

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 7 February 2006

(Extract from book 1)

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

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, 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 Dixon, Mr Helper, Mr Loney, Mr Plowman 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*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo 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 R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. P. N. HONEYWOOD

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

TUESDAY, 7 FEBRUARY 2006

ACKNOWLEDGMENT OF TRADITIONAL OWNERS	1	<i>Planning: Point Lonsdale development</i>	18
CONDOLENCES		<i>East Bentleigh Primary School: Warming Up for the Games Day</i>	19
<i>Bushfires: victims</i>	1	<i>Murray River: irrigated agriculture</i>	19
DISTINGUISHED VISITORS	3	<i>Bushfires: Brisbane Ranges</i>	19
ABSENCE OF MINISTER.....	3	<i>South-West Coast electorate: capital works</i>	19
QUESTIONS WITHOUT NOTICE		<i>Bushfires: Seymour electorate</i>	20
<i>Police: organised crime</i>	3, 6	<i>Police: Mornington</i>	20
<i>Bushfires: government response</i>	3, 6, 7, 8	<i>Gembrook electorate: caucus conference</i>	20
<i>Agriculture: Sunraysia grants</i>	4	<i>Rabbits: control</i>	21
<i>Bushfires: emergency services</i>	4	<i>Roberto Villarreal</i>	21
<i>Police: database security</i>	7, 8	<i>Government: advertising</i>	21
SHADOW MINISTRY	9	<i>James Shaw</i>	22
BUSINESS OF THE HOUSE		<i>Bushfires: tributes</i>	22
<i>Notices of motion: removal</i>	9	<i>Oakleigh: older persons unit</i>	22
<i>Program</i>	17	<i>Werribee Mercy Hospital: staff</i>	23
INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL		<i>Bushfires: Moondarra</i>	23
<i>Introduction and first reading</i>	9	<i>Banyule: councillor</i>	23
BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL		<i>Devilbend Reservoir: conservation reserve</i>	24
<i>Introduction and first reading</i>	10	<i>Roads: Keilor electorate</i>	24
LAND (ST KILDA TRIANGLE) BILL		PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL	
<i>Introduction and first reading</i>	10	<i>Second reading</i>	24
PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL		<i>Declared private</i>	24
<i>Introduction and first reading</i>	10	CRIMES (SEXUAL OFFENCES) BILL	
DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL		<i>Second reading</i>	25
<i>Introduction and first reading</i>	10	<i>Remaining stages</i>	37
EDUCATION AND TRAINING REFORM BILL		GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL	
<i>Introduction and first reading</i>	10	<i>Second reading</i>	37
PETITIONS		<i>Remaining stages</i>	45
<i>Sex offenders: sentencing</i>	10	CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL	
<i>Taxis: rural and regional</i>	11	<i>Second reading</i>	45
<i>Schools: literacy</i>	11	ADJOURNMENT	
<i>Police: schools program</i>	11, 12	<i>Melbourne Youth Music: funding</i>	66
<i>Greenvale secondary school: site</i>	11	<i>Country Fire Authority: Launching Place brigade</i>	67
<i>Education: home-schooling</i>	11	<i>Boating: Echuca</i>	67
<i>Gas: Warburton supply</i>	11	<i>Kellets Road, Rowville: safety</i>	68
<i>Strzelecki Highway: safety</i>	12	<i>Albury-Wodonga: health services</i>	68
<i>Port Phillip Bay: channel deepening</i>	12	<i>Summerhill Residential Park, Reservoir: management</i>	69
<i>Moorabbin: courthouse</i>	12	<i>Human Services: birth certificates</i>	69
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE		<i>St Mary's Primary School, Hastings: funding</i>	70
<i>Alert Digest No. 1</i>	13	<i>Midland Highway, Tatura: safety</i>	71
DOCUMENTS	13	<i>Automotive smash repairers: insurer payments</i>	71
ROYAL ASSENT	16	<i>Responses</i>	72
APPROPRIATION MESSAGES	16		
CORRECTION OF BILL TITLES	16		
PLANNING: AMENDMENTS	17		
MEMBERS STATEMENTS			
<i>Police: Olinda station</i>	18		

Tuesday, 7 February 2006

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

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The SPEAKER — The Parliament today acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

CONDOLENCES

Bushfires: victims

The SPEAKER — Order! Rather than seeking leave for each statement, I will ask the house to give leave for all three statements in relation to condolences for the bushfire victims.

Leave granted.

Mr BRACKS (Premier) — I move:

That this house —

expresses its sincere sorrow at the death of volunteer Country Fire Authority firefighter Captain Trevor Day near Yea on 23 January 2006;

extends its condolences to the family, friends and colleagues of Captain Day;

expresses its sincere sorrow at the death of Malcolm Wilson and his 12-year-old son, Zeke, in the Grampians on 22 January 2006;

extends its condolences to the family and friends of Mr Wilson and young Zeke; and

thinks the brave men and women who fought the bushfires that raged across Victoria last month.

By now we all know the terrible cost of the bushfires that raged across the state from 19 January to 29 January. Our government is working to help the affected communities and industries recover from a significant dislocation.

But there are some losses that can never be recovered. As I said in moving the motion before the house, there were the losses of Trevor Day and Malcolm and Zeke Wilson. It is impossible to speak of Trevor Day without mentioning the 10 000 volunteers who fought the January fires, because the sacrifice of Trevor Day, himself a volunteer, is emblematic of the courage and dedication of the men and women who volunteered to protect us from those fires. It is that courage and dedication that saves the lives of countless Victorians.

Captain Day of the Campbell's Creek Country Fire Authority brigade was killed when his fire truck rolled down an embankment while he was fighting a fire near Yea. He left behind his wife, Tracey, and four children, Tiffany, Rebecca, Stephanie and Lachlan. He was a great community man who was last week mourned by more than 1000 members of his community at the Campbell's Creek public hall.

The joint funeral of Malcolm and Zeke Wilson in the Grampians last Wednesday was also a large community affair. Mr Wilson and his son set off to try to help save the farm of their mother and grandmother, but they never made it. As a result Zeke's mother, Sharon Clifford, lost a son on the verge of his teenage years and young adulthood, and Zeke's sisters, Jacinta and Kayla, lost a brother and a father.

The loss of Trevor Day and Malcolm and Zeke Wilson is a tragic reminder of what is at stake in the weeks ahead, because, as this house and the rest of the people of Victoria know, the worst may not yet be over. Historically some of Victoria's worst fires, such as the Ash Wednesday fires, have occurred in February. That is why we must remain vigilant.

In conclusion I would like to quote from a letter from the members of Country Fire Authority region 12 — the region where Trevor Day lost his life — which appeared in the *Herald Sun* last Wednesday. It says:

Trevor [Day] ... selflessly came to a community that were strangers to him. He did his family, his brigade and his community proud. He honoured the highest traditions of the CFA and exhibited the highest standard of the volunteerism we cherish in Australia. Trevor was doing what 10 000 other CFA volunteers and staff were doing — putting their lives on the line in far-flung parts of Victoria to make communities safe.

We pay tribute to them all.

Mr DOYLE (Leader of the Opposition) — It is with great sadness that I support the condolence motion of the Premier for those who lost their lives in the bushfires, and I support it with great pride to the extent that we can thank those who served our state during those fires.

All Victorians celebrated Australia Day 2006 with both the metaphoric and the real smell of smoke in our nostrils as a reminder of the bushfires that engulfed our state last month. The strong northerly winds and scorching temperatures fuelled those flames. For all of us they brought back bitter memories of both the 1983 Ash Wednesday fires and the 2003 alpine fires. Those flames swept through hundreds of thousands of hectares of bushland. They destroyed many homes,

they wiped out farm buildings, they wiped out thousands of head of stock, they devastated crops and of course they also took the lives of three Victorians.

Country Fire Authority firefighter Captain Trevor Day was tragically killed on Monday, 23 January, when his fire truck rolled down a bank in the Strathbogie Ranges near Yea. I extend my deepest condolences to the Day family, particularly Tracey and the four young children left behind. I do not think there is anything that any of us can say that will fill the emptiness left by the death of their husband and father. I hope they can take comfort in the knowledge that Trevor Day died a hero saving others. He died doing what he loved. Trevor was a dedicated firefighter who loved his work and loved his family. Those close to him described him as a man who always put others first. He was an active community member, and his death will be mourned by many for a long time.

I would also like to offer my sympathies to the Country Fire Authority members and volunteers who have lost a colleague and a mate. This is a reminder to us all that our CFA men and women risk their lives for our protection, and their sacrifices are on our behalf and on behalf of our community.

These devastating blazes also claimed the lives of father and son Malcolm and Zeke Wilson. Both had been desperately trying to reach a family property that was under threat from the fires when their car crashed near Pomonal and was engulfed by flames. Malcolm and Zeke were inseparable best mates, and they died side by side huddled under a woollen blanket in their car. Family members have been comforted by the thought that the pair were together in those terrifying last moments. I express my condolences to Sharon, Zeke's mother, and the Wilson family. I hope they have the strength and the support to pick up the pieces of their lives following this tragedy.

Like many members I saw the ruin and devastation caused by this disaster when I visited the bushfire-stricken areas of country Victoria along with the shadow minister for country Victoria, the Honourable Philip Davis in the other place, the shadow Minister for Police and Emergency Services, and the Liberal members for Western Province in the other place, the Honourables David Koch and John Vogels, as well as the Speaker of the House of Representatives, the Honourable David Hawker. I know many members from the other side of this house and from The Nationals have also visited those devastated areas.

Like the Premier I would like to pay tribute to everyone involved in fighting these bushfires, including our

dedicated Country Fire Authority members, volunteers, farmers and residents, the magnificent support staff who helped all those volunteers, Department of Sustainability and Environment employees, community groups, the police and State Emergency Service personnel. I offer my heartfelt thanks to the 10 000 magnificent Australians who served us so well during these devastating fires.

Mr RYAN (Leader of The Nationals) — On behalf of The Nationals I join with the Premier and the Leader of the Opposition in speaking to this condolence motion. Trevor Day died in an accident on 23 January in circumstances of which we are not yet fully apprised. No doubt the coronial inquiry that will ultimately be held will make determinations in that regard. From what we understand the truck upon which Trevor was riding overturned as it was involved with its crew in fighting the fire near Yea.

Trevor Day was one of the 10 000 people who were fighting the fires on that particular day. In so doing he was following the great traditions of the Country Fire Authority (CFA). Since 1945, year after year and occasion after occasion we have seen these great men and women, drawn from all persuasions, go out and risk their lives for the sake of all of us and for the communities of which they are a part. In Trevor Day's case the community of Campbells Creek has celebrated this great man's life, not just on the basis of his 12 years of service with the CFA, because he was a contributor in many other ways. He leaves behind a proud legacy of service the nature of which is achieved and delivered by those members of the CFA who continue to serve.

