electronic voting that will be very interesting for those of us who study the issue of elections.

I support this proposal, but I support it in a very cautious way. We need to protect the integrity of the vote and ensure we do not put into place systems that are going to create problems for us. We have all read and seen the way in which different voting systems have erupted in the United States. They have gone from paper ballots to machines where you pull a handle and then to the famous Florida system where you punched a hole in a card.

Ms Green — The chads!

Mr COOPER — That is right — the famous chad. All of those methods were no doubt brought in by people who wanted to improve the system to one that was going to be as free as possible from fraud and as clear as possible in achieving a result. However, in each system we have seen major problems erupt. That is not the sort of thing we want to see here.

One of the great things about Australian democracy, whether at a state, federal or local government level, is that it has been pretty well free of major fraud and corruption. I know the member for Brighton mentioned the famous royal commission into the Richmond council some years ago. I read the royal commission report on that and it was a tremendous read. If you wanted a book on how to corrupt the electoral process at local government elections, that virtually showed how to do it. Apart from that and a few other minor instances in this state, we have been free from that kind of corruption and fraud at elections. That is why I urge the house once again to always be wary of changes to the voting system and to approach the subject very cautiously, because the last thing we want to have in this state is people levelling corruption charges at the systems we use.

I am happy to support this bill, but in doing so I just want the house to pay some attention to the issue of the integrity of the vote and to ensure that it is never brought under negative scrutiny in this state.

Ms GREEN (Yan Yean) — It is with great pleasure that I make a brief contribution to the Electoral and Parliamentary Committees Legislation (Amendment) Bill. The overall objective of the bill is to amend the Electoral Act and the Constitution Act to provide for a trial of electronic voting. It will also make a number of miscellaneous amendments relating to electoral matters. It will amend the Parliamentary Committees Act to allow committees to take evidence by electronic means and to allow committee members to participate in meetings by audio link, which would be good for members who live outside metropolitan areas. It also makes a number of technical amendments in respect of tabling provisions for committee reports and gives the Scrutiny of Acts and Regulations Committee the ability to consider and report on a bill that is passed before SARC is able to consider it.

This bill is a groundbreaking advance for the rights of visually impaired Victorians. No other state has enacted such measures. For the first time visually impaired voters will have the option of being able to vote unaided and truly in private. The member for Bellarine referred to Val Nicholls, who is known to many people in this house and has for a long time agitated for this measure since she lost her sight in a horrific accident some years ago. I know that Val will welcome this legislation.

This bill complements the proposed human rights charter which is currently before this house and which enshrines fundamental civil and political rights for all Victorians, including the right to vote. It is a further example of the leadership role our government is taking in protecting the civil rights of citizens by providing for the first time the means for visually impaired Victorians to cast a truly secret vote.

The bill will also ensure that this trial of electronic voting is secure and safe and has built-in safeguards for the integrity of the voting process. It will also be subject to an independent audit. It is good to see that the voting trial will be available at six facilities at the upcoming state election, in both metropolitan and regional sites. It is an opportunity to expand the franchise for people with disabilities. It contrasts with proposals that are currently before the federal Parliament which seek to limit the opportunities of hundreds of thousands of mainly young people wanting to vote for the first time and for those who have recently moved.

For someone like me who represents a growth corridor, this is something that I view with deep concern. Maybe the federal member for McEwen might like to maintain her shrinking majority by shutting out those people who have moved into the area recently. The federal Parliament has before it a proposal to close the roll on the day of the issue of writs rather than seven days hence, as is currently the case. I call on the Senate to oppose this provision because it will actually be a negative impact on democracy in this country, as opposed to this bill which is good for democracy. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I briefly speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. The bill does a number of things. It provides for a trial of electronic voting for the November elections for those people who are visually impaired and need some assistance. There will be six centres across Victoria. I would like the minister to advise me where these centres will be located. They will be stand-alone kiosks and, from what I understand, the government has no plans to introduce voting via the Internet, which I think is a good thing.

It is about time that we decided to move with the times and embrace technological changes. It is appropriate and fair on those people who actually want to vote. While electronic voting, or e-voting, could include

different types of voting, this bill before us only deals with providing the assistance to those who are visually impaired. But we need to ensure there are no errors or malfunctions, and there must be no room for fraud. I think that is very important. This idea is not new. In the USA, for example, it is practised in many states. In the Winchester *Star* in Virginia an article entitled 'Machines give independence to blind voters' says:

> Blind and visually impaired Winchester citizens can keep their votes secret from everyone for the first time, thanks to new voting machines. Audio ballots through a set of headphones and buttons make the electronic machines — also capable of regular, touch-screen voting — special. Some live alone, not having anyone to vote for them … Others do not trust anyone to vote as they wish, and still others just do not want to talk about their politics.

The machines:

> … allow a visually impaired voter to do everything a sighted voter can do … voters hear the ballot over headphones. The screen is blank so no-one — not even a personal attendant — will see their selections. They move through the ballot with up and down arrow buttons at the bottom of the machine. Pushing a diamond-shaped button selects a candidate. To cast a ballot, visually impaired voters use the 'vote' button.

While it is done differently here in Victoria, it is being phased in in other parts of the world — and it is about time that we too decided to go down that track.

Another part of the bill enables the Scrutiny of Acts and Regulations Committee to consider acts within 10 days after royal assent if the committee was unable to consider the bill. This is for the benefit of the Parliament, but it could also work against the Parliament because once the bills are debated in the house it is of little use to members to read the report from SARC if the report comes into the house 10 days after the bill has received royal assent. As I said at the start, it could be good; I just hope the government does not abuse the system.

The bill also fixes errors in the Constitution Act concerning by-elections and provides for a second ballot paper for the upper house election if there are more than 20 groups of candidates. My concern here is that there will be many voters in Victoria who are not used to this type of voting, especially those who come from culturally and linguistically diverse backgrounds. I think it is important for the government to spend some money in the ethnic media to outline the changes and to make sure that every Victorian understands how they have to vote and that their vote counts. I can assure the house that there are many Victorians who will have absolutely no idea about these changes, and even though we are six months away from an election, unless the government makes sure that it is clear and that all Victorians understand, they will not be able to have their say at the November election.

I urge the government to spend some money and advertise in the ethnic media — radio and newspapers — to make sure that all Victorians understand the changes introduced by this legislation. While I support the legislation, I believe there could be some problems, and I urge the government to make sure that those problems are dealt with.

Mr CRUTCHFIELD (South Barwon) — I rise to speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. I will make a very brief contribution to the debate, acknowledging that everyone is in fact supporting the amendments it makes. I will quickly touch on two of them.

The first provides for a trial of electronic voting at local and general elections in Victoria. On behalf of the other Geelong members I acknowledge Val Nicholls's advocacy of this. I was on the council when she started her advocacy on behalf of people with impaired vision. She was originally talking about council elections, so I am pleased that the bill applies to both local and general elections. It is a trial. It is clear from its final report on electronic democracy that the Scrutiny of Acts and Regulations Committee (SARC) concluded that there is a secure way to provide electronic voting for persons with impaired vision. I also acknowledge that there are six sites, and my understanding is that there are some in regional Victoria. I would be very keen to trial one in the Geelong region. The move is certainly welcome, and I congratulate the committee on that recommendation.

The second amendment, which has been a particular topic of conversation at meetings of the Rural and Regional Services and Development Committee (RRSDC) chaired by the member for Seymour, relates to the taking of evidence by electronic means and allowing parliamentary committees to convene formal meetings via either audioconferencing or audiovisual conferencing. We on that committee have strongly advocated that. We made a submission to SARC, and its recommendations reflect our submission.

I note that the Acting Speaker is the member for East Gippsland, who is from the far east of the state. Our committee also has the member for Swan Hill, the member for South-West Coast and a number of other regional members from disparate areas of the state. This will not exclude our travelling to Melbourne to meet regularly as a group, but it will mean that in many instances, such as when we are finalising reports — as was the case recently — we will not have to formally

come to Melbourne. It also means we will still have our regional hearings, and I note that these are continuing. That amendment is welcomed by members of the RRSDC, and I also acknowledge that clearly there are some country members on other committees who will also be positively impacted.

Finally I want to touch on the Leader of The Nationals' small chip at government members. In fact I take umbrage at his comments suggesting that some city-based members, whether they be members of the government or of the Liberal Party, are irregular attendees at meetings. I invite the Leader of The Nationals to have a look at one particular member of his party who is not exactly setting records in terms of attendance. He needs to be very careful with his criticism of metropolitan members, whether they be Liberal or Labor.

Mrs POWELL (Shepparton) — I rise to make a brief presentation on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. The Nationals are not opposing this bill. It amends a number of acts to provide for electronic voting for people with visual impairment, to provide for a different Legislative Council ballot paper where there are more than 20 groups of people, to enable parliamentary committees to use videoconferencing and to enable the Scrutiny of Acts and Regulations Committee (SARC) to review acts within 10 sitting days of royal assent.

I want to pick up on a couple of those issues. I refer to clause 20, which is about parliamentary committees. I have the honour of being on a number of parliamentary committees, including the Family and Community Development Committee, of which the member for Caulfield is also a member. We meet weekly, and for a number of years we have provided good reports to this Parliament. Most people out there do not understand the importance of parliamentary committees, including the amount of work members from all parties do to make sure the reports that come forward are valuable to the Parliament.

One of the things we talk about is the distances members have to travel to attend committee meetings. I am one member who travels a fair way, because it takes me about $2^1/_4$ hours to get from Shepparton to Melbourne. While Parliament is sitting that is not a problem, but sometimes when Parliament is not sitting I have to make a separate trip to come down here. On a couple of occasions I have been halfway to Melbourne when I have been rung up and told that the meeting will not go ahead because there is not a quorum. I understand the member for Mornington to have correctly said that if there is not a quorum there cannot be a conference call or electronic communication, but where important or urgent issues need to be dealt with quickly and a country or city member cannot be there in person, it is important that the committee be given a response. That is where this bill will be of benefit to the committees.

The provision in the bill that will allow evidence to be taken by audiovisual link or other electronic means is good. People who cannot travel or may be interstate and therefore unable to attend the committee meeting at the time they are needed will still be able to give their evidence electronically, whether by conference telephone call or audio or video link. That will be meaningful to the committees. In this the 150th anniversary of its opening, it is a big step for the Parliament to come into the electronic world.

One of the other issues the bill refers to is the taking of an oath electronically. Any witness who has been identified will be able to take an oath. When people are giving evidence the committee needs the confidence of knowing that that evidence is true and factual. It is an important step to enable a committee to administer an oath to a person identified by means of an audio or audiovisual link.

On the issue of electronic voting, it is proposed that as a trial six super-voting centres around the state will be established that will be up and going by the time of the state election. That is a great move forward because it will allow people who are visually impaired to vote independently and privately. This will give those people with a visual impairment who have had to seek assistance to vote in the past some independence. With assistance in walking into the booth, they will be able to vote online themselves and know that their vote counts. They will appreciate being treated the same as everyone else insofar as their privacy and independence are concerned.

I will briefly comment on the Scrutiny of Acts and Regulations Committee amendment. We understand the importance to the parliamentary process of scrutinising bills before they become acts. We also understand that from time to time bills are introduced that are then rushed through both houses of Parliament for whatever reason. It is not possible for the committee to scrutinise those bills before they become acts. As the Leader of The Nationals said in his contribution, that should be the exception rather than the norm. We need to make sure it is definitely the exception rather than the norm and that this process is used for special circumstances where urgency is required rather than to avoid bills being scrutinised before they come forward.

I hope we will have a system in place so that if after scrutinising legislation the committee finds there is something blatantly wrong with it, that legislation can be brought back before the house to be amended. I think the Scrutiny of Acts and Regulations Committee does a great job in reviewing bills, and it seems to review a lot in a short time. Sometimes we have a large number of bills coming through the house, as has occurred this week, so the load on the committee must be enormous. At the end of the day the SARC does an important job. It is important that bills are scrutinised so that we can have confidence in the legislation that comes before the house. We scrutinise them ourselves through our party processes and as individual members, but it is important that we have an all-party committee that looks at them independently.

Mr HELPER (Ripon) — It gives me a great deal of pleasure to speak in support of the Electoral and Parliamentary Committees Legislation (Amendment) Bill. The bill performs basically four functions. Firstly, it provides for electronic voting at six electronic voting centres for the visually impaired; and secondly, it allows parliamentary committees to take evidence by electronic means and to allow committee members to participate in meetings by audio or video link. I note the comments made by the Leader of The Nationals that that will be of particular benefit to rural and regional members, and as such I welcome it. Thirdly, the legislation makes technical amendments to the provisions for tabling committee reports; and fourthly, it gives the Scrutiny of Acts and Regulations Committee the ability to consider legislation after it has passed the Parliament and to report to the Parliament on it. I note the points made by the member for Shepparton in relation to that, commenting on the good work of SARC. I echo those sentiments entirely.

The issue I wish to briefly discuss is the extension of electronic voting to the visually impaired in our community on a trial basis. Like other members, I also know Val Nicholls. She is a constituent who has pursued passionately the basic right of the visually impaired person to have the opportunity to cast their votes in secret. This trial will I am sure prove to be very successful, and it will be a matter for future governments to deal with the resourcing issues involved in making electronic voting as widely available in our community as possible. I do not wish to pre-empt the trial and its evaluation, but I am sure it will prove to be highly successful in extending the basic democratic right to vote in secret to those who are visually impaired. With those few comments I indicate that I support the legislation and wish it a speedy passage.

Mr HONEYWOOD (Warrandyte) — In preparing to join the debate on the Electoral and Parliamentary Committees Legislation (Amendment) Bill I had cause to pause and to hark back to the infamous 1985 state election, when out of 121 516 voters in Nunawading Province we had a complete and utter tie. If members cast their minds back they will know that Rosemary Varty was defeated by Bob Ives on a draw from a hat. Here we are, some 21 years later, looking at electronic voting, yet as I understand it we still have not devised a better system for resolving a tied vote than having an independent electoral officer draw the winner's name out of a hat. I guess that reminds us that in this wonderful democratic system of ours you can never anticipate everything that will happen.

After all preferences had been distributed for that upper house seat of over 120 000 voters, who would have thought the result would be a tied vote? The name of the winner was drawn out of a hat, and the result changed the make-up of the upper house. As I recall, it gave the Labor Party a majority for about six months until the Liberal Party was able to prove in the Supreme Court that enough dead people had voted and other interesting issues had occurred to justify a by-election. As parliamentarians we can do all we like to fix systems, but we cannot anticipate some of these outcomes.

In adding some information to this debate I would like to point out that, apart from the jurisdiction of the Australian Capital Territory, the United Kingdom has also experimented with different electronic voting options. This involved broad options, however, including Internet voting, short message service (SMS) voting, electronic voting machines and the traditional ballot paper. It was determined in the UK that the systems employed appeared to be functional and reliable. However, no overwhelming demand was demonstrated for the use of electronic voting options. Of course, the UK is a much larger country than Australia in terms of population, so it is a worry to think that it decided there was not much demand for this. However, here in Australia we are often world leaders in what we do for people with disabilities; therefore, as a Parliament we are trying to do the right thing here today.

Of course electronic voting presents some security issues and other technical challenges. My office spoke to a Victorian Electoral Commission (VEC) representative, who was able to clear up several issues for us very professionally — for example, we asked about ballot papers in braille, which would allow a blind person to vote in total secrecy without having somebody standing over them. Apparently this was

tested during the last election, which I was unaware of, and a few things were discovered.

Firstly, only a small portion of visually impaired people can actually understand braille. I understand that people who have been visually impaired from a young age are taught braille, but obviously older members of the community who may become blind over time are not taught braille and find it very difficult to learn it at an advanced age. Apart from the fact that only a small portion of our blind or visually impaired community can understand braille, the second point was made that braille markings on paper have to be very large to be understood by touch; therefore, a standard template for a ballot paper would be unacceptably large in braille. That would be particularly the case for upper house ballots. Could you imagine all the braille that would be required on a ballot paper for that house?

Issues of computer integrity also came up when I was preparing for today's debate. The concern is chiefly to do with the transmission or transference of results from computers to a main or centralised counting facility. If, for example, results were transmitted via an Internet or online-type process, the opportunity for security breaches could be very high. However, again according to experts at the VEC, all information will be stored on stand-alone computer hard drives, which means that no external network will be attached to them. Information will also be stored on the USB (universal serial bus) memory card that is attached to that particular computer.

Once the voting is closed the stored information then will be transferred to a centralised computer area where the votes will be printed and included in the normal vote. Apparently the only way in which a computer could be compromised would be if somebody physically broke through the security measures, such as the locked cases securing the PC, or personal computer, and by physically inserting a piece of software to corrupt or manipulate the system. I think we would all agree that such an event would be highly unlikely.

The possibility of power interruption is something else again. I was concerned about this because, again, we should expect the unexpected. Who would have thought two elections ago that a former Liberal, who became an Independent — as I recall the member for Frankston East — would pass away on election day? With elections you often expect the unexpected, and power interruption could be one of them. According to the good work done by the Victorian Electoral Commission, the computers will be connected to an uninterrupted power supply, which would buy time in the event of power failure — perhaps up to 1 hour. It looks as though that issue has been well and truly covered.

Normal computer hitches were also discussed by my office with the VEC, and the possibility of them occurring has been and will continue to be vigorously tested. A third-party independent audit of the system will also be conducted prior to the November polling date. The computer software for the system will have internal checks and balances to ensure that each vote is properly accounted for and accurately recorded. However, it would not be unreasonable to suggest that this may be impossible to guarantee categorically when it comes to electronic data. On the other hand, it may also be impossible to guarantee total accuracy with ballot papers.

Notwithstanding all that, the system will allow visually impaired people to vote in secret, as they can go through the entire process without any assistance. I think that is a key point. I therefore do not see any major security issues associated with the small-scale trial that is envisaged, given the accessibility that will pertain only to a small sample group anyway. However, real concerns of security would arise if this was ever expanded to include Internet and SMS voting, for example.

The jurisdiction of the United States of America has been mentioned as having problems in this area. I well recall a situation that arose many years ago because of electronic voting in the US Congress, where members are not required to come into the chamber to vote. Apparently a congressman was otherwise engaged and his adult child did not want to interrupt him. It has gone down in folklore, but apparently there is truth in it, that the adult child thought he knew which way his dad was going to vote on a bill and pressed the wrong button. That certainly caused enormous problems, given that it was a close vote and that the congressman himself did not press the button. It was done by a close family member in his stead. So the USA has experienced serious voting problems, and the possibility of software and system attack from domestic and external sources is very high and very real. However, the opposition sees no reason why the electronic booth voting system should be opposed at this stage.

In the brief minute or so I have left to me I would like to support comments made by honourable members about the need for evidence to parliamentary committees to be taken, where possible, electronically and by new technology. Obviously in the modern day it is very difficult for a parliamentary committee to guarantee the attendance of key witnesses. If the method of the taking of evidence facilitates proper and

thorough inquiries — and provided it does not mean that expert witnesses can cop out and not turn up to face the music in important all-party committee interrogation exercises or, shall we say, the taking of formal evidence — then that is fair enough. Provided we have safeguards in place, it is important to ensure the good work of committees by keeping up with modern times and noting the importance of being able to take evidence by different means to add to a comprehensive and thorough inquiry by parliamentarians. Having said that, I wish the bill a speedy passage.

Dr HARKNESS (Frankston) — It is a great pleasure to rise to speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. As a member of the Road Safety Committee I am very pleased that the members for Geelong and Ivanhoe have also been able to come in and hear my contribution to the debate on this bill. As a member of the Road Safety Committee I know how important the committee process is.

With some of the constraints of the Parliament it is important that members are able to engage in detailed and in-depth analysis of policy matters. I think the reports which we hear about on Wednesdays and read at other times are testimony to the importance of the work of committees. This bill provides for parliamentary committees to take evidence by electronic means, and that will be a great boon to the committee process. It will allow committee members who are unable to attend meetings to participate via audio or video link, but also importantly will allow people to make their contributions to the committee process electronically.

The other important part of this particular bill is that it facilitates voting for visually impaired people. I know how important the vote is for all members of the community. It is a terrific initiative that finally people with visual impairments are going to be allowed to vote by secret ballot and no longer have to rely on other means of voting. In the house this afternoon we have already heard some examples of people who will relish the opportunity of casting a secret vote for the first time. Having made those few brief comments, I commend the bill to the house.

Mrs SHARDEY (Caulfield) — I rise to make a short contribution to the debate on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. This bill does about four things and I want to speak briefly about some of them. Firstly, it provides for a trial of electronic voting for the November election for those people who are vision impaired and need assistance to vote and who wish to cast a vote using a new voting kiosk. I understand there are going to be some six of these kiosks around the state. I am not sure where they are going to be. I hope they are at places that are convenient to those people who wish to access them.

In my previous role as the shadow Minister for Community Services I came to appreciate the importance of allowing people with disabilities to participate as fully as possible in the life of the community. Being able to vote is probably something we all value. We may not realise its value until the stage when we cannot make that choice. It is a very worthwhile exercise to allow visually impaired people to go to a kiosk to cast their vote electronically. I suppose all of us have some reservations and seek assurances that the system will be robust and will not be able to be tampered with in any way, and also that there will be mechanisms or ways found for proper scrutineering of the votes cast. I am told that to that end the votes will be produced in a paper format for those who wish to scrutineer from the various parties. I hope that becomes a reality.

Secondly, this bill overcomes some inadvertent errors contained in the Constitution (Parliamentary Reform) Act. It amends sections 26 and 63 because there was an inadvertent deletion of the provisions that related to time frames for the nomination day and the election day of a by-election. One does not mind seeing this occurring except for the fact that it becomes an issue when legislation is not cast properly and silly mistakes are made. In this place we are invariably fixing up stupid errors that are made because in many cases there is a huge rush to get legislation into here and people are not careful enough. I think it goes to the standards we expect in our Parliament. Many of those standards, as we saw even today in question time, are not being maintained. I therefore think this is just an example of some sloppiness that goes on in the system which really should not occur.

Thirdly, this bill provides for a second ballot paper for elections for the Legislative Council when there are more than 20 groups of candidates. We are all used to the above-the-line system with groups of candidates for each party being underneath their particular party under the line. People can very clearly see, even if it is a very wide ballot paper, which group belongs to which party above the line. That has worked very well and been very clear. The description of these ballot papers with perhaps more than one group under the other will, I think, lead to some confusion. I do not think it is a desirable change. I believe it will take just one election for people to realise that this is not what they desire and

that we should return to the old system. Even if the ballot paper is wide, at least people know and understand it. People do not like the sort of change that causes confusion, particularly if they have to go searching for a particular group if they wish to vote under the line.

Fourthly, the area I think is quite interesting is the use of a video link or teleconferencing for parliamentary committees. With the committee I serve on, the Family and Community Development Committee, there are instances when it would be very helpful if we were able to use a video link. I particularly refer to my colleague the member for Shepparton. We have become aware that she has a long way to come — a $2^1/_2$ drive — to get to Melbourne. It is too far, particularly if we are just meeting for a short time. Sometimes we just have a half-hour meeting and then the committee disperses, and the member for Shepparton will have travelled all that way.

However, a concern was raised by the Scrutiny of Acts and Regulations Committee which I believe has still not been addressed. A letter was written seeking clarification of this issue. The committee noted that the minister's second-reading speech means:

> … that a member participating remotely by means of electronic link is not to be counted for purposes of the quorum. It would therefore appear to the committee that a member participating remotely is, for the purposes of the act, not 'present' but 'participating' at the meeting.

That is sheer hypocrisy. The committee report goes on:

> Considering other provisions of the act, for example, sections 24(1) and 26(2), it is unclear to the committee whether a member participating remotely has a right to vote on questions before the committee.

I think it is just stupid if this has not been made clear. I call on the minister to clarify the situation before this bill passes through the house. If it is good enough for someone giving evidence to be counted as actually being there if they give their evidence by audio link, then someone participating in a meeting by audio or video link should also be counted as being there. My husband participates in many meetings by teleconferencing and no-one would suggest for the purposes of those meetings that he could not vote and in fact was not there even though he was participating in the meeting. I think this is just a nonsense and should be clarified.

While I strongly support the move to make our committees run more easily, particularly to accommodate people who often have to travel long distances, I think this matter should be made very clear. I for one support the notion that anyone participating by video link should be counted (a) as being there; (b) as being able to vote; and (c) as being in attendance at the meeting. With those few words I will conclude my remarks and thank my Nationals colleague for all his support in my making these remarks.

Ms MUNT (Mordialloc) — I am pleased to be able to rise and speak in support of the Electoral and Parliamentary Committees Legislation (Amendment) Bill 2006. In line with many pieces of legislation from the Bracks government in support of which I have had the honour and privilege to speak, this bill is designed to treat people with dignity and respect. It is a recurring theme in all our legislation, and I am very proud to be able to be a part of that.

This legislation puts in place a trial of electronic voting for the visually impaired, and it is also, as the member for Caulfield noted, good legislation in that it includes people in our community who have a disability and allows them to participate fully in every aspect. I have just checked, and a keypad will be available to allow visually impaired people to register a vote. If they have severely impaired vision or no vision, there are headphones and a touch screen to enable them to cast their vote.

As many other members have noted, I also had many letters and emails from Val Nicholls, who has lobbied extensively for the right of the visually impaired to be able to cast a vote. I would like to thank her for all her work and for bringing this matter to everyone's attention. This contribution to the debate is dedicated to her efforts. As she pointed out, and as I have pointed out previously, it is the fundamental right of every Victorian to have a secure and private vote. Just because you have a disability, there should be no bar to the exercise of that right, which is the right of all of us.

There has also been some mention by other members of the security of the process. I would like to mention that the Victorian Electoral Commission will be putting this trial in place in November. I absolutely trust it to do this completely correctly.

The bill also amends the Parliamentary Committees Act to allow parliamentary committees to take evidence by electronic means and by video or audio link. Apart from noting that it is important for isolated communities to have access to our parliamentary committees, I would also like to mention that for some people attendance at a committee is difficult or intimidating. I have seen some people who find this overwhelming. They may be people who also have disabilities and find it hard to get to the parliamentary

committee, and this is a way for the parliamentary committee to reach out and get the evidence of all those people as well and for them to have an input into policy and into the government of Victoria.

The bill also provides for the timing of by-elections and for a second form of ballot paper to be used when there are more than 20 groups of candidates for election to the Legislative Council. These are also positive benefits of this piece of legislation. I commend the bill to the house. It is another good piece of legislation being presented by the government.

Mr DIXON (Nepean) — As a survivor of the last election by 114 votes, I have a keen interest in anything to do with the accuracy of an election count and an honest electoral system. I also represent a large group of people who are elderly, and I think it is very important that those who find it difficult to vote and who may not have the support of having somebody with them when they go to vote, especially if they are visually impaired, have an electoral system that is very friendly and useable for them. It is so important that we get this right and that we have backup systems in place, even as far as these trials are concerned, because I can assure you, Acting Speaker, that every single vote counts, and we cannot afford to make mistakes. We need to get it right, right from the very start.

I think a trial is a good way to do it. As to the six centres, I will be very interested to see where they are. I would certainly volunteer my area, because my electorate has the oldest age profile. It is home to a large number of elderly constituents, and I think a fair number of them would be more visually impaired than the average, so I think my area would be a good place to have one of these trials. It is important that the trial is watched very closely and that any bugs are ironed out right from the very start. But overall I welcome it, because it is important that we have an accessible electoral system. We have a very good electoral system in Australia, and when we improve it we need to do it incrementally and very carefully and thoughtfully. That becomes very obvious when you look at the United States and the dog's breakfast of a system in place over there, which varies from county to county. I think we have something we can very much be proud of, but we need to guard it jealously — and as I said, any change needs to be careful and incremental.

The audio and video links for committee evidence and the attendance of members at committee meetings is a welcome step. Like most members in this place, I have had fairly extensive experience on our committees. They are a very important part of our Parliament, and it is vital that we keep up with technology and use it to make the collection of evidence as wide as possible and our hearings as accessible as possible so that we have the best possible evidence to enable us to come up with the best possible findings. There have been many situations with committees I have been on where people would have liked to have given evidence to the committee, but they could not come to Melbourne or wherever we were conducting hearings, so therefore they provided written evidence, but I think it is very important to get that two-way interaction that is available by a video link so members can ask questions. I think this is a good move.

I have concerns, though, about the legitimacy of members of Parliament actually conducting a meeting and having a quorum in a meeting where the member may not be present and a video link is set up so that the member can take part in that meeting. We need the clarification that that member is part of the committee. As the member for Caulfield pointed out, if on the one hand you are able to have people giving evidence and taking oaths over a video link with their evidence being taken on board, members of the committee should have at least an equal right. I think that needs to be clarified.

Being a former member of the Scrutiny of Acts and Regulations Committee (SARC), I remember a couple of situations where the 10-day delay after the passage of legislation to be considered by the committee would have been useful. We were talking about it a few years ago when I was on the committee. I have some reservations about it, because to some extent usually the horse has bolted within 10 days. If the bill was between houses, that would be okay, but I think 10 sitting days — especially when you look at the way our sitting days have been spread out over this year — may be too much. I cannot see how this is going to work well.