Trevor was in every sense a hero. He often risked his life, and unfortunately and tragically in this instance he lost his life. He is survived by his wife, Tracey, and their children, Tiffany, Rebecca, Stephanie and Lachlan. It is noteworthy that all the children are also members of the CFA brigade at one level or another. It is truly a family of service to that great institution.

Malcolm Wilson and his son Zeke also died tragically in the fires of 22 January. Again they perished in circumstances where they were doing their very best to assist in saving the property they were attempting to travel to but were subsequently engulfed in flames. These instances are a reminder to all of us that the people who go out on our behalf each year should be the recipients of our unswerving support and admiration for what they do. The story of the CFA is of a remarkable tradition. Tragic those these occasions certainly are, this is an opportunity to properly reflect upon the contribution made to Victoria by these great men and women who serve.

The SPEAKER — Order! I ask all members to stand in their places to support the motion moved by the Premier.

Motion agreed to in silence, members showing unanimous agreement by standing in their places.

DISTINGUISHED VISITORS

The SPEAKER — Order! Prior to moving to questions without notice I acknowledge the presence in the gallery of the Queensland Speaker, Mr Tony McGrady, and his staff. I make him welcome.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Deputy Premier will be absent this week and questions about his portfolios should be addressed to the Minister for Agriculture.

QUESTIONS WITHOUT NOTICE

Police: organised crime

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Given the overnight gangland killing of Mario Condello, does the Premier support the Chief Commissioner of Police's claim yesterday that:

... the gangland issue, it took us such a long time to get control of that and now [it] ... hopefully never happens again ...?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As I mentioned earlier, every resource will be applied to ensuring that we discover the perpetrator of the crime committed overnight. The implications for Victoria are serious, and it is something that the government and Victoria Police do take seriously. This is evident in the extra powers that have been given to police. Coercive powers have been delegated to the chief commissioner, and extra resources of more than \$10 million have been put into forensic, accounting and other legal efforts to deal with underworld killings. We are now much better prepared and much better able to deal with these issues.

In commenting on the reappointment of the chief commissioner for a further three years, I want to congratulate Christine Nixon. She has been an excellent chief commissioner over the last five years, and she will serve this state with distinction again over the coming three years. The chief commissioner indicated that the

Purana task force has had significant success. As of yesterday there had not been an underworld killing for some two years. Of course everyone regrets what occurred overnight, and an investigation will be undertaken to ensure that we discover the perpetrator of that crime.

With respect to the effectiveness of the Purana task force, it was originally headed up by Simon Overland, who is also doing a great job within police command as the acting deputy commissioner of Victoria Police. To date the task force has charged a total of 79 persons with a total of 295 offences. There are also matters before the courts which are currently being dealt with. The achievements of the task force have been significant, and the Victorian public is grateful for the work of Victoria Police. We expect that work to continue as investigations are conducted into the overnight killing, with more resources and more legislative capacity being made available to deal with these matters in the future.

Bushfires: government response

Mr CRUTCHFIELD (South Barwon) — My question is to the Premier. I ask the Premier to detail for the house the impact the recent bushfires had on Victoria, and the government's response.

Mr BRACKS (Premier) — I thank the member for South Barwon for his question, and, of course, he comes to this house with a significant background in fighting fires as a professional firefighter. He has brought a great deal of that expertise into this house and into representing his community, and I know that there is a great deal of feeling behind the question he has asked.

As the member for South Barwon knows, these fires were difficult to fight because they occurred right across the state in different locations. At the height of the fires on one of the worst days this year we had something like 450 fires right across Victoria, and the logistical difficulty that created cannot be underestimated. These fires consolidated to become four major and significant fire fronts in four different parts of the state affecting a large part of the Victorian community.

At the peak of the fires on Australia Day over 1600 employees fought the bushfires, including 1400 staff from the Department of Sustainability and Environment and Parks Victoria; 550 firefighters from New South Wales, and 50 firefighters from Tasmania. I place on record the gratitude of the government for the cooperation that occurs interstate. Just as we cooperate

in assisting and supporting our interstate colleagues when there are fires, in New South Wales, for example, they return that assistance when required, for which we are very grateful. The recent fires involved probably the biggest interstate contingent we have had in fighting fires in Victoria. A staggering 10 000 Country Fire Authority (CFA) volunteers also fought the bushfires in January. That is an enormous number of people supporting and protecting our community.

Losses, as we have already heard, tragically included the deaths of CFA captain, Trevor Day, and Malcolm and Zeke Wilson, and we have passed a condolence motion in this house recognising that tragedy. As well as those losses, over 40 houses and more than 300 buildings were destroyed. Over 180 000 hectares were burnt, more than 65 000 head of stock and 2600 kilometres of fencing were destroyed, and large numbers of wildlife were killed or injured.

The fire was on a significant scale, and it is a testament to the enormous coordination and effort that went into it that this was done so effectively to protect so much of Victoria. We can talk about how much was lost, but how much was protected is really the untold story of the fires. It is a testament to the volunteers, to the Country Fire Authority, to the State Emergency Service, to the Red Cross, to the Metropolitan Fire Brigade that assisted with some of the fires on Melbourne's fringe, to the Department of Sustainability and Environment, to the Department of Primary Industries and also to the other staff who supported them. It was probably the best coordinated effort we have had in fighting a fire in Victoria.

We learnt a lot from more recent reports on bushfires, particularly the Ash Wednesday fires of 1983 and the 2003 bushfires. We learnt to better resource our firefighting services, and the new investment of \$169 million to improve the capacity of our firefighting services had a significant impact in fighting the fires which occurred. We also learnt valuable lessons from 2003 in providing better and more timely community information. Not only was the hotline available for people, but also there was a continual broadcast courtesy of the ABC, the emergency services broadcaster, which I also want to praise in this house. I want to praise all the media — radio in particular, and newspapers — which did a great job in giving timely information. There was a recommendation from the Esplin report that the ABC, which has universal coverage around the state, provide immediate updates on matters around the fire. I think it worked effectively and well in this case.

The government has now established a relief task force headed by the Treasurer and Minister for State and Regional Development to assist in the recovery process for the aftermath of the bushfires. The task force includes key ministers who will work with the communities affected to look at what assistance and support can be given, just as the government did after the 2003 bushfires.

We have already provided some emergency assistance and low-cost loans to those who have lost their homes. We have established a package, in conjunction with the Victorian Farmers Federation, to assist with the provision of emergency fodder. We have directed funding to affected local governments to assist in their requirements and their work; it does require some support from the state for them to undertake that. An additional \$1 million has been provided to help emergency service organisations purchase specialist rescue and protective equipment. There will be a range of other programs and assistance packages in place as the task force completes its work very soon.

Again, I want to congratulate all those Victorians — the volunteers, the firefighters more broadly and the householders who implemented their fire plans effectively and were the first defence against the fire and who did a great job right across Victoria. I congratulate them. I think the coordination of this firefighting effort was probably the best we have seen in Victoria.

Agriculture: Sunraysia grants

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Will the government reinstate the farm business support program to enable payments of up to \$20 000 to those Sunraysia district horticulturalists facing extreme financial difficulties?

Mr BRACKS (Premier) — I understand that there is an issue with a glut of horticultural items, which obviously the agriculture minister has raised with his federal counterpart — I think it is one of those brothers he has raised it with; he has raised it with the federal agriculture minister, Peter McGauran — to see if exceptional circumstances can be given not only in relation to drought but also in relation to these matters and if those matters can be taken up. We await that advice, and we certainly will make those representations very strongly.

Bushfires: emergency services

Mr MAXFIELD (Narracan) — My question is to the Minister for Police and Emergency Services. I ask

the minister to detail for the house the success of the Victorian emergency services in dealing with the recent Victorian bushfires.

Mr HOLDING (Minister for Police and Emergency Services) — I begin by thanking the member for Narracan for his question and adding my thoughts and thanks to those expressed by other members earlier in acknowledging the work of volunteers and career staff from right across the state as well as those who came from interstate to support the Victorian response to the recent bushfires, particularly those that occurred between 19 and 29 January, which had such a devastating impact on so many different parts of the state. We have already appropriately extended our condolences to the families of those who suffered the tragic loss of family members, particularly the Wilsons and Trevor Day, given the circumstances that he found himself in.

It is appropriate we should acknowledge the efforts of the 10 000 Country Fire Authority (CFA) volunteers, the career staff from many different agencies and the volunteers from the State Emergency Service (SES) and from interstate fire agencies. We thank them for the speed with which they responded to Victoria's call for assistance, recognising the strong assistance Victoria has provided their communities in similar circumstances in years gone by. I do not want to single out the member for Narracan, but I know members of Parliament were involved on a voluntary basis in responding to bushfires in their communities right across the state. That ought to be acknowledged and commended in the same way that we commend volunteers from right across the state.

It is also important that as well as recognising the CFA and the staff who were involved from the SES and Victoria Police we also acknowledge the other agencies involved, particularly staff from the Department of Sustainability and Environment (DSE) — many career firefighters and support staff from that agency were closely involved in responding to bushfires in many different parts of the state — and staff from Parks Victoria. We should also acknowledge the career staff from the Metropolitan Fire Brigade, who as well as fighting fires in the Anakie area stepped up to provide the opportunity for CFA personnel to be released to fight fires in many different parts of the state.

We should not underestimate the extraordinary impact the fires had across Victoria in that 10-day period. Something like 3072 incidents were responded to. We tend to focus not unreasonably on those fires that had the most devastating impact, that threatened property and lives in different parts of the state or that consumed

large areas of land and vegetation, but the real feature of the fires was the extent of damage inflicted in so many different parts of Victoria, which stretched the firefighting and response effort by requiring resources to be deployed in many different locations rather than just concentrated on one or two locations. What these fires enabled us to do was to demonstrate the many significant lessons we had learnt from previous instances, particularly the lessons we learnt from the campaign fires of 2002–03.

One of the encouraging features of the response over the 10-day period in particular was the application of the lessons learnt across a range of different areas. Firstly, we want to acknowledge the significant coordination that existed across all the agencies involved. One of the most encouraging features was the close collaboration between the CFA and the DSE as the primary response organisations involved in fighting the fires, but also the coordination between all the other agencies such as the Department of Human Services, local government authorities, Victoria Police, SES and interstate organisations was extraordinarily encouraging and was one of the most positive features of the firefighting and the recovery effort.

We also acknowledge the efforts that have gone into providing the best possible communication to the Victorian people, particularly those in fire-affected areas. This was another significant lesson from the campaign fires of 2002–03. Victorians have said they want to be kept informed of situations as they develop; they want to be provided with the most up-to-date information; and they want to be able to access that information in real time. One of the most encouraging features of this firefighting response was the ability of agencies to provide timely and up-to-date information to the Victorian people. We saw the CFA conduct something like 100 meetings with communities across Victoria affected by bushfires. These meetings were attended by 13 000 people, which shows just how strongly the Victorian people responded to that need for information.

There were 14 000 calls to the bushfire inquiry line and web site hits as well, which meant people were able to gain access at all hours of the day and night to get timely information on the progress of the fires. There was also a strong response to that simple CFA message of 'Leave early or stay and defend'. It is important that people do the preparatory work before the bushfire season sets in, and it was vital that we saw those things being put into place as part of this bushfire response.

We also want to thank the ABC for the way in which it acted and the spirit it brought to the memorandum of

understanding, which was another thing that came out of the Victorian bushfire inquiry. To hear the ABC interrupting its regular programming to provide around-the-clock information to Victorian residents was very encouraging. We heard the messages coming in through the ABC that showed that people had activated their bushfire response plans.

Many encouraging features came from these events. It was terrific to see the coordination between all the agencies and the range of appliances — 62 aerial appliances, thousands of tankers and pumpers and other pieces of equipment — that were put into action. We are very pleased with the effectiveness of the response. We thank all the volunteers, all the agencies, the career staff and all those who worked so hard to make absolutely sure that Victorians could continue their lives with as little disruption as possible as a consequence of these significant events. We look forward to developing all the learnings from these events to take us into the future.

Police: organised crime

Mr WELLS (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. I refer the minister to last night's gangland killing of Mario Condello, which has resulted in today's scheduled court case having to be abandoned, and I ask: has the minister sought assurances from Victoria Police that the key witness in the case against Mario Condello, who is himself now in grave danger, will continue to be protected?

The SPEAKER — Order! The Minister for Police and Emergency Services — and I remind the minister of the need to be succinct when answering questions.

Mr HOLDING (Minister for Police and Emergency Services) — I am happy to be extraordinarily succinct in response to this question, Speaker. Obviously when Victoria Police provides protection to any Victorian citizen and is cognisant of the circumstances in which that person finds themselves, the security risk that person is assessed as posing is always the key factor in determining the level of security provided. Of course that depends on and requires the cooperation of the person themselves. Victoria Police has already made some comments in relation to Mr Condello and the circumstances surrounding the protection that was provided to him. I do not propose to say anything more about the protection that is provided to people about whom, for legal reasons, we are not able to make any further comment.

Bushfires: government response

Ms GREEN (Yan Yean) — My question is to the Minister for State and Regional Development. Can the minister outline how the recently created bushfire recovery ministerial task force is seeking to assist in and contribute to the bushfire recovery process?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Yan Yean for her question and begin my answer by also extending my condolences and paying my respects to the Day and Wilson families. I also note that the member for Yan Yean is herself a Country Fire Authority volunteer, and like others in this place she contributed to what was a magnificent effort across the state in bringing fires under control.

We have heard today from the Premier and the Minister for Police and Emergency Services about the extraordinary efforts of volunteers, emergency services, State Emergency Service personnel and others right across the state in bringing these fires under control.

Last week the Premier announced the formation of the bushfire recovery task force, of which I am chair. Other members of the task force are the Minister for Agriculture, the Minister for Police and Emergency Services, the Minister for Tourism, the Minister for Environment, the Minister for Community Services and the Minister for Local Government in the other place. Our job is to get out into the communities which have been affected by the bushfires, to listen to the views of the local communities and to make recommendations and put in place initiatives which will help those communities get back on their feet and recover as rapidly as possible.

A fortnight ago on Sunday I visited the fires at Moondarra. I was accompanied by the member for Narracan, who is a volunteer, and the member for Morwell.

I reiterate a point that has been made in previous answers today. I visited Erica, which was surrounded for days and days by the fire. While I was there the volunteers and firefighters who were there produced an old photo from the 1939 bushfires. In 1939 every single house in Erica was burnt to the ground, and I think 30 lives were lost. There is a photo of a gentleman who had literally dug himself underground emerging with a suitcase of possessions which he had saved. This goes to the point about the extraordinary efforts made in the recent fires to save property. In 1939 that town and so many others were destroyed.

Right across the state — whether it has been the fires at Anakie, which the task force visited yesterday, or Kinglake, which I visited with the Minister for Agriculture and the member for Seymour last week — there has been an extraordinary effort to save property. There has also been an extraordinary community effort. In one night during the fires the proprietors of Kinglake hotel, Michelle and Lee Dunscombe, served 500 meals to volunteers, interstate firefighters and others. It has been an extraordinary effort to save property but an extraordinary community effort as well.

Later this week the task force will be visiting the Stawell, Halls Gap, Ararat and Pomonal area. The Premier visited that area two weeks ago during the fires and will be visiting again. The Minister for Tourism also visited the area last Tuesday, addressed public meetings there and spoke to many tourism interests. I have been sent a copy of a letter from one of the tourism organisations there, Grampians Adventure Services, to the Minister for Tourism, saying:

This is just a short note to thank you for your words of support for Halls Gap businesses last Tuesday night.

On behalf of our company I felt very reassured that you were very aware of how we were feeling and that you genuinely had thought about all the issues at hand.

The support provided by all members of Parliament — from government and opposition MPs — to those who contributed and to those who are facing the task of recovery is a very important responsibility for us all.

Finally, we have announced a number of measures to assist those who have been affected, and the Premier summarised those. We announced concessional finance through the Rural Finance Corporation of Victoria, and I want to stress this. Any farmer, householder, small business or indeed volunteer group that has had property lost or destroyed as a result of the fires is now able to get concessional finance through rural finance at the rate of 2.6 per cent, so it is a very good concessional rate of interest. There are loans for a period of up to five years, with single loans of \$100 000 and up to \$150 000 in some circumstances. This is the first time we have extended this to householders and community groups. I encourage all members of the communities affected, if they believe they are eligible, to apply to rural finance for that assistance.

Police: database security

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer to the Victoria Police press release of 12 October 2005 regarding the illegal release of 7000 pages of confidential law enforcement assistance

program (LEAP) data to a whistleblower and a public servant, David Ali, and I ask: why did Stephen Linnell, director of communications for Victoria Police, deliberately and falsely claim in that press release that these individuals were the only two individuals to receive the files, when a third person — a police officer — also improperly and illegally received the 7000 pages of LEAP data?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. Ultimately he needs to direct the question as to what representations have been made by Victoria Police to Victoria Police as an organisation.

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington!

Mr HOLDING — We have made it clear. We commented extensively on the circumstances surrounding this release of information at the time it occurred. A large number of documents in relation to this matter have already been released. A large number of documents are being assessed at the moment by the privacy commissioner, who is currently conducting an inquiry and will make a report.

Bushfires: government response

Mr HOWARD (Ballarat East) — My question is to the Minister for Community Services. I ask the minister to detail for the house what funding the government has made available to victims of the recent Victorian bushfires.

Ms GARBUTT (Minister for Community Services) — I thank the member for his question. I would also like to offer my condolences to the families who have lost loved ones. I want to pay tribute to the brave and dedicated men and women of our emergency services and volunteer services, who worked tirelessly in protecting life and property and kept losses to a minimum.

The destruction and hardship caused by the bushfires has been significant. There has been widespread loss of property, stock and other assets. We responded very quickly to provide aid and assistance to those in need. In response to the New Year's Day fire near Stawell we provided 10 emergency grants totalling around \$7000, and we provided \$75 000 to the Northern Grampians shire and the Grampians Community Health Services for extra recovery services.

In response to the fires in late January, as of close of business yesterday we had provided 104 emergency accommodation grants at a total of over \$70 000. They will help more than 250 people with their immediate needs for food, shelter and clothing. We have also activated the major personal hardship grants which provide up to \$21 900 to eligible households, and staff are working with households on those grants.

In addition, we have provided around \$170 000 to three local government services at the City of Greater Geelong, the Rural City of Ararat and the Grampians Community Health Services. These bodies are helping to provide recovery services on the ground to the victims of the Grampians and Anakie bushfires. That money has gone towards activities such as public information sessions for people in affected areas. The information sessions have been very well attended with over 3700 people attending them.

It will not end there. We will continue to provide financial assistance and any other assistance that is needed. We have the staff on the ground and they are busy in the field ensuring that people get the help they need.

Police: database security

Mr WELLS (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. I refer to the Victoria Police media release headed 'ESD investigation into release of LEAP information', which states in three places that law enforcement assistance program data was inappropriately released to only two individuals. I further refer to a report in today's *Herald Sun* which states that freedom of information documents prove that the police files were released to three people, including a police officer. I ask: will the minister ask Victoria Police for an explanation of this contradiction, and will he demand Victoria Police release the full ethical standards department report as Victorians were promised?

Mr HOLDING (Minister for Police and Emergency Services) — The member for Scoresby has again sought information in relation to the release of the ethical standards department report. Victoria Police made it clear at the time that it has never been Victoria Police practice to release full ethical standards department investigation reports. It is obvious why — they contain a significant amount of information — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr HOLDING — They often contain a lot of private information and information in relation to operational matters pertaining to Victoria Police. Victoria Police has released a synopsis of the report; that was made available several months ago. I do not think Victoria Police has any intention of releasing the full report.

Bushfires: government response

Mr HELPER (Ripon) — In asking my question of the Minister for Agriculture I would also like to offer my condolences to the Wilson and Day families. I ask the minister to detail for the house some of the government initiatives to support rural land-holders who have suffered from the recent bushfires.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for his question and join with honourable members of this house in expressing my condolences to the Wilson and Day families. I also pay tribute to the 10 000 volunteers who came from different spheres to take part in the firefighting effort during January, including the honourable members for Narracan and Yan Yean — and from the opposition I know at least the honourable member for South-West Coast was in an area where there was a sudden fire and found himself involved in the firefighting effort.

Agricultural losses to landowners during January have affected 248 commercial-scale farms, and 163 of those have incurred stock losses including 68 000 sheep, 450 cattle and other animals as well. Some 60 000 bales of hay, 32 tonnes of grain and over 52 000 hectares of pasture were destroyed. But not only farmers were affected; 18 apiarists lost over 2400 hives and areas of bush where they would otherwise keep their hives; and 1100 hectares of horticultural crops and 300 hectares of field crops were also affected.

Farmers now have to deal with the clean-up and issues relating to feeding stock. They have to deal with their insurers and with their loss of assets such as buildings. They also have to deal with rebuilding fences and repasturing. While that damage was significant, so too was the initial response from the Country Fire Authority, agencies, the government and councils. The Department of Primary Industries was there at the front line, and as soon as the fires passed DPI was able to get together a team to go in as quickly as possible to help with assessments, including the very grisly task of assessing stock needing to be put down and revisiting a

couple of days later if necessary to make further decisions as to the health of animals.

Emergency fodder is a critical issue at a time like this, because it is so time sensitive. I congratulate the Victorian Farmers Federation on its emergency fodder scheme, which the government partnered by offering to cover the costs of fuel. We did that with the New Year's Day fire at Stawell, and I know first hand how much it was appreciated by farmers. We congratulate the many farmers who have donated feed to those who are fire affected — for example, some 60 semitrailer loads for the Willaura area, 40 for the Pomonal area and 5 for the Kinglake area. At times like these people feel for those in need and come to their assistance. That says something about the spirit we have in country Victoria.