We have had three sitting weeks in a row now. We do not sit for another four weeks, then we are back for a week and then we are away for three weeks. I will be very interested to see how this works out in practice. I think we need to watch this very carefully, because this is a very important committee. I think it needs to do its job in a timely fashion so that those who wish to take part in a debate in this place can refer to its reports. It is often a very important part of the debate when members refer to evidence that has been given to SARC or the recommendations made by that committee.

Finally, I want to briefly comment on the likely introduction of two ballot papers. This is going to be unbelievably confusing. Most people, even those who have an interest in or are involved in politics, do not understand what is going to happen at the next state

election with regard to the new upper house areas. This is going to create a sense of confusion anyway, and I do not think the next election should be where a new type of ballot system or ballot paper that no-one has seen is introduced. It ought to be kept for a later election because most people will be struggling to understand the new system in the upper house.

People will struggle to understand what is required of them when they are voting. They are used to the above-the-line system, and by far the vast majority of people vote above the line. When they are also being presented with this new regional system, it will be very confusing for them, and I think the government ought to consider postponing it until the next election. With those few comments, I welcome the bill. In a net sense it is a step in the right direction.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add my contribution to the Electoral and Parliamentary Committees Legislation (Amendment) Bill. The opposition is not opposing the bill, and I am well aware that The Nationals are not opposing the bill.

Many of the speakers before me have served on the parliamentary Road Safety Committee. The Acting Speaker, who was also a member of that committee, would know that it has a history of sincerely trying to investigate road safety. Allowing evidence from witnesses not attending the committee meeting to be taken by means of an electronic audio device will greatly assist the Road Safety Committee. I believe that every member who has been involved with the committee over the last several parliamentary terms, during which time I have served on the committee, has always endeavoured to be on time and to contribute to it as often as they can. This legislation will add to the support for that committee and all other committees.

I am also aware that this legislation allows the Scrutiny of Acts and Regulations Committee to consider a report on a bill after it has already passed through Parliament and become an act. I hope that does not occur very often, but that provision will allow SARC to make a valuable contribution. The bill also allows the election of the new upper house to take the form of the process used in the Senate. That is certainly a step in the right direction, and hopefully it will allow greater participation and result in less informal votes.

More importantly, the bill allows the vision impaired to vote unaided for the very first time. I note that previous speakers mentioned there are six supervising centres to be declared at the next state election. Hopefully that system will work out well. As we all know, electronic devices and new technology need some trialling. Despite the best intentions, there are sometimes a few bugs, but the new system will assist that process. It is certainly progress to allow the visually impaired to vote unaided and to exercise their democratic right to vote via secret ballot. I commend the bill to the house and wish it a speedy passage.

Mr WALSH (Swan Hill) — I would particularly like to talk about part 3 and part 5 of the Electoral and Parliamentary Committees Legislation (Amendment) Bill, but before I do so I note that there has been lengthy discussion about the electronic voting trial. Like everyone else, I think it is a good idea. I feel quite sure that the trial will not be held in the Swan Hill electorate, but if it were I would welcome it, because the Swan Hill electorate has one of the highest percentages of postal votes in the state. That has been brought about by the fact that a number of polling booths have been closed over the years, and with the distances that people have to travel a lot of them now qualify for a postal vote. The age profile of the electorate also means that quite a few people now subscribe for postal votes rather than trying to attend a voting booth.

I want to talk about part 3 of the bill, particularly schedule 1B, where a table has been inserted showing a voting card that can be put together when there are more than 20 groupings in the new upper house elections. It is interesting to recap a bit on the history of this subject. This has come about as a result of the constitutional change we made in this place after the 2002 elections where the traditional 22 upper house electorates were rolled into eight regions with five members each. At that time The Nationals put in a submission opposing the draft recommendations by the Victorian Electoral Commission, because we believe that country representation will be lessened by those changes. This legislation is a consequence of that.

The first election with this new system will be quite confusing for a lot of people who will not understand it. It is amazing when you travel around country Victoria how very few people realise that there is going to be any change at all, so there will be quite a catch-up on knowledge. The interesting part of this schedule is point 3 of the notes at the bottom, where it says:

> Here insert the name of a registered political party if to be printed and the suburb or locality of the candidate's address in respect of which the candidate is enrolled.

We all would have seen the commentary in the newspapers in recent times about the Labor Party having preselected Melbourne-based candidates for the three upper house regions, so I would imagine that the removalist business will experience great demand

between now and the election as those Melbourne-based members of Parliament try to relocate to a country address that can be recorded on the ballot paper. I hope they do not take the short cut of effectively just having a post office box in country Victoria so they can say they actually live there, or registering at their mother's address or whatever it may be. I hope that the removalist industry in Victoria sees a boom in its business as it relocates some of the city-based Labor party people who are preselected into winnable spots in the three country regions.

The other part I would like to touch on is part 5. There are two issues there, but the principal issue is audio and audiovisual links for committees. This has been a passion of mine since I came into this place and was appointed to the Rural and Regional Services and Development Committee, because it is a real task having a 4-hour drive to Melbourne for a 2-hour meeting and then a 4-hour return drive. In all the time I have been in this place it has for me defied logic that we have not been able to have an official meeting either by teleconference or by video link.

We have spent a long time talking up the fact that, given the telecommunications infrastructure we now have in Australia, people should no longer have to work from the places where they have until now officially worked. We have promoted the fact that people can shift to country Victoria for the improved lifestyle and to enjoy all the great things country Victoria has to offer them while being remotely linked to their offices here in Melbourne, in New York or in London. It would seem that in adopting this change the Parliament has recognised that it has been behind the times.

It is an issue that I wrote about to the chair of my committee, the Rural and Regional Services and Development Committee, suggesting that the legislation should be changed. The committee subsequently wrote to the Speaker. I would like to think that this is the culmination of pressure from various members, particularly country members but also metropolitan members. I imagine that quite a few metropolitan members would have a 1-hour or $1^1/_2$-hour drive into the city, particularly in peak-hour traffic, and it would again be far more efficient for them to work remotely from their office or from a locality close by than to come in here.

The note of caution I sound, and it is an issue that has been discussed, is the cost of the video link. At the moment, as I understand it, the cost of using a video link is a cost against a committee's budget, while there is a saving to Parliament. In my own case, instead of the cost involved in having to drive a car for 8 hours and travel something like 750 kilometres, there is a saving there for the Parliament, yet there is a cost apportioned to the committee in having to hire the video link service from the local Department of Primary Industries office. Once this bill is passed I would encourage the Parliament to look at how, within the government system, the cost of using video-link facilities in the towns where our offices are located might be apportioned across the rest of Parliament rather than just to the committee. We do not want to find that committee members are not meeting by videoconference because of the cost to their committee and instead are having to drive for hours and hours, which is a cost to the Parliament.

As I said, the Parliament has been remiss in being so far behind the times. Before I was elected to this place I was with a public company. I can remember — I think it was seven years ago — being on the subcommittee that was searching for a new chief executive officer for SPC Ltd. We interviewed prospective CEOs in both New York and London by video link. The quality of the video link we had then was far superior to the quality of the trial video I did recently from Swan Hill for the — I should say 'unofficial' — committee meeting of the Rural and Regional Services and Development Committee. The facilities in the department's offices around Victoria need upgrading so that the quality of the video link is improved. It is still rather stilted, because the voice and body movements are not totally aligned. I would like to think we could improve the quality of the video link from places like Swan Hill to make sure we could use it more into the future.

I would also like to put on the record the fact that we have the federal government to thank for the upgrade of and our ability to use video links as a result of the various programs it has in place to improve broadband access in country Victoria. In particular, the HiBIS program has enabled quite a few exchanges in my electorate to be broadband enabled so we have greater access to that sort of technology.

The last thing I would like to touch on is the tabling of reports. The timetabling amendments in the bill provide for a report to be laid before each house within 10 sitting days of its being adopted; or if the house does not sit within 21 days of the report being adopted, the committee can unanimously agree to give the report to the Clerk of each house for it to be tabled and circulated. Given that there is plenty of time in the development of a report to make sure you have a date for adopting it that is close to a sitting time, I would be bitterly disappointed if we saw an increase in reports being tabled out of session. It demeans the Parliament if that happens after a committee spends months seeking

submissions, holding public hearings and preparing its report.

We have a responsibility to uphold the traditions of the Parliament by making sure we finish a report and table it while the Parliament is sitting. If we start continually tabling reports out of session it will lessen the importance of Parliament and would be a backward step in the democratic processes we have here in Victoria. With those comments I wish the bill a speedy passage.

Mr TREZISE (Geelong) — In briefly contributing to the debate I am pleased to speak in support of the Electoral and Parliamentary Committees Legislation (Amendment) Bill. It once again highlights the Bracks government's commitment to democracy in this state — in this case, by giving a truly independent vote to people with vision impairment. As other speakers prior to me have noted, the bill also highlights the government's commitment to the operation of an effective committee system within this Parliament.

Firstly, the bill allows for a trial of electronic voting facilities at six centres during the November state election. This electronic voting trial will for the first time allow people with a vision impairment to vote independently and free from any assistance. In supporting this initiative I would like to acknowledge a friend of mine, Val Nicholls, for her tremendous and at times slightly overzealous commitment to pursuing this matter, which the Serjeant-at-Arms may attest to! Val is very much a political activist. Unfortunately a number of years ago she was seriously injured in a car accident and has lost a large degree of her sight. Since that time Val has fought hard for the initiative we are implementing in this bill. As I said, I fully support the initiative and commend Val Nicholls for her work in this field.

As chairman of the parliamentary Road Safety Committee I fully support the provisions of the bill that will allow committees to take evidence by electronic means. They will also allow members to participate in a meeting by audio link. As the Road Safety Committee has a number of members who travel vast distances to attend meetings, this initiative will greatly assist it and other committees to operate far more effectively. Acting Speaker, you are one of those dedicated members who worked hard on the Road Safety Committee, and to do so you travelled many hours, so you are well and truly aware of the issue we are talking about tonight.

I do not think an audio link is the ideal way to participate in a meeting, but it certainly is better than being unable to achieve a quorum or making members — as you are aware — travel for hours to meet for perhaps 1 or 2 hours. This is good legislation, and I wish it a speedy passage through the house.

Mr WELLS (Scoresby) — I rise to make a couple of points on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. The purpose of this bill is to amend the Electoral Act, the Constitution (Parliamentary Reform) Act, the Parliamentary Committees Act and the Magistrates' Court Act to provide for electronic voting and amendments to the provisions covering the Scrutiny of Acts and Regulations Committee (SARC) to enable it to consider bills even after they have received royal assent. I will come back to that in a moment.

The main provisions concern a trial of electronic voting in this November's election for people who are vision impaired, who need assistance to vote and who want to cast a vote using the new voting kiosk. The bill makes it clear that existing offences in the Electoral Act such as forging ballot papers, bribery and interfering with political liberty are indictable offences. It overcomes an inadvertent error contained in the Constitution (Parliamentary Reform) Act, which provided for by-elections and their timing and was repealed by the passage of that bill. It also provides for a second ballot paper for elections for the Legislative Council where there are 20 or more groups of candidates.

The Parliamentary Committees Act is being amended to enable SARC to consider an act within 10 sitting days after royal assent if the committee has been unable to consider the bill. Further, it enables joint investigatory committees to have one or more members participating via audio or audiovisual link or to have evidence given remotely with the committee being able to administer an oath remotely. It also provides that reports of joint investigatory committees may be tabled in Parliament within 10 sitting days or, if Parliament is not sitting, within 21 days if agreed.

The Liberal Party has some areas of concern. Because of errors, more amendments to our constitution are needed, and they will become entrenched after the next election. We are also concerned about the amendment to the ability of a parliamentary committee to table documents outside the sittings of Parliament. We have consulted with SARC, the Law Institute of Victoria and the Victorian bar. Our position is that we will not oppose the bill.

However, there are a few issues about which we have concern. I understand why electronic voting should come in for people who are vision impaired. That

makes perfect sense. But how do we scrutinise that vote? I wonder if, when the minister is summing up, he could give an explanation of how that is going to happen. When we are scrutinising the votes after 6 o'clock on a Saturday night, if there are any concerns we can look at the ballot papers and see whether there is a tick or a cross or the numbers are in the wrong place. There is a mechanism that allows us to appeal against a particular vote. But I am not sure how the practicalities will work in regard to electronic voting or how the scrutinising process is going to work. I hope the minister can outline how that will be done.

I thought the member for Swan Hill explained the issue of the audio link very well. In some cases if you have a 4-hour drive — as he does, being in Swan Hill — it makes sense that from time to time you would be able to use an audiovisual link. The person can be verified and can then continue. When I was on the Law Reform Committee we were able to have a telephone link with Cape Town. That worked out very, very well, except that the two barristers we had discussions with in Cape Town started off agreeing with each other but as the telephone conversation went on each barrister became more opposed to what the other was saying, so it made for an interesting telephone link-up. However, as long as that evidence can be used and put into a report, then it is a worthwhile part of a committee investigation.

There is a bit I do not understand which I am sure someone on the government side will explain to me. Why would the Scrutiny of Acts and Regulations Committee want to investigate a piece of legislation 10 days after it has received royal assent? That would do a fat lot of good. Why have the SARC process in the first place? If this were really an open and transparent government, I would have thought all legislation, all bills, would go through the SARC process before they actually came into Parliament. If there were concerns about the legislation and whether it would affect other pieces of legislation or the constitution or the way Parliament runs, then it would be possible to process that, debate it and highlight it before the legislation actually came into the house.

Why the government would allow for SARC to investigate a bill within 10 sitting days after it has received royal assent is beyond me. It just does not make any sense. You sort of get the feeling that the government is trying to slowly but surely gag parliamentary committees such as SARC. With those few remarks I again indicate that the Liberal Party will not be opposing this bill.

Mr JASPER (Murray Valley) — I am pleased to speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill and support the comments made by the Leader of The Nationals. I thought the Deputy Leader of The Nationals also made an excellent contribution in relation to the legislation before the house.

An honourable member interjected.

Mr JASPER — I will come back to the comments made by the member for Scoresby because I think he made a valuable contribution in relation to the 10 days after a bill has gone through the Parliament. I think that is an issue that needs to be looked at and debated further.

The purpose of the bill is to provide for electronic voting for blind persons, to provide for a different Legislative Council ballot paper where more than 20 groups are involved, to enable parliamentary committees to use videoconferencing, and to enable the Scrutiny of Acts and Regulations Committee to review acts within 10 sitting days of royal assent if that was not done while the act was a bill.

Many comments have been made by other members in relation to the various clauses and provisions in the legislation but I want to concentrate on one or two areas which I believe affect us as country members of Parliament. The thing that has concerned me most with the operation of the current Scrutiny of Acts and Regulations Committee is I am the only member living outside metropolitan Melbourne. I have been extremely concerned about the lack of consultation with me as a member of Parliament living three hours away from Melbourne about the times the committee has sat. I acknowledge that the committee sits at 2.00 p.m. on a Monday and often that has caused difficulties for me as a member of Parliament in north-eastern Victoria. I believe my first duty is to my electorate. I am in my office in Wangaratta during the morning and then travel to Melbourne in the afternoon to be here for The Nationals' meetings that take place in the latter part of the afternoon.

We find it difficult as country members of Parliament to meet our commitments. A committee meeting is often called outside the sitting of the Parliament, and it may be for just an hour. But from my point of view that means a full day is to be spent in Melbourne. There is a 3-hour drive to Melbourne, the committee meeting may take an hour, and then there is a 3-hour drive back to my electorate and Wangaratta and Rutherglen. When many country members know there is a committee meeting to attend we arrange other things to take place while we are in Melbourne, either here at Parliament House or meeting with departmental people to discuss

other issues. That way it is not about spending 3 hours driving down and 3 hours driving back for that 1-hour committee meeting.

Over the years I have had great difficulty getting committees to be responsive to people living in country Victoria and the difficulties members have in attending committee meetings. In the early years I joined the scrutiny of regulations committee because the Honourable Ivan Swinburne was a member for North Eastern Province in another place in the late 1970s and he told me the first committee I should get onto was the regulation review committee. He indicated quite clearly that bills go through the Parliament, they are reviewed as they go through the Parliament and when the bills become law regulations are made under those acts of Parliament and they are reviewed by the regulation review committee. I found that to be a most interesting committee. I was on it for many years. Through the 1980s it operated as a single committee reviewing regulations.

The regulation review committee has now been sucked up into the Scrutiny of Acts and Regulations Committee. I seek to attend the regulation review meetings as often as I can because I have an interest in regulations. I think we all need to understand that the regulations are an important part of the bills that go through the Parliament and become acts of this Parliament. I do not believe regulations get the scrutiny by members of Parliament that they got in the past. We find that the executive officer reviews the various regulations and we get a report from the executive officer on them, but as members of Parliament we do not scrutinise them individually, which we did in the past. I find that quite disappointing.

We need to reconsider the volume of work being imposed on the Scrutiny of Acts and Regulations Committee. As I see it, there needs to be a review of the workload of that committee. It might be possible to spread that work to another committee. There is a subcommittee which reviews the regulations separately, but I do not believe we have the same time to review those regulations. I put that on record as a person who has been a member of committees over many years. The 11 committees in the current system are important in what they do in providing a contribution to the operation of the Parliament. They generally operate extremely well.

I strongly support the idea of videoconferencing. As I mentioned earlier, for country members attending committee meetings is a huge difficulty. I paid particular attention to the comments made by the Deputy Leader of The Nationals about the use of conferencing. He was able to use conferencing in his former role with the Victorian Farmers Federation and indeed in other activities he was undertaking. Videoconferencing will benefit us as country members. We will be able to take part in committees while continuing the work we do on, say, a Monday in our electorates. We will be able to participate in the review of bills that come before the Parliament through videoconferencing.

I have to join the member for Scoresby in the comments he made about the Scrutiny of Acts and Regulations Committee being able to review bills when they go through the Parliament and when they become acts of Parliament. I think it will be difficult for the committee to review a particular act and then have a criticism of that act. You and I, Acting Speaker, know the difficulty of getting amendments to legislation, particularly when a government has a workload of bills going through the Parliament. As I see it, such a government would not be extremely responsive to a committee's saying it wanted an act amended because of the concerns it had with it.

Perhaps the government should look at the situation that is operating in Wales at present. The committee looks at bills before they even hit the Parliament. It has the ability to bring ministers before it and review the legislation before it is introduced into the Parliament as a bill. There is a review of legislation by a committee which has the ability to bring ministers before it. When the legislation hits the Parliament it has been through an extremely extensive review, not only in the marketplace where people are able to respond but indeed by the committee and members of Parliament prior to its coming into Parliament.

The Deputy Leader of The Nationals mentioned the importance of postal voting. In the brief time I have to finish my contribution I want to express my concern about pre-poll voting. We have seen a huge expansion in the use of pre-poll voting. There are two pre-poll centres in my electorate of Murray Valley, one at Wangaratta and one at Yarrawonga. They operate for approximately two weeks prior to election day. Many people are using those centres as an excuse to go in and vote prior to election day because they might be busy on that day, they might have sporting activities but more importantly they think they will have to wait when they get to the polling booth so they go and undertake a pre-poll vote. I think we want to restrict that and bring it back to less than two weeks or 10 days — or to bring it right back to less than a week — so people who genuinely want to cast a pre-poll vote can do that prior to election day.

We still have the ability for people to undertake a postal vote. I think that is important. If people want to vote prior to the election, they should utilise the postal vote and not have the ease of pre-poll voting purely and simply because it suits them to vote prior to election day. If you fill out the form for a postal vote you have to give an excuse as to why you do not want to vote on polling day. People are using all sorts of excuses to use pre-poll voting. I think that concern should be taken up by the government and particularly by the Victorian Electoral Commission. They should look at reducing the amount of time available for pre-poll voting and the number of pre-poll voting centres in electorates.

I support the legislation before the Parliament. I think it is a move in the right direction, particularly with the videoconferencing. However, I think the further comments I have made need to be taken into account by the government.

Mr INGRAM (Gippsland East) — It is a pleasure to speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. It feels as though this debate has taken on a life of its own, but it is an important piece of legislation and we are having an important discussion on it. The bill is about not only electronic voting at elections but also the importance of committees.

I would like to focus on a couple of things in particular in relation to the use of remote audio and video links not only for committee meetings but also for the taking of evidence. It is important that the Parliament move with the age and embrace new technology, particularly when that technology can not only save costs but also make things easier for members. Members will know that I am on the Rural and Regional Services and Development Committee, along with the member for Swan Hill, the member for South-West Coast and the member for Seymour. The committee has a number of other members who are regional members of Parliament. One of the most difficult things for members is the distances they travel to meetings. We have trialled a number of meetings by video and audio link, and whilst those meetings have not been formal because of the current status of the legislation, I think they have been important, particularly for regional MPs.

I looked at the second-reading speech with some disappointment, because I disagree that remote videoconferences should not be taken as having formal quorums. I think that is something this bill should have dealt with, because within this parliament we could work it out properly. I do not think a meeting to adopt a committee report should be done by videoconference or anything like that. That should be a formal meeting where members sit around the table and go through it. That is a formal function of the committee system. But there is no reason why debates on chapters about what should go in and what should stay out could not be done by audio or video link.

The current standard is probably not good enough, but if you look at the ability that exists to use split screens, you could have, for example, the text of the committee report that is being debated in one half of the split screen and links to each remote site in the other so that each person could see the other members of Parliament. That clearly would be exactly the same as sitting round a table. There is no reason why in that case it could not be a formal meeting of that committee. I think that should have been addressed.

The committee structure is an important part of the parliamentary system. I would like to think that future governments will take into consideration the fact that other parliaments around this nation and internationally have public works committees. I think we could restructure our committee system to include a public works committee. I know that governments do not like scrutiny and that that is part of their nature, and I will get to the changes to the upper house directly. But public works committees have the ability to scrutinise a whole range of different activities of government, such as costs and contracts and so on. It is something that works very well in other states and internationally, and it is a committee that this state should embrace. We could probably rationalise some of the current committees — that is, reduce their number — in order to have a public works committee.

There are a couple of issues that have come up in relation to electronic voting. I understand that this is a trial and that it is important, and I believe it is something we should be embracing. Scrutineering is an issue that I am sure will come up. When a vision-impaired person makes a vote on a screen and that is punched into the machine — and I have absolute faith in the Electoral Commissioner maintaining the integrity of the data — when the scrutineer comes to look at the voting form, how do we know, if there is an error in the vote, whether it is because of a computer malfunction or because it has not been recorded properly on the how-to-vote card?

How do we know whether it is the result of the person deliberately making an informal vote or whether the voter has misunderstood the prompts within the system — in other words, whether it is actually a flaw in the system that is causing an informal vote? Just because there is a print-out of the form, it does not

necessarily mean that the scrutineer will get it right. I am sure this is an issue that will come up through this debate and be addressed.

With regard to the new ballot papers for the upper house, one of the challenges is above-the-line voting. Personally, I am opposed to above-the-line voting. I think it is something that should not be there because it takes away the power of the individual voter to direct preferences and gives that to the political parties to determine. But one of the good things about the new voting system is that members of the public will be able to vote using non-exhaustive preferences, so they will only have to mark five candidates below the line. I think that is something that should encourage people to vote below the line.

I do not have any great problems with the new schedule, even though it is a bit complicated in my view. It is unlikely that there will be more than 20 groups of candidates on the ballot paper in the near future; I think that is probably a long way away. With those words I, like other members, indicate that I support the bill and commend it to the house.

Mr DELAHUNTY (Lowan) — I rise to say a few words on this important Electoral and Parliamentary Committees Legislation (Amendment) Bill. I want to cover two parts of the bill — that is, the electronic voting and the opportunity for parliamentary committees to use videoconferencing and audioconferencing. First, I will just respond to the comments of the member for Gippsland East about the Legislative Council ballot paper. He said he would rather it were all below the line. He has had most things his own way in this place, but it looks like he is not going to get everything his own way. Sometimes you have to accept that you are not going to get everything your own way. Be that as it may, this is an important bill.

The ACTING SPEAKER (Mr Plowman) — Order! The member should address his remarks through the Chair.

Mr DELAHUNTY — Electronic voting for blind people is going to be trialled, on my understanding, at six major booths, some of them in Shepparton and Ballarat. It is a good initiative. Electronic voting is new technology, and unfortunately I am not as good with electronic technology as I should be, but it is a new trend which we need to embrace and give people the opportunity to use, particularly visually impaired people, for whom it must be difficult.

It is going to be interesting to watch how it is done. I understand that they will walk into a booth and there will be large-print screens, or different types of screens. Those who are totally visually impaired will have earphones and someone will guide them through the process as they click on the screen. It will be very interesting to hear how they cope with a large Legislative Council voting slip, because, as we know, there could be 20 or more different organisations, groups or individuals putting up their hand for election to the upper house. People will be able to vote above or below the line, but if a visually impaired person wants to vote below the line and go through the 80 or so names which could be on the electoral form, it will be a difficult task for the person who is directing them on the video or audio link. Again, the technology is there and it is worth trialling. It is important that we get it right.

The electorate of Lowan is the largest in the state and, as the member for Swan Hill said, Swan Hill is the second largest electorate these days. Postal voting is becoming more important.

Mr Walsh — We've got greater quality.

Mr DELAHUNTY — No, I do not believe in greater quality. The member for Swan Hill is trying to argue greater quality. There is more water down our way and that is why the quality is there.

Postal voting is becoming a challenge and I ask the question: is electronic voting at the trial booths going to be operating in the pre-polling? They will operate differently. As you know, Acting Speaker, it will be different for the people handing out how-to-vote cards and that type of thing. The reality is that we will need to adjust to that. We will need to be notified if electronic voting is going to be used during pre-polling.

Clause 3 of the bill, which inserts a new part 6A in the Electoral Act, covers electronic voting and states that this trial is only for the November 2006 state election. New section 110B makes it clear that this new part does not create an entitlement for anyone else to vote by electronic voting.

It will be interesting to see how pre-polling is handled, because we know that many people use pre-polling for reasons such as a wedding on the day of the election or that they are going away. Other people may want to trial electronic voting, but the bill states it will only be for the November election. More importantly, it says only approved visually impaired people may use this voting system.

I turn to the parliamentary committee changes. Parliamentary committees are now able to use videoconferencing and audioconferencing, and that is covered by clause 17 onwards. The bill amends section 3 of the Parliamentary Committees Act 2003 to insert definitions of the terms 'audio link' and 'audiovisual link'. The committees I have been involved with have not used it at this stage, but I know some committees have used audio link for preliminary work before adopting reports. We will be seeing this happen more often as the time of parliamentarians is becoming more and more valuable with the demands placed upon us. For country MPs in particular I am amazed that videoconferencing has taken this long to get up.

I have been on a committee now for seven years. On three occasions I have driven 3½ hours from Horsham to Melbourne, anticipating a parliamentary committee meeting, when for various reasons the metropolitan members have not turned up and we have not had a quorum. That is very frustrating. I have wasted at least 7 hours of my valuable time driving down to Melbourne only to be let down by metropolitan MPs who have not had the decency to notify committee staff on the Friday that they were putting in an apology. On one occasion a person was sick, and that is understandable, but on other occasions they did not inform the committee secretariat that they were going to be unavailable on the Monday. We are all told about the meetings, we know the dates well in advance and we are always asked to inform the secretary on the Friday before the meeting if things have changed so that people from country Victoria — or from any part of Victoria for that matter — can be informed and do not waste their time.

The other thing I wish to say in relation to videoconferencing is that many organisations use it. We heard the member for Swan Hill saying that the Victorian Farmers Federation uses it. A lot of money has been put into our education facilities to provide them with videoconferencing, such as at the Ballarat University campuses in my electorate at Ararat, Stawell and Horsham. I know nurses who are training, particularly division 2 nurses who are being retrained, who have to make the effort to drive 2 hours or more down to Ballarat for two days training with an overnight stay. Much of the time they have to leave very early in the morning and they get home very late, and because of their work commitments they do not get much sleep.

I have spoken to Robert Irvine, the person in charge of the Horsham campus, and I do not know for the life of me why we cannot use videoconferencing for the training of these nurses. At many of their classes in Ballarat they are given papers to look at with a presenter at the front speaking to them. It would be no different if they were sitting in front of a video screen. Again, I call on Ballarat University to get in touch with the modern world and use videoconferencing facilities to provide training for nurses.

It is an example of what can be done. Many organisations use it very well. In fact, I can remember years ago interviewing a person who was being employed for an organisation I was working with. We could not afford, nor could we justify the expense, to fly this person from Perth for the interview. We did the preliminary interview by videoconference, then invited the person over for the final interview. Videoconferencing can be very cost effective and time effective. It is a shame it has taken so long to bring this into the Parliament so that parliamentary committees can use this new technology. With those few words I indicate that I will not oppose the legislation.