The Treasurer has announced low-interest rate loans, there have been announcements about Department of Human Services support grants, and as the ministerial task force gets around and hears concerns it will ultimately be delivering a report to government which will be appreciated across the community.

SHADOW MINISTRY

Mr DOYLE (Leader of the Opposition) — I wish to advise the house of the changed portfolio responsibilities for the opposition. The Deputy Leader of the Opposition is shadow minister for the scrutiny of government and responsible for policy coordination. The honourable member for Nepean is shadow Minister for Community Services and shadow Minister for Tourism. The honourable member for Polwarth is shadow minister for ports. The honourable member for South-West Coast is shadow Minister for Water, shadow Minister for Agriculture and shadow minister for forestry. The honourable member for Caulfield is shadow Minister for Health.

In the other place the Leader of the Opposition, Mr Philip Davis, is shadow minister for state development and shadow minister for energy and resources. The Deputy Leader of the Opposition, Mrs Coote, is shadow Minister for Housing and shadow Minister for Children. Mr Atkinson, an honourable member for Koonung Province, is shadow minister for small and medium enterprises, shadow minister for WorkCover, and shadow Minister for Sport and Recreation. Mr David Davis, an honourable member for East Yarra Province, is shadow Minister for Environment. Mr Rich-Phillips, an honourable member for Eumemmerring Province, is shadow Minister for Finance, shadow minister for the TAC and shadow Minister for Commonwealth Games.

In the Legislative Assembly the honourable member for Bass is spokesperson for fisheries. In the other place Mr Dalla-Riva, an honourable member for East Yarra Province, is spokesperson for manufacturing and export. Mr Vogels, an honourable member for Western Province, is spokesperson for Victorian communities. In the Legislative Assembly the honourable member for Bulleen is the Liberal Party Whip, the honourable member for Sandringham is the manager of opposition business and the honourable member for Bass is the secretary of the parliamentary Liberal Party. All other portfolio responsibilities remain unchanged.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 90 to 91, 205 to 209 and 348 to 354 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 o'clock today.

INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to make miscellaneous amendments to the Interpretation of Legislation Act 1984 and for other purposes.

Mr McINTOSH (Kew) — I seek a brief explanation of the bill from the Attorney-General.

Mr HULLS (Attorney-General) — This is a very important piece of legislation that classifies the effect of a failure to comply with the requirements to number acts and also provides that statutory bodies representing the Crown have the status, the privileges and also the immunities of the Crown.

Motion agreed to.

Read first time.

**BUILDING AND CONSTRUCTION
INDUSTRY SECURITY OF PAYMENT
(AMENDMENT) BILL**

Introduction and first reading

Mr HULLS (Minister for Planning) — I move:

That I have leave to bring in a bill to amend the Building and Construction Industry Security of Payment Act 2002 to make further provision with respect to payments for construction work and for the supply of related goods and services under construction contracts and for other purposes.

Mr BAILLIEU (Hawthorn) — Can the minister provide a brief explanation?

Mr HULLS (Minister for Planning) — This makes amendments to the Building and Construction Industry Security of Payment Act. It will improve the act's clarity and also its operation, and it will increase the consistency between our legislation and that of New South Wales and Queensland.

Motion agreed to.

Read first time.

LAND (ST KILDA TRIANGLE) BILL

Introduction and first reading

Mr HULLS (Minister for Planning) — I move:

That I have leave to bring in a bill to provide for the revocation of reservations over certain land at St Kilda and to re-reserve that land and reserve other land at St Kilda for public purposes, to provide for the Port Phillip City Council to be the committee of management of that land and to provide leasing powers over part of that land and for other purposes.

Mr BAILLIEU (Hawthorn) — Will the minister provide a brief explanation, in particular of which pieces of land the bill relates to?

Mr HULLS (Minister for Planning) — This relates to the St Kilda triangle site. It defines the extent of Crown land required for that project and reserves the land for public purposes. It appoints the City of Port Phillip as the committee of management over the reserved land. It also allows the committee to grant a long-term lease over the site.

Motion agreed to.

Read first time.

**PUBLIC SECTOR EMPLOYMENT
(AWARD ENTITLEMENTS) BILL**

Introduction and first reading

Mr HULLS (Minister for Industrial Relations) introduced a bill to protect the employment entitlements of certain public sector employees, to amend the Workplace Rights Advocate Act 2005 and the Commonwealth Powers (Industrial Relations) Act 1996 and for other purposes.

Read first time.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (VOLATILE SUBSTANCES)
(EXTENSION OF PROVISIONS) BILL**

Introduction and first reading

Ms PIKE (Minister for Health) introduced a bill to amend the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 to extend the operation of that Act and for other purposes.

Read first time.

**EDUCATION AND TRAINING REFORM
BILL**

Introduction and first reading

Ms KOSKY (Minister for Education and Training) introduced a bill to reform the law relating to education and training in Victoria to provide for a high standard of education and training for all Victorians and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Sex offenders: sentencing

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

The petition of citizens of Victoria concerned to ensure that child molesters and rapists receive harsher sentences.

In recent cases judges have given wholly suspended sentences for each type of offence. We feel that this must stop as it provides no deterrent to the offenders. For too long judges have been giving reduced sentences which do not reflect the community expectations. We call on the Legislative

Assembly to take steps to ensure the protection of our women and children by ensuring that a harsh penalty is guaranteed to anyone found guilty of offences against them, each offence to receive a consecutive sentence.

Your petitioners therefore pray that you take action and legislate.

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

By Mr LOCKWOOD (Bayswater) (102 signatures)

Taxis: rural and regional

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the crisis with country taxis and the need for recognition that country taxis are a proxy form of public transport and provide an essential service in country communities.

The petitioners therefore request that the Legislative Assembly of Victoria immediately implement commonsense changes to reduce country taxi operator costs — e.g., allow flexible hours of service — and make available to country taxi operators the same subsidies as Melbourne taxis and public transport — e.g., subsidies for the provision of wheelchair-friendly taxi services.

By Dr SYKES (Benalla) (56 signatures)

Schools: literacy

To the Legislative Assembly of Victoria:

The petition of Victorian parents, students and teachers, concerned about the decline in Victorian literacy standards.

The petitioners draw to the attention of the house the Bracks government proposal to lower the VCE English standard requiring students to read only one book in their final year of school.

We request that the Legislative Assembly of Victoria require the Bracks government to reverse this proposal.

By Mr PERTON (Doncaster) (11 signatures)

Police: schools program

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned about the abolition of the police schools involvement program (PSIP) draws to the attention of the house that the Bracks Labor government has blatantly ignored the safety of children in its move to abolish PSIP. The government has disregarded research and expert advice by Monash University which showed the program to be extremely effective.

The petitioners therefore request that the Legislative Assembly of Victoria support the reinstatement of the police schools involvement program to build a secure environment for the children of Victoria.

By Mr PERTON (Doncaster) (6 signatures)

Greenvale secondary school: site

To the Legislative Assembly of Victoria:

The petition of the families of Greenvale and surrounding suburbs draws to the attention of the house the growing population in the Greenvale and Meadow Heights area, the lack of quality state secondary schools in the area and the government's appalling proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school.

The petitioners therefore request that the Legislative Assembly of Victoria force the Bracks government to reverse its position and establish a Greenvale high school.

By Mr PERTON (Doncaster) (53 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing Education Act's requirement that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Mr LOCKWOOD (Bayswater) (27 signatures)

Mr PERTON (Doncaster) (16 signatures)

Mr DELAHUNTY (Lowan) (73 signatures)

Ms MORAND (Mount Waverley) (16 signatures)

Gas: Warburton supply

To the Legislative Assembly of Victoria:

The petition of residents of Warburton and district communities request that the house supports their urgent appeal for the supply of natural gas to be extended to their area, so that they may benefit from lower energy costs and a cleaner environment.

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

By Ms LOBATO (Gembrook) (101 signatures)

Strzelecki Highway: safety

To the Legislative Assembly of Victoria:

The petition of the undersigned citizens of the state of Victoria draws to the attention of the house the inordinate number of accidents resulting in death and injury which have occurred on the Strzelecki Highway between the Latrobe Valley and Leongatha.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the Victorian government to undertake urgent road works upon the Strzelecki Highway comprising the construction of multiple overtaking lanes at appropriate points along the 52-kilometre length of the highway to thereby minimise the risk of the incidence of further accidents.

By Mr RYAN (Gippsland South) (855 signatures)

Police: schools program

To the Legislative Assembly of Victoria:

The petition of certain citizens in the state of Victoria draws to the attention of the house that the police schools involvement program has been a successful, proactive policing program operating since 1989 which, with the school resource officers, has worked closely with school communities in many constructive ways, including to:

- develop a positive relationship between police and the community;
- develop an understanding of the role of police in society; and to
- reduce the incidence of crime in society.

In 2005 approximately 200 000 students statewide have benefited from this program, which has served as a model for similar programs in other states and, indeed, is recognised internationally as a positive model for police and school partnerships.

The proposed termination of the program, when law and order issues are of particular concern within Victorian communities, is not in the best interest of our children or the Victoria police.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria support the continuation of this most worthwhile police school involvement program in its present form for the year 2006 and beyond.

By Mr SAVAGE (Mildura) (40 signatures)

Port Phillip Bay: channel deepening

To the Legislative Assembly of Victoria.

The petition of the citizens of Victoria points out to the house that:

The economic rationale for deepening shipping channels is inadequately justified against the environmental costs. The vast majority of benefits will stay with overseas shipping lines and shippers, and a POMC witness admits that financial benefits to individual consumers will be 'immeasurably minor'.

Port Phillip Bay Heads area outranks the Great Barrier Reef for diversity of reef life, colour and interest. Dredging will cause turbidity and sedimentation; smothering of marine species, and re-release of toxicity from Yarra sediments — all of which will seriously threaten our recently created marine parks, Ramsar wetlands, dolphins, seals, penguins, recreational and commercial fisheries, residents around the bay and tourism industries.

The petitioners request that the Legislative Assembly of Victoria ensure that the proposal to deepen shipping channels is rejected and that alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged. We also request that the Minister for Planning makes public the findings of the EES independent panel, due for release in February 2005, as soon as the panel provides its report to government.

By Mr DIXON (Nepean) (1539 signatures)

Moorabbin: courthouse

To the Legislative Assembly of Victoria:

The petition of the residents in the state of Victoria draws to the attention of the house the anomalous situation of naming the new \$28 million government-funded courthouse to be constructed on the former Gas and Fuel site on Nepean Highway, Highett, the 'Moorabbin courthouse' instead of the 'Highett courthouse'.

Prayer

The petitioners therefore request that the Bracks government:

- (i) respect the locality of Highett, the history of Highett, the residents of Highett, the traders of Highett and the wider Highett community by renaming the court complex the Highett courthouse;
- (ii) respect the interests of future court attendees travelling by public transport so that they disembark at the nearest railway station;
- (iii) advise the residents of Moorabbin when it will be building a new courthouse in Moorabbin as promised at the last election;
- (iv) acquire a *Melway* directory for the Attorney-General and his department and return rail tickets to the Highett railway station;

By Mr THOMPSON (Sandringham) (15 signatures)

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

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

Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

Ordered that petition presented by honourable member for Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).

Ordered that petition presented by honourable member for Mount Waverley be considered next day on motion of Mr PERTON (Doncaster).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Ms D'AMBROSIO (Mill Park) presented *Alert Digest No. 1* of 2006 on:

- Crimes (Document Destruction) Bill**
- Crimes (Family Violence) (Holding Powers) Bill**
- Crimes (Sexual Offences) Bill**
- Guardianship and Administration (Further Amendment) Bill**
- Infringements Bill**
- Justice Legislation (Miscellaneous Amendments) Bill**
- Liquor Control Reform (Amendment) Bill**
- Terrorism (Community Protection) (Amendment) Bill**
- Transport Legislation (Safety Investigations) Bill**

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Altona Memorial Park Trustees — Report for the period 1 January 2004 to 30 June 2005 — together with an explanation for the delay in tabling

Audit Act 1994 — Auditor-General — Report of Results of 30 June 2005 financial statement and other audits — Ordered to be printed

Bass Coast Regional Health — Report for the year 2004–05 (two documents)

Beechworth Health Service — Report for the year 2004–05 — together with an explanation for the delay in tabling

Chief Electrical Inspector — Report of the Office for the period ended 9 August 2005

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (20 orders)

Consumer Utilities Advocacy Centre Ltd — Report for the year 2004–05

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Mentone and Mordialloc Beach Park

Mount Warrenheip Flora Reserve

Dental Health Services Victoria — Report for the year 2004–05

East Grampians Health Service — Report for the year 2004–05 (two documents)

Eastlink Project Act 2004 — Variation Statement Nos 3, 4, 5

Edenhope and District Memorial Hospital — Report for the year 2004–05

Equal Opportunity Commission — Report for the year 2004–05 — Ordered to be printed (in lieu of report previously tabled on Tuesday 15 November 2005)

Fawkner Crematorium and Memorial Park Trustees — Report for the period 1 January 2004 to 30 June 2005 — together with an explanation for the delay in tabling

Financial Management Act 1994 — Budget Update for the year 2005–06

Financial Management Act 1994:

Report from the Premier that he had received the 2004–05 annual report of VITS LanguageLink

Reports from the Minister for Health that she had received the 2004–05 annual reports of the:

Alexandra and District Ambulance Service

Chinese Medicine Registration Board

Chiropractors Registration Board

Dental Practice Board

Health Purchasing Victoria

Mental Health Review Board and Psychosurgery Review Board

Omeo District Hospital

Pharmacy Board

Report from the Minister for Health that she had received the report for the period 1 January 2004 to 30 June 2005 for the Keilor Cemetery Trust — together with an explanation for the delay in tabling

Food Safety Council — Report for the year 2004–05

Gas Safety — Report of the Office for the period ended 9 August 2005

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 151/2005

Kilmore and District Hospital — Report for the year 2004–05

Melbourne City Link Act 1995:

Exhibition Street Extension Ninth Amending Deed

City Link and Extension Projects Integration and Facilitation Agreement Thirteenth Amending Deed

Melbourne City Link Twenty-first Amending Deed

Northern Health — Report for the year 2004–05 (two documents)

Ombudsman Act 1973 — Report of the Ombudsman on the Investigation into the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons — Ordered to be printed

Orbost Regional Health — Report for the year 2004–05 — together with an explanation for the delay in tabling

Parliamentary Committees Act 2003:

Public Accounts and Estimates Committee — Report on the 2005–06 Budget Estimates, together with appendices and minutes of evidence — Report and appendices ordered to be printed

Letter relating to the response of the Minister for Environment on the Environment and Natural Resources Committee's Inquiry into Sustainable Communities

Response of the Minister for Environment on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Sustainable Communities

Response of the Premier on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on Corporate Governance in the Victorian Public Sector

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Economic Development Committee's Inquiry into Labour Hire Employment in Victoria

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

Alpine Planning Scheme — Nos C14, C17

Bass Coast Planning Scheme — Nos C6, C38, C54

Bayside Planning Scheme — No C37 Part 1

Boroondara Planning Scheme — No C42

Brimbank Planning Scheme — Nos C60, C71

Cardinia Planning Scheme — No C73

Casey Planning Scheme — Nos C67, C78

Darebin Planning Scheme — Nos C10 Part 2, C45, C47, C53, C55, C66

East Gippsland Planning Scheme — No C48

French Island and Sandstone Island Planning Scheme — No C1

Gannawarra Planning Scheme — No C15

Glenelg Planning Scheme — Nos C17 Part 1, C28

Greater Bendigo Planning Scheme — Nos 61, C67, C69

Greater Dandenong Planning Scheme — No C50

Greater Shepparton Planning Scheme — Nos C54, C55, C57, C67

Hobsons Bay Planning Scheme — No C36, C38

Hume Planning Scheme — Nos C45 Part 1, C45 Part 2, C61, C67

Indigo Planning Scheme — Nos C20, C25, C29

Kingston Planning Scheme — Nos C25, C46 Part 1, C56

Latrobe Planning Scheme — No C43

Manningham Planning Scheme — Nos C26, C48

Maroondah Planning Scheme — No C44

Melbourne Planning Scheme — Nos C60 Part 1A, C104, C114

Mitchell Planning Scheme — No C27

Moira Planning Scheme — No C10

Moonee Valley Planning Scheme — No C49, C63

Moreland Planning Scheme — Nos C38, C48

Mornington Peninsula Planning Scheme — Nos C55, C83

Mount Alexander Planning Scheme — No C30

Nillumbik Planning Scheme — Nos C11, C28

Northern Grampians Planning Scheme — No C3

Port Phillip Planning Scheme — Nos C29, C43

Queenscliffe Planning Scheme — No C17

Stonnington Planning Scheme — Nos C32, C38, C48, C50

Strathbogie Planning Scheme — No C22

Surf Coast Planning Scheme — No C15 Part 1

Swan Hill Planning Scheme — No C20

Towong Planning Scheme — No C9 Part 2

Victoria Planning Provisions — Nos VC35, VC36, VC37

Whitehorse Planning Scheme — Nos C56, C58, C68

Whittlesea Planning Scheme — Nos C53 Part 1, C64

Wodonga Planning Scheme — Nos C27, C35

Wyndham Planning Scheme — No C74

Yarra Planning Scheme — Nos C43 Part 1

Yarra Ranges Planning Scheme — Nos C8, C46, C49, C52

Police Regulation Act 1958 — Director, Police Integrity — Review of fatal shootings by Victoria Police — Ordered to be printed

Rail Corporations Act 1996 — Order under s 38C

Rural Northwest Health — Report for the year 2004–05 — together with an explanation for the delay in tabling

South Gippsland Hospital — Report for the year 2004–05

Statutory Rules under the following Acts:

Adoption Act 1984 — SR No 130 (in lieu of statutory rule tabled on 15 November 2005 together with an explanation from the Government Printer)

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR No 160

Charities Act 1978 — SR No 141

Children and Young Persons Act 1989 — SR No 139

Conservation, Forests and Lands Act 1987 — SR No 172

County Court Act 1958 — SR Nos 167, 168

Domestic (Feral and Nuisance) Animals Act 1994 — SR No 151

Electricity Safety Act 1998 — SR Nos 131 (in lieu of statutory rule tabled on 15 November 2005 together with an explanation from the Government Printer), 158

Estate Agents Act 1980 — SR No 169

Firearms Act 1996 — SR No 173

Fisheries Act 1995 — SR No 150

Food Act 1984 — SR No 143

Interpretation of Legislation Act 1984 — SR No 147

Land Tax Act 2005 — SR No 178

Legal Profession Act 2004 — SR Nos 149, 152

Liquor Control Reform Act 1998 — SR Nos 170, 171

Livestock Disease Control Act 1994 — SR No 159

Magistrates' Court Act 1989 — SR Nos 165, 166

Marine Act 1988 — SR Nos 154, 155

Melbourne City Link Act 1995 — SR No 140

National Parks Act 1975 — SR No 142

Planning and Environment Act 1987 — SR No 2/2006

Police Regulation Act 1958 — SR No 156

Prevention of Cruelty to Animals Act 1986 — SR No 3/2006

Public Administration Act 2004 — SR No 174

Residential Tenancies Act 1997 — SR No 4/2006

Retirement Villages Act 1986 — SR No 162

Road Safety Act 1986 — SR Nos 145, 176, 177, 1/2006

Subordinate Legislation Act 1994 — SR Nos 146, 153, 157, 161

Supreme Court Act 1986 — SR Nos 147, 148

Transfer of Land Act 1958 — SR No 163

Transport Act 1983 — SR Nos 144, 164, 175

Water Act 1989 — SR No 5/2006

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 142, 146, 147, 148, 153, 157, 161, 163, 165, 166, 167, 168, 2/2006

Ministers' exemption certificates in relation to Statutory Rule Nos 139, 140, 143, 144, 145, 149, 152, 155, 156, 159, 160, 162, 169, 170, 171, 172, 174, 175, 176, 177, 1/2006, 5/2006

Victorian Border Groundwaters Agreement Review Committee — Report for the year 2004–05

Victorian Environmental Assessment Council Act 2001 — Terms of reference for the investigation into the Goolengook forest

West Gippsland Healthcare Group — Report for the year 2004–05 — together with an explanation for the delay in tabling

West Wimmera Health Service — Report for the year 2004–05 — together with an explanation for the delay in tabling

Yarram and District Health Service — Report for the year 2004–05 (two documents) — together with an explanation for the delay in tabling.