Mr SMITH (Bass) — It is a pleasure to rise to speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill and to indicate that I am supporting the bill, as is my party. We are dealing with a number of important issues that show that we are now moving into the 21st century. For example, we are looking at electronic voting, even though at this stage it is for people who are visually impaired. Having had a mother who was visually impaired, I know the difficulties she had from time to time not so much with ballot papers but in being able to understand what was written down.

I wonder whether people who are visually impaired are classified as being legally blind. I cannot see that in the bill, but it is something we should be looking at doing. Eventually we will have electronic voting for everyone. I have the greatest trust in the people from the Victorian Electoral Commission. I know they will ensure that everything is done properly and is above board. I have no doubt that people's confidentiality, including the way they vote, will be protected.

I was going to suggest that electronic voting is something the Labor Party could use in its preselection ballots. I am sure they could work it so they had only one vote — —

The ACTING SPEAKER (Mr Plowman) — Order! Back on the bill!

Mr SMITH — I am sure the members for Keilor and Clayton would be among the first to line up to try it out. The amendments to the Parliamentary Committees

Act are important. I live at San Remo and have an office at Wonthaggi. I have to travel for 2 hours of a morning and sometimes a little longer at night to attend a committee meeting that may last 1 hour or $1^1/_2$ hours. I do not find that to be a good use of my time. Committees are very important, but my time with my constituents is also important.

The member for Dromana lives on the Mornington Peninsula, so he would have similar troubles coming to a 1-hour committee meeting. All that travelling makes it difficult. The idea of having an audio or videoconferencing link with the rest of the committee is a good idea. I am concerned about the cost, because it will not be cheap, unless we are in a position to do it through a computer link-up. Many computers now have a small camera, so you could be not only seen but heard, which may make it better!

The Outer Suburban/Interface Services and Development Committee recently undertook a job interview with a person in Sydney who was looking to be employed by the committee. Videoconferencing is a way of seeing a person and making a judgment about what they are like. Often you can tell what a person is like and whether they are interested in the job by the way they look, their mannerisms and their body language. We looked at the person we interviewed and felt very comfortable. We thought he was very good. Unfortunately he had a change of heart and decided to stay in Sydney. I think this is an excellent idea and will be of great benefit to members of the committee, particularly those members who live well outside the metropolitan area.

The other thing I have a small concern about is the second ballot paper. Many people get confused when they vote. For example, they are not sure, particularly when they have the large Senate ballot paper, whether they should vote above or below the line. Having a second ballot paper that has the names of other people on it could be a problem. I would be concerned if the names of the people representing my party were on the second paper. I have not seen the papers, so I am not aware how they will be set out; but if a voter has to work on two separate sheets of paper as well as voting for a candidate for the lower house, it may be a disadvantage to be on the second paper.

Mr Walsh interjected.

Mr SMITH — The member for Swan Hill says there are not two ballot papers, but if there are more than 20 names there will be another sheet of paper. I would rather be on the first sheet of paper than on the second sheet, if that is the way it is going to be set up. The bill seems to indicate that there will be one ballot paper, but if there were a second ballot paper I do not think it would be an advantage to be on it. Given the positions we are in on the ballot paper — and we know about some of the wacky groups that are wishing to be democratically elected — there may be confusion. We should understand that in a number of upper house seats a large number of people could be standing for election.

We know that people believe the new system of voting for the upper house will provide opportunities for the Independents and the Greens, as well as for the nuff-nuffs that we unfortunately tend to get because they want to see their names on the ballot paper, not because they believe they will be elected but because they want to support Fred Bloggs, whose name may also be on the ballot paper. We will probably have a few seats in the coming election where there will be more than 20 people on the ballot paper. I have some concerns about that particular part of the legislation.

Apart from those few concerns I think there are some good initiatives in the legislation. I cannot believe the Labor Party has thought of some good initiatives to put in legislation, but it obviously has in this case, so I wish the bill a speedy passage.

Mr MAUGHAN (Rodney) — In making a few comments on the Electoral and Parliamentary Committees Legislation (Amendment) Bill I will confine my remarks to three aspect of the bill. It is a fairly simple piece of legislation, but the aspects I want to deal with are electronic voting, videoconferencing and the Scrutiny of Acts and Regulations Committee's review of bills that have been passed by this place.

As previous members have indicated, electronic voting has well and truly arrived in other parts of the world. The technology is available, so electronic voting is available. In my view it is very desirable. The Scrutiny of Acts and Regulations Committee (SARC) recommended that the Victorian Electoral Commission (VEC) investigate electronic voting some time ago, and the commission proceeded with the investigation. It has responsibility for developing software programs and hardware and carrying out trials. I think it is very commendable to test the system before we go into it in a wholesale way, so I applaud the government's initiative and the VEC's initiative of setting up a program, trialling it and evaluating it before we go any further. That has support from all sides of the house. Initially electronic voting certainly will be of benefit to those who are visually impaired.

Most members would be concerned about the security of electronic voting — that is, being absolutely sure that

someone other than the person who is registered is not voting on their behalf. New section 110F, to be inserted in the Electoral Act 2002, provides that security by ensuring that the integrity of the voter is protected and that it is actually the person who is voting. The initiative of electronic voting is certainly not before its time, and I think it will not be too long before the whole of our voting system is done electronically.

The next point I want to make some brief comments on is videoconferencing. Previous speakers have indicated their strong support for the parliamentary all-party committee system. I, too, am a strong supporter of the system, because I genuinely believe that it is generally Parliament working at its best. Members of all political persuasions work together on joint projects, whether they be on road safety, drugs and crime or law reform. I certainly have enjoyed being a member of four parliamentary committees. Currently I am a member of the all-party Law Reform Committee. All those committees — not just the ones with which I have been associated — have done valuable work for the community.

As I have indicated previously, one of the strengths of the all-party system is that when a committee makes recommendations, those recommendations enjoy bipartisan support, and the government of the day is far more likely to adopt the recommendations because it knows they enjoy bipartisan support. I think this is a good way to be moving forward with legislation. So often the negative aspects of our adversarial system of parliamentary democracy are publicised and people take exception to the way we behave at question time, for example, and at other times when we have that adversarial role. It is unfortunate that that is played up. Some bad behaviour at question time certainly gets publicity, but the very good work that goes on with the all-party parliamentary committees — and members of this Parliament put in an enormous amount of time diligently working through those committees — gets very little recognition out there in the community.

I spoke earlier today about the role of the media. While the media has some responsibility to report these issues evenly, it does give the community what the community wants, and as I have said previously, the community seems to want something that is sensational, salacious and offensive. People say they do not, but as somebody said during the last couple of days, when the Wayne Carey issue was in the news the *Herald Sun* sold an extra 40 000 papers because it ran something like a 14-page story on that affair. It is all very well for members of the community to say that that is not the sort of thing they want when they go out and buy those newspapers.

The point I am making is that the public determines the sort of material we get in our newspapers or over our television sets. I think we need to be a little bit more discerning and welcoming of the good news stories of what the government does, and the parliamentary committees are a very important part of that. They could be publicised far more than they are. I note in passing that parliamentarians are no longer right at the bottom of the list of preferred professions. We have been there for many years, a couple of rungs below used car salesmen. I note that telemarketers are one rung below parliamentarians, so we are off the bottom and rising, but we still have a long way to go to restore our reputation. But I am getting off the point!

Parliamentary committees can and should be making far more use of videoconferencing. It is already being used in medicine and in law. For example, there was a Mildura legal case for which the magistrate was in Melbourne and expert witnesses were in other states of the commonwealth. The experts were able to give their evidence by videoconferencing. I think we have all been involved in videoconferencing of various sorts. It makes a lot of sense for the parliamentary committees to use that both for meetings and for hearings.

Clause 19 of the bill will allow a parliamentary committee to conduct all or any part of a meeting by videoconferencing so that members do not have to come to Melbourne. As other members have indicated, it does get rather galling for country members — the member for Swan Hill instanced this in his contribution to the debate, as did the members for Lowan and Shepparton — to have to travel for 3 or 4 hours to get to a meeting in Melbourne that might last only for an hour or an hour and a half, and then have another 3 or 4 hours travelling to get back home. I think members representing country electorates make enormous sacrifices in order to get to parliamentary committee meetings, and it is galling when metro members are unable to get to those meetings and a quorum cannot be formed. I hope videoconferencing will be able to overcome these sorts of issues.

In his contribution the member for Bass raised the issue of the cost of videoconferencing. I think it is a legitimate concern to raise, but I would suggest that the cost of videoconferencing is far, far less than the cost of having a member drive from Horsham, for example, which is a 4-hour drive to Melbourne for a 1 or 2-hour meeting, and then a 4-hour drive back home again. If another member drives from Orbost or wherever, then the cost is much greater than the cost of setting up a videoconference that might last for an hour. The legislation also allows committees to take evidence by videoconferencing, and I think that is commendable.

The final bit I question is the ability of the Scrutiny of Acts and Regulations Committee to review acts already passed by the Parliament. I seek an explanation from the minister during his summing up as to what the government has in mind. It seems to me that that provision would give SARC the opportunity to delay reporting on a controversial bill until after it had been debated. Having made those comments, I wish the bill a speedy passage and note that it enjoys support from all sides of the house.

Mr THOMPSON (Sandringham) — Parliamentary committees have a pivotal role in the work of the Parliament. Members of Parliament who serve in this chamber and who served in days gone by regard the focus of their work on all-party parliamentary committees as one of the high points of their political journeys. Many people in the wider community would not be aware that probably some 60 to 65 per cent of the legislation that passes through this chamber does so unopposed. Parliamentary committees are made up of members of the major parties, The Nationals and the Independents and membership is drawn from both houses of Parliament. There is a very high level of collaboration and bipartisan support for the deliberations of the all-party committees and the conclusions they reach.

Prior to my entering into this place, the former member for Sandringham, David Lea, indicated to me that he regarded the work of the all-party parliamentary committees as an important focus of his parliamentary work. David himself served on the Legal and Constitutional Committee and he encouraged me to take on a like role when I entered this arena. I took his advice. The Legal and Constitutional Committee was reconstituted into the Scrutiny of Acts and Regulations Committee. That committee itself was an initiative of the Kennett government and the individual initiative of former member the Honourable Mark Birrell, who followed the work of Senator Alan Missen, who was concerned about the loss of rights and the lack of scrutiny of legislation in Canberra. The Senate committee was established. That committee has been replicated in a number of states in Australia. The House of Lords has adopted its own scrutiny of bills function based in large part upon the Australian model. That is one particular dimension of parliamentary committee work.

At the present time in the Victorian Parliament there are some 9 to 12 all-party parliamentary committees. They include committees on road safety, the environment, law reform, public accounts and estimates, and education and training. The current Liberal Party whip in this place, the member for Bulleen, has served on the Education and Training Committee. In addition to his excellent work as the member for Bulleen he brings to that all-party parliamentary role his extensive expertise and background as an educator. It is that outside skilling and experience which contributes greatly to the work of parliamentary committees.

The former member for Sandringham was an educator who had a career as a secondary school teacher and principal. He was able to apply his skill set and knowledge and contribute to the work of the parliamentary committee system.

Between 1992 and 1999 the Scrutiny of Acts and Regulations Committee undertook a number of important reviews into the regulatory regime in this state looking at international best practice. It took evidence and submissions at different stages from experts in North America, Canada and the United Kingdom and examined best practice among the Organisation for Economic Cooperation and Development countries.

In a later review undertaken by the Law Reform Committee looking at the use of DNA in crime detection and prevention, Victoria was poised to lead the world in some of its innovative work looking at how forensic sampling might help to reduce the crime rate of the state. The then committee took evidence in relation to its inquiry from a number of centres of international excellence in Washington and New York dealing with three levels of government, and in the United Kingdom dealing with the metropolitan police service. It also took evidence from Interpol with a view to deriving the best outcomes possible in its recommendations. By and large it was supported unanimously on a bipartisan basis.

The issue has arisen in relation to the application of technology, which was another reference of the Scrutiny of Acts and Regulations Committee in looking at electronic democracy. Again a delegation from the Victorian Parliament travelled the world to look at examples of best practice in the United States of America, the Scandinavian countries where the use of IT was widely applied, and other parts of Europe. The committee came up with another range of recommendations which have gradually filtered through into legislation.

In relation to vision-impaired voting, members of this chamber may well have received correspondence over a number of years from a lady who lived near Bendigo who was sight impaired. She rejected the offer of people to assist her in the voting process. She sought a mechanism to assist her in fulfilling her democratic

right to cast a vote where her political intentions were not known by other people.

The bill before the house today provides for a trial of electronic voting for the November elections for those people who are vision impaired and need assistance to vote and who want to cast a vote using the new voting kiosk. The legislation also makes it clear that existing offences in the Electoral Act such as forging ballot papers, bribery and interfering with political liberty are indictable offences. On that point it should be noted that Australia has the fifth longest serving democracy in the world. We have institutions in place in this country that other nations struggle to put into place. We are the beneficiaries of 1000 years of development of the Westminster system.

A further element of the bill is that it overcomes an inadvertent error contained in the Constitution (Parliamentary Reform) Act which provided for by-elections. Timing was repealed by the passage of the bill. It also provides for a second ballot paper for elections to the Legislative Council where there are more than 20 groups of candidates.

The Parliamentary Committees Act will also be amended to enable the Scrutiny of Acts and Regulations Committee to consider an act within 10 sitting days after royal assent if the committee was unable to consider the bill — for example, the Constitution (Parliamentary Reform) Act. The role of SARC is to report to the Parliament, and its reports can be of assistance in the case of a bill before the house where the recommendations provide the basis for comments in parliamentary debate. However, it might be noted, too, that the resilience of the recommendations of SARC rests upon the independence of thought of the members of that committee. Sometimes the determinations of the committee might be decided upon party political lines and others might be decided on the basis of issues and considerations which would stand the test of time in terms of critical academic analysis. The member for Doncaster made an outstanding contribution to the independent work of the all-party committee by acting without fear or favour in the recommendations he sought to arrive at.

Another role of the committees is to hold joint investigative committees with one or more members participating via audio or audiovisual link or evidence being given remotely. This is an outstanding reform. Numbers of committees have already embarked on this particular practice to take on board evidence, but it will also enable a member of Parliament who represents a rural electorate — and Mildura is 5 hours or 6 hours from Melbourne — to engage in the work of a parliamentary committee and to contribute. This is a very important point in relation to engagement within the democratic process where all members of Parliament, not only suburban members but country members, have the chance to contribute.

Another item in the bill is that a report of a joint investigatory committee may be tabled in Parliament within 10 sitting days or, if Parliament is not sitting, within 21 days if unanimously agreed. The key point here is unanimous agreement. Much of the work of the all-party parliamentary committees is done on a constructive, collaborative basis. The opposition will not oppose the bill.

Mr CAMERON (Minister for Agriculture) — I move.

That the debate be now adjourned.

House divided on motion:

Ayes, 51

Allan, Ms	Hulls, Mr
Andrews, Mr	Jenkins, Mr
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beard, Ms	Languiller, Mr
Beattie, Ms	Leighton, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Maxfield, Mr
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Mildenhall, Mr
D'Ambrosio, Ms	Morand, Ms
Delahunty, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Overington, Ms
Eckstein, Ms	Pandazopoulos, Mr
Garbutt, Ms	Perera, Mr
Gillett, Ms	Pike, Ms
Green, Ms	Seitz, Mr
Hardman, Mr	Stensholt, Mr
Harkness, Dr	Thwaites, Mr
Helper, Mr	Wilson, Mr
Herbert, Mr	Wynne, Mr
Howard, Mr	

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr

McIntosh, Mr Walsh, Mr
Maughan, Mr Wells, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

Mr Plowman — On a point of order, Deputy Speaker, I want to make it clear, through a point of order, that this division has taken longer than I proposed to speak, and I was the last speaker.

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

LAND (FURTHER MISCELLANEOUS) BILL

Second reading

Debate resumed from 31 May; motion of Mr HULLS (Minister for Planning).

Mr THOMPSON (Sandringham) — The opposition supports the Land (Further Miscellaneous) Bill 2006. The purpose of the bill is to revoke permanent reservations over certain land at Belmont, Moreland South and Bendigo. It is understood that the changes are minor in nature in reservations to accommodate other new uses.

By way of brief summary, the three main areas of land to be affected include the Barwon Heads Breakwater Road where a verge of road encroaches upon the South Barwon Reserve. We understand that the recreational values are not affected and this change is supported by the local council and also the community.

The second provision relates to the McDonald Reserve in Coburg. The City of Moreland has indicated that it supports this amendment, which relates to a strip of land lost to create the road linking Bell Street through Drummond Street to Sydney Road North. I understand there is a loss of tennis courts, but the relevant club has been promised new courts in the nearby Pentridge Estate.

The third area of the bill relates to the Crusoe Reservoir and No. 7 Park. It facilitates the completion of a major aqueduct and passive recreation facility for the people of Bendigo. The reserve contains part of the Sandhurst Water Supply Reserve that is no longer required by Coliban Water for water supply purposes and will become available for recreation that is compatible with the conservation of surrounding bushland.

There are also heritage values and old water supply structures to be protected. The committee of management is to be the City of Greater Bendigo, and there is a draft management plan available for comment. Greater Bendigo has committed $4 million to $5 million to develop the park. Coliban Water has spent some $3 million decommissioning reservoirs as water supply facilities. It retains control of the structures that remain operational for water supply purposes, and it is understood that the plan will assist the return of local flora and fauna.

Turning to some of the provisions of the bill in detail, commencing with the Crusoe Reservoir, the shadow Minister for Planning in the other place liaised with a number of stakeholders in relation to this bill. Bruce McClure has advised in an email to the member for South-West Coast that:

> The proposal to incorporate the Crusoe Reservoir and No. 7 Park is generally supported by all in the Bendigo area. It is seen as a positive move to protect two areas which are historically significant to Bendigo and is seen as having a high future recreational benefit for —

the people in the district.

> The two reservoirs are not required for the Bendigo water supply system and will not be needed in the future. Water can still be taken out of Crusoe Reservoir, but there is no intention to have the reservoir at full capacity again.

He said he understands:

> … that there may be a problem with the stability of the bank or there are major leakage issues.

The email continues:

> Sandhurst Reservoir is the main treatment reservoir for Bendigo, being fed water from the Malmsbury, Lauriston Upper Coliban and Eppalock reservoir systems.

Bruce advises that most people who have been contacted by him believe the move to incorporate these two reservoirs into a park is a positive move and should be supported.

We spoke recently about innovation in the work of parliamentary committees, and it is my view that one day in this chamber we will be able to utilise technology as well. The bill before the house deals with technology that could be of benefit to members in the chamber and people in the gallery who are observing the debate. The reason it could be of use is that, using these particular measures, it could be possible to have a geospatial image or aerial or survey map of the area being affected by an amendment displayed on a screen in this chamber so that every member could follow the reform precisely.

The areas affected by this bill include the South Barwon Recreation Reserve, and I have a very good image here of a roundabout at the intersection of some main roads in the area. It would certainly help to assist the understanding of members in this place if such a reform were adopted in due course.

Some other issues arise in respect of the changes in the bill affecting Crusoe Reservoir. I would like to draw upon some wider remarks about the Coliban water system in a review entitled *Bringing Water and Wastewater Services to Central Victoria* by Geoff Russell. His publication tells us that in 1858 Sandhurst had a population of some 12 000 and that to secure its long-term future as an inland centre far from any major rivers it needed a safe and reliable water supply. In April 1858 a public meeting was held to establish an efficient water supply. This led to the formation of a private company called the Bendigo Waterworks Company, which hired Joseph Brady as its engineer. Brady would later be remembered as probably the most accomplished civil engineer to have worked in Australia, but in 1858 his immediate task was to ease Bendigo's drastic water shortage, especially in the wake of several very dry summers across central Victoria.

Later the review notes:

> But still the growing city needed more water, so as an employee of the Sandhurst municipal council Joseph Brady designed and oversaw the construction of a second reservoir in the Bendigo Valley: Crusoe Reservoir in Robinson Crusoe Gully.

Crusoe Reservoir was completed in 1873, adding an extra 1520 megalitres to the capacity of Bendigo water supply. As with No. 7 Park, Crusoe included a treatment plant to help clear the water of suspended solids. Also in 1873, the Department of Victorian Water Supply purchased the Bendigo Waterworks Company from the Sandhurst City Council and then announced it would proceed with Joseph Brady's plan to flow water into Bendigo's two reservoirs via a gravity-fed aqueduct running from Malmsbury Reservoir. That information gives us some background to this subject.

I understand that some further work was undertaken recently and that there is a lot of interest in the Bendigo region as a consequence of this area being noted for its heritage significance, making it of value to the developing tourist industry in that area of Victoria.

I turn now to an area of land in Coburg in the City of Moreland called McDonald Reserve. While the reform affecting this piece of land has the support of the chamber, if one goes back in history one notes that this particular land was set aside after significant work by a councillor and local resident by the name of Donald McDonald. I will quote from a history of Coburg entitled *Coburg — Between Two Creeks*. This history records at page 198 the following:

> A new recreation reserve and oval was purchased in 1912 pending the sale of the old recreation reserve. This decision was reaffirmed by the council in February 1918, but nothing further was done. A year later several councillors from West Coburg urged immediate sale as there were then three reserves in East Coburg and none in the west. The local paper was flooded with letters on the issue, producing the most lively controversy in Coburg for many years. Cr McDonald introduced a deputation which presented the council with the petition of 800 signatures calling for a referendum on the question. McDonald claimed the old reserve was sacred as 'a good number of the best sports in Coburg who had gone away to fight for their country, never to return, had taken part in sport and athletics on the ground'. Others pointed out that the Mailer family had donated the pavilion and Donald Melville, MLC, the scoreboard.

There is something about Donald Melville that might be of interest to members in this chamber. He served in the Victorian Parliament between 1882 and 1919. If I interpret these records correctly, he died at the age of 89 while he was still a serving member in the other place. The ALP has a policy of trying to retire its members at the age of 65 — one of its members has recently had to overcome difficulties in relation to that retirement age — but the practice that Donald Melville fulfilled of remaining in the other place until the age of 89 would mean that the member for Keilor might have another 23 or 24 years in this chamber, so there is some encouragement from a brief study of history. I was not aware that the honourable member was in the chamber at the time, but I am happy to refer him to the precise library reference point.

It is noted that there will be a relocation from the area of certain sporting facilities, which include the tennis club. The tennis club is happy that it will have a new facility in the nearby Pentridge estate. I understand that the venue for the Coburg Table Tennis Club will also be accommodated as a consequence of this change.

It is interesting to note that the oldest public reserve in Moreland is the McDonald Reserve in Bell Street. The whole area of the land is not, it is my understanding, being excised for the purpose of a road, but for part thereof. So I am sure that Donald McDonald would not be unduly distressed by the excision of land to improve the thoroughfare of traffic within that area. The shadow Minister for Planning in the other place contacted a staffer from the local area, Crown Land Management, and it was indicated that a new set of traffic lights will be installed in Bell Street for traffic turning right into

Drummond Street, and therefore the new road will have two-lane traffic in both directions.

The council has undertaken extensive consultation by placing notices on the reserve and other prominent council noticeboards, and undertook mail-outs to reserve users inviting submissions. The council received only one submission, from the East Coburg tennis club; the issues it raised have been settled by the commitment from council to provide new tennis courts on council land in the Pentridge estate, and that is from a letter from Maurie Grealy, the project officer at Crown Land Management in East Melbourne. Whereas when it was proposing to sell that reserve back in the earlier part of the last century and Donald McDonald led the charge and was successful in having land set aside — there are 800 signatures urging its retention — at the present time the council has received only one submission, so the opposition holds the view that the changes proposed there will serve the interests of the local community.

The next changes I wish to refer to are the changes that will take place at the area in South Barwon, Belmont. There is a road and an intersection that has a roundabout in the middle. Part of the recreation reserve is currently excised for the purpose of road safety and the control of traffic at the intersection. Traffic control is a very important issue that has required accurate traffic management and the minimisation of risk. It has been a strong focus of successive governments in this state. In an earlier debate I alluded to the work of a range of other parliamentary committees.

One of the more important parliamentary committees in this chamber has been the Road Safety Committee, which led the world in a range of reforms recommended by it that have been subsequently adopted by this house. They include the mandatory wearing of seatbelts. The civil libertarians in this chamber and in the other place often oppose those mandatory reforms where people are required or obliged to do something, but the work of Gordon Trinca and a number of the crisis accident emergency units of Victoria's hospitals indicated that serious reforms would save lives and significant injury on the part of a number of people.

The other reforms introduced by the all-party parliamentary committees relating to road safety included the. 05 blood alcohol content reforms. Members of this place had travelled to North America and Europe and looked at best practices that were taking place in Scandinavian countries which had also modelled blood alcohol levels for their motorists with a view to improving road safety outcomes. Recommendations were made to this Parliament and subsequently enacted in law. It was 20 to 30 years ago that the number of deaths on Victorian roads was 1034 or thereabouts, and it is as a result of the legislative measures of this chamber that we have seen a significant reduction in the number of deaths due to accidents. The reforms introduced through this place have contributed and continue to contribute to the good outcomes.

I emphasise again, in the light of the earlier debate, the important work of the all-party parliamentary committees in improving outcomes. It is not only about the deaths that are recorded but about the serious trauma prior to the introduction of seatbelts, including horrific injuries to young children who were thrown through front windscreens, drivers who had their heads forced into the steering wheel and passengers who were otherwise seriously maimed. Those reforms are a standing and enduring achievement of this Parliament in relation to those matters.

The reforms that are being made pursuant to the bill to the South Barwon Recreation Reserve in Belmont are a further modification to improve the road engineering works at that intersection.

I note that in my own electorate there are a number of important reforms that are awaiting action in relation to notable intersections. Reserve Road is a major road in the Sandringham electorate, running between Bay Road and Beach Road. There are a number of intersection points at Park Road, Tulip Street and Weatherall Road in Cheltenham where access and egress during peak hours is significantly impaired as a result of the lack of any traffic control signalling to assist the throughput of traffic. With the urban consolidation taking place in Melbourne, with the important sporting facilities in that precinct and the increased volumes of traffic on those roads it is important that good planning be undertaken to achieve a better road safety outcome in that area.

Another area where there are major concerns about road safety, and which has an impact on Crown land, is Beach Road. Thousands of cyclists ride along it on any Sunday. They generally occupy one laneway, sometimes leading to a convergence of cyclists and motorists where a car may be parked on the side of the road. There has been a narrowing of the shoulder of the road at a point in Beaumaris. A number of cyclists and motorists are concerned about the potential risk to life and limb. These issues require further monitoring as the metropolitan road system has been adjusted for cycling. I might add that as I was driving here today, I noted the large build-up of traffic in a single lane and the absence

of any cyclists using the marked lanes along the sides of the road.

If this state is to take its environmental obligations seriously in the future and if it is to minimise greenhouse gas emissions, it will necessitate at certain times reduced reliance on the motor vehicle and the increased use of public transport. The Sandringham electorate would be greatly assisted by having an efficient and reliable public transport service. The performance level of Connex over the last couple of years has been appalling: the Sandringham line would have close to the highest level of cancellations of any line in the state.

It is suggested that if people are to use the service to make the necessary connections with buses or other train services, if they are to coordinate arrangements for appointments such as medical appointments, to get to university lectures or to work on time, it is important that there be an efficient, reliable and dependable public transport service. Regrettably the residents of Sandringham do not have such a service at this time. The important work that needs to be undertaken by the government at this stage is to improve the reliability of the Sandringham rail service.

Another important rail service that has an impact on reducing congestion on public roads is the Frankston line. Last year I raised in this place the circumstance where in the middle of winter, with a howling wind blowing across the Richmond station platform, all the commuters were not standing on the platform itself but were huddled in the subway because it was so cold. There had been two cancelled trains. After waiting 40 minutes one commuter elected to catch a taxi home. Such service unreliability is totally unacceptable to a thriving metropolis with a population of 3.5 to 4 million people.

Over 150 people from the Sandringham electorate volunteered their time to assist at the Commonwealth Games. They travelled by public transport. The members of the aqua army, as they called themselves, were able to arrive as the first trains left Sandringham at about 5.00 a.m. to commute to their work undertakings at the various sporting precincts around the city.

The good and responsible use of Crown land is one of the defining features of Melbourne. During the Commonwealth Games, numbers of international visitors had the benefit of the botanic gardens, the Albert Park precinct, the sports and aquatic centre, the Royal Park precinct, a range of gardens along the Yarra River, the Treasury Gardens and the Fitzroy Gardens. Strong urban planning has set aside those lands as Crown land in perpetuity.

The bill before the house today might change the ownership structure of Crown lands and direct it for other purposes. At the present time there is a roadway in an area subject to the transfer of public land that had been the site of a reservoir. In the case of the McDonald Reserve it is important that when the use of Crown land is changed, it is changed for the greater public good and a greater public purpose rather than being diminished. As Victoria was known as the Garden State, it was an admirable feature of urban residential amenity to have the wonderful parklands that do not exist in other cities.

Mr Perton — That was under the Hamer and Thompson government — an excellent government!