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

Firearms (Further Amendment) Act 2005 — Sections 3(1) (other than sections 3(1)(a), (1)(c) and (1)(d)), 6(4), (6) and (7), 12(2) (other than section 12(2)(a)), 12(3) (other than section 12(3)(a)), 19, 22, 23, 25, 26, 28, 30(2), 31, 32, 35, 36, 37, 38, 45, 46, 47, 49, 50, 51, 55, 57, 58, 61(1) and (2), 62(1) and (2), 66 and Part 4 on 1 January 2006 (*Gazette G51*, 22 December 2005)

Higher Education Acts (Amendment) Act 2005 — Sections 114(2) and (3), 122(2), 123 and 125 on 22 December 2005 (*Gazette G50*, 15 December 2005)

House Contracts Guarantee (Amendment) Act 2005 — Whole Act on 1 February 2006 (*Gazette G4*, 25 January 2006)

Legal Profession (Consequential Amendments) Act 2005 — Whole Act on 12 December 2005 (*Gazette G48*, 1 December 2005)

Legal Profession Act 2004 — Remaining provisions on 12 December 2005 (*Gazette G48*, 1 December 2005)

National Parks (Otways and Other Amendments) Act 2005 — Remaining provisions of Part 2, and Part 3 (except section 20) on 11 December 2005 (*Gazette G49*, 8 December 2005)

Owner Drivers and Forestry Contractors Act 2005 — Part 1, Division 5 of Part 2, Part 3 (except section 30), Part 7 and Part 8 (except section 65) and Schedule 1 on 1 February 2006 (*Gazette G3*, 19 January 2006)

Primary Industries Acts (Amendment) Act 2005 — Section 10 on 2 February 2006 (*Gazette G4*, 25 January 2006)

Primary Industries Acts (Further Amendment) Act 2005 — Sections 6, 8, 9(2), 21(6), 22, 24 and 29 on 1 December 2005 (*Gazette G46*, 17 November 2005)

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Sections 30, 35 and 36 on 2 February 2006 (*Gazette G4*, 25 January 2006)

Property (Co-ownership) Act 2005 — Whole Act on 1 February 2006 (*Gazette G3*, 19 January 2006)

Retirement Villages (Amendment) Act 2005 — Sections 12, 14 and 16 on 30 January 2006 (*Gazette G50*, 15 December 2005)

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Sections 9, 11 and 12 on 13 December 2005 (*Gazette S254*, 13 December 2005)

Water (Resource Management) Act 2005 — Part 1 and sections 4, 11 and 34 on 15 December 2005 (*Gazette G50*, 15 December 2005).

ROYAL ASSENT

Messages read advising royal assent to:

22 November 2005

Crimes (Homicide) Bill
Firearms (Further Amendment) Bill
Groundwater (Border Agreement) (Amendment) Bill
Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill
Prisoners (Interstate Transfer) (Amendment) Bill
Retail Leases (Amendment) Bill

29 November 2005

Child Wellbeing and Safety Bill
Commissioner for Law Enforcement Data Security Bill
Duties and Land Tax Acts (Amendment) Bill
Environment Effects (Amendment) Bill
Investigative, Enforcement and Police Powers Acts (Amendment) Bill
Land Tax Bill
Mineral Resources Development (Brown Coal Royalties) Bill
Mines (Aluminium Agreement) (Brown Coal Royalties) Bill
Motor Car Traders and Fair Trading Acts (Amendment) Bill
Racing and Gambling Acts (Amendment) Bill
Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
Superannuation Legislation (Governance Reform) Bill
Transport Legislation (Further Miscellaneous Amendments) Bill

7 December 2005

Children, Youth and Families Bill
Health Professions Registration Bill
Veterans Bill
Water (Resource Management) Bill
Workplace Rights Advocate Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Crimes (Sexual Offences) Bill
Infringements Bill
Terrorism (Community Protection) (Amendment) Bill.

CORRECTION OF BILL TITLES

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

That where a bill has passed through both houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed.

By way of explanation, members will be aware that several bills which were introduced in 2005 are still current in the houses. When those bills eventually pass into law this motion will allow the Clerk of the Parliaments to adjust the year expressed in the title to reflect the year in which they were passed. This effectively allows the Clerk to do that without bringing those minor changes back to the Parliament.

Motion agreed to.

PLANNING: AMENDMENTS

Mr BAILLIEU (Hawthorn) — By leave, I move:

That this house, in accordance with section 38 of the Planning and Environment Act, revokes those parts of amendment C069 of the City of Greater Bendigo planning scheme, as gazetted on 22 December 2005, which seek in map 16 to rezone the land at 82–122 Midland Highway, Epsom, and which in clause 21 seek to apply the northern corridor and Huntly local structure plan — so that the people of Epsom and Huntly can be provided with the opportunity for the future planning and development of their area to accord with their true wishes, and this house notes in so doing, that the council of the City of Greater Bendigo has already responded to the overwhelming expression of dissatisfaction by the local community and at its meeting on Wednesday, 1 February, determined to ask the Minister for Planning to not proceed with the parallel amendment, C070, which as of 7 February had not yet been gazetted.

Leave refused.

Mr BAILLIEU gave notice of motion.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 9 February 2006:

- Crimes (Family Violence) (Holding Powers) Bill
- Crimes (Sexual Offences) Bill
- Guardianship and Administration (Further Amendment) Bill
- Liquor Control Reform (Amendment) Bill
- Prahran Mechanics' Institute (Amendment) Bill
- Terrorism (Community Protection) (Amendment) Bill.

In putting forward this motion we are identifying the government program for this week, which consists of

some six bills of varying degrees of complexity. However, the sum total should provide an adequate work program for the Parliament during the course of this week.

Given that the government has foreshadowed amendments to the Terrorism (Community Protection) (Amendment) Bill, it is our intention not to proceed with it immediately. When those amendments are available, with the cooperation of the house we will seek to table them in order to give members of Parliament sufficient time to examine and understand them before bringing back the bill for debate possibly on Wednesday or Thursday. In that context, I commend the motion to the chamber.

Mr THOMPSON (Sandringham) — While the opposition does not oppose the government's business program, it should be recorded that the Terrorism (Community Protection) (Amendment) Bill has been on the notice paper since last November. The bill will impact significantly on the rights and freedoms of Victorians in the future. As a result of the wisdom of the chair and the executive officer of the Scrutiny of Acts and Regulations Committee, it held a public forum at which a number of concerns were raised.

The shadow Attorney-General has carriage of four bills this week, including this bill. I trust there will be sufficient time for the opposition to take on board the amendments and that there will be time for an appropriate briefing and for appropriate consideration of the terms of the bill, which is one of the more significant pieces of legislation in Australian history in terms of its removal of rights and the balancing of those rights against the counterbalancing goal of community protection.

In agreeing to the government business program the opposition requests sufficient time for an appropriate opposition briefing and an appropriate time to enable these matters to be considered by the opposition.

Mr MAUGHAN (Rodney) — The Nationals will also not be opposing the government's business program. It is a reasonable workload for the week and the party does not object to it. However, as the member for Sandringham has just pointed out, the terrorism bill is very significant legislation about which the public is quite understandably concerned. Members of The Nationals are concerned that a bill which has been before the house since it last adjourned is now being amended by the government even before it starts to be debated. We appreciate the time given to wait for the amendments to come through and hope we will be adequately briefed on what the amendments entail prior

to the bill being debated. This important piece of legislation is being changed before it even gets to be debated in the house, which indicates some incompetence on the part of the government in getting its legislative program together. Likewise the channel deepening bill has been sitting on the notice paper since December 2004.

An honourable member interjected.

Mr MAUGHAN — It has been there for quite some time, and one wonders when the government is going to bring it on. It is currently no. 14 on the notice paper and has been listed for quite some time. This side of the house would like to get on with debate on that legislation; we would like to debate the bill and would like some indication in due course of when the government wishes to debate it. I suspect we will not see that bill this side of the next election. The program this week is a reasonable one and we will not be opposing it.

Mr PLOWMAN (Benambra) — I ask the leader of government business to give the house an assurance that, because of the importance of the Terrorism (Community Protection) (Amendment) Bill to our community, this debate will not be guillotined on Thursday if there is not sufficient time for the bill to be debated.

Motion agreed to.

MEMBERS STATEMENTS

Police: Olinda station

Mr MERLINO (Monbulk) — On 25 January I was very pleased to announce that the new Olinda police station will be constructed at the former post office–Telstra site on the corner of Mount Dandenong Tourist Road and Olinda-Monbulk Road. This is a wonderful location, as it is in the heart of the township with great visibility and access for local residents, businesses and visitors to the region.

In the lead-up to the 2002 election one of the key issues raised with me was the need to build a new police station in Olinda. As members may recall, the old station was effectively closed down by the previous Liberal and National party government and left to decay. It did exactly the same thing with the station in the seat of Evelyn. In 2002 the Bracks government committed to building a new police station in Olinda during its current term, and the state budget handed down last year provided funding to Victoria Police to

do this. The new station will also be next door to the local Country Fire Authority brigade and will create a central hub for emergency operations. Victoria Police has lodged a planning application with the Shire of Yarra Ranges, and I have encouraged residents to submit their ideas during the planning process.

The community has made it clear that the design of the new station blends in well with the streetscape of Olinda and the character of the Dandenongs. Extensive landscape works to be undertaken on the site will further enhance this very prominent site in the village. As soon as the planning process is finalised, construction will begin and is expected to be completed by the end of the year.

Planning: Point Lonsdale development

Mr BAILLIEU (Hawthorn) — A major residential development proposed at Point Lonsdale will add more than 800 dwellings to this small coastal village and increase the size of Point Lonsdale by nearly 50 per cent. The plan involves subdivision of largely rural land and includes and crosses Ramsar connected wetlands. But this plan is everything the government says it should not be. The development significantly breaches existing town boundaries, erodes coastal spaces between Bellarine villages, contradicts the Bracks government's coastal policy, threatens internationally recognised wetlands, and is strongly opposed by local communities and by the Borough of Queenscliffe.

A packed public meeting attended by an all-but-silent environment minister overwhelmingly criticised the plan. The proposal abuts the borough, but is within the territory of the City of Greater Geelong. The plan requires a planning scheme amendment. The planning minister should say no to this proposal now. The minister cannot say he has no role at this stage. In November 2004 the government changed the law, and as a result no planning scheme amendment can be prepared without the prior approval of the minister. The member for Bellarine has been silent on this proposal, the Minister for Environment has been silent, and the Minister for Planning has been silent. The people of Point Lonsdale want an answer now. Trying to delay this decision until after the election is not acceptable. On 21 May 2005 the minister's media release claimed 'inappropriate developments along the coast will not be tolerated'. Does the planning minister regard this development as appropriate? Why the silence? The minister must say no now.

East Bentleigh Primary School: Warming Up for the Games Day

Mr HUDSON (Bentleigh) — Late last year a Warming Up for the Games Day was held at Caulfield Park. It was organised by the Glen Eira City Council and funded by the state government. I think we all know there are only 36 days to go to the Commonwealth Games, which is going to be a great sporting and cultural event held in Melbourne. A fun run and gala sports day was organised to create interest in Melbourne 2006 and to encourage local participation in physical activity. The program included a fun run and sporting demonstrations in netball, lacrosse, soccer, cricket and bowls. As part of the program, fun runs were organised for different age groups, including schoolchildren. The school challenge was a 2-kilometre run, with nine local schools participating.

East Bentleigh Primary School, in my electorate, won the fun run. The school fielded four teams and I would like to particularly congratulate Eric Lenguel, Bo Phillips, Leo McComb, Luke Bull, Emily Gilder, Danielle Sziller, Corey Highland, Alexis Arias, Taig Bell, Arden Taylor, Jal Calvaural, Nicholas Malorana, Sarah Ianso, Natalie Fernandes, Kathleen O'Brien, and Stephanie Meede. They all participated and did an excellent job. As a result of winning the fun run, East Bentleigh Primary School received a cricket clinic with the Victorian Bushrangers cricket team. Congratulations and well done to East Bentleigh Primary School.