Mr THOMPSON — The member for Doncaster has spoken about a number of matters, but from 1999 to 2002 as the shadow conservation minister he was involved in a number of initiatives which involved land reservations. Victoria has one of the best national park regimes in the world. In the last Parliament we saw the addition of the box-ironbark forest and the marine parks and sanctuaries.

A noteworthy point taken up by the shadow Minister for Planning is his concern regarding the development of the Nowingi toxic dump and the transportation of chemical waste material up to Nowingi along a road that passes a number of schools. He has drawn to my attention the sensitive nature of the box-ironbark system. Within that box-ironbark system are a number of sensitive areas relating to endangered flora and fauna. The box-ironbark forest is home and haven to 8 species of threatened plants and 14 species of threatened animals.

An ecologically sensitive part of the forest near Big Hill is home to the following endangered plants: the Goldfield grevillea, Ausfeld's wattle, the Venus-hair fern, the emerald-lip greenhood, the Whirakee wattle, the Goldfield boronia, the rayless daisy-bush and the giant honey-myrtle. Threatened fauna which a toxic waste spill in the area could impact on include the black-chinned honeyeater, the brown treecreeper, the crested bellbird, the musk duck, the speckled warbler, the brown quail, the brush-tailed phascogale, the diamond firetail, the pied cormorant, the swift parrot, the chestnut-rumped heathwren, the hooded robin, the regent honeyeater and the brown toadlet.

In a media release dated 25 May the shadow Minister for Environment in another place, the Honourable David Davis, made the point very strongly that:

> Victorians expect a higher standard of safety and better environmental management of Victoria's precious forests and parks …

The area the City of Greater Bendigo is taking over management of is home to box-ironbark forest, flora and fauna. The shadow minister has called on the government for:

> … an immediate halt to its toxic waste dump plans which threaten rare and endangered plants and animals in the box-ironbark forest in central Victoria …

He said:

> Despite the impending threat to the box-ironbark forest by toxic waste trucks trundling through it, Bendigo's Labor parliamentarians have failed to speak out against the planned usage.
>
> The box-ironbark forest, which straddles the Calder Highway near Bendigo, is under threat by Labor's plan for a toxic waste dump at Hattah-Nowingi in north-western Victoria. Up to 20 toxic waste trucks a day will run the environmental gauntlet on the Calder Highway past the Chewton Bushlands and Faraday, south of Castlemaine, and Ravenswood and Kangaroo Flat, south of Bendigo.

For members who might have come into the chamber recently and might not be aware of this, the Crusoe Reservoir is in the Kangaroo Flat area, south of Bendigo. Mr Davis noted:

> Up to 20 truckloads of toxic material will be travelling along this highway daily for at least the next 30 years … This will expose the community and a number of precious and endangered plants, animals, birds and reptiles to the deadly risk of spillage.
>
> An accident involving toxic trucks could see deadly toxic waste released into this area. This would be a major disaster for the community.

As I have indicated, the box-ironbark forest is home to a range of endangered species of flora and fauna. It is up to the government to ensure that a higher standard of safety is applied to this precinct, for the benefit of the residents of Bendigo and all Victorians.

I only have a couple of minutes left and I would like to outline the key elements of the bill again. The first relates to the Barwon Heads-Breakwater Road area where the verge of road encroaches on the South Barwon Recreation Reserve. The recreational values are not affected and the change is supported by the council and the local community. The opposition does not oppose that change.

The second concerns the City of Moreland and the McDonald Reserve in Coburg. A strip of land has been lost to create a road linking Bell Street through Drummond Street to Sydney Road. It is supported by the council. There is a loss of tennis courts, but the relevant club has been promised new courts at the Pentridge reserve.

The third part of the bill concerns the Crusoe Reservoir and No. 7 Park. I leave it as a challenge to a future Liberal government to rename some of the reservoirs in the Bendigo precinct from something like the No. 7 Park to a name that might reflect keen contributors to engineering development. It could be called the Brady reservoir or Brady park, marking the contribution of one of Australia's foremost engineers who worked in that region.

Regrettably the work of many members does not carry on after they have made their contribution in this place. However, the legacy some leave behind is set in stone. In the case of Victoria's wonderful parklands, that legacy is set in a wonderful tapestry of coastal reserves, inland national parks, state parks and other reserves and the metropolitan system of parks. I pay tribute to the Liberal government which developed the chain of parks in the City of Kingston area which will create a continuing — —

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

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mrs POWELL (Shepparton) — I am pleased to speak on the Land (Further Miscellaneous) Bill on behalf of The Nationals. The Nationals will not be opposing this legislation. The purpose of the legislation is to revoke the permanent reservation of three Crown land reserves at Belmont, Moreland South and Bendigo and to revoke the related Crown grant over part of the land at Moreland South and Bendigo. These changes to land status are required to allow for construction and improvement of a number of roads and also to allow for some recreational facilities. The Nationals put on record that we hope the three councils concerned have actually spoken to their communities and consulted with them, because whenever you change the status of any land it is important that the communities have an opportunity to see an exhibition of what the changes are going to be and also to have some input into the changes.

There are three main clauses in this piece of legislation. Clause 4 deals with the South Barwon Recreation Reserve in Belmont. That land was reserved on 24 February 1926. The purpose of the site was for the recreation, convenience and amusement of the people. The area to be revoked from the South Barwon Recreation Reserve is shown in schedule 2 of the bill. This is to allow for much-needed improvements in

Breakwater Road. I have spoken to a Geelong resident and asked him about this area and whether it is as bad as it sounds. That person travels this road quite often, and he said that in peak times it can take 20 minutes to travel just 4 to 5 kilometres, so it takes a long time to travel along that road. It has a very dangerous single-lane roundabout, and as you join the roundabout there are other roads that also join it. There are also many feeder roads which connect with Breakwater Road.

The second-reading speech says that these improvements are the outcome of a commitment made in a joint media statement by the Minister for Transport and the member for South Barwon, dated 19 July 2005 that $6.4 million would be allocated in the 2005–06 budget to improve Barwon Heads and Breakwater roads at Belmont. I could not find that media release, but I was able to find a media release dated Friday, 3 February 2006, which deals with the awarding of the tender. It is headed 'Contracts awarded for $6.4 million Breakwater Road improvements', and it begins:

> Transport Minister Peter Batchelor and the member for South Barwon, Michael Crutchfield, today announced the award of a $6.4 million contract for improvements on Breakwater Road in south-east Geelong.
>
> Mr Batchelor said the improvement works would be undertaken between Barwon Heads Road and Settlement Road.
>
> 'Breakwater Road forms part of a major east-west connection across the Barwon River and is a vital freight link between Geelong and the Bellarine Peninsula', he said.

The press release goes on to talk about the improvements that are going to happen, including a dual-lane road, and improvements to the roundabout with traffic lights.

Mr Crutchfield — Six weeks and it will be finished.

Mrs POWELL — The member for Barwon says that it will be finished in six weeks.

The second-reading speech also says that the City of Greater Geelong is the delegated manager of the reserve and strongly supports this proposal, as does the wider community. I emailed the council and did not get a response from it, but I did some research in the parliamentary library and had a look through some of the newspapers. I think the second-reading speech saying that the wider community supports the proposal wholeheartedly is a sanitised version of what is actually happening in Belmont. I understand that there have been some protest meetings. There has been a call for an independent inquiry and an independent ruling. I will read from a number of press releases. They may not deal with this specific bill, but they deal with the outcomes when this bill goes ahead.

On 20 April 2006 an article in the *Geelong Advertiser* headed 'Call for Hulls to step in' states:

> Concerned Breakwater residents have asked state planning minister, Rob Hulls, to take the reins from VicRoads as debate about the area's road realignment continues.
>
> Breakwater Residents Action Group's Will Schuitman wrote to Mr Hulls earlier this week to ask him to assume planning authority from VicRoads for the Breakwater Road realignment.
>
> The request follows a string of public protests against the proposal to build a Barwon River crossing route as part of the realignment.

A further article in the *Geelong Advertiser* of 28 April 2006 headed 'Residents join fight over Barwon Crossing' states:

> Breakwater residents are continuing their fight against a proposed new Barwon River crossing at Fellmongers Road.
>
> Under the proposal, up to 13 homes in Breakwater could be compulsorily acquired to make way for the realigned road.
>
> Breakwater Residents Action Group (BRAG) have collected about 1100 signatures on a petition against the Fellmongers Road proposal, BRAG president Will Schuitman said yesterday. And the group had begun lobbying Geelong council to take on planning authority of the bridge upgrade.
>
> The group wants VicRoads to consider two southern options for the road realignment, including one plan that would link the bridge to Leather Street.
>
> Yesterday, Geelong MLA Ian Trezise said the Leather Street option should be considered alongside the Fellmongers Road proposal, which was VicRoads' preferred option.
>
> Mr Trezise said he had taken the issue to the Minister for Transport, who had since directed VicRoads to examine both proposals.

The ACTING SPEAKER (Ms Lindell) — Order! The level of conversation from the government benches is far too high. If members wish to have a discussion, can they leave the chamber.

Mrs POWELL — The article goes on to say:

> Mr Trezise said it was important to consider the social impact of the realignment, and he had met with Breakwater residents to discuss their concerns.

Mr Trezise — It is a different project!

Mrs POWELL — As I said, it might be a different project, but it is part of the same area. When these works start on the Breakwater Road, they will have to find a realignment going either to Fellmongers Road or

to Leather Road. Even though it is not the same area, it will allow for the works to happen there. There has been a lot of discussion about the Breakwater residents. As I said, I hope the appropriate consultation has happened, because the residents need to be brought on side.

On a different clause, clause 5 deals with certain land in the McDonald Reserve in Moreland South. The member for Sandringham gave a very good history of the start to this area. The land was reserved on 1 May 1888 for the purpose of reservation as a site for public recreation. The bill also revokes part of a restricted Crown grant dated 4 May 1888 which was granted to the president, councillors and ratepayers of the shire of Coburg. The revocation will allow 1018 square metres of the western margins of land to be proclaimed as a road. This will enable the City of Moreland to widen Drummond Street to facilitate better traffic management to the newly constructed Pentridge Boulevard into Bell Street.

The Pentridge Boulevard project will be an exciting one. I can remember a long time ago that when Pentridge was closed people could visit there. I have seen plans of the new development and the accommodation areas that will be built around there. I use Urquhart Street when I travel from Shepparton to Melbourne. It will be difficult for me to follow a different route when I reach this area. Honourable members who know me well know that I am not very good with directions. After having driven a certain route for 10 years from Shepparton to Parliament House it will be a challenge to find an alternative. The council has advised me that I can still use the road because it will not be closed, but that there will be a further option for people wanting to go from Bell Street to Sydney Road, which is a better planning outcome. At the moment Urquhart Street is narrow. When you drive past the jail you also go past a school and some council offices. The newly widened Drummond Street which will form part of Pentridge Boulevard will overcome all of that congestion.

McDonald Reserve is presently used for cricket, football, tennis and informal park users. I was told that the road widening will not impact on the cricket or football activities on that site, but it will impact on the tennis club. The East Coburg Tennis Club occupies part of the road reserve and will therefore need to be relocated. The council has established a working party to look at the opportunities for further development and for the tennis club in that area because as it is a growing area the tennis club will need to be made bigger as well not only for the needs of the local area but for the municipality as a whole. The council is negotiating with the Pentridge Village developer for the construction of this new facility. I have seen a copy of a letter from the East Coburg Tennis Club which was sent to the Moreland City Council on 12 December 2005 which supports the revocation of the land.

Clause 6 deals with the Sandhurst Water Supply Reserve in Bendigo. That land was reserved on 16 January 1883, the purpose of which was for a site for Victorian water supply purposes. This area of land will now facilitate a very exciting project for Bendigo. It will be a major aquatic and passive recreation facility on a site that is no longer required by Coliban Water for water supply purposes. The site is located west of the Calder Highway near Kangaroo Flat about 10 kilometres south-west of central Bendigo, and is adjacent to the Greater Bendigo National Park. This has been a vision for the Bendigo community and the Bendigo council for a long time. The City of Greater Bendigo commissioned a concept plan for the area surrounding the Crusoe Reservoir and No. 7 Park in 1999 and again commissioned a master plan in 2004. The master plan proposed development for swimming and other compatible recreational activities at Crusoe Reservoir, and also some low-key picnic facilities at No. 7 Park. There will be separate road access and walking and bicycle tracks to points of interest.

This will be something that the whole community can use. The management plan was commissioned by the City of Greater Bendigo and prepared in June 2005. The plan was named Bendigo Beach and No. 7 Park management plan. It was to further investigate major issues in the plan, to ensure that there was sustainable management of the area and to document any environmental management. The plan looked at the costing of it but also some of the advantages and disadvantages to ensure that what the council was planning was sustainable, because we are dealing with some high heritage areas and some Aboriginal cultural areas. The council wanted to ensure that these areas, although the community would have access to them, were dealt with sensitively, culturally and appropriately.

The City of Greater Bendigo will be the committee of management for the area around the reservoir, and Parks Victoria will remain responsible for the remainder of the park. The management plan highlights the need for regular liaison between the council and Parks Victoria to deal with issues such as public access, trail bikes, weed retention and fire protection. Those issues will be ongoing with Parks Victoria. It will make sure that while the community has access to the parks it does not also facilitate fire hazards. It will ensure that it

looks after those areas so that some species in the forest and in the parks are not put at risk.

Coliban Water will remain responsible for the water supply structures, and the community will remain involved with this whole project. A Friends of Bendigo Beach group will be started, and I know they will be involved right through the project. The preliminary costs are fairly high for this exciting plan — about $4 million — and the Greater Bendigo City Council has said it will have to do it in stages and will probably be looking to the government for some sort of assistance from some buckets of money.

Until recently the reservoirs have been closed to the public, so this is going to be new and exciting. The visionary project will open areas to the public that have not been opened before. Bendigo beach will be a great tourist attraction and so will the surrounding bush areas. They will include cycling, walking, picnicking and general passive recreation rather than recreational pursuits that might be detrimental to the park. There will also be the opportunity to learn about the natural heritage and the Aboriginal heritage. Part of the plan is to promote the Aboriginal traditional cultures, particularly the local Jaara Jaara people.

The management plan talks particularly about interpretation and education and the major themes relating to the historic use of the area for water supply, and the area's natural values. It says:

> Aboriginal traditional culture could also be interpreted to help visitors gain an appreciation of the ways in which the Jaara Jaara people used the area. The key theme relates to the development of the reservoirs from 1861 in response to Bendigo's urgent need for water to enable the town, and gold mining, to develop. The design and construction of the two reservoirs, and the associated Malmsbury Reservoir and gravity feed channel, was a remarkable achievement of the civil engineer Joseph Brady.

I know the member for Sandringham spoke about that in his presentation.

In closing, I am sure the people of Bendigo look forward to this project for the benefit of many generations, and also for the employment it will generate in Bendigo and for the tourism icon it is expected to become, not just for Bendigo but in fact for Victoria and Australia. I am sure it will put Bendigo more on the map than it is now, where you can look at the goldmining areas and some of the water reservoirs.

The people of Belmont look forward to the much-needed roadworks to ease the congestion, and the council responsible for the Moreland South land will be looking forward to commencing its roadworks to ease the traffic through Urquhart Street. I wish the bill a speedy passage.

Mr CARLI (Brunswick) — I move:

That the debate be now adjourned.

House divided on motion:

Ayes, 50

Andrews, Mr	Jenkins, Mr
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beard, Ms	Languiller, Mr
Beattie, Ms	Leighton, Mr
Buchanan, Ms	Lim, Mr
Cameron, Mr	Lindell, Ms
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Maxfield, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Mildenhall, Mr
Eckstein, Ms	Morand, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Robinson, Mr
Harkness, Dr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thwaites, Mr
Holding, Mr	Trezise, Mr
Howard, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to and debate adjourned.

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be adjourned until later this day.

House divided on question:

Ayes, 50

Andrews, Mr	Jenkins, Mr
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beard, Ms	Languiller, Mr

Beattie, Ms	Leighton, Mr
Buchanan, Ms	Lim, Mr
Cameron, Mr	Lindell, Ms
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Maxfield, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Mildenhall, Mr
Eckstein, Ms	Morand, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Robinson, Mr
Harkness, Dr	Seitz, Mr
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thwaites, Mr
Holding, Mr	Trezise, Mr
Howard, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to.

Debate adjourned until later this day.

MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL

Second reading

Ms KOSKY (Minister for Education and Training) — I move:

That this bill be now read a second time.

This bill dissolves the Victorian College of the Arts and its council and provides for the integration of the college as a faculty within the University of Melbourne.

This bill has been prepared at the request of the college and the university and will ensure the long-term financial viability of the college. In addition, the integration will guarantee that the college's role as Australia's pre-eminent provider of visual and performing arts training and education can continue.

The origins of the Victorian College of the Arts date back to 1867 when the first students were admitted into the college's foundation school, the school of art. Throughout its early years, the school of art produced many famous and celebrated artists, including Fred McCubbin, Tom Roberts, Arthur Boyd, Clara Southern and Joy Hester.

In 1972, a little over a century later, the Victorian College of the Arts was proclaimed with the school of art becoming the first school of the college in 1973. Over the coming decades, the college was expanded to include the schools of music; drama; dance; production; and film and television (the latter originally being part of Swinburne University of Technology). The former faculty of art and design at Victoria College was also incorporated into the school of art.

In recent years, a number of graduates of the college have been internationally recognised for excellence in their fields. Honourable members will recall that in 2004, Adam Elliot won the Oscar for best short animation for his film *Harvie Krumpet*. Musicians Harry Angus, Carlo Barbaro, Kieran Conreau, Ross Irwin and Ryan Munro feature in the hugely successful Melbourne band The Cat Empire, who recently performed at the closing ceremony of the Melbourne Commonwealth Games. These are just two examples of the many outstanding achievements of the college's alumni.

The Victorian College of the Arts and the University of Melbourne have a long history of involvement. On 1 July 1991, the college became affiliated with the university. Under the terms of the affiliation agreement, the college maintained its unique character and mission; however, the college's award courses were approved by the university's academic board, the college's award students were classed as students of the university and their degrees were conferred by the university. As a consequence of the affiliation arrangement, the university received a discrete amount of funding from the commonwealth which was identified specifically for students of the college and was channelled directly to the college.

In 1999, the commonwealth Department of Education, Training and Youth Affairs recognised the high costs associated with providing the specialist training offered by the college. Accordingly, the commonwealth approved a reduction in the student load for students of the college from 2000 to 2002 without decreasing their operating grant. Had this arrangement continued, the 2004 level of commonwealth funding for the college would have been $19 000 per student.

However, in 2003 the commonwealth introduced the Higher Education Support Act 2003, which negated prior funding agreements with the college and established a set of revised funding guidelines that were standardised across the sector. These revised guidelines resulted in a funding shortfall of more than $6000 for every student of the college.

Representations by the college, the university, the Victorian government, the opposition and minor parties urging the commonwealth government to alter the funding allocation were unsuccessful. Instead the then federal Minister for Education, Science and Training, Dr Brendan Nelson, instructed the university to top up the college funding from its own resources. It was estimated that approximately $4.6 million of university funds were diverted from teaching and research to the college in 2005, with future years requiring at least equivalent amounts to be diverted from university activities.

During subsequent discussions between the college and the university it was resolved that the integration of the college as a faculty of the university was the best long-term strategy to ensure that the college has a secure, certain and sustainable framework.

The governing councils of the college and the university asked the government to make the legislative changes necessary to effect the integration. The government has agreed to do so, and thus I bring this bill before the house today.

I now turn to the major changes proposed by the bill.

The bill repeals the Victorian College of the Arts Act 1981 and makes necessary amendments to the Melbourne University Act 1958 to effect the integration.

The bill provides for the college and its council as previously constituted to be abolished.

The bill provides for the university to become the college's successor in law.

The bill establishes the faculty of the Victorian College of the Arts with objects of the faculty similar to the current objects of the college. These objects include providing for education in the creative, performing and other arts and organising, conducting and participating in public performances, exhibitions, conferences, lectures and demonstrations relating to the arts.

The bill transfers the assets, rights, liabilities and obligations of the college to the university.

The bill transfers non-award students of the college to the university. Award students of the college have been students of the university since 1991.

The bill also provides for staff of the college or its council to become staff of the university on terms and conditions that are in aggregate no less favourable than those that they currently receive.

The integration will ensure the long-term financial viability of the college and in so doing enable the college to continue to fulfil its role as the leading Victorian provider of visual and performing arts courses.

Moreover it will allow for the expansion of the college as a new faculty of the university, and will enhance the university's capability to provide a high standard of visual and performing arts training, education and research.

The bill was prepared in consultation with the college and the university. The college and the university have expressed their support of the bill.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Wednesday, 28 June.

LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL

Second reading

Debate resumed from 31 May; motion of Mr HULLS (Minister for Industrial Relations).

Opposition amendments circulated by Mr McINTOSH (Kew) pursuant to standing orders.

Mr McINTOSH (Kew) — The opposition does not oppose this legislation, albeit that we are proposing a number of amendments which I will come to in my contribution. I think this bill is far more symbolic than it is anything of any substance. Its primary purpose is to preserve long service leave entitlements that are guaranteed under awards that would not otherwise be picked up following the commonwealth WorkChoices legislation. The bill is to come into operation in October but will be backdated to 27 March this year, which is the date WorkChoices came into operation.

I say from the outset that the opposition understands why there may be a need to amend state legislation

relating to long service leave. One of the fundamental parameters of WorkChoices is that long service leave is no longer one of the allowable items under an award condition. The commonwealth has been at pains to point out that, notwithstanding the desire to centralise industrial relations law under the Workplace Relations Act, which WorkChoices amended under a commonwealth legislative regime, there are a number of things that clearly it understands are traditionally the preserve of the states. The commonwealth also understands that some things have been preserved under separate legislative enactments based upon the policy position of the government of the day either at the state level or the commonwealth level.

The two classic examples are superannuation, which is effectively structured under separate commonwealth legislation, and long service leave, which has always been within the purview of the states. In fact the states have had a longstanding role in providing a legislative base for minimum standards, if you like, in relation to long service leave. They have been set out for a number of years under the long service leave legislation in Victoria. This legislation amends that state legislation in a way that perhaps again indicates the policy position of the government of the day, which the government is certainly entitled to do. WorkChoices and the Workplace Relations Act understand why long service should be treated as a separate item to be preserved under state legislation rather than under the award conditions of WorkChoices.

We know that essentially long service leave entitlements can be placed into collective agreements, whether they are former enterprise agreements or collective agreements as they are now termed, or Australian workplace agreements. Under such arrangements you are able to include those if you wish, but essentially the long service leave entitlements in the state act underpin the arrangements between employer and employee and have done for a long period of time. There have course been exceptions — school teachers, police and nurses to a large extent. Their conditions can be described as more generous than the minimum prescribed standard under the long service leave entitlement.

Last year I had discussions with my colleague the Honourable David Davis in another place, who was then the shadow Minister for Health, concerning the position of the Australian Nurses Federation on this issue. He and I agreed it was important to say that whatever other arrangements may come into place in relation to the commonwealth, workers should not be required to go backwards in their terms and conditions. We were at pains to point out that under a Liberal government we would ensure that nurses' entitlements, which they had in their previous enterprise agreement and wanted in their new enterprise agreement which is underpinned by their award conditions, would be preserved.

Many of those arrangements have been picked up in the respective collective agreements that still operate, and the transitional provisions of WorkChoices enable those to continue. Indeed when they roll into another collective agreement or an Australian workplace agreement, they can be individually or collectively negotiated. If those workers are negotiating with the state, then one would hope that those long service leave entitlements would be preserved.

As I said, this bill is an important symbolic piece of legislation that we would all support in the sense that people should not be required to go backwards because of changes in the commonwealth legislation. Essentially it provides for those people who at the present time are not subject to a collective agreement or individual workplace arrangement that has long service leave greater than the base minimum condition of 13 weeks after 15 years.

This bill provides legislative protection for those who have more generous long service leave entitlements not because they are contained in a collective agreement but because they are underpinned by a former award. Those entitlements will be transmitted to the state system and preserved under the state long service leave legislation. That represents a legislative prerogative of the state which is expressly stated to be part of the reason why under WorkChoices long service leave has been taken out of award conditions in the process of award simplification, and it is a matter for the state to introduce its policy proposal through this bill.

As I said, it provides protection for those workers who are subject to a more generous long service leave entitlement that is underpinned by an award condition which is not otherwise preserved in some other form of collective agreement or individual arrangement which would enable it to be continued under the commonwealth regime. It only covers those workers who have a more generous long service leave entitlement that is not otherwise protected by an enterprise agreement. In effect, that would essentially lapse with the operation of WorkChoices, long service leave no longer being one of the allowable items.

It is critical to ask the question: who is this going to impact upon specifically? The opposition is only aware of a few nurses who are not employed under an enterprise agreement but who are covered by award

conditions, and perhaps the government can improve our education in this regard, to point out some of the other workers who may get the benefit of more generous long service entitlements and who are not otherwise picked up by a collective or individual agreement and would need the operation of this bill. However, as I said, it is one of the intentions of WorkChoices that it is a matter for the states to undertake their own legislative underpinning of long service leave, and what this legislation does is specifically preserve the entitlements of those workers who have more generous long service leave entitlements under the award.

The bill also provides for a process for employers to go through in negotiations on long service leave entitlements under an employment agreement. It is a bit unclear, but I assume it takes into account collective agreements as well as Australian workplace agreements. Notice must be provided by the employer seven days before an employment agreement is entered into whereby a more generous long service leave entitlement is negotiated away, for whatever reason.

The normal long service leave entitlements are provided for by a separate act of Parliament and are fixed in stone, so this legislation would only apply to those more generous long service leave entitlements that could otherwise perhaps be negotiated away. I can certainly understand the government's enthusiasm to ensure that all employees be properly informed as to precisely what is likely to occur regarding negotiating away a long service leave entitlement, albeit more generous than that provided for under the underpinning legislative framework. I can certainly understand why the government would want to ensure that an employee was well aware of precisely what was going on and understood what the quid pro quo would be in relation to that negotiation.

The opposition knows that much of this is mirrored in commonwealth legislation, although perhaps not in such simplistic terms as it is here, but certainly the conditions applying to employers in those respects are high. What the opposition is a tad concerned about — and this is something that is very much a moot point, because WorkChoices is the subject of a High Court challenge — is that in the event that WorkChoices is validated by the High Court, it may well be that, because it relates to an employer-employee relationship and to agreement making, this provision may not necessarily be something that the state has the legislative power to enact, and so constitutional issues may arise. I am sure there is an argument to say that there are valid practical reasons why it should be upheld, but I am just pointing out that it is a moot point. This matter was drawn to my attention by one of my federal colleagues. In any event, we certainly all await the High Court ruling in relation to WorkChoices.

Proposed section 88 introduces a civil penalty. Obviously an employee who has not been paid their long service leave entitlements under their collective agreement or otherwise may have a remedy elsewhere, but certainly where someone has their long service leave entitlements preserved under this bill, there is a mechanism for recovering those entitlements from an employer. Again, the opposition has no difficulty with that.

It also provides a mechanism for the recovery of what is called in novel terminology 'a civil penalty', which is probably in the nature of aggravated damages. It says in proposed section 88(1) that:

> If an employer contravenes section 87 —

which is about the disclosure provisions and the requirement to provide full information —

> … a court may make an order imposing a penalty of up to $10 000 on the employer.

Most importantly, that $10 000 is over and above the recovery of any lost entitlements. But it is not a fine, it is a civil penalty. As I said, I liken it to the notion of some form of aggravated damages. I can certainly understand why the government is imposing this civil penalty.

The payment of any lost sum may be appropriate, but because this provision puts an obligation on an employer to fully disclose negotiations about long service leave, there may not be any loss to the employee. However, in relation to the civil penalty it provides that an application can be made by an employee, and I certainly agree with that notion. The employee can request that an organisation — a trade union, for example — bring the action, and also the minister can bring the action. Likewise, at the culmination of the proceedings a court can determine that the civil penalty can be paid to the particular employee or to the organisation — read 'trade union' — or into the consolidated fund. That means the government gets it. Certainly I think it is an unnecessary step. I would hate to think that, in the event that an employer was penalised for failing to discharge their duty to an employee, the funds that were paid would somehow find their way into the government's coffers or indeed into the coffers of a trade union.

The most important thing is that the opposition is seeking to amend the provisions relating to the civil

penalty to ensure that if an employee is the person who brings the proceeding, certainly in relation to the payment of funds, then those funds should be paid to the employee and not find their way into the government coffers. The money that is flowing into the government coffers from other sources certainly does not warrant another claim on other people's money, given the fact that the obligation is owed by the employer to the employee and should be for the benefit of the employee.

Mr Hulls interjected.

Mr McINTOSH — I hear the Attorney-General bellowing in the background. He obviously thinks the government should get its hot little hands on this money. If the fault lies with an employer in breaching the duty it owes to an employee, a civil penalty should be paid for the benefit of the employee. It should not be paid to the government under any circumstances. The government is making too much money through its land tax and stamp duty and also straight through from the GST — —

Mr Hulls — So you are supporting this bill, are you? Why do you hate public sector workers?