Murray River: irrigated agriculture

Mr MAUGHAN (Rodney) — Irrigated agriculture has been under sustained attack from environmentalists and others who have used selective information to argue that the Murray River is dying and in a terminal state of decline and that irrigated agriculture is the cause and should therefore be reduced to restore river health. I remind the house that Australia's economic development and current high standard of living was based on exports of agricultural products, much of which came from irrigated agriculture, and that the annual economic output of the Murray–Darling Basin, which is based on irrigated agriculture, now exceeds \$25 billion. Last week I saw first hand some of the significant improvements in irrigation efficiency on farm through the use of the pipe-and-riser system, which utilises partially recycled polyethylene pipe to replace open channels on farm and delivers water to the top of laser-graded irrigation bays so that the water will flow quickly and evenly down the bay.

The overall benefits of this system include water savings on perennial pasture of 10 to 25 per cent, increased production of 10 per cent or more, elimination of water losses and seepage from channels, and reduction in labour costs. This technique, if applied across the whole of the Murray–Darling Basin, would save in excess of 1000 gegalitres of water per annum. This is just one of many ways in which farmers are continuing to improve their efficiency of water use, thereby increasing productivity, reducing salinity, and ensuring the sustainability of river systems and irrigation systems that contribute so significantly to Australia's high standard of living.

Bushfires: Brisbane Ranges

Mr LONEY (Lara) — I wish to pay tribute to all who were involved in the fight against the Brisbane Ranges bushfires and the defence of the township of Anakie and the surrounding district — in particular, the Country Fire Authority (CFA), the State Emergency Service, Victoria Police and staff from the Department of Sustainability and Environment and Parks Victoria. I would also like to pass on my congratulations on the coordination effort involved in fighting the fires. At its height a significant number of brigades and hundreds of people on the ground were fighting these fires. Unfortunately there were large losses of property, stock and wildlife, but fortunately no loss of life in these particular fires. However, I take this opportunity to pass on my sympathies to the Wilson and Day families and their communities.

I would also like to thank those who provided relief and other services to the community, especially during the period of evacuation. In particular I thank staff from the Department of Human Services, the City of Greater Geelong, and the wide range of community organisations whose members participated. I also pay tribute to members of the community itself, not just for their courage during the fires, but for their great attention to fire prevention and mitigation measures prior to these fires. A senior CFA officer told me that it was an outstanding effort and greatly reduced the losses. Again, my congratulations and thanks to all those concerned in that fight.

South-West Coast electorate: capital works

Dr NAPHTHINE (South-West Coast) — South-west Victoria has missed out on getting its fair share of state-funded capital works in recent years. South-West Coast electorate was completely forgotten in last year's budget. Key projects in south-west Victoria are therefore well overdue for funding in the upcoming 2006–07 state budget. These projects include the need

to redevelop the Warrnambool hospital, particularly to replace wards currently operating that were built in the 1930s and 1950s and are well past their use-by dates in terms of patient care and staff amenities. The government also needs to fund the redevelopment of the Port Fairy Consolidated School. We need genuine funding for the total project. Too many hospitals and schools have funding for planning and not enough to actually build what is on the plans.

We need funding to complete the natural gas connections to all of Port Fairy. The current plan only covers two-thirds of Port Fairy. We need to connect the whole of Port Fairy to natural gas. At the same time there is a unique opportunity to connect the Heywood township to natural gas, as the Heywood pulp mill will at its expense bring natural gas to the edge of the township, and if we can get capital works funding from the state government to connect the rest of Heywood to natural gas, it would advantage that whole community.

We also need a significant state contribution, with the federal government, to develop the north-west corner project for the commercial fishing industry in Portland Bay. A new headquarters is needed for the State Emergency Service and for the ambulance service in Warrnambool, and we need funding for a multipurpose emergency helicopter for south-west Victoria.

Bushfires: Seymour electorate

Mr HARDMAN (Seymour) — I rise to offer my thanks and appreciation to the many people involved in fighting bushfires across the Seymour electorate during January. Our firefighters' combined efforts helped save many lives and many homes across the Kinglake, Yea and Glenburn areas — indeed, at Yea the fires burnt right up to the backyards of people in the township. The Highlands community is also part of the Seymour electorate, and I know the people of that community would like to extend their appreciation and condolences to Trevor Day's family, who have made the ultimate sacrifice, as well as to all the volunteers who helped save their community.

Visiting fire-affected areas and the incident control centre in Alexandra it was fantastic to see first hand the cooperation and sharing of knowledge and resources by the state government agencies to manage the fires. The courage, dedication, expertise and effort shown by Department of Sustainability and Environment personnel and Country Fire Authority volunteers and staff in fighting the fires over many long, hot and exhausting hours were extraordinary. Red Cross volunteers, many other local community members from Murrindindi shire and state government agencies such

as the police and the ambulance service also put in fantastic efforts supporting the firefighting. This was made very clear by the firefighting teams I spoke with.

Congratulations must go to UGFM and the ABC, which communicated up-to-date information to residents on the status and position of the fires. I think people in fire-prone areas can be confident that our firefighting teams are well prepared for bushfire dangers this season. It is great to see the bushfire task force getting out there in a timely fashion, looking for practical ways to offer assistance — —

Police: Mornington

Mr COOPER (Mornington) — On 1 February I received a letter from the Minister for Police and Emergency Services telling me that police numbers at the Mornington police station have increased by 19 per cent. This claim came as a surprise to me and the community in the Mornington electorate. It came as an even bigger surprise to the police personnel stationed at Mornington. They immediately instituted a search party to find those extra police! To this moment that search has been unsuccessful. I have been reliably informed that the number of police stationed at Mornington police station today is exactly the same as the number stationed there in 2000.

There has not been any 19 per cent increase, as claimed by the minister, because if that had happened it would have meant that Mornington police station had an additional eight police officers. Vandalism, threatening behaviour, assaults and many other forms of antisocial and dangerous behaviour are causing enormous concern in the community I represent. My constituents have an expectation that this government will do something positive to deal with those issues. The written advice to me from the Minister for Police and Emergency Services is not only erroneous, it is a deliberate and calculated lie designed to deceive the people of my electorate. The truth has caught him out, and the facts reveal exactly how mendacious he has been.

Gembrook electorate: caucus conference

Ms LOBATO (Gembrook) — Last week I had the pleasure of welcoming the Bracks government to one of the most picturesque townships in Victoria — beautiful Warburton in the Upper Yarra — to participate in our annual caucus conference.

Coinciding with the visit of caucus was the announcement of a new \$10 million community building initiative, through which the Upper Yarra,

including Warburton, Millgrove and Yarra Junction, will receive an initial funding injection of \$110 000. This is a tremendous boost to the many committed local people who are identifying projects that can turn around the health and employment status of the underprivileged in the area and who are now part of a program that will assist them with their valuable work.

This project is indicative of the Bracks government's commitment to improving both the economic and social status of regional and rural towns such as Warburton. These improvements were witnessed by the Minister for State and Regional Development, who took the time to inspect the unique Warburton business enterprise centre, which is helping new businesses become established as well as providing ongoing support to fledgling ones.

I was delighted with the keen interest shown in the area by MPs from across Victoria. We joined the Shire of Yarra Ranges Council in a community lunch, allowing MPs to meet with residents and business people from across the municipality and to discuss ways the government can continue to address matters of social equity and continue to work towards creating a fairer Victoria. The lunch was enjoyed inside one of the focal points for the town — the Upper Yarra Community Arts Centre. We managed to squeeze some recreation in as well.

Members of the Yarra Valley Soccer Club were thrilled to welcome the Minister for Sport and Recreation, the Honourable Justin Madden, and Karak to their new home in Millgrove. As well as a dose of sport, culture was also on the agenda.

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

Rabbits: control

Mr WALSH (Swan Hill) — On behalf of eight Landcare groups in my electorate I raise again the issue of 1080 poison carrot baits for rabbits. Statewide, the Department of Primary Industries (DPI) has replaced the highly effective carrot baits with oats. The minister claims that oats are preferable because they are more easily stored, transported and used. I have not seen any evidence that the oats actually work better than carrots. The argument that rabbits find them more palatable than carrots is speculative nonsense.

I ask the minister: if he were a rabbit and the ground was strewn with grain left behind after a recent harvest, would he go for yet more grain or would he prefer freshly cut, juicy, bite-sized carrot pieces? This decision

is really being driven by the minister's downsizing of his department. There are now too few field staff to prepare and handle the carrot bait for land-holders, despite the fact that managing carrot bait is simple and efficient.

In a nutshell the oats are easier for overworked staff in a department that has been cut to the bone. Eight positions in the Mallee have gone. There are now no DPI staff located anywhere in the vast Shire of Loddon. Swan Hill's DPI regional office is operating on a skeleton staff. As DPI staff disappear throughout my electorate, rabbits and weeds multiply. Shame, Minister Cameron, for not supporting the Landcare groups in my electorate in their efforts to control rabbits!

Roberto Villarreal

Mr LANGUILLER (Derrimut) — I am proud to place on record the fact that I recently hosted in Queen's Hall an exhibition of the art work of Mexican painter Roberto Villarreal. The Viva la Vida Mexican exhibition once again demonstrated that in the universal language of art and culture there are no boundaries.

Viva la Vida was the first of a series of events that the Embassy of Mexico and Victoria's Mexican Cultural Association are planning for 2006 to commemorate the 40th anniversary of diplomatic relations between the two countries. The painter's work shows a fusion of Western and Eastern art. It is a magic combination of Mexican topics with a Chinese-Mexican painting style. I want to thank and commend the work of Mexico's ambassador, Martha Ortiz de Rosas, represented by Patricia Fiello, Pedro Chan, president of the Mexican Social and Cultural Association of Victoria, Vivian and Russell Walker, Elios Lopez and Luis Lopez, and Guadalupe Sabolic.

I wish to commend Roberto Villarreal, who was born in Mexico City in 1958. For the last 14 years he has lived in a number of countries, including Brazil, Mexico and Singapore and other Asian nations, where his art has evolved, incorporating international and local influences that can be seen in the exploration of new materials, themes and textures that characterise his beautiful work. We were very privileged in the Parliament to have enjoyed an exhibition of Mexican art in Queen's Hall.

Government: advertising

Ms ASHER (Brighton) — I wish to condemn the Labor government's appalling waste of taxpayers money in allocating \$5 million in this election year for major project spin alone. I also wish to warn Victorians

that much of the government's spin is false and that they should not be misled.

For example, the Minister for Major Projects told Parliament on 24 May 2005 that 6000 people attended the synchrotron open day. That day was a waste of \$120 000 of taxpayers money on a giant sausage sizzle. The Treasurer then told Parliament on 14 June 2005 that 12 500 people attended that day. In two weeks the number more than doubled! Now the Minister for Major Projects has claimed in a taxpayer-funded glossy magazine, in a personally signed 'Message from the minister', that 20 000 people attended the synchrotron open day. Clearly the numbers for the open day have only swelled in both ministers' imaginations.