Mr McINTOSH — If the Attorney-General could just be quiet for a moment rather than being the usual bovver boy that he wants to appear to be, it is a simple proposition: why should the government be paid this money when a duty owed by an employer to an employee is breached? If a civil penalty is recovered, why should it be paid into the consolidated fund and why should it be paid to a trade union? It should be paid to the poor employees, who are the ones it is being directed at.

Mr Hulls — Why do you hate public servants?

Mr McINTOSH — This is not about public servants — —

Mr Hulls interjected.

Mr McINTOSH — Acting Speaker, the Attorney-General is obviously a bit confused — —

The ACTING SPEAKER (Ms Lindell) — Order! The Attorney-General should stop interjecting, and the member for Kew should stop responding to interjections.

Mr McINTOSH — Acting Speaker, taking up the interjection from the Attorney-General, who is bellowing about the public sector bill — —

The ACTING SPEAKER (Ms Lindell) — Order! The member for Kew should ignore interjections.

Mr McINTOSH — The most important thing about this bill is that, as I said, if any duty owed by an employer to an employee is breached, and if there is a civil penalty in the nature of aggravated damages, it should be paid simply to the employee and the government should not get its hot little hands on it. I can understand why the government feels as if it needs to take every single bit of money it possibly can. This money should be paid only to the employee; that is the person to whom the duty is owed. That is the person for whom the court found in deciding there was a breach of duty by the employer, and that is the person to whom the court wants to award damages — and they should be paid solely to the employee.

It should be the employee that brings that proceeding, certainly not a trade organisation or the minister. If there is provision for legal services, costs can follow the event in the normal circumstances, but the most important thing is that it should not be a licence for other people to get hold of this money that has been awarded by a court for a breach of the duty owed by an employer to an employee. It is a very simple proposition.

Also, there are provisions in relation to an employer who breaches their obligation to their employees in relation to termination for exercising their rights to take long service leave or seek to take long service leave. There is also a reverse onus of proof, and that is consistent with many of the provisions of WorkChoices and elsewhere in good industrial relations law. Likewise there is a civil penalty that is applicable in relation to an employer breaching its duty to an employee in that regard. Again the opposition takes the view that if that duty by an employer owed to an employee is breached and a court is minded to impose a greater penalty in the nature of the civil penalty — up to $10 000 for such a breach — then it should be paid by the employer to the employee and certainly not to the government, and under no circumstances to a trade union organisation.

It represents such a contumelious breach of a duty owed by an employer to an employee that the employee should be the beneficiary in the nature of aggravated damages that are normally applied in a civil court. It should not be an opportunity for the government to get into its hot little money-grubbing hands money from every other source it possibly can. Certainly under no circumstances should it be paid to the government. Indeed, the second raft of amendments deal with removing payment to the government or a trade

organisation for a breach of the termination provisions in relation to long service leave entitlements.

There are provisions in relation to reimbursement, reinstatement and compensation, as I said, and the opposition has no difficulty with those. Indeed, if a court finds that an employer has breached its obligations under this legislation, that automatically flows on in relation to those matters. We have no difficulties in relation to those matters.

That is an overview of what can only be described as a reasonably brief piece of legislation. The opposition is finding some difficulty in working out precisely who the legislation will operate on or work for the benefit of. The only people we can think of are perhaps a number of isolated nurses who are not covered by an enterprise bargaining agreement or an Australian workplace agreement. However, no doubt the Minister for Manufacturing and Export is sitting bolt upright in his seat, ready to provide the solution to my dilemma. Mindful of the amendments I will be moving when the bill is considered in detail, the opposition does not oppose this bill.

Mr MAUGHAN (Rodney) — What a con this Long Service Leave (Preservation of Entitlements) Bill is. It is simply window-dressing by the minister. It is part of the ALP campaign against Prime Minister John Howard's very sensible WorkChoices legislation, and it is yet another example of the Minister for Industrial Relations at his Machiavellian best.

The purposes of this legislation are very clear, and they are to circumvent the commonwealth's WorkChoices legislation in respect of certain long service leave provisions. It is yet again an example of grandstanding by the Minister for Industrial Relations. That is something he does very well, and he is doing it on this occasion when practically this bill, if it passes, is going to have very little if any effect on the WorkChoices legislation.

I will tell the house why. It is because long service leave is fixed by the Long Service Leave Act 1992, which is Victorian legislation. It is quite separate from and has absolutely nothing to do with WorkChoices, which of course is commonwealth legislation. This bill provides that in the few instances where an award provides for more generous long service leave than is specified in the 1992 act — and, as the minister noted in his second-reading speech, this is essentially confined to the nursing profession — an agreement cannot be made to undermine those provisions. So we are talking about a small group of people who work in the nursing profession.

The government has given no indication of any other awards that are likely to be affected by these provisions, and I challenge government members to do so when they get up to speak. It is essentially confined to nurses, and as I will indicate later, nurses are covered by government legislation anyway, other than perhaps those who work in the private sector. Those nurses are not going to be subject to any of this sort of nonsense because they are in such great demand that competition will certainly determine that they are much better remunerated than other people in the community. They are not going to lose any of those entitlements because if they were, they would not go to work for whoever it is that wants to employ them.

This legislation would clearly undermine the intent of WorkChoices to permit mutual agreement on conditions, and that is really what WorkChoices is all about — allowing an employer and an employee to come to some mutual agreement. I notice the Minister for Manufacturing and Export, who is at the table, screwing up his face. There are now two government members in the house; there was only one while the shadow minister was speaking, and I would query how many on the government side have actually employed people. There is one government member in the house who has employed people, and he is one of the few who actually have done so, but those members who do would know that if you want to attract and retain good staff, you need to look after them.

It is not all about money and award conditions; frequently it is about all sorts of other benefits that people appreciate far more than those legislated benefits they get. Frequently they are prepared to trade some of those benefits off for something that is more important to them. It might be having more time with their kids or it might be going away and taking some time off when it suits them rather than when it is necessarily to the benefit of the employer. A good employer — and most of them out there really want to attract and retain their staff — —

Mr Haermeyer interjected.

Mr MAUGHAN — I know there are some rogues, and under WorkChoices and most other legislation that is brought in clearly we need to protect workers from that rogue element that is in every industry. But it is in the minority, and I like to think the best of people and that employers understand that in order to have their businesses thrive and succeed they need to look after employees and be able to negotiate to give employees what they want rather than what is necessarily legislated for them to get, because that is not always what they want.

It is clear that very rigid employment conditions covering things such as overtime, penalty rates, holidays, long service leave, unfair dismissal and, if I might mention it again, payroll tax certainly militate against more people being employed in this country. All those things, if they are legislated and fixed and rigid, act as a barrier to employment rather than encouraging it. I favour more flexible workplace arrangements, provided there is a bottom line below which you cannot go and that people who are not able to look after themselves are protected by minimum provisions from being exploited by the odd rogue employer. As I say, I like to think the best of people and that people are sensible and can negotiate conditions that are mutually acceptable.

Many people want to work more flexible hours and would much rather have a job and be paid than have high and unreasonable penalty rates and no job. That has been the case in the past when the union movement has sought higher and higher penalty rates. All that has meant is that people who might otherwise have got jobs have not, because the employers could not afford to pay those rates but were prepared to pay reasonable rates. With the high penalty rates many people have been unable to get jobs.

I will give a couple of examples. One is the restaurant industry. Today the Minister for Tourism was waxing lyrical about the growth in the tourism industry. In the area I come from, Echuca, where tourism is really doing very well — I was going to say booming; it has been booming, it is doing very well — restaurants are opening when the majority of people are there. But with the penalty rates, at the very time when people are there — which is on weekends and public holidays — the restaurateurs are compelled to pay those higher penalty rates. That militates against having your restaurant open at times when people are there, when they are out and want to get a meal and want to spend. The same happens in the retail industry. It is only by having more flexible arrangements in both those industries that restaurants and shops in the retail industry are able to remain open when the people are there.

More flexible hours and mutually acceptable conditions encourage further employment and more jobs. That leads to reduced welfare payments and, more importantly, higher self-esteem, less civil disobedience, less domestic violence and, I would suggest, less child abuse, because if people are unemployed with nothing to do with their time and with low self-esteem, you get all those social problems that the community is trying so hard to deal with — and of course it all leads to increased crime rates.

This legislation is all about this government railing against the WorkChoices legislation that was brought in by the commonwealth government. WorkChoices is one of a suite of measures the commonwealth government has brought in over the years to improve the economy and increase the number of jobs and the amount of wages paid in this country.

Australia's economy is going very well at the moment, and most people from around the world comment favourably on it. This morning I heard the chief executive officer of the International Monetary Fund on the radio. He is in Canberra to meet with the Prime Minister, and he has been very complimentary of the strength of the Australian economy. I will quote just a few figures to demonstrate how well the commonwealth government has been going in making an economy that better suits all Australians. We all benefit from it, and I will talk about that in a minute. Commonwealth government debt has gone down from $95 billion when the federal coalition came to power to virtually zero today. It has gone completely; there is no debt! This government has paid off $95 billion.

The coalition government has created an additional 1.8 million jobs since it came to power. It has reduced unemployment from 8.2 per cent, which it was when Labor was last in power, to 5.0 per cent today, and it is still falling. The number of long-term unemployed was 197 000 when Labor went out of office. It is 97 000 today. One hundred thousand fewer people are unemployed, and that has to be good for those people, for their families, for their communities and for the economy generally.

This is the most important figure, Acting Speaker, and it is one that you will appreciate. In the 13 years under Labor from 1983 to 1996 the real growth in wages was 0.3 per cent. In the 10 years under the coalition government since 1996 real wages growth has been 16.7 per cent. That gives the lie to the argument that comes from the Labor side that we do not care about the workers and about the ordinary people. Of course we do! We are working to improve their living conditions, wages and standards of living.

Those statistics that I quoted, and they are only a portion of what could be quoted, demonstrate very clearly that the policies the coalition government has been pursuing are providing better lives for more and more Australians. Sure there are those who are disadvantaged, unemployed or are unable to work, and we need to look after them, but with a more active and productive economy we are able to generate the wealth that provides for the education, health and human

services we need to look after those who are less fortunate than ourselves.

WorkChoices is another of the very important measures in this strategy to improve our efficiency as a nation, to improve our competitiveness and to provide a better life for all Australians. Labor is opposing this WorkChoices legislation because it wants to limit that. I suspect that this Labor government would much rather see a coalition government continue in Canberra than the ALP alternative, because under the coalition government this government will this year receive about $8 billion in GST payments.

You will recall, Acting Speaker, that when Labor was in opposition it vigorously opposed the introduction of the GST. Labor members are now willingly putting out their hands for $8 billion this year. Since the GST revenue has been flowing through to the states the Victorian government has received about $30 billion in GST payments, which has enabled it to build schools, hospitals, roads and all of those things that we hear about day after day, without the government acknowledging that it is the commonwealth government's policies and successes that are enabling that to happen.

The relevance of that to this bill is that the WorkChoices legislation is another step in that suite of measures that the commonwealth coalition government has taken to make a more productive economy that improves the life of all Australians and certainly all Victorians.

Clause 5 of the bill, which inserts parts 8 and 9 into the principal act, imposes a penalty on employers for not disclosing reductions in long service leave entitlements. That is simply not logical, because if an employer is negotiating with an employee, clearly there is no agreement until something is signed. How you can give prior notice of an agreement when you have not signed it eludes me. Maybe when the government responds it can explain how that can happen, how you can give prior notice before you have an agreement. It goes further than that, because an agreement by definition includes signing off on any change to long service leave entitlements, if that is part of what is being negotiated, and you therefore cannot disclose any reduction beforehand. And yet the government is potentially imposing a penalty of $10 000 on an employer for failing to disclose the reduction in long service leave entitlements.

Clause 2, which is strangely enough found on page 2 of the bill, contains retrospective provisions. Under the heading 'Commencement', clause 2(2) says:

> Parts 2 and 4 are deemed to have come into operation on 27 March 2006.

The retrospective provisions in the bill are not desirable either. Much of this bill is academic, anyway, because the only award that has been identified by the Attorney-General or any other member of the government is the award that applies to nurses. Most nurses are employed in the public sector. Their employer, the Victorian government, has already legislated against any change. They cannot be affected, because the government has already legislated to protect them. If the private sector wants to attract nurses, it clearly has to offer benefits that are at least as good, if not better, than what is offered in the public sector, as I indicated earlier. Because of competition, those nurses will not be disadvantaged in any way.

If they want to trade off some of their long service leave entitlements for something that is more suitable for them — such as knocking off early to pick up their kids from school or preschool or having time off when they want it in lieu of some of their excess long service leave entitlements — then it is their right to do so. Employer and employee should be able to negotiate something that is mutually agreeable. It is highly unlikely there will be any reduction in benefits in the private sector, and if there is then there will be a trade-off that is more satisfactory to the person concerned. That is what it is all about — coming to a mutually acceptable arrangement between employer and employee.

In conclusion, this legislation is government window-dressing. As I indicated earlier, the Minister for Industrial Relations is very good at bluster, window-dressing and spin. That is what this legislation is all about. There is no substance in it. It has retrospective provisions, which is anathema to this side of the house. There is the reverse onus of proof, which is again not a principle we generally support. It is largely academic, because there is no need for this legislation, as I have pointed out. It is primarily an attack on the federal government's WorkChoices legislation; it is primarily a political exercise. For all the reasons I have just enumerated The Nationals will be opposing this very bad piece of legislation.

Mr HELPER (Ripon) — I move:

> That the debate be now adjourned.

Mr INGRAM (Gippsland East) — I disagree that the debate on this bill should be adjourned. We have debated a number of bills today, some of which are extremely important. We have had two lead speakers on each bill. The Nationals have already indicated that they will oppose the legislation. A number of

amendments have been proposed by the member for Kew. This legislation significantly changes long service leave entitlements.

It is not okay for the house to have two speakers on a piece of legislation, then adjourn it and then have it hit the guillotine tomorrow without adequate debate. There are a number of speakers, which can obviously be seen if we look at the lists provided by the government, the opposition and The Nationals, who are opposing the legislation. We have seen a number of bills in this house to which similar things have occurred: two speakers have come in and made contributions, debate on the bill has been adjourned and basically it has disappeared until the time for the guillotine. That is not acceptable in this place. The government had the opportunity yesterday when the business program was introduced to allow sensible debate on a number of pieces of legislation.

A large number of people wish to speak on the Charter of Human Rights and Responsibilities Bill. I still have not spoken on that bill, and I would like to think it will come back on. It is important that legislation such as the bill before the house gets adequate consideration before it is adjourned and never comes back on for debate. I oppose the motion that has been put forward. I do not think it is acceptable that this house treat serious legislation — 10 bills this week — in this manner. I voted against the government business program because we knew this type of situation would occur this week, where important legislation would be treated with contempt by this government and this Parliament. It is important that we give it adequate consideration. It is not appropriate for no member of the government and no member of the opposition other than the lead speakers to speak on the legislation.

For those reasons I am opposing this motion. It is important that this house not only debates all the legislation but also debates the motion before the house.

The ACTING SPEAKER (Mr Jasper) — Order! Whilst I acknowledge the comments made by the member for Gippsland East, the question is that the debate be now adjourned.

Mr COOPER (Mornington) — The member for Gippsland East has put a very good case to the house in regard not only to this legislation but also to the way the government is approaching its entire government business program. Yesterday when we debated the business program the member for Rodney and I made it clear that we found the program to be a disgrace, a program that would create the kind of situation we are now confronting. On this particular piece of legislation, the Long Service Leave (Preservation of Entitlements) Bill, the Liberal Party has at least seven members on the list wanting to speak. The member for Rodney advises me that there are at least two or three more members of The Nationals who wish to speak on this bill, because it is an important piece of legislation.

It is important that another case be put before the house besides the contribution of the minister. Yet tonight we have had the member for Kew speaking on behalf of the Liberal Party and the member for Rodney speaking on behalf of The Nationals, and as far as the government is concerned, that is the end of the debate. The member for Ripon stood up and moved that the debate be adjourned. We on this side of the house know that the next time this bill will be announced will be at 6.30 p.m. tomorrow, when the guillotine will come down. The member for Gippsland East is quite correct. That is the way the government is treating this piece of legislation, and that is the way the government is treating this house. It is completely contemptuous.

There are people in the community who want their point of view put before this house and members of the government. There is a contrary view on this bill. There are arguments that need to be put, but this government is not willing to hear those arguments. It seems to believe that justice and democracy will be served by having two speakers — one from the Liberal Party and one from The Nationals — speaking on the bill and then that being the end of that. That is the end of that penny section, and we move on. We move on to the next piece of legislation which will be treated equally as contemptuously and will be rolled through again. So we will get to 6.30 p.m. tomorrow and the guillotine will come down on bill after bill after bill. Then government members will go out to their electorates, satisfied that they have shovelled through 10 pieces of legislation in the week and feeling that they have done the job for their party. But they certainly have not done their job for the people of this state!

They certainly have not done their job in the interests of a proper Parliament working effectively and working to hear the points of view of people out in the community. That is what we are confronted with now. If this government votes now to adjourn this bill, which it is going to, until a guillotine falls tomorrow night, then it needs to understand that this will be broadcast far and wide throughout Victoria. The government is not going to get away with this scot free; the government is going to be held to account.

Yesterday we told the government during debate on the government business program motion that the legislative program for this week of 10 pieces of

legislation, including a number of significant pieces of legislation which include this bill we are now dealing with, needed to be debated in full. At that time we also told the government there was a need for a number of these bills, in particular the Charter of Human Rights and Responsibilities Bill, to be discussed in the consideration-in-detail stage. We asked for that, but we have not been given that. We have not even been given the privilege of allowing all members who want to speak on the Charter of Human Rights and Responsibilities Bill to do so. That was knocked off last night at 10 o'clock. Now we have the terrible spectacle of a bill, which has only had two speakers from this side of the house speak on it, being pushed through and subjected to the guillotine.

The protest that has been started here tonight by the member for Gippsland East is fully supported by the Liberal Party. I believe it is fully supported by The Nationals. This is a disgrace and a contempt of this Parliament. The government needs to pay due attention to the protests that are coming from this side of the house on this matter.

Mr STENSHOLT (Burwood) — I support the motion to allow the government business program to proceed.

Mr MAUGHAN (Rodney) — I rise to support the comments of my colleague the member for Mornington. I think this action by the government is an absolute denial of democracy. As the member for Mornington indicated, the government was made aware yesterday that we opposed the government business program for that very reason. If the government is prepared to push ahead with legislation that is, as I indicated in my contribution, window-dressing and purely political and then try to deny members from this side of the house the ability to express their points of view, then it has another think coming.

As the member for Mornington indicated, those members on the other side of the house who are prepared to come along to this house and ram through this legislation without giving opposition members the opportunity to express their point of view on behalf of the many constituents they represent have another think coming.

The debate on the Charter of Human Rights and Responsibilities Bill was terminated. There are members on this side of the house who still want to speak on that legislation. The legislation which we are dealing with right now is important, because it is a political issue. If the government wants to play politics, then we can play politics on this side of the house as well.

There is other legislation which we need to get through this week. The Accident Compensation and Other Legislation (Amendment) Bill has engendered pretty fierce debate in this house over the years. There are many members on this side of the house who want to be able to speak on that bill. To just have lead speakers speak and then to terminate the debate is a denial of natural justice and a denial of democracy, but obviously that is going to happen this week.

As the member for East Gippsland indicated, members on this side of the house are not going to take that lying down, and we will oppose it every inch of the way to give members the opportunity to speak. I welcome the contribution of the member for East Gippsland. He wants to be able to speak on behalf of his constituents and to express a point of view on all of this legislation.

Mr Delahunty — So do I!

Mr MAUGHAN — The member for Lowan also wants to have a go, as do the members for Swan Hill and Bass. They are all dying to have a go, and so is the member for Mornington. I am sure the member for Benambra was cut off at the socks during his contribution to the previous bill; some members were cut off at the socks during the debate on the Charter of Human Rights and Responsibilities Bill. As I indicated, that is an abrogation of the rights of members of Parliament to be able to come along to this place and express their point of view on behalf of their constituents.

This is an arrogant government using its raw numbers to ram through legislation. Why? Because it was too lazy early in the sitting when we were dealing with four or five pieces of legislation in a week. We were struggling to pad it out. Then we wasted time on the Commonwealth Games. We spent a whole day giving every member of the government the opportunity to say how wonderful the Commonwealth Games were. Yes, we acknowledge they were wonderful games, but we did not need to spend a whole day on self-congratulations given that that we are now being denied the opportunity to speak on important legislation such as this. The government is playing politics and putting its spin on these issues.

We will certainly be opposing the motion before the Chair. If the government tries this again on the next piece of legislation, as I suspect it will, we will be opposing that one too.

Ms D'AMBROSIO (Mill Park) — I support the government business program and the motion that the debate be now adjourned.

The ACTING SPEAKER (Mr Jasper) — Order! I have heard six speakers on the question.

Mr Walsh — On a point of order, Acting Speaker, by my count it is only five.

The ACTING SPEAKER (Mr Jasper) — Order! The member for Ripon is assumed to have spoken when he moved the motion. The question is:

That the debate be now adjourned.

House divided on motion:

Ayes, 52

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Green, Ms	Overington, Ms
Haermeyer, Mr	Pandazopoulos, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL

Second reading

Debate resumed from 31 May; motion of Ms PIKE (Minister for Health).

The ACTING SPEAKER (Mr Jasper) — Order! I would appreciate the ministers at the table refraining from talking in the chamber and clearing the deck if they do not want to be in the house to listen to the honourable member for Caulfield.

Mrs SHARDEY (Caulfield) — I rise to speak on the Health Legislation — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Caulfield, without assistance or interruption from either side of the house!

Mrs SHARDEY — I rise to speak on the Health Legislation (Infertility Treatment and Medical Treatment) Bill. This is a piece of legislation which the Liberal Party is supporting because it addresses two very important issues, one to do with the Infertility Treatment Act and the second to do with the Medical Treatment Act.

This bill does three very important things. First of all, it will enable infertility treatment clinics to be licensed in their own right to perform procedures. That will be a very important achievement of this legislation, because it will clarify some issues which have been of concern in the infertility treatment sector.

Secondly, the bill seeks to amend the Medical Treatment Act. It does two things in relation to that act. Firstly, it clarifies that only guardians appointed by the Victorian Civil and Administrative Tribunal (VCAT) with powers to make — —

The ACTING SPEAKER (Mr Jasper) — Order! There is far too much talk in the chamber. I cannot hear the honourable member for Caulfield, who is seeking to make a contribution on the legislation. If ministers want to have a discussion, they should leave the chamber immediately. The honourable member for Caulfield, without assistance and without interruption from either side of the house.

Mrs SHARDEY — The second important element of this legislation amends the Medical Treatment Act to clarify, first of all, that only guardians appointed by

VCAT with powers to make medical treatment decisions may refuse treatment on behalf of an incompetent person. The second thing this legislation will do in relation to the Medical Treatment Act is to provide a note to clarify that the element I have just mentioned applies to the registered medical practitioner who is asked to verify the refusal-of-treatment certificate.

I will deal with the Medical Treatment Act amendment first, because it is probably the smaller of the two changes in relation to this piece of legislation. As many people are aware, towards the end of a person's life, particularly if the individual is suffering a terminal illness, there are times when that person may wish to sign or have signed a refusal-of-treatment certificate. This right is something that has been held since the late 1980s, and certainly it is something that is very serious. People make this decision with some difficulty. I have been through the situation myself where family members, while they have not sought to sign certificates, have certainly made their feelings known in relation to the receiving of medical treatment should they reach that stage where life is terminal and where medical intervention will only prolong life. I think most people in this place — —

The ACTING SPEAKER (Mr Jasper) — Order! I find it extremely disappointing that ministers are talking in the house, as are members on the other side of the chamber. I am having difficulty listening to what the member for Caulfield has to say in a contribution on important legislation. I would like to think that other members will honour the contribution of the member for Caulfield and will listen to what she has to say.

Mrs SHARDEY — I suppose the points I am making are very sensitive. They are around issues that I believe are very difficult for people in our community to deal with, and they are very serious in nature. Given that the Liberal Party is supporting this legislation, I would have thought that government members would be interested in the issue and in giving some very deep thought to it themselves.

An honourable member interjected.

Mrs SHARDEY — Thank you very much. I need your assistance especially.

This particular amendment only relates to forms contained in schedule 3 of the act and the refusal-of-treatment certificates given by agents or guardians of incompetent persons. The current schedule does not explicitly refer to the order being a guardianship order that specifically relates to medical treatment. This amendment seeks to clarify that only those guardians appointed by VCAT with powers to make medical treatment decisions — and this is the key element of it — should have power to make medical treatment decisions. Only those guardians appointed by VCAT with this power can legitimately refuse medical treatment on behalf of an incompetent person.

If one looks at the Medical Treatment Act — and I looked at the Department of Human Services site to seek some clarification on this — one finds that the way the act works is that, if a person does not want a medical procedure to be provided, they can create, as I have already mentioned, a refusal-of-treatment certificate. If the person is able, the competent person signs but does not witness the document. The refusal-of-treatment certificate is then completed by two persons, one of whom has to be a medical practitioner.

To appoint an agent to make medical decisions on their behalf, a person has to complete, in the prescribed manner, an enduring power of attorney (medical treatment) form. The enduring power of attorney, medical treatment, names the agent, and an alternative agent if required, whom the person trusts to carry out their wishes. If you are of sound mind and sign the form, you should also appoint an agent to act on your behalf. It is important to understand that sometimes people get to the point where they are not competent to make a decision. They can be unconscious or whatever but they may not be competent to make a decision.

If an agent has not been appointed then it falls to the Victorian Civil and Administrative Tribunal to appoint a guardian to make the decision on behalf of that person. This particular description of the act says that only a guardian appointed by VCAT with the power to make medical treatment decisions should have that role. Because there was a problem with a particular piece of legislation — the schedule did not refer to guardian with the power in relation to medical treatment — this small amendment was necessary, which succinctly deals with the problem.

The important part of this legislation, which I now turn to, relates to the Infertility Treatment Act. I shall give some background to the legislation. The second-reading speech makes it clear and talks about the fact that Victoria has long been recognised for its leadership in reproductive technology, particularly assisted reproductive technology. For over 22 years we have been a leader in this area. The first legislation that was introduced in 1984 was the Infertility (Medical Procedures) Act. Later in 1995 that act was replaced with the current Infertility Treatment Act, which sets

out the guiding principles for the way in which assisted reproductive technology would operate within the state. The 1995 legislation also amended the original legislation to establish the Infertility Treatment Authority to regulate and license the providers of assisted reproductive treatments.

The first object of this bill is to amend the Infertility Treatment Act to enable infertility treatment clinics to be licensed in their own right, which is the key element, and perhaps I will go into that a little further. Currently section 93 of the Infertility Treatment Act can only issue a licence to perform assisted reproductive technology procedures to a public hospital, a denominational hospital, a private hospital or a day procedures centre. This means that the licensee may not be the actual clinic providing the treatment — in other words, the licensee is either the public hospital or a day procedure centre, but the clinic that actually provides the procedure itself could involve two separate entities. This is what the amendment is dealing with.

The amendment means proprietors of a clinic, probably a body corporate, can be granted a licence to provide infertility services either based in a hospital or a day procedure centre, or with the capacity to access either of the aforementioned. This bill is very limited to this amendment, and it clarifies the legal problems that may perhaps occur. To give an example, the Freemasons Hospital was licensed to provide assisted reproductive technology. Melbourne IVF provided the service within that hospital. There was some issue around a particular couple who were denied treatment. It was not the in-vitro fertilisation clinic that was sued by those people; it was the hospital because it carried the licence. This legislation means that the clinic which provides the treatment can now be the licensee and therefore be the responsible party, which is important. Therefore, this legislation achieves quite a lot.

I will provide a little more detail, because my colleagues have asked quite a few questions about this piece of legislation. I want to give some background about it so that there is a clear understanding of what it is all about. Firstly, I will give a general description of the system and how it operates in Victoria. Part 8 of the act sets out the system of licensing for assisted reproductive technology. Firstly, there are centres where infertility treatment procedures are conducted, as I have described; and secondly, there is a separate approval of persons who are carrying out those procedures.

The licensing and approval system as it currently operates consists of four elements. The first is the licence-holder — that is, hospitals, day procedure centres, denominational hospitals and private hospitals, and it is envisaged this group would be expanded to include the actual provider of the infertility treatment. The second element is the practitioners who are approved under the Infertility Treatment Act. The third element is the treatments themselves which are to be licensed, such as treatment procedures under the Infertility Treatment Act. The fourth is licensed centres where treatment must be performed. They still exist and will be hospitals, day procedure centres or private hospitals, and denominational hospitals.

The proposed amendment will change only one element of this scheme — that is, the range of entities that can be a licence-holder. The other elements will remain exactly the same, in particular — as my notes tell me, because I received a very nice reference from the department — it should be noted that under the Health Services Act 1998 a licensed centre that is not a public or denominational hospital is required to be registered as a private hospital or a day procedure centre. That is probably more detail than we need but nevertheless, we are getting it.

Next, for commercial reasons the clinics which are the providers of this treatment already exist as separate legal entities from the hospital in which they are located. The clinics use the premises and resources of the hospital under a series of rental and subcontracting arrangements. I asked quite a few questions about this, wanting to understand where the level of responsibility lay, and it was explained to me that there are quite strong contractual arrangements between the hospitals and the clinics.

The host hospital is the licensed centre at which the clinic conducts treatment. However, it is the clinic that is responsible for compliance and the conditions of licence under the act. A very complex national and state structure controls all of this as well as the quality standards applied by the National Health and Medical Research Council and the Reproductive Technology Accreditation Committee, known as RTAC.

The authority has identified a difficulty, and the explanation is that with the limitation of section 93 of the act, the licensee must be a public hospital, denominational hospital, a nominee of the hospital who is a legal person or the proprietor of a private hospital or day procedure centre.

This means that the hospital applies for and is granted a licence whereas it is the clinic which bears the legal responsibility for compliance with the conditions of the licence and the obligations under the act. It has been explained to me that this has led to a lack of clarity in

the demarcation between the legal responsibilities of the service provider and the host hospital, with implications — for example, for the purposes of indemnity insurance as well as the difficulty for the authority in monitoring compliance.

I can see the advisers smiling. They know this area very well, and I certainly appreciate their explanation of how the system works, because I do not think many Victorians understand the complexity of it all, and indeed, how, with regard to the provision of a service, there could be such a lack of legal clarity in the way it was put together.

The proposed amendments expand the category of entities that can apply for and be granted a licence. In other words, we are looking at clinics that can now apply for a licence. I must admit I rang a couple of clinics that are in the business of providing in-vitro fertilisation or assisted reproductive technology services. Although they did not really know or understand very much about what was occurring with the change in legislation, which surprised me enormously, they agreed that it would go a long way towards clarifying their position and giving them a better legal framework. Either way the legal responsibilities and obligations will clearly rest with the clinic as the licence-holder, and I think that is what this whole piece of legislation is about. It is trying to ensure that the body which provides the service and performs the procedure is actually the body that is responsible in a legal sense.

There is no change proposed to the provisions in the act covering the imposition of the conditions of a licence. We asked about legal liability issues and ethics committees and how they will operate. None of those things is going to change, so we can have some sense that although there will be this narrow change, everything else will continue as before.

Finally, broader issues of legal liability already arise between the clinics and the hospitals, which involves the question that I just referred to and asked about. Regardless of whether they are co-located or whether a clinic accesses the facilities of a hospital, such issues as the use of equipment, access to property and maintenance are involved. These issues are dealt with under the commercial agreements between the parties. I also asked for a list of the providers of services. There are 12 legal entities in Victoria that provide services at 13 different locations, so there are many places where Victorian couples can access them. They go from the Ballarat, Bendigo, Monash, Epworth and Mercy hospitals to the Mildura Private Hospital and the Royal Women's Hospital, and I think we recognise all those places.

Mr Delahunty — What about Casterton?

Mrs SHARDEY — The Casterton Memorial Hospital is probably on the list, but this is in very small writing. I want to talk a little more about the licensing process for assisted reproductive technology (ART) in Victoria. ART legislation is underpinned by a national system of accreditation, as I mentioned. The Reproductive Technology Accreditation Committee, which is the national body, was established in 1987 by the Fertility Society of Australia to administer a national code of practice and a system of accreditation for all ART clinics throughout Australia, which I think is unique. It provides professional standards through this code. Additionally, the National Health and Medical Research Council's ethical guidelines, which cover both clinical and research activities for ART, have to be complied with for RTAC accreditation. So we have a national code of practice, or ethics, and a national system of regulation.

The Infertility Treatment Authority, which was established here in Victoria under the 1995 legislation, regulates providers of ART and requires licensed places to have RTAC accreditation. So there are two things working together. The ITA and RTAC conduct quality assurance visits and examine all the operational areas of ART clinics. ITA representatives also meet with the chief executive officers of licensed providers to discuss accountability, utilisation and composition of ethics committees. I have a question in relation to that, because I would like to understand — perhaps the member for Mulgrave can explain it to me a little further — the role that the ITA plays with providers in relation to the accountability, composition and utilisation of ethics committees.

I would like to understand a little more about that because some issues were raised with me in relation to ethics and how they operate in Victoria. I understand that the law actually sets out certain parameters which cannot be contravened, but I think there are some sensitive issues around the area of in-vitro fertilisation and assisted reproduction which are governed by ethics and ethics committees. Certainly, as we know, there will be differences between organisations.

Formal accreditation visits occur in Victoria and, if I am not wrong, throughout Australia every three years. In Victoria they are made by the Infertility Treatment Authority and the Reproductive Technology Accreditation Committee. ITA also requires a licence provider to complete a very detailed questionnaire prior

to the actual visit, and compliance with the law is examined within that questionnaire.

I read a few little things about ITA and the principles under which it operates. As I said earlier, the Infertility Treatment Act 1995 works along four principles, which are set out in the act, and I think they are important to understand. They are:

1. The welfare and interests of any person born or to be born as a result of a treatment procedure are paramount;

2. Human life should be preserved and protected;

3. The interests of the family should be considered;

4. Infertile couples should be assisted in fulfilling their desire to have children.

Interestingly, I have five very small grandchildren, who were all born at Cabrini hospital. When my daughter and daughter-in-law had their children over the last 4½ years, on each occasion — and they are in their late 20s and early 30s — they have been the youngest of the mothers having children at Cabrini, because a large number of the other mothers are much older, and nearly all of them have had children as a result of IVF. I found that quite interesting, because certainly during the time I was having children IVF was a rarity. I think that knowing the principles that guide the way this whole system works and the care and the desire to protect families and children is extremely important.

The Infertility Treatment Authority, which was established under the 1995 legislation, seeks to promote community understanding of the complex issues involved in the treatment of infertility; to ensure that appropriate information and counselling are available to those who seek treatment; to assist in the smooth provision of health care by the treatment institutions; to gather and store information relevant to the proper regulation and broad oversight of the provision of reproductive assistance and to release such information where appropriate; and to report to the Parliament — as we know it does — under the terms of the act. We should be proud of the way the system is structured and the laws and regulations that are in place for this whole process in Victoria.

I also read a little about what in-vitro fertilisation is, because I think it is important to know and understand why it exists and the extent of its use in this country. One definition tells us that in-vitro fertilisation is 'the process used to conceive a baby outside the body'. In Australia 52 centres offer assisted reproductive technology, which includes IVF and other procedures, to infertile couples. Of all the births in Australia in 2003, 29 per cent were following the use of assisted reproductive technology. I was not aware that that figure would be so high, except for the fact of my experience in a particular hospital in Victoria, as I mentioned, where it seemed to me that a large number of children were born as a result of IVF.

The IVF procedure itself involves women taking medication to stimulate a multiple egg release from the ovaries. This is followed by a procedure to extract the eggs from the ovaries. The eggs and sperm are placed together in a culture dish for fertilisation. The embryo is cultured for two or three days and then transferred to the uterus via the cervix. In the majority of treatment cycles one or two embryos are transferred.

I have come across a number of people now who have gone through this IVF process, and apart from the fact that it is quite an expensive process — in fact it costs some thousands of dollars to go through each cycle — it is also quite an emotional process to go through. As a person who fell pregnant fairly easily when I was wanting to have children, I think this is something that I and most women fortunate enough to be able to have children easily do not really appreciate in terms of the emotional response from a couple finding it difficult to conceive.

In my own family there have been such people, and so I have been close to those who have gone through the emotional trauma of not being able to have their own children, and it is something that I think very many of us actually take for granted. Success rates are often reported in terms of a pregnancy occurring and — —

Business interrupted pursuant to standing orders.

Sitting continued on motion of Ms KOSKY (Minister for Education and Training).

Mrs SHARDEY (Caulfield) — I was just making some observations about the success of the IVF process. An overall pregnancy rate of about 36 per cent per treatment cycle is often reported, but of course not all of these pregnancies result in a live birth. The estimated live birth rates per cycle vary between 13 and 28 per cent, which does not sound like a very high figure, but I think it gives us some understanding — —

An honourable member interjected.

Mrs SHARDEY — Those 20 per cent are very important, but it gives us some idea of the issue and the fact that a lot of couples go through a great many cycles without reaching success. In fact success is a very small figure, being below 30 per cent.

I, for one, have a lot of feeling for those people and I have the utmost admiration for the scientists in this country who have been so successful in this technology, which has helped many families have children who otherwise would not be fortunate enough to have children, and I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on this important piece of legislation, the Health Legislation (Infertility Treatment and Medical Treatment) Bill. We know the two main purposes of the bill are, firstly, to amend the Infertility Treatment Act 1995 with respect to licensing of infertility treatment service providers, and secondly, to amend the Medical Treatment Act 1988 — and there is also an amendment in the nature of a statute law revision.

The Nationals will not be opposing the legislation. But firstly I want to thank the parliamentary secretary for organising a briefing with Anne Brown, who was kind enough to brief my colleague the Honourable Damian Drum in the other place and me on this important piece of legislation.

In-vitro fertilisation (IVF) is a great opportunity for people to have children. Many people in this house do it through a natural process, and it is a very great privilege to raise children. I have three of my own, and it is one of the great enjoyments of life. We have three sons and now we have three daughters-in-law, so the family is getting bigger, but we also have three great little grandchildren now — Zachary at two and a half; Jobe, born in December last year, nearly six months; and Isabella, born in late December, so she is also around about six months old.

Mr Andrews — What are their favourite colours?

Mr DELAHUNTY — The acting parliamentary secretary wants to know what their favourite colours are. I can tell him that the oldest grandson is a bit of a worry — he has been wavering between Essendon and Richmond, but I think we will be able to get him to barrack for Essendon.

Getting back to the bill, as I said, it is one of the great privileges of life and a great gift, as the member for Malvern said, to have raised children. To give the opportunity to others to do likewise is very important.

I know this is a sensitive topic involving ethical issues that have always been discussed. It was a great decision by this Parliament to bring in the Infertility Treatment Act when it did. This bill makes changes to the operation of that act in relation to the facilities that provide the treatment. The Nationals do not see any reason to oppose the legislation; we think it is good commonsense. However, there are some concerns in relation to the operation of these facilities by people and organisations. It is always a difficulty to make sure the licensing arrangements work to the principles outlined in the act. I will come to them a little later.

Looking back I am glad I had the opportunity to have the three children that Judy and I raised. Not only did I raise three children, but I was also heavily involved with children during my sport coaching days. It has been a real joy of my life. The in-vitro fertilisation program has given that opportunity to a lot of other families. The member for Caulfield spoke about the fact that it does not have a high success rate — about 20 per cent of people who go through the IVF program have children. But that percentage is very important and the people who go through treatment would try anything to have children. Unfortunately, Australia has a decreasing adoption rate. Therefore, people are looking to IVF for the opportunity to have children.

The library staff found figures for me which only go up to 2004. They show that the number of infant adoptions in Victoria has dropped from nearly 80 in 1987–88 to about 4 or 5 in 2003–04. It is interesting to note that the number of intercountry adoptions has grown. Currently Victoria has working arrangements with various countries for the purpose of intercountry adoption. There were 100 children placed for intercountry adoption in Victoria in 2003–04. These children came from a number of countries including China, Korea, India, Thailand, Ethiopia, Fiji, the Philippines and Hong Kong. The lowest point the number got down to was about 38 in 1991–92. There is not a great opportunity for adoption here in Victoria.

It is interesting to look at the Australian figures. Back in the 1970s the number was around 10 000. In 2003–04 that dropped down to well below 1000 children, and that includes all types of adoptions. As local adoptions continue to decrease, the proportion of intercountry adoptions has increased. Therefore, the IVF program is very important for a lot of people in our community.

The bill covers two main points. It makes amendments to the licensing provisions of section 93 of the Infertility Treatment Act 1995 to allow for infertility service providers to apply for and be granted a licence to conduct treatment in their own right rather than restricting licences to hospitals or day procedure centres. The amendment to section 93 by inserting subsection (ca) extends the list of entities that may make application to the infertility authority for a licence. This new subsection in the act enables proprietors of clinics that are based within a public

hospital, or which access clinical services of a hospital or day procedure centre, to apply for licences under section 93.

As has been highlighted by the member for Caulfield, the changes have come about because there was a problem at the Freemasons Hospital, but I was given a different story. The story was that it was proposed that the Freemasons be sold. As we know, Melbourne IVF was licensed under the Freemasons, which created a problem for its continuance. If this bill goes through, as no doubt it will, it is commonsense that Melbourne IVF should not have to be licensed under a hospital.

I want to go to the guiding principles as stated in the Infertility Treatment Act 1995 that the Infertility Treatment Authority works under. There are four of those, and it is important that they be recorded:

(a) the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount;

(b) human life should be preserved and protected;

(c) the interests of the family should be considered;

(d) infertile couples should be assisted in fulfilling their desire to have children.

These show a strong belief in the family situation, a strong belief in the protection of life and a strong belief in giving couples who are unable to have children every assistance possible to have the great joy in life of creating a child. The Infertility Treatment Act then goes on to state that the welfare and interests of the child are paramount in the deliberations of the authority, which requests that counselling is provided to couples. I will come to that a bit later, but it is important that we reflect on those guiding principles.

When looking through the annual report of the Infertility Treatment Authority 2004–05 I noted that the authority pays licensing visits to many clinics and hospitals around the state. The only country area visited in that year was Ballarat, but these visits are done every three years. Casterton Memorial Hospital, which has the only IVF clinic in my electorate and in western Victoria, received a visit.

Under the heading 'Hospital accreditation' a newspaper article in a Casterton newspaper of 27 July 2005 states:

> 'The accreditation process is to ensure that all IVF clinics meet the legislative and accreditation standards of care for infertile couples', said hospital chief executive officer Owen Stephens.

Mr Stephens went on to say:

> Casterton Memorial Hospital and Monash IVF are looking forward to continuing their unique partnership, and thanks go to all involved in the accreditation process …

It is my understanding that Casterton has one of the highest success rates of all the IVF clinics in Victoria, which highlights again the good things that happen in rural and regional Victoria.

Dr Sykes — It's fertile country down there.

Mr DELAHUNTY — It is good fertile country, as the member for Benalla said. We could do with a bit of rain, but it is good fertile country. The statistics in the authority's annual report show that 49 women were treated at Casterton Memorial Hospital in 2003, and 51 were treated in 2004. It is my understanding that the staff come out to the area four times a year to treat and work with couples. That is a very important process, and I will come back to it later.

The annual report also talks about the number of facilities that are licensed to provide treatment. There are 15 in Victoria, and of those 15 there are 7 in country Victoria: Bairnsdale Regional Health Service, Ballarat Day Procedure Centre, Casterton Memorial Hospital, centres at Geelong and Bendigo and, as I said, Mildura Private Hospital. They play an important role in providing fertility treatment to couples across rural and regional Victoria. Most of the clinics are linked to Melbourne IVF or Monash IVF but particularly to the latter, and I congratulate the staff of Monash IVF on the work they do. They really make an effort to provide outreach services across rural and regional Victoria.

Listed in the annual report are the 45 doctors approved under the Infertility Treatment Act 1995. The first one mentioned is Catherine Bailey, who operates at the Mildura Private Hospital, and the last on the list of 45 names is David Wilkinson, who works out of the Freemasons Hospital under the Melbourne IVF program. It is interesting to note that on its last page the annual report says doctors in places licensed to provide treatment are required to provide all patients with a list of approved counsellors at all the IVF treatment clinics, not only here in Melbourne but across rural and regional Victoria, prior to the treatment commencing.

I read with interest the annual report of the Infertility Treatment Authority. As I mentioned, the Casterton hospital provides the Monash outreach service. I have here a copy of the 98th annual report of the Casterton Memorial Hospital 2004–05. There are no TV cameras in this chamber, but I can refer honourable members to the front page of this colourful report. It carries a great photograph of a lot of the families, including children who were born through IVF, at the Casterton Memorial

Hospital. They had a party a couple of years ago to celebrate the 100th baby born there, and many of the families shown in the report were at that function. I congratulate the hospital and its staff for using that photograph.

The Casterton hospital provides many services. I have many hospitals in my electorate, but it is the only hospital that provides IVF treatment. This hospital, which also has a very good operating theatre, has two A and E beds and provides a district nursing service. It also has allied health services, which include diabetic services, podiatry services, community health services including health promotion, a cancer support group, youth services and caring supporters. Carers play a very important role in providing services right across Victoria.

Mr Andrews interjected.

Mr DELAHUNTY — 'Many hospitals do', the member for Mulgrave said. The Monash IVF was set up in Casterton in 1999. As I understand it, and according to a report done in 2003, it had 16 clinics up until that stage, so it had an average of four a year. Up until 2003, approximately 590 separate treatment episodes have occurred when clients would have otherwise had to attend a hospital in either Melbourne or Adelaide; Casterton hospital provides a very important service.

In an article in the *Hamilton Spectator* of 11 May 2005 Dr Henshaw, who is in charge of the Casterton IVF clinic, said:

> The Casterton clinic is the only one between Melbourne and Adelaide in southern Victoria. There is another regional clinic at Mildura.
>
> At present the Casterton IVF clinic undertakes about 80 cycles a year.

Dr Henshaw went on to say:

> By 2007 every prep grade in every primary school in Australia would contain one child born through IVF or one of its sister treatments.

That is an amazing statistic. Even members of Parliament could have gone through that process. As I said earlier, a party was held to celebrate the 100th baby born at Casterton; his name is Benjamin Winnell. New mother Nicky and her husband Alan went through the IVF program. They had eight sessions and Benjamin was delivered on 12 January. In an 11 May article Nicky said:

> … the lead-up to the pregnancy was an emotional whirlwind of heartache and emotion.
>
> We have been trying for a couple of years and were told IVF was our only hope.

That couple estimated spending $20 000 on having baby Benjamin, with each session costing up to $2000, so it is an expensive process. But as members may see in the photograph, it has been a very worthwhile process for that family. IVF procedures have been in operation at the Casterton hospital for the last seven years through the Monash outreach service; that shows the importance of this outreach service, particularly in rural and regional Victoria. I compliment the staff of Casterton Memorial Hospital on the work done by them for those families.

The Medical Treatment Act will be amended by this bill to clarify that only guardians appointed by the Victorian Civil and Administrative Tribunal (VCAT) with powers to make medical treatment decisions may lawfully refuse medical treatment on behalf of an incompetent person. I have a copy of the public advocate's request to the minister, which I would like to read into *Hansard*. It is dated 30 August 2005 and is addressed to the Minister for Health from Julian Gardner, the public advocate, and it says:

> I write to request that you consider amendments to schedule 3 of the Medical Treatment Act 1988.
>
> Section 5A provides that decisions about medical treatment of a person who is incompetent …
>
> Section 5B provides that both the agent and the guardian can sign a refusal of treatment certificate.
>
> Schedule 3 sets out the refusal of treatment certificate to be signed by the agent or guardian of an incompetent person.

It goes on to say in this letter that in his — Julian Gardner's — view:

> … the wording of schedule 3 is misleading …

In his letter he recommends that:

> … the words 'an order of the Victorian Civil and Administrative Tribunal under the Guardianship and Administration Act 1986' be replaced with the words 'a guardianship order of the Victorian Civil and Administrative Tribunal under the Guardianship and Administration Act 1986 that provides for making decisions about medical treatment.'.

I have also looked through a VCAT decision of February 2003 which highlighted the problems in relation to a note which doctors have to sign. I have that order, but I will not go through it because I am running out of time. From those letters and that tribunal decision, we believe that the second part of this bill — that is, the changes to the Medical Treatment Act — is commonsense, and we support that.

The last part of the bill concerns the changes to clause 2. It backdates some legislation and provides that clause 5, which contains the minor statute law revision amendments, will be deemed to have come into operation on 6 May 2003 — that is, the date of royal assent to act no. 11 of 2003. As I said, clause 5 makes the statute law revision amendments to the Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act 2003 to clarify that the act was being amended and that the full title of the commonwealth act was being inserted. We do not believe there is any problem with that.

The two major changes in this bill are to the licensing of the facilities, which we support; and the refusal of medical treatment, which we believe is commonsense. The opportunity to have children should be encouraged. The changes in the bill will help with the establishment and operation of clinics so that you have to go through the same licensing procedure as the act now provides. There is no change in that procedure. For those reasons The Nationals will not be opposing this legislation.

Mr ANDREWS (Mulgrave) — I am pleased to rise to make a brief contribution in support of the Health Legislation (Infertility Treatment and Medical Treatment) Bill 2006. This important bill deals with technical amendments to both principal acts to strengthen the overall operation of the regime regulating assisted reproductive technology (ART) and certain specific provisions of the Medical Treatment Act with regard to end of life choices. I will go through the Infertility Treatment Authority (ITA) changes first. I will outline the nature of the changes to the licensing arrangements and the origins of those important changes, and then I will try to address an issue that the member for Caulfield raised.

At present the Infertility Treatment Authority — an independent statutory authority — licenses hospitals to, in effect, host ART or in-vitro fertilisation (IVF) providers. The current legislative framework prevents a private clinic, other than a properly licensed day procedure centre, from holding an assisted reproductive technology or IVF licence. The amendments before the house change that set of arrangements to provide that the clinics that actually provide treatment and care will hold the licence, and in so doing that will enhance and make far more direct the link between the entity that holds the licence and has responsibility for adherence to the terms and conditions of that licence and the entity actually offering the service.

At present it could be argued that licence-holders, in this case hospitals, are held out to the Victorian community as perhaps having direct control over the operations and standards that are upheld by service providers. This is not necessarily the case, and it would be fair to say there is some doubt about that. That is certainly the case in representations the government has received from a number of hospitals that in effect host licences in this important field.

I do not want in any sense to put forward the view that assisted reproductive technology providers are doing anything other than providing first-class services and upholding the highest standards, but it is obviously of great benefit to the community in a broader sense for licence-holders to exercise direct control over the actual delivery of these services. There needs to be a closer and far better defined link. The most important matters in this field of endeavour are of an operational nature, and therefore they are beyond the power and the scope of the host or the proxy hospital under the current legislative arrangements.

It is important to note that the delivery of ART is a highly technical and specialised field, as the members for Caulfield and Lowan have noted. Specialised knowledge and a very detailed understanding of this field are important in exercising the proper responsibilities that are more than adequately detailed in the licence agreements and set out under the principal act. The service provider is, in the government's view, better placed to directly account for its practices and directly adhere to the legislative and other governance frameworks and structures. This legislation is about certainty; it is about a better and far more direct link between the entity that holds the licence and the entity that provides the services.

A good example — and the member for Caulfield alluded to this — of the deficiencies inherent in the current system is the fact that hosting bodies, in this case hospitals, have felt the need to seek indemnity or third-party protection from liabilities they might incur as a result of the actions of the service provider for whom they do nothing more than hold or host the actual licence. These changes will allow for a more direct link — in fact, the most direct link — between the holder of the licence and those who provide the care, and that is very important in moving forward.

These measures will enhance the overall accountability of the system by clarifying what could be termed a fairly clumsy set of arrangements, and they will add to the important work of the Infertility Treatment Authority, which, as I have said, is an independent statutory authority. Moreover they will add to the important work of the Reproductive Technology Accreditation Committee, or RTAC, as it is known, as formed by the Fertility Society of Australia; the

National Association of Testing Authorities; the International Standards Organisation, and of course the important work of the National Health and Medical Research Council (NHMRC), as well as of the Minister for Health and this Parliament. The changes we are discussing this evening make it clear that the service provider is best placed to adhere to the conditions of the licence and accordingly should be accountable as the holder of that licence.

It is important to note that these amendments — and the member for Caulfield made this point but I think it is worth making once more — do not in any way change the conditions of licences or any of the other standards that are required under the act. These are changes to improve governance and accountability, and they will deliver that improvement.

The member for Caulfield raised the issue of the ITA's role in the formation of ethics committees. The ITA administers the licence agreements of ART providers, and providers are required as a term of those licences to utilise an ethics committee. That committee must be NHMRC-accredited via the Australian Health Ethics Committee. So the ITA has an important role in relation to the use of those important ethics groups. I hope that information provides some clarity for the member for Caulfield on those important matters.

In relation to the second element of the bill we are dealing with this evening, the amendments to the Medical Treatment Act, the public advocate, Julian Gardner, has raised some concerns, and the first of the two MTA changes deals with those concerns. I want to quote briefly from a letter from the public advocate to the Minister for Health in which he firstly provides some background and then says:

> I have recently come across a situation in which a person appointed by an order of VCAT under the act to be an administrator (that is to manage financial and legal affairs) purported to sign a refusal of treatment certificate which had the effect of requiring the treating doctors to cease PEG feeding. The administrator had no power to make such a decision nor to sign a refusal of treatment certificate.
>
> In my view the wording of schedule 3 is misleading, despite —

and so on and so forth. Then he lays out a set of words and seeks the minister's assistance in changing the act to clarify these matters. It is on that basis that the government has moved to put beyond doubt exactly who has the power to make these very important choices.

As I said, the second element of the bill — it is the first of the two Medical Treatment Act changes — deals with this issue. It is important that only those guardians who are properly empowered to make decisions about medical treatment make those critically important decisions. The member for Caulfield noted that these are deeply personal and very important matters. In terms of public confidence, the way the act works and the great sensitivities that exist around these issues it is important that those matters are put beyond doubt. The changes proposed by the public advocate and brought to this house by the government make it absolutely explicit that only a person empowered by the Victorian Civil and Administrative Tribunal under a guardianship order can make a decision to refuse medical treatment on behalf of an incompetent person. As I said, this clarity is absolutely important for the integrity of the act and public confidence in what is a robust set of arrangements for very sensitive, very difficult and very personal choices.

The second of the Medical Treatment Act changes further enhances the operation of the act by clarifying information for registered medical practitioners to better define the process for oversight and verification of what is obviously an important decision in the context of this framework: a decision to refuse treatment. There can be no more serious decision under the Medical Treatment Act than one to refuse treatment on behalf of someone else.

As I have outlined, these amendments, both to licensing arrangements for assisted reproductive technology and IVF providers and for the clarification of important matters relating to the Medical Treatment Act, are a sound step forward and will enhance the operation of both those acts. That clarity is very important and will be of benefit to all Victorians. It is on that basis that I commend the amendments in the bill to the house and wish it a speedy passage.

Mr COOPER (Mornington) — This piece of legislation amends the Infertility Treatment Act of 1995 and the Medical Treatment Act of 1988. During my time in this place and from the time of the Medical Treatment Act of 1988 I have participated in all of these debates. They are important issues; they are important to a large number of members on this side of the house, and a significant number of members wish to make a contribution on this piece of legislation.

They are important and sensitive issues. I commend the member for Caulfield for her speech on this bill. She summed up the issues very well. It was interesting to hear her views, particularly on the Infertility Treatment Act, which is probably the issue that strikes home to more people than the other issue involved with this

bill — that is, the amendments to the Medical Treatment Act.

I want to concentrate my remarks on the Medical Treatment Act rather than on the Infertility Treatment Act. But in regard to the Infertility Treatment Act I want to say that anything we can do as a Parliament to assist people in the pursuit of parenting children is worthwhile. The scientists and other people in this state who have pursued the issue for many decades are now having great success in assisting people who require assistance to become pregnant. Anything that we can do to assist with that is fantastic, and we should be giving it our full support.

The amendments to the Medical Treatment Act relate to decisions about medical treatment towards the end of an incompetent person's life. This is a sensitive and important issue and one we need to pay due attention to. I have heard all the jokes, as we have all. They have a bit of a sick feeling about them, as they talk about the 'kill granny provisions' and that sort of stuff. It is certainly a far more serious issue than that, and it needs to be dealt with accordingly. The fact that somebody could have the power to withdraw medical treatment for another person does raise the issue of euthanasia, and it is an issue that is quite often confusing for the general public. When you talk about euthanasia people have varying ideas on what euthanasia actually is.

A great many people say from their religious standpoint that it is unethical and simply wrong to withdraw medical treatment for anybody, that nature should not be allowed to take its course, that we should prolong life no matter what the cost either to the community or to the person who is receiving the treatment. There have been some horrific examples of that, not just in this country but also in other parts of the world. Most members might recall the almost televised tragedy of the young mother in America who was kept alive for years while a court case was fought over whether or not the lifesaving measures could be ceased. That is just a tragic and terrible set of circumstances that one would hope would never be seen again in this world.

As I am sure other members of this house have, I have had people coming to see me about the issue of the withdrawal of medical treatment, saying that that is euthanasia and should not be permitted. I have had some very interesting debates with people in my office over this subject. I said to the last person who came to see me, which was not all that long ago, 'I have heard what you have to say, but I disagree with you, and we are going to have to agree to disagree'. The fact that a medical treatment is withdrawn is not, in my view, euthanasia; it is simply allowing nature to take its course. Euthanasia is taking active steps to end somebody's life, and that is an issue that I certainly do not support simply because of how I was brought up.

My strong Christian beliefs do not allow me to put my hand up and say that it is the right thing to do to actively end somebody's life in that way. But I understand that people who are in significant pain would be seeking relief from that. When they are terminal and know that they are terminal, but know that it may be a long time before nature takes it course, I can understand people wanting to see the end of that. It is very easy for people like me and others to stand there and say, 'You should not do it'. I still cannot support the active steps being taken by a third party to end the life of somebody.

This amendment to the Medical Treatment Act provides a form of protection that ensures that agents or guardians of incompetent persons are the only people who can make a decision to lawfully refuse medical treatment for the person. That is what these amendments do. The bill clarifies that only those guardians that are appointed by VCAT have the power to make those medical treatment decisions. That is a very important step, which is definitely worthy of support. That is why I am standing here tonight — to give my support to that provision.

As I said before, I do not want to see the situation occurring in this country where we can have people making decisions or providing information to medicos that would see the unlawful ending of someone's life — particularly with regard to people who are not competent. When you get to my stage in life, you start to think seriously about these matters. I now have more time behind me than in front of me, although I have pledged to live to 140. That is the bad news for the people on the government benches: I am only halfway through my life! I am sorry to disappoint them in that way.

Mr Andrews — I will come to your 140th birthday.

Mr COOPER — The other thing I will say is that I would never in my wildest dreams have the member for Mulgrave hold power of attorney over my life, because then I might not live to 140 — in fact, I might not live to 71 if he had his way!

The issue is important for people who are caring for people who are older and for their older relatives. They need to ensure that everything is done correctly, that everything is right, and that older people are getting reasonable treatment — that they are treated with fairness and dignity. That is the most important issue.

That is why there needs to be clarification of these sorts of issues, so that there are no grey areas, people know exactly where they stand and, more importantly, older people know they will be treated with the dignity they deserve.

Ms MORAND (Mount Waverley) — I move:

That the debate be now adjourned.

Mr COOPER (Mornington) — It should not be necessary to debate this again. We had a debate just an hour or so ago about the government adjourning the Long Service Leave (Preservation of Entitlements) Bill. The point that was made during the debate by the members for Gippsland East and Rodney was that members of this house are entitled, simply under the process of democracy and the reasonable running of the Parliament, to be given the opportunity to put their point of view on legislation before the house. Here we have another example of a bill being adjourned with the obvious desire by the government that we will not see the bill again until 6.30 p.m. tomorrow, when it will be guillotined.

In the debate on this bill we have had the lead speaker from the Liberal Party, the lead speaker from The Nationals, one speaker from the government and another speaker from the Liberal Party — and that is the end of it. I am looking at the list now, and I see at least eight members of the Liberal Party alone who wish to speak on this bill. I am aware that the member for Benalla wishes to speak on this bill — —

Mrs Powell interjected.

Mr COOPER — The member for Shepparton has come in, and she says she wishes to speak on the bill. They will be denied their right to put their point of view on a bill which, as I said in the opening remarks of my contribution, is a very important piece of legislation. This legislation impacts upon every section of the community, young and old.

We again have a situation where this government is treating the Parliament with contempt. It says, 'That is enough — we have heard enough on this. It is our piece of legislation. Everything is right with it. We do not need to be told that there might be a contrary view; we do not need to hear the views of anybody else in this Parliament; we will just railroad it through'.

Everything is right as far as the government is concerned. It has only one objective — to ram through its 10 pieces of legislation come hell or high water without any regard for the rights of members in this house to make a contribution. Today we have had the Electoral and Parliamentary Committees Legislation (Amendment) Bill basically guillotined off with members still wanting to speak on it. We have had the Land (Further Miscellaneous) Bill adjourned after only the lead speakers from the Liberal Party and The Nationals. We have had the Long Service Leave (Preservation of Entitlements) Bill adjourned after only the lead speakers from the Liberal Party and the Labor Party. Now the government is proposing to railroad through the Health Legislation (Infertility Treatment and Medical Treatment) Bill with absolutely minimal contributions from members in this house.

I do not suppose anybody on the government side really cares. They will be content to sit behind the contribution to the debate made by the honourable member for Mulgrave, but members on this side of the house want to make a contribution to the debate and to put a point of view on this bill. We are now going to be in the situation once again of seeing a bill virtually guillotined without proper and reasonable debate in this Parliament. It treats members of this Parliament with contempt, and it shows that the Labor Party's promises in 1999 — that it would treat this Parliament with respect and give everybody an opportunity to debate — were merely weasel words.

Again we see this Parliament being treated with total and utter contempt. This is a disgraceful attempt to again muzzle the members of this Parliament. I reject it completely, and so does the Liberal Party. We will again be taking this to a vote. We should not have to do that, but the government is forcing us in that direction.

Ms NEVILLE (Bellarine) — What an extraordinary contribution to the debate on the motion by the member for Mornington. As I understand it, this is a very important bill — —

Honourable members interjecting.

Ms NEVILLE — Just be careful, Denis. Get your facts right.

As I understand it there is no contrary view on this. We agree that this is a very important bill; we are all in agreement here, and we have a full day's sitting tomorrow. As others have acknowledged, we have a number of bills to get through, including some very important ones that we obviously need to continue to debate. There will be ample opportunity tomorrow for members to get up and debate. This is not about ramming through legislation. This is a piece of legislation that we as a Parliament rightly all support.

Dr SYKES (Benalla) — I wish to express my extreme disappointment at this debate being curtailed. It

does, as the member for Mornington said, make an absolute mockery of this government's supposed commitment to open and transparent government. I consider this debate on the management of fertility issues in human beings to be extremely important. I wanted to make a contribution, given that I have 15 years experience in the discipline and therefore feel that I have something to contribute. I have a passionate interest in the cycle of life and the gift of life that in vitro fertilisation offers couples who are otherwise unable to have babies naturally.

It is a great disappointment to me that people with my background and others such as the member for Shepparton are not able to get up and contribute constructively to this debate by drawing upon their experiences and speaking about the issues of importance alluded to in the bill, such as the management of fertility, the quality assurance issues, the regulatory issues and the ethical issues. In my case I look at my experience in the human field as a result of working with animals and in particular with Professor Alan Trounson, whom I knew going back 15 years working in this field with cattle. His experience with cattle has made him a great contributor to the medical field of human fertility.

It is an absolute disgrace that this government will curtail debate on this bill, not allow issues such as this to be put on the table and not allow us to explore in this debate the regulations in relation to fertility control. As the member for Mornington said, this is not a unique experience, because the government has form on this. Members come to this house to discuss important bills. There have been important bills like the Charter of Human Rights and Responsibilities Bill. I wanted to make a contribution to the debate on that bill, but that opportunity has been lost.

Now the chattering classes from the back benches are starting to roll in in anticipation of a division being called on this adjournment motion. These are the members who come in here, chatter away and laugh at the one-liners the Minister for Agriculture devotes his intellectual capacity to developing and throwing in at question time. This is the class of members who come into this chamber and recite the lines which are handed to them by the faceless boys of the Labor backroom, like, 'Victoria is a great place to live, work and raise a family'. If it is such a great damn place, why can we not have a proper democratic process in this house? It is because you are all slaves to the process.

Ms Lindell interjected.

Dr SYKES — You are not members of a democratic process. You are people who are slaves — —

The ACTING SPEAKER (Mr Nardella) — Order! Through the Chair!

Dr SYKES — You members are slaves to the faceless men of the ALP.

Mr Pandazopoulos — Where were you in the 1990s, mate? Tell us about the process!

Dr SYKES — The seven dark years? We are going into the seventh dark year of the Labor government. The minister at the table, the Minister for Gaming, says the government is governing for all Victorians. We have just been through a budget process where country Victorians have been forgotten. We are seeing tonight a process of restricting debate, thereby cutting short the time for members to exercise their democratic right to speak — to speak up on behalf of country Victorians and the people who really count. These are the people you are meant to be representing. You are just sitting there like zombies — —

The ACTING SPEAKER (Mr Nardella) — Order! Through the Chair!

Dr SYKES — The government is not delivering and makes an absolute mockery of the democratic process. I challenge the government to live up to what the member for Bellarine has said — that is, that we will get more time to speak. When are we going to get more time tomorrow? The bill will be guillotined tomorrow. It will be like being lined up in the good old days of the French Revolution and having a few more heads chopped off. And they say, 'We don't care.'!

The government has chopped off the head of democracy. Its members are running rampant and cannot deliver on the promises and commitments the government made to all Victorians, including country Victorians. Labor has forgotten country Victorians. When Labor members come into this house to have another vote, they should just sit there and mull over whether they are truly representing the people of Victoria or whether they are just following the ideological goons who sit above them and pull the strings. You are just puppets of factions that cannot manage!

The ACTING SPEAKER (Mr Nardella) — Order! Through the Chair!

Dr SYKES — With those few words, I voice my strong disapproval of the decision on the part of the government to adjourn debate on this important bill.

Mr LANGDON (Ivanhoe) — My contribution will be rather sedate in comparison to that of the member for Benalla.

If the opposition and The Nationals wish to speak on this bill again, they can negotiate with the government. We will have over 6 hours of debating time tomorrow. Debate will commence on two more bills tomorrow as well as another one tonight. In this way, we can negotiate to get through the program.

I recall the days of the Kennett government, with the guillotine and bills being pushed through at the last moment, so I can relive the past as well. If the opposition parties want to speak on the bill, they should negotiate with the government. We would be sure to let opposition parties return to debating any bills they need to.

Ms ASHER (Brighton) — Debate on this bill should not be adjourned for a number of reasons. This week we have seen an exercise in raw numbers by this government which was elected on the basis of being open, honest and transparent and — as I recall, as it stated in one of its pamphlets — restoring parliamentary democracy. This government business program has been an exercise in raw numbers whereby the government has indicated that prior to the guillotine on Thursday it most unfairly wishes to ram through 10 important bills in one week.

What we have seen so far in relation to the Health Legislation (Infertility Treatment and Medical Treatment) Bill is symptomatic of the way the government has managed its business program this week. We have seen a number of members being allowed to speak and the debate then being adjourned off. I think the member for Ivanhoe really said it all. His view of democracy is that if members would like to debate a bill, they should go and negotiate with the government. What sort of arrogant attitude is that? I thought I was elected on behalf of my constituency to represent my constituents. I thought I had a right to put views in this Parliament. What we have seen here is the government, this week more than in other weeks — but it has happened previously — believing it is within its gift to decide whether members of the opposition, members of The Nationals and Independent members will have a say on a bill.

We have a very important bill before the house. It deals with the registration of places able to deal with in-vitro fertilisation, and it makes some significant changes with regard to the refusal of medical treatment. These are very important matters, but again the government, as is typical of its performance this week, is indicating to the opposition that it can have its lead speaker, and as a concession maybe one more, but that is it — in other words, 'We are the government; what we say goes'.

That is bad enough, but of all those pamphlets the Labor Party put out before the election, I remember the one authorised by one J. Lenders. Labor indicated in those pamphlets that the house would sit for a certain number of days and people would be allowed to speak on resolutions. Having a matter of public importance every week was another one, and yet another was that ministers would answer questions. I will bring in the 'Restoring parliamentary democracy' pamphlet. Part of that pamphlet, authorised by Mr Lenders, who is now a minister in the other place, promised to allow reasonable debate.

What we have seen here this week is the opposition pushed too far. You might on some occasions understand that not everyone can have a go, but this is an outrage. Every single bill has been adjourned off. Every single bill will be guillotined come the end of the extended sitting time at 6.30 p.m. on Thursday. They will be guillotined because the government cannot manage its business program.

In one of the supreme ironies this week we have begun to debate and then adjourned debate on a charter of human rights. One of the so-called human rights I read about in that bill was the freedom of speech. If you cannot have freedom of speech in the Parliament, then where will the government allow it? In what forum can we have freedom of speech? The only opportunity members of the Liberal Party and The Nationals and Independent members have to debate some of these important issues, including the so-called bill of rights, including that so-called charter, is in this place. Every single bill has been adjourned off and every single bill will be guillotined. It is outrageous. A raft of members on this side of the house want to speak on this very important bill, which deals with life and death issues.

An honourable member interjected.

Ms ASHER — I can tell the member who they are. The member for Bass wants to speak, the member for Scoresby wants to speak, the member for Sandringham wants to speak, the member for Nepean wants to speak and the member for Bulleen wants to speak — and I would not mind having a shot at this bill either, because it is a very important bill.

As I said, this is the exercising of raw numbers in a most cynical way by the government. It is doubly disgusting because this government was elected on a platform of not doing what it is now doing in the dead

of night. It is a disgrace for the government to exercise its numbers in this manner.

The ACTING SPEAKER (Mr Nardella) — Order! Six members having spoken, I am required to put the question. The question is:

That the debate be now adjourned.

House divided on motion:

Ayes, 51

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lockwood, Mr
Brumby, Mr	Lupton, Mr
Buchanan, Ms	McTaggart, Ms
Cameron, Mr	Marshall, Ms
Campbell, Ms	Maxfield, Mr
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Mildenhall, Mr
D'Ambrosio, Ms	Morand, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr
Kosky, Ms	

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 31 May; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Mr SMITH (Bass) — I am very pleased to see that all the pinkos, greens and commos have hung around for this speech tonight. I thank them very much. To the rest of the people on this side who are interested in what I have to say, I also thank them all very much.

I rise to express my concern with the Gambling Regulation (Further Miscellaneous Amendments) Bill. This is a reasonably small bill of 20 clauses that makes changes to the principal act in a form that, I believe, will undermine the confidence of Victorians in the lottery system here in Victoria.

Honourable members interjecting.

Mr SMITH — I believe the legislation before the house is in fact going to undermine the confidence of Victorians in the lottery system by raising doubts about the capacity of a company chosen to conduct the lotteries. The government may wish to introduce a new player or players into lotteries in Victoria by opening them up to more than one company, but in doing so it could make each of the new lotteries unviable.

This legislation also introduces confidentiality provisions that will prohibit a regulated person from producing documents or protected information to the courts. This legislation also compels a company that may have had its licence cancelled to divest itself of all its assets to the so-called new company on so-called reasonable terms and to direct its staff to work for the new licensee in a way that may be reasonably necessary for the new arrangement, without any consideration of the payment of goodwill for future loss of earnings.

Honourable members interjecting.

Mr Cooper — On a point of order, Acting Speaker, and I apologise to the member for Bass for taking this point of order, but the hubbub that is coming from government benches and the conversation being held at the end of the table by two ministers is contemptuous of the contribution being made by the member.

Honourable members interjecting.

Mr Cooper — The reaction to my point of order also shows how contemptuous government members are. I ask you to keep them quiet, Acting Speaker,

because the house deserves to hear the contribution from the member for Bass.

The ACTING SPEAKER (Ms Barker) — Order! I agree that the conversations should cease and that we should hear the member for Bass on the bill. He deserves that respect.

Mr SMITH — I thank the member for Mornington for having more decency than those on the other side. The new arrangement that is being put in place with this legislation is going to cause a great deal of difficulty for anybody who may in fact not be able to continue or who loses their licence to conduct a lottery. In having to hand over their assets and also their staff — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! I ask the member for Bass to take his seat. I ask members to remain silent. If they wish to carry on conversations, I ask them to leave the chamber. I ask for that courtesy to be shown to the member for Bass.

Mr SMITH — Thank you again, Acting Speaker. There will be no consideration given to people who may lose their assets or their staff, and there will be not be any payment of goodwill on future loss of earnings, but there will be the threat of a huge fine if they do not comply with this legislation.

This flies in the face of similar legislation in both New South Wales and Queensland which allows for an administrator to conduct the operations of the lottery if a licence is suspended or cancelled. In doing so any costs incurred by the administrator while operating the lottery licence are payable by the original licensee. However, under section 33(4) of the Queensland Lotteries Act any profits derived by the administrator from the operation of the lottery licence are payable to the original licensee, so there is some scope for support for a licensee who may lose their licence through no fault of their own.

The bill also introduces new definitions for the Australian Football League footy tipping competition and for soccer footy pools. Some cynics on this side of the house would question a minister who introduced the TipStar footy tipping competition, which was to be the great panacea of the government's financial commitments to sport and to the health funds. Of course we knew at the time that it was also about money to save Waverley Park. The minister said it would turn over $1 million a week. The truth of the matter is that it turns over $2.77 million year, not a week, and now it has accumulated losses up to 30 June last year of $10.5 million. It has been a great success! This minister wants us to trust him to make changes to this legislation.

One of my biggest concerns is that the minister is introducing this bill on the eve of selecting either an exclusive licensee or up to three non-exclusive licensees to run what was and has been a very successful lottery run by Tattersall's over many years — or should I say it has been run by the estate of the late George Adams. It is an organisation that this government undoubtedly forced into going public because of its tall poppy syndrome and its contempt for the beneficiaries of the estate of the late George Adams. There are now thousands of mum and dad investors waiting to see if it will have its licence renewed so it can conduct not only lotteries but also poker machines, which will be decided after the next election.

The government and the Victorian Commission for Gambling Regulation has short-listed five companies to now bid for the right to run this lottery. Of course we cannot discount the involvement of Mr David White and the consultancy company Hawker Britton, which has been employed by Tattersall's to advise it on gaming matters and to advise it on floating the organisation when the Bracks government put the pressure on it. David White is well known to members of this house and the other house as a former minister in the previous Labor government.

Mr Pandazopoulos — On a point of order, Acting Speaker, for a member of Parliament who has been in this place for 18 years to be reading is entirely inappropriate and against the rules of the house. I direct that to your attention.

The ACTING SPEAKER (Ms Barker) — Order! Is the member reading or referring to notes?

Mr SMITH — I am referring to copious notes.

The ACTING SPEAKER (Ms Barker) — Order! The member for Bass, to continue.

Mr SMITH — Thank you, Acting Speaker. I am sure David White would have pushed Tattersall's in the direction the government wanted it to go so far as its becoming a public company goes. We must understand that this is what the government wants. I am concerned that David White will probably get a very large success fee, but what about one for the lottery licence? We hear that may well be worth $1.5 million to Mr White and Hawker Britton. You would also have to question the undertakings given to Tattersall's regarding its licence renewal if it went public.

Clause 7, which inserts proposed section 5.3.7A into the principal act, gives the minister the power to refuse a recommendation of the Victorian Commission for Gambling Regulation to issue a licence unless or until the applicant agrees to enter into one or more agreements dealing with matters ancillary to the licence. Those matters could be almost anything. After the applicant and others have gone through probity checks and have been prepared to commit to a financial cost to get a licence the minister could request more, and after this legislation goes through he will have the legal right to do it.

This is a little like the Demtel man — there is more bad news to come. This house should be aware that the current lottery licence held by Tattersall's expires on 30 June 2007 and new section 5.3.8A, which is inserted by clause 8, allows a new licence-holder to take preparatory action — which is fair enough, you would think — and have up to 12 months to make up its own lottery rules, to set up its new computer network, to set up new offices and to advertise. You must understand that it is going to have 12 months to do all these things and that it will also have the right to sell tickets for its first draw against a company that has a licence right that expires on 30 June. That could undermine the rights of the current lottery licence-holder and devalue the current licence, and it leads me to raise concerns regarding the government's motives in introducing this legislation at this time.

I believe there are two reasons. Firstly, as I said earlier, the government could be considering other licence-holders for lotteries, which would split the net profits from what is not an overly lucrative business now.

Mr Pandazopoulos — You want a monopoly!

Mr SMITH — I never said that, Minister. If, because of unsatisfactory returns, the original licence-holder handed in its licence, that would give the government the right to appoint a temporary licensee. It could easily be just an administrator to run the business on behalf of the government with no consideration of the financial outlay of the original licence-holder for the licence fee and set-up costs. Or secondly, is it because of the legal battle that is currently going on between the beneficiary representatives and the original trustees of Tattslotto, Tattersall's? By introducing this legislation at this time the government is protecting itself against an adverse finding in the case which could put the financial backing of Tattersall's and the whole lotteries business at risk, causing the equity valuation of Tattersall's to collapse.

These are serious issues I am trying to raise. This government is trying to use this Parliament to put through legislation to protect itself. One has to ask what sort of damage this government has done to what has been a great institution and benefactor to this state. This could also be the reason for the new confidentiality clauses prohibiting regulated persons from having to give evidence in court when the case goes ahead. I am talking about the battle that is going on in the Tattersall's case. It is interesting to see how far this government is prepared to go. It is prepared to go even to the extent of using this house of Parliament to cover up its manoeuvring behind the scenes.

The bill deals with sales of tickets to minors. There had to be something good in this bill, and we have found it. New section 5.2.8 prohibits the selling of tickets to minors.

Mr Pandazopoulos interjected.

Mr SMITH — And it says a person must not knowingly accept an entry from a minor. The provision prohibiting the sale of a ticket to a minor is the new part. I think what the minister is bringing in is good, so we are not complaining about that. We are saying there is not much in here that is good so we should make the most of what there is. We accept and support this part of the bill. We do not support the minister's moving into electronic ticketing, which will give minors unrestricted access to gambling. You have to think about this, because the bill will allow electronic ticketing, which could lead to children gambling via the short message service or other forms of electronic trading using a telephone or sitting at a computer.

The legislation gives the minister unprecedented powers over the gaming industry here in Victoria. I think this government is far too dependent on gambling revenues and would do everything within its power to get its hands on more gamblers' dollars, and this is just another grab for cash in the lotteries area.

We have a number of issues with clause 17 which substitutes new division 6 of part 1 of chapter 10 of the principal act. New clause 10.1.30 is headed 'General duty of confidentiality'. I have no hesitation in saying this clause breaches the Whistleblowers Protection Act 2001. The minister should have a look at it because that is exactly what it does.

Mr Pandazopoulos interjected.

Mr SMITH — We were told it was, but you do not always believe the things you are told, minister. You know that.

The ACTING SPEAKER (Ms Barker) — Order! The member for Bass should address his comments through the Chair.

Mr SMITH — I have some concerns about who is able to disclose issues. My main concern is about the people who are encouraged not to disclose issues in the courts here in the state of Victoria. There are a lot of clauses in the bill that allow confidentiality to be used by this government to keep from the people information that should probably be disclosed. My colleague the member for Kew will be speaking on this issue later, and he will go into a bit more detail about it.

Ms Asher — If he is allowed to.

Mr SMITH — If he is allowed to. I am concerned that this matter may go to other legislation relating to the Whistleblowers Protection Act, and I am concerned that if that occurs and the government is allowed to get away with it on this particular occasion without it being noted, we will be in a position where nobody will be allowed to speak in a court. The bill talks about regulated people, and in fact those people will be stopped from speaking. As this Bracks government goes into decline it wishes to protect itself from the problems that befell the Cain and Kirner governments.

Clause 10.1.31 is headed 'Disclosure in legal proceedings'. It states:

> (1) Subject to sub-section (2), a regulated person is not, except for the purposes of a gaming Act or gaming regulations, required —
>
> (a) to produce in a court a document that has come into the person's possession or under the person's control; or
>
> (b) to disclose to a court any protected information that has come to the person's notice …

Protected information is basically information relating to the affairs of any person — and I understand from the briefing we got that it is not just a natural person but also a corporation — or information with respect to the establishment or development of a casino. That provision has been in the act, but some changes have been made in that area. I could suggest that this clause may have a lot to do with the Tattersall's court case, in which the government does not want documentation it may have collected being disclosed to the courts.

Proposed section 10.1.33 is about aggregation of statistical information. This is where the minister can disclose disaggregated information on any venue that he considers supposedly to be in the public interest. This divulging of confidential information on how much a particular hotel or club takes from its poker machines could be quite devastating to the owner of a business who is trying to sell it or trade in another way. I do not think the minister should have the right to disaggregate those figures and be able to disclose them to any other person.

Proposed section 10.1.34 is about third-party disclosures, which seems to be a great opportunity to gag the media. As I said before, if the member for Kew gets an opportunity to speak, he will also speak about this provision. It prohibits people other than a regulated person — virtually anybody, and particularly newspaper and media reporters — from using and disclosing any information they may have. It would make it extremely difficult for an investigative reporter who may have information to divulge it.

It is scary stuff when the government is starting to move legislation through this Parliament that it can use against people across Victoria. I am disappointed that the minister has seen fit to allow this type of legislation to go through, but then again, we know he does not have all the say. He gets his directions from the Attorney-General; therefore we can only assume that this information has come through from the Department of Justice.

Mr Pandazopoulos interjected.

Mr SMITH — You may think so, but when you read the legislation you will see that what I have been saying tonight is correct. I have very genuine concerns about the type of legislation that is being put through. I think I have every right to stand here and be able to speak of my concerns, and if I did not I would be acting negligently in my duty as a member of Parliament by not bringing forward this type of information for the general public, who may wish to see it and then understand what is going on and what this government is doing.

Stopping a third party other than a regulated person from disclosing information they have been given in the course of an investigation into gaming matters reeks of a giant cover-up or an opportunity to continue to have a giant cover-up, which this government is becoming very used to doing. We know of a lot of issues government members are keen to keep covered up, at least until after the election. I can remember times under the Cain and Kirner governments, such as when the Tricontinental issue was covered up for a long time and until after an election. I think it was a *Herald Sun* reporter who was able to reveal that information. If it had been done the week before the election, there may well have been a different result.

We are in a position where we as a party have concerns. I have explained the concerns of my party, and I have also had good advice from other people in regard to what is happening in this area. The minister is using this lotteries legislation to try to receive further funds and to not allow people to speak — whether it be in a court or anywhere else — or divulge information. I believe very strongly that the Whistleblowers Protection Act is being abused by this legislation. You only have to read the purposes of the Whistleblowers Protection Act to see that. They are:

(a) to encourage and facilitate disclosures of improper conduct by public officers and public bodies; and

(b) to provide protection for —

(i) persons who make those disclosures; and

(ii) persons who may suffer reprisals in relation to those disclosures; and

(c) to provide for the matters disclosed to be properly investigated and dealt with.

With what the minister has in his legislation, he is in fact denying regulated people the right to get up and disclose problems that they see with the administration of this government. We do not support the bill, and we will be voting against it.

Mr RYAN (Leader of The Nationals) — The Nationals have concerns in relation to the bill that arise from a number of issues, and I will come to those in a moment, but I just want to say in a general sense that the nature of this form of legislation does enable an opportunity for the house to pause to consider the importance and the extent of the gambling industry, the gaming industry — which embraces lotteries — to the state of Victoria.

It is not all that long ago in Victoria's history that the industry as a whole was in its absolute infancy under the Labor government of the time. Going back to the late 1980s, we were faced as a state with the prospect of the leakage of money from Victoria into the industry in New South Wales in particular. We saw enormous growth in that state over a period of years and an enormous capital input into clubs and associated facilities just across the border lining the banks of the Murray, and we saw the gambling and gaming industry in all its forms being active to a greater or lesser degree in other states around this nation while, from a Victorian perspective, its development here was very small indeed.

That ultimately induced the Labor government of the day to put its toe in the water with the development of the gaming industry, in particular, and we had that famous commentary and the advertisements to go with it about a gambling-led recovery that was going to be the saviour of the state of Victoria. That in turn ultimately led, in part, to the change of government that occurred in 1992. Throughout the years of the former coalition government there is no doubt that the industry matured very substantially in its operations in Victoria. The lotteries, which are principally the subject of the debate around the legislation before us tonight, have also grown enormously over the years. Indeed the scale of the growth is absolutely staggering.

Back in 1989–90 the business of the estate of the late George Adams, which was solely a lotteries business, had an annual turnover of about $855 million and about $15 million was distributed annually to the beneficiaries. What the trustees did was to expand the business into gaming, and eventually when they passed the conduct of the business over to Tattersall's the annual turnover was about $14 billion, with annual distributions to the beneficiaries of the order of about $113 million. The market capitalisation of Tattersall's Ltd, following relatively recent listing, was about $2.5 billion. By any standards there has been an extraordinary rate of growth in this aspect of the industry in Victoria. It is what makes this legislation of seminal importance.

It is accompanied, of course, by the enormous growth in all the other aspects that go to make up the totality of the gambling industry in this state, particularly the electronic gaming machines, which form part of Tattersall's business. Again we have seen enormous changes made. The former Labor government, when it introduced gaming machines to Victoria, was talking about having a cap of 45 000 machines.

When the change of government occurred in 1992, a limit was imposed by the coalition government of the day of 30 000 machines, with 2500 of those located in the casino and the other 27 500 split between the pubs and clubs on the basis of a 50:50 split between the two operators, Tattersall's and Tabcorp, with a further split of 80:20 between the metropolitan and country areas. You have to put into all of this the growth in the turnover in that aspect of the industry and the general commentary in the public arena about the issues surrounding problem gambling. All that commentary goes with that element of the way the industry has matured.

For all that, though, there is no doubt that this industry is a great contributor to the state of Victoria. The present government will draw about $1.5 billion from the industry at large during the course of its next budget

period. When you think of the extent of the growth of the taxation benefit to government over the course of the maturing of the industry to the point we now know it, that growth for the government has been staggering.

All those things go to highlight the significance of the industry itself and in addition the significance of this legislation before us tonight. You have to put into this the fact that thousands of people are employed in the industry in all its forms in Victoria. From a country perspective I venture to suggest that as you travel around the state you will find — for those of us who represent electorates outside Melbourne it is a truism — that the most outstanding facilities for entertainment and general activity in many of our country centres are the pubs and clubs which are associated in some way or other with the industry that is the subject of tonight's debate. In all those pubs and clubs there are many people who have a direct and indirect dependence upon the industry and its future development to sustain their employment.

It must be said that there are issues to be contended with. They are touched upon in part by this legislation but more broadly are the subject of general community conversation. I do not think we have yet properly come to grips with issues of problem gambling and the like. There will be plenty of other commentary in other forums with regard to that. In passing I want to emphasise that from the perspective of The Nationals, much more effort has to be dedicated to the definition of this ubiquitous figure, the problem gambler, and to developing programs which are going to be able to accommodate the needs that go with the people who have to be looked after as a result of their gambling addiction. They are issues that quite properly the Parliament should reflect on when legislation of this general nature comes before it for consideration.

I make those comments by way of a very pertinent and direct commentary with regard to matters that are very influential in the issues that are accommodated by the terms of this legislation. I say that because there are elements of this legislation which are by design going to impact upon lotteries in particular in Victoria. You cannot help but think that the timing of this legislation is exquisite. The government announced in the second half of 2004 that it was going to have a review of the public lotteries licence. In November last year, as the second-reading speech recites, the minister announced that the review by the government had entered what was termed its final phase and there was a short list of registrants who were being invited to apply for up to two public lotteries licences.

We understand the announcement in relation to the successful applicant is imminent, and some would say that the government may make that announcement over the course of the next two or three weeks. If I am right in that assertion, the timing of this legislation is absolutely exquisite. When you take into account the scope and scale of this industry, as I have outlined, and when you take into account the prospect that the government is on the brink of announcing the successful applicant in relation to the licensing, that in turn focuses the mind on issues such as why this particular piece of legislation is being brought before the Parliament at this time and, in turn, on what the content of this legislation is which might be of particular relevance to all those factors.

The general purposes of this legislation are simply put in clause 1 and include amending the Gaming Regulation Act 2003. Members will remember that tome. It was a composite of the then existing legislation that basically was formatted by tearing the front and back covers off a stack of legislation, welding it all together, putting on new front and back covers and calling it the Gambling Regulation Act. I think to this day it remains the most substantial piece of legislation brought into this place. That is one purpose of the bill. The second purpose is to effect consequential amendments to the Tobacco (Amendment) Act 2005, which in the context is a mere bagatelle.

Aside from those minor amendments there are principally two elements of this legislation which cause The Nationals concern. The first of those is within the provisions of new section 10 — and I am not necessarily taking these in order of priority. Clause 17 seeks to insert division 6, which is to do with the issue of confidentiality. There are provisions contained within this which I do not readily recall having seen in other aspects of legislation that has passed through this Parliament. In the definition provisions there is a definition of 'court' which is of the usual form. The definition of 'enforcement agency' I suppose could be described in loose terms as a law enforcement agency generally or one that is approved by the minister under the terms of this legislation. A 'gambling regulator' is defined as:

> … a person or body in Victoria or another jurisdiction (whether in or outside Australia) that is responsible for the licensing, supervision or regulation of gambling activities …

The definition of 'protected information' is:

> (a) information with respect to the affairs of any person; or
>
> (b) information with respect to the establishment or development of a casino

Then there is the definition of 'regulated person', which is intended to mean:

> (a) the Commission;
>
> (b) a commissioner;
>
> (c) an employee or member of staff referred to in section 10.1.25 …

Importantly it can mean:

> (d) the Minister;
>
> (e) an employee in the department administered by the Minister;
>
> (f) a person acting on behalf of the Commission or the Minister.

Importantly new section 10.1.30 talks about what is termed a general duty of confidentiality. This new section is important, particularly in the context of the second-reading speech, which is at pains to tell us that the provisions here regarding confidentiality are referred to under the general heading 'Simplifying existing confidentiality safeguards'. This new section says, under the heading 'General duty of confidentiality':

> (1) A regulated person —

I have just gone through the definition of what that constitutes —

> must not, directly or indirectly, make a record of, or disclose to someone else, any protected information —

and I have already referred to what that comprises —

> acquired by the person in the performance of functions under a gaming Act or gaming regulations.

There is a penalty of 60 penalty units, which is about $6000, plus the bits and pieces that the Treasurer adds on as a result of his automatic consumer price index increases on 1 July each year.

Under the heading 'Disclosure in legal proceedings' new section 10.1.31 says:

> (1) Subject to sub-section (2) —

of this particular provision —

> a regulated person is not, except for the purposes of a gaming Act or gaming regulations, required —
>
> (a) to produce in a court a document that has come into the person's possession … or —
>
> (b) to disclose to a court any protected information that has come to the person's notice —
>
> in the performance of functions under a gaming Act or gaming regulations.

It also says:

> (2) A regulated person may be required —

'may be required', I emphasise —

> to disclose protected information to a court or produce in court any document containing information if …

It goes on to set certain criteria, one of which is:

> (a) the Minister certifies that it is necessary —

I emphasise 'necessary' —

> in the public interest that the information should be disclosed to a court; or
>
> (b) the person to whose affairs the information relates has expressly authorised it to be disclosed to a court.

New section 10.1.32 deals with other permitted disclosures.

Let me give my concerns about this a context. At the moment there is in the courts a proceeding which has been instituted by the four trustees of the estate of the late George Adams — it is a public document, so there is nothing secret about it at all — those four trustees being Raymond Hornsby, David Jones, William Adams and Peter Kerr. These are the four who were ultimately responsible for the restructure of the estate of the late George Adams and the float of Tattersall's Ltd in 2005. A proceeding instituted by those four trustees is on foot. Basically what they are seeking is a payment to reflect what they assert is their entitlement under appropriate legislation for the work which they undertook as the trustees.

I make no comment about the strength or otherwise of that claim. The courts will ultimately determine it and the parties will proceed with it as they see fit. But, interestingly, this case is of absolutely pivotal importance. Not only is it of significance to the individuals who very obviously are involved in a somewhat protracted and highly expensive proceeding, but it is also of extraordinary importance to this government, because if it all goes pear shaped and certain evidence comes out in the course of the proceeding — leaving aside all the merits; let us not even bother about that, because that is for another day and the court system will deal with that — there is plenty of scope to say that that evidence could well constitute a significant risk to the credibility of this government.

I put that proposition in the context of this provision. Why would a second-reading speech be brought to this house by the minister, who talks about simplifying issues of confidentiality, when the clause to which I have referred provides a specific defence to the minister or a departmental officer actually having to answer questions in a court unless certain circumstances, which in essence are governed by a minister's certificate, apply? Why would that be so, particularly at this moment in time? I think it is a legitimate question to ask. I pose it of course in a rhetorical sense, but inasmuch as The Nationals have concerns about the terms of this legislation, that is one element of what I regard as the justifiable concerns we have with what is before us.

I then turn to clause 14, because it contains elements that are also of critical importance. They relate to the issue of a temporary public lottery licence. Time, as happens, is against me unfortunately and I am prevented from being able to explore this further, but suffice it to say that what is proposed to be new section 5.3.29 imposes upon any temporary licensee a capacity to be able, in turn, to impose upon a former licensee obligations which I think are completely repugnant insofar as legislation in this Parliament is concerned.

The equivalent provisions in the sense of their intent as they happen in other states of Australia are nothing like this. This is another concern that we have about this legislation. This is all far from satisfactory.

Debate adjourned on motion of Mr LIM (Clayton).

Debate adjourned until later this day.

Remaining business postponed on motion of Ms ALLAN (Minister for Education Services).

ADJOURNMENT

The ACTING SPEAKER (Ms Barker) — The question is:

That the house do now adjourn.

Peninsula Adult Education and Literacy: funding

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Education and Training regarding the withdrawal of funds from Peninsula Adult Education and Literacy and I am asking the minister to restore the funding to PAEL so that it can continue its very important work in my community.

Last year PAEL actually delivered adult education courses to 85 adults. The sorts of courses it delivers are in very basic literacy and numeracy, basic information technology and health, and it also has a tremendous art course. These were delivered to adults who had not had a lot of experience of learning, who needed some basic skills that would enable them to get a better job and to make a better life for themselves. PAEL was fulfilling a need that was not being met in the community by other organisations.

The Adult Community and Further Education Board contributes 86 per cent of the funding of PAEL. This year it reduced that funding by 3 per cent and PAEL has been told that next year its funding will be reduced by a further 3 per cent. There is no increase in funding from the other buckets of money of this government — just two 3 per cent cuts, this year and next year.

PAEL has great support within the community. Rosebud Rotary has bought a house so that PAEL can conduct its classes in that house, which has been converted for classroom use, and it pays a nominal rent to Rotary. That just shows the esteem in which this group is held in our local community. PAEL noted in its letter to me that it had read carefully the *A Fairer Victoria* statement and there is nothing in that at all about adult community education.

PAEL now is cutting its programs, and it will have to further cut its programs with this cut in funding that the government is handing down to it. It just cannot tighten its belt anymore and has indicated to me that it cannot absorb any more cuts and will have to close its very valuable programs.

Lately the Chisholm Technical and Further Education institute at Rosebud has also cut its art and literacy programs, and therefore there will be absolutely nothing for adults with those sorts of needs in my community if PAEL closes down. PAEL has been told that the 3 per cent cut is being diverted to higher priority areas. There is above-average unemployment in Rosebud, and my electorate has the poorest profile of any state electorate, so I cannot think of a place that is more deserving of this sort of funding.

I remind the minister of her statement when she said that community-based organisations make a major contribution to building knowledge, skills and attributes to participate in our society.

The ACTING SPEAKER (Ms Barker) — Order! The member's time has expired.

Queenscliffe: future

Ms NEVILLE (Bellarine) — I raise a matter for the Minister for Local Government in the other place. The action I seek is for the minister to reassure the residents of the Borough of Queenscliffe by ruling out any dissolution of that borough and forcing it to amalgamate with another council. As the minister in this house would be aware, during the previous government's forced council amalgamations in 1993, the communities of Queenscliff and Point Lonsdale argued and fought vigorously to ensure they were able to retain their independence and identities as a separate council.

The Borough of Queenscliffe has continued to be a highly successful council. Occasionally a few residents raise with me the need to amalgamate the borough into the City of Greater Geelong. However, my discussions with the local community have shown that overwhelmingly the residents do not want to see this unique council dissolved and amalgamated. In fact the council last month unanimously endorsed this view. It recommended that the borough remain an independent municipality, stating that the borough is economically, socially and environmentally sustainable.

Although the government and the Minister for Local Government in the other place have consistently indicated that boundary changes are not on the agenda, the spectre of amalgamation has been raised by the Liberal Party, and that has of course raised concern. I am aware that the now opposition leader raised the issue during a visit to the Borough of Queenscliffe, and in June this year a Liberal Party spokesperson made comments to this effect to the local paper, the *Rip Rumour*. In the paper a Liberal spokesperson is reported as saying he would:

> … push to put a plebiscite high on the agenda.

He told the *Rip Rumour* that:

> … such a poll would canvass various options including whether the borough should remain unchanged —

or be encompassed in another council. He said that he sensed that many communities were ready for a change. The article in the paper goes on to quote the Liberal spokesperson as saying:

> Local government restructure is something that the Liberal Party would certainly facilitate …

Further on he is quoted as saying:

> We will support and I will fight for the idea of a new municipality because in my contact with constituents I'm getting a lot of feedback that a change is needed.

What residents are particularly concerned about — and this is the case in the City of Greater Geelong — is continuing to ensure service improvement, and there is always room for improvement.

I will continue to push hard for that to ensure a fair distribution of rates back into the communities on the Bellarine Peninsula. However, the Borough of Queenscliffe has shown itself to be a very responsive, community-driven council that remains financially viable. There will always be people who are critical, and public debate on the issue of rates and resources is healthy, but that is a long way from arguing that the local community wants to see the Borough of Queenscliffe dissolved. My view is that the local communities of Queenscliff and Point Lonsdale want to retain their own council, and I again ask the minister to reassure them that the government will support them.

Apprentices: national training criteria

Mr WALSH (Swan Hill) — I ask the Minister for Education and Training to immediately rectify a serious anomaly that is preventing young people in the Victorian agricultural and horticultural industries from accessing tool allowances and obtaining visas to work in these industries as a pathway to permanent residence. The anomaly, which appears to exist only in Victoria, is effectively hampering efforts to address agricultural and horticultural labour and skill shortages in regional areas.

I know of several cases, and the first concerns a man in my electorate in his first year as an agricultural apprentice who is seeking access to the federal tool kit grant of up to $800 introduced in July last year. He has been told by the Commonwealth Trade Learning Scholarship and Tools for Your Trade hotline that agricultural courses are not on its list. It appears that, despite undertaking a three-year certificate III agriculture course, code RTE 30103, he is deemed to be a trainee rather than an apprentice and therefore is ineligible for the tool allowance. Traditionally qualifications at certificate III level and above were termed apprenticeships. Certificate II, which has a maximum duration of 12 months full time, was termed a traineeship. In Victoria this seems to be no longer the case.

The other case involves the Trade Skills Training visa, subclass 471, which allows employers in regional or low-population growth areas of Australia to fill apprenticeship positions they have been unable to fill from labour markets overseas. Under the TST visa classification the applicant must complete apprenticeship certificate III or certificate IV as part of

the Australian government's New Apprenticeships scheme. The employer-sponsor must seek certification of the apprenticeship vacancy by a regional certifying body. On completion of the apprenticeship, the applicant will be eligible to apply for permanent residency.

A dairy farmer in my electorate has applied to sponsor an overseas national to do a certified apprenticeship in the dairy industry, a position he has been unable to fill from local labour markets. The intended training is covered by the nationally accredited New Apprenticeships scheme — agriculture, specifically certificate III in agriculture/dairy production, RTE 30403. The sponsor has met all the criteria and been approved as a trade skills trainee sponsor. However, the visa application has been rejected because this apprenticeship package, identical to that successfully offered in other states, does not meet the TST criteria because in Victoria it is deemed to be a traineeship under conditions set 2. In Victoria conditions set 1 applies only to apprentices in traditional trades and excludes almost all agricultural training packages under the New Apprenticeships scheme.

Under the present faulty Victorian arrangements this urgently needed dairy apprentice cannot enter Australia to work. I ask the Minister for Education and Training to rectify the anomaly in which Victorian agricultural and horticultural apprenticeships are deemed to be traineeships and therefore fail to meet the national criteria.

Summerhill Residential Park, Reservoir: management

Mr LIM (Clayton) — The issue I raise is for the attention of the Minister for Consumer Affairs in another place. I request that the minister ask her staff to investigate the recent behaviour of Mr Steve Wellard, owner of Summerhill Residential Park, Reservoir, who has now taken to verbally harassing his elderly tenants.

Mr Wellard's name has been mentioned a number of times in this house because of the excessive rents he has been charging his tenants at Summerhill Residential Park. Summerhill residents own their own relocatable homes, yet Mr Wellard charges them very high ground rents — many tenants are paying $150 a week or more. When the tenants had the temerity to object to recent rent rises, Mr Wellard's response was to issue notices to vacate. Both the rent rises and notices to vacate were appealed by the tenants.

Mrs June Walkeden, who is an elderly Summerhill resident, is one of the tenants who has appealed her rent rise. She was returning to her home on 5 May when she was accosted by Mr Wellard, despite her crossing the roadway in an attempt to avoid him. I have in my possession Mrs Walkeden's sworn affidavit in which she describes how Mr Wellard crossed over to her and stood very close with his arms folded. Mrs Walkeden relates her unpleasant encounter with Mr Wellard in some detail in the affidavit, which I am happy to make available to the minister.

The key point of the interchange is when Mr Wellard said, 'You know you do, and the sooner you are gone from here the better'. Mrs Walkeden interpreted these words — quite rightly, in my view — as a threat to evict her from her home site. This would put her in an impossible position, as it would be extremely difficult for her to find an alternative site. She was very upset and traumatised by the threat and encounter, and she no longer feels secure in her home.

There is a great disparity between the power exercised by Mr Wellard and his tenants. He is a wealthy man. He owns the site and is their landlord. The tenants, by contrast, are elderly, many are frail, and most are getting by on the aged pension. It would be virtually impossible for most of them to move their home to another site. Mr Wellard's tenants are therefore extremely vulnerable to any threats he might utter. I believe uttering such a threat to evict a tenant is illegal, and is a possible contempt of the Victorian Civil and Administrative Tribunal process that is currently in train.

Disability services: young persons accommodation

Mr SMITH (Bass) — I wish to raise an issue of great importance with the Minister for Community Services and ask her to provide financial assistance and help for young people with a serious disability who have to spend their time with aged people in aged care facilities. This is an issue which affects a great number of people in Victoria. It is totally inappropriate for these young people, who are virtually dumped in these homes, and is also very difficult for our aged people who, in their twilight years, may well be disturbed by young people who may need special treatment day and night. This government is swimming in money, but it has not taken into consideration this problem by providing proper accommodation either for full-time care in specific accommodation homes or for enough respite beds for carers of those young disabled people.

Recently I attended a meeting of carers in Morwell with Andrea Coote, the shadow Minister for Community Services in another place. Three members of the Labor

Party were also there. They were left in no doubt what the carers there thought about them and the way they had treated carers and the disabled in our community. They were not supporting Labor in any way, I can tell you that.

I ask the minister to ensure that there is sufficient funding to look after our disabled with specific accommodation for our young severely disabled people and respite beds for the carers of those people.

Neighbourhood houses: Grovedale

Mr CRUTCHFIELD (South Barwon) — My issue is for the attention of the Minister for Housing in the other place. I ask the minister to provide state government financial support for the establishment of a new neighbourhood house at Grovedale. Grovedale has a paucity of community facilities. South of the river we had a paucity of community facilities, but recently — in this government's time — the South Barwon community centre was established.

Grovedale is a growing area that lacks a number of community facilities, and one of them is a neighbourhood house. The council has designated the community facility at Heyers Road as a potential neighbourhood house and has asked the state government to provide some capital money to upgrade it. I am very aware of the facility in Heyers Road in Grovedale. I have been out to inspect it with the current mayor, Cr Peter McMullin. A significant amount of work has been done.

I thank Deidre Slater, the coordinator of the South Barwon community centre in Mount Pleasant Road, who has done a lot of work in advocating for the Grovedale area. It is a long way from the bailiwick of Belmont, but she has done that work to try to expand the community network. Kylie Pollack, the coordinator of the Barwon neighbourhood centre, has been a strong advocate of expanding neighbourhood houses south of the river, and she is also a strong advocate of expanding them into the Grovedale area. They were at the Treasury lunch with the Treasurer and were very effusive in their acknowledgment of the Treasurer's response on neighbourhood houses.

I ask the Minister for Housing to acknowledge the Grovedale community facility and to fund the capital upgrade and the hours required for a new neighbourhood house at Grovedale.

Environment: litter reduction

Mr SAVAGE (Mildura) — I wish to raise an issue for the attention of the Minister for Environment. The increasing amount of highway litter remains unresolved, and it seems to be difficult for local councils and the citizens of this state to maintain our highways in a clean state. The predominant litter on highways is bottles and cans.

The last Keep Australia Beautiful *National Litter Index*, published in January, is more proof positive that Keep Australia Beautiful is still a captive of the Beverage Industry Environment Council, now called the Packaging Stewardship Forum. The evidence for this is that the Keep Australia Beautiful 2006 index divides beverage containers into 37 different categories. That therefore skews the outcome, which shows that the most prominent litter in the area assessed comprised cigarette butts and illegal dumping. The reality is that bottles and cans make up more than 50 per cent, and in my experience up to 70 per cent, of litter on our highways. The Keep Australia Beautiful campaign has deceived the people of Australia in the sense that it is trying to minimise the impact of bottles and cans because it receives significant sponsorship from the Beverage Industry Environment Council.

Environment Victoria is soon going to publish a document called the *Community Litter Report*, which is authored by Marion and Peter Cook. I ask the minister to obtain a copy of this report in order to assess the merits of having a re-look at introducing container deposit legislation in Victoria. Community highway clean-up groups are becoming increasingly frustrated with the ever-growing repetition of their activities and the failure of the Environment Protection Authority to address litter reduction on our highways. Container deposit legislation works very well in South Australia, and Western Australia has indicated it will introduce similar legislation to South Australia's at the conclusion of the stakeholder advisory report findings.

Just for the interest of members, Australia collects for recycling only about 35 per cent of the 2.2 billion plastic polyethylene terephthalate drink bottles that are produced in this country every year. The remaining 1.6 billion go into the environment — into landfill and waterways and onto roadsides. That is an indication of the huge problem we have. I urge the minister to obtain a copy of the report and get a view of this problem that is independent of the Beverage Industry Environment Council.

Boggy Creek: rehabilitation

Ms BUCHANAN (Hastings) — My adjournment matter is for the Minister for Environment. The action I seek is that he investigate all appropriate funding opportunities for the recently formed friends group to

progress the rehabilitation and sustainable community use of the Boggy Creek system, particularly Little Boggy Creek.

For the benefit of the house, Boggy Creek begins in Langwarrin near Robinsons Road and also includes Little Boggy Creek and the Tamarisk Creek. It flows about 25 kilometres into the local Tamarisk and Seaford wetlands via the Boggy/Eel/Kananook creek systems, forming the headwaters of Kananook Creek. Flowing through both private and public land, this creek system has been the focus of much community interest and concern, given the substantial residential and commercial development of the Langwarrin region over the past 10 years.

Much of the creek's flow paths inside the active extractive industry zones have been altered, which has resulted in significant silt loads being washed downstream. This in turn has impacted on the creek system's flora and fauna. The creek system is home to several endangered species, such as the swordgrass brown butterfly, the swamp skink and, subject to further research, even the growling grass frog.

Committed local environmental stalwarts such as Heinz Reitmeier, Coralie and Frank Kennedy, Arthur Mann and many others have been actively lobbying Frankston council to implement the 2003 Melbourne Water report on the Boggy Creek system. Recently a local friends group was established, and I am proud to be helping it with its incorporation process. Strong links have now been forged with council environmental officers and Melbourne Water representatives, along with Sarah Canham and the great Landcare team along with the local catchment management authority.

Also very encouraging has been the involvement in the friends group of many passionate school students. They feel very confident and comfortable in putting forward their ideas about what to do to help the creek. I commend these students, and I commend their parents for encouraging their children to become actively involved in such an important local environmental project. The friends group is currently working on a list of local community partnership projects that will focus on weed eradication, community awareness raising, creek bank stabilisation and habitat regeneration. This list includes simple ideas like having the creeks named on road bridges so local residents can get a greater sense of their presence in the Langwarrin community.

I also want acknowledge the friends group's inaugural president, Roz Moran, vice-president, Rob Thurley, secretary, Sonia Bottern, treasurer, Coralie Kennedy, and public officer, Shona Janky, for their care and commitment to the Boggy Creek system in Langwarrin. Having first walked over this system some four years ago, I can see why Langwarrin residents are passionate about their hidden treasure. Both the member for Cranbourne and I are attending the group's meetings and working hard on assisting it to implement Melbourne Water's recommendations. As Boggy Creek advocates often say, 'Unfortunate name, but important just the same'.

I therefore ask that the minister consider all the appropriate funding opportunities to support the regeneration of this creek system.

Southwest Healthcare: Warrnambool hospital

Dr NAPTHINE (South-West Coast) — The issue I wish to raise is for the Premier. The action I want from the Premier is that he visit Warrnambool hospital and meet with the board of Southwest Healthcare on site to see first hand the urgent need for a major redevelopment of this hospital.

Warrnambool hospital is a key regional hospital in south-west Victoria. However, its excellent staff are being forced to work twice as hard to deliver safe, high-quality health care in facilities that are well past their use-by date. It is also vital that the Premier understand that the hospital is bursting at the seams, with a massive increase in demand for specialist and other services. Even with short lengths of stay, more day procedures and more community medicine, the hospital is experiencing significant real increases in inpatient services, and the current facilities simply cannot cope.

The Premier also needs to see the appalling physical condition of the hospital, the main wards having been built in 1938 and the 1950s. There are shared four to six-bed wards; toilets and showers are down the corridor without adequate privacy; there are shared children's and adults' wards; and the long corridors make it harder for nurses to provide proper, modern patient care. The old wards and buildings are dark and dingy. They cost more for maintenance, pose real risks to infection control and increase the cost for nursing and other staff to meet basic health care needs.

Warrnambool hospital is the last base hospital not to have been upgraded. Indeed, most of the base hospitals around country Victoria were upgraded under the Kennett Liberal government. Therefore I urge the Premier to visit to make sure he is aware and can see the immediate need to provide dollars for this much-needed redevelopment.

An honourable member interjected.

Dr NAPTHINE — 'Dollars for this much-needed redevelopment'! I refer to the Warrnambool *Standard* editorial of 12 February 2005, which says:

> The Southwest Healthcare Warrnambool —

campus —

> is in dire need of an upgrade.

It further says:

> Four and six-bed wards where beds are separated by merely a curtain are —

simply —

> not ideal for patients and need to be brought up to 21st century standards.

It is absolutely vital that the Premier come down, visit Warrnambool hospital and see the totally inadequate patient facilities in which the staff have to work really hard to provide high-quality care. I pay credit to the staff who do a fantastic job despite the appalling conditions.

The hospital was built in the 1930s and the 1950s. Its last upgrade was under the Kennett government, which upgraded the accident emergency and the surgical facilities — —

Mr Crutchfield interjected.

The ACTING SPEAKER (Ms Barker) — Order! The member for South Barwon shall cease interjecting now.

Dr NAPTHINE — There was a significant multimillion dollar investment under the previous Kennett Liberal government, but not $1 has been spent on it since. We need the Premier to come down and see for himself why Warrnambool hospital needs to be upgraded and why that money should be provided as soon as possible for that upgrade.

Mount Hotham: Wire Plain Hut

Ms GREEN (Yan Yean) — The matter I wish to raise is for the Minister for Environment who is also the Minister for Water. I seek his action to save the Wire Plain Hut at Mount Hotham. I have been approached by a number of concerned locals from my electorate who are keen skiers at Mount Hotham and who fear that the hut may be under threat of demolition. Alpine huts are important to the alpine area, significant not only for tourism and in a heritage sense, but also as alpine refuges for skiers and hikers.

Following the tragic fires of 2003 many alpine huts were destroyed. Horsehair, Blowhard, University and Federation huts have been reinstated since the 2003 fires. I am pleased that the state government has played its part in the restoration of huts since those tragic fires and in the successful attraction of tourists back to the alpine areas and north-east Victoria in general.

Last weekend I had the privilege of attending the Mount Hotham opening celebrations for the 2006 ski season along with the minister, the member for Forest Hill and the member for Benalla. The minister opened a new dam which is a world first and which will ultimately use recycled sewage upgraded to class A water for snowmaking to benefit skiers. It will do so in an environmentally sustainable way which will create a closed-loop system and ensure there is no runoff into Swindlers Creek and the Dargo catchment.

I commend the government, the resort management board and MFS Ltd for their partnership in this great project. But I also urge the minister to heed the concerns of the long-term users, including pioneer skiers and particularly the lodge founders, at Mount Hotham to save the Wire Plain Hut from demolition.

Responses

Ms ALLAN (Minister for Education Services) — The members for Nepean and Swan Hill raised matters for the Minister for Education and Training, which I will refer to the minister for her response.

The member for Bellarine raised a matter regarding the Borough of Queenscliffe, wanting to ensure that the scare campaign that has been run by the Liberal Party does not come to fruition. I will refer that matter to the Minister for Local Government in another place.

The member for Clayton raised a very important matter for the Minister for Consumer Affairs in another place regarding constituents in his electorate who have issues with housing. That matter will be referred to the minister.

The member for Bass raised a matter for the Minister for Community Services regarding young people in aged care facilities. I refer the member for Bass to the 2006–07 budget papers, which provide details of a significant funding investment to do exactly what he called for. However, I will refer those further details to the minister.

The member for South Barwon raised a matter for the Minister for Housing in another place regarding funding for neighbourhood houses. That matter will be referred to the minister for her attention.

The members for Hastings, Mildura and Yan Yean all raised matters for the Minister for Environment, which will be referred to him for his attention.

Finally, the member for South-West Coast, despite a fine performance of grandstanding and carry on, obviously overlooked the 83 per cent increase in recurrent funding that this government has put into hospitals. He raised a matter for the Premier regarding the Warrnambool hospital, and that matter will be referred to the Premier for his attention.

The ACTING SPEAKER (Ms Barker) — Order! The house is now adjourned.

House adjourned 12.20 a.m. (Thursday).