I urge all Victorians who look at this glossy, taxpayer-funded documentation that the message is likely to be false. The fact is that every single major project is either late or over budget, or both. Even \$5 million of taxpayer-funded spin in an election year will not change that for the Labor Party.

James Shaw

Ms LINDELL (Carrum) — I would like the house to join with me today in congratulating a young man from the Carrum electorate, James Shaw, who was named as the City of Kingston's young citizen of the year for 2006 at a ceremony on Australia Day. James is a young man who had been attending Mordialloc Secondary College and who just this week transferred to Sandringham Secondary College to complete his Victorian certificate of education studies.

He is a remarkable young man, because for the last four years he has volunteered every day of every school holidays to work for the Meals on Wheels service in the Kingston area. He is a Venturer scout and volunteer cub leader who has a real dedication to his local community. He is a member of the Friends of Mordialloc Creek and helps out with National Tree Day and Clean Up Australia Day campaigns. He is a very active member of my community. I certainly congratulate him on his award and look forward to his ongoing commitment to my electorate.

Bushfires: tributes

Mr WELLS (Scoresby) — On behalf of the Liberal Party I wish to pay a heartfelt tribute to all those who were involved in fighting the recent bushfires across Victoria. Recently the Leader of the Liberal Party and I were joined by the honourable members for Western Province in another place, David Koch and John Vogels, and the Liberal candidate for Ripon, Vic Dunn,

in a visit to Stawell, Ararat and Halls Gap. We were highly impressed by the level of cooperation between municipal councils, the Country Fire Authority (CFA), the Department of Sustainability and Environment (DSE) and Metropolitan Fire Brigade (MFB) firefighters. They all had a job to do and wanted to get on with it. In addition, there were many other people working behind the scenes, contributing their expertise to the logistics.

The emergency centre established at the Ararat council offices had Victoria Police, CFA and State Emergency Service officers, Red Cross representatives and council officers working in a coordinated manner. These people put in long hours, often working through the night, day after day, but you never once heard a complaint from them. A special mention must go to the Red Cross workers, who at a moment's notice received big orders for lunches or night packs. Large numbers of volunteers made sandwiches for hours on end, which they would then pass on to the ever-reliable SES volunteers for distribution at the fire front.

We also pay tribute to the families of these volunteers. A number of the CFA volunteers who we spoke to were from all over the state and from New South Wales. It could not have been easy for their families, with mum or dad having to leave them behind to fight the fires for days on end.

Finally, to the CFA volunteers who acquitted themselves so well in a dangerous situation, we pay a special thanks, and to the CFA, DSE and MFB firefighters — —

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

Oakleigh: older persons unit

Ms BARKER (Oakleigh) — I was very pleased to join the Minister for Housing in the other place, Ms Broad, in November last year to officially open 11 older persons units in Oakleigh. The development, construction and opening of these units is a commitment I am very proud of. The units are on the site of the former Oakleigh police station in Atkinson Street, Oakleigh. While the site had been declared surplus to asset and potentially would have been sold off, we have worked very hard as a government to, firstly, indicate our commitment to retaining the site for a community-based purpose and then determining the best use for the site.

There is no doubt that there was a very high demand for older persons accommodation in the Oakleigh area, and

I thank the previous Minister for Housing, Minister Pike, for her work to ensure that our vision for older people in need of safe and comfortable accommodation in the Oakleigh area was started, and now it is being completed under Minister Broad.

The complex consists of 4 two-bedroom units and 3 one-bedroom units. Another four homes each have a living area which incorporates a recessed alcove, ensuring spaces for those very important visits from grandchildren or family members. It was very obvious that many people in the local community wanted to see the original 1930s art deco police station retained, and this has been done within the redevelopment, along with retaining part of the 1970s police office building.

I thank Loriana Homes of Oakleigh, which undertook the development and which has done a fantastic job in retaining the look of the original police station, coming in on budget and completing the \$2.5 million development on time and with minimal disruption to neighbours.

I would also like to thank the Office of Housing for its support and hard work. In particular I thank Colin Nicholls and Ananda Ganeshan from head office and Darren Rooth, who is the manager of the southern region of the Office of Housing.

Werribee Mercy Hospital: staff

Ms GILLETT (Tarneit) — Last Tuesday, Wednesday and Thursday I spent a great deal of time at the Werribee Mercy Hospital, assisting a very special constituent who found herself in some very difficult and distressing circumstances. I want to place on record my profound gratitude to some very special women who work at the Werribee Mercy Hospital and to two of my own workmates, Deborah Hannan and Marie Britain, without whom I could not do my job on a daily basis and who were on this particular occasion of enormous support and assistance to me and to our constituent. At the hospital we worked very closely to provide support and assistance to this special constituent, and I am pleased to report that we are hopefully on the path of some successful outcomes for her.

The circumstances we were dealing with were complex and extremely challenging, but these wonderful women gave freely of their professional talents and their magnificent compassion and empathy, and I would publicly like to thank and pay tribute to them. They are Diana Gilbert, a social worker at the hospital; Anne Ingram, a social worker; Charmayne Long, nurse unit manager for ward C3; and Kate Murray, the deputy

director of nursing. They are sensational women who work in a sensational hospital. It was my pleasure working with them, and they have my eternal gratitude for the work we were able to do last week.

Bushfires: Moondarra

Mr MAXFIELD (Narracan) — I would like to place on record my condolences to the Wilson and Day families in regard to their most tragic losses. As the Moondarra fire occurred predominantly within my electorate, I want to place on the record in this house my thanks to all those who fought in those fires, protected assets and protected our community. They include staff and/or volunteers in the Department of Sustainability and Environment, Parks Victoria, VicForests, the Country Fire Authority, St John Ambulance, the Baw Baw Shire Council and many other community organisations.

They provided wonderful support in the firefighting effort, as did, of course, those who helped to sustain the firefighting effort — for example, at the Newborough football oval, where we had the staging ground. In Moe, as another example, I myself as a firefighter had many meals at the RSL club there. I know other facilities in the town also helped to sustain the firefighting effort. At one stage McDonald's had several minutes' notice that about four buses full of people were turning up for breakfast out of the blue. McDonald's handled that magnificently.

Many people assisted with the firefighting effort, and as the local MP I want to thank them very much. I also want to thank those local firefighters who fought the fires and stayed on their trucks to help the community when their own homes were under threat. I want to say how proud I was as a Country Fire Authority volunteer to fight alongside such wonderful people. They did a magnificent job.

Banyule: councillor

Mr LANGDON (Ivanhoe) — I advise the house today of recent events which highlight to me the author of the unscrupulous, anonymous, gutter leaflets attacking me which were sent to all members of Parliament late in 2004. A similar leaflet was issued to all members of the ALP within the Ivanhoe electorate in the week prior to 22 May last year. Members may recall that in the *Sunday Age* of 22 May an article appeared regarding Dale Peters and the Victorian Emergency Relief Fund, of which he is the director, and an independent investigation of the fund by Consumer Affairs Victoria. All members will no doubt recall the email they received last week from Cr Peters — on

31 January — urging every member to read a *Herald Sun* article the following day. Cr Peters was in effect taking credit for this supposedly earth-shattering news story.

Now unbeknownst to me at the time, Cr Peters had been interviewed by Channel 7's *Today Tonight* some time prior to the last attack. The *Today Tonight* program interviewed Dale Peters regarding the Victorian Emergency Relief Fund. To say the least, the program showed Cr Peters up for what he is. It is more than a coincidence that just prior to each time Dale Peters is named in the media for his involvement with the Victorian Emergency Relief Fund, I am subjected to extraordinary attacks. I believe it is obvious to everyone that Dale Peters attacks me via the media in an attempt to direct attention away from his own misdeeds and that he is the one responsible for the gutter leaflets. It has also become more obvious to me that Mr Forwood in the other place is still also heavily involved with Dale Peters. All I can say is that if you lie down with dogs, you will get up with fleas!

Devilbend Reservoir: conservation reserve

Ms BUCHANAN (Hastings) — The greatest decision affecting the biodiversity of the Mornington Peninsula for the next 50 years was made on 19 January with the announcement that Devilbend Reservoir at Tuerong would be retained in public ownership as a conservation reserve. This landmark decision has been wholeheartedly endorsed by numerous community environment groups, with which I have had the privilege of working to realise this vision for this 100-plus hectare site. Supported by Mornington Peninsula and Westernport Biosphere Reserve Foundation chairman and committed environmentalist Rob Gell, Trust for Nature spokesperson Mike Gooye and Parks Victoria spokesman Stuart Ord, this decision hails the beginning of an important long-term partnership between the Bracks government and the community to make Devilbend the showpiece for biodiversity enhancement and bushland regeneration in Australia.

A thorough community consultative process underpins this nationally significant decision. Over the past three years I have had the humbling experience of working with hundreds of local residents and interest groups to achieve this world's best practice sustainability outcome, and I look forward to working even harder with Parks Victoria, the great residents of the Mornington Peninsula and the Devilbend friends group to progress this plan. Sound and visionary planning has again been achieved for the Mornington Peninsula with this decision from Minister Thwaites, and I am

humbled to be part of the Bracks government, which has truly, with this announcement, governed very well for all Victorians.

Craig Forster, Max Anderson, Brian and Richard Cumming, David Minton, Chris Smyth, the Department of Sustainability and Environment, the Department of Primary Industries, Jack Krohn and the members of the Thwaites-appointed community reference group have all done a sterling job throughout this process. I commend all these people for their love of Devilbend.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Keilor has 1 minute and 10 seconds.

Roads: Keilor electorate

Mr SEITZ (Keilor) — I rise to place on public record my thanks and the thanks of the Keilor electorate to the Minister for Transport. Towards the end of this year the Keilor electorate will see a lot of activity. One project is the duplication of Kings Road to the tune of \$20 million, which is needed to provide a link between Ballarat Road and the Calder Freeway. The only thing is, we are still waiting on the federal government to commit its share for the overpass at the Calder Freeway, which is a federal arterial road. It is very reluctant to come forward with the money. I urge not only the Minister for Transport but also the Treasurer and the Premier to take up with the federal government the need for improvements to the Calder to provide safe access.

The minister has now spent some \$450 000 on permanent works to make it safer for people to turn left or right onto the Calder Freeway when coming out from the Keilor electorate. It is a temporary measure; however, it is safety we are considering — —

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

PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL

Second reading

Debate resumed from 27 October 2005; motion of Mr THWAITES (Minister for Environment).

Declared private

The ACTING SPEAKER (Mr Ingram) — Order! The Speaker has examined the Prahran Mechanics'

Institute (Amendment) Bill and is of the opinion that it is a private bill.

Mr CAMERON (Minister for Agriculture) — I move:

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

CRIMES (SEXUAL OFFENCES) BILL

Second reading

Debate resumed from 16 November 2005; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — It is good to be back in harness for the next four bills. While this bill does not deal with any matters of real significance in relation to amendments to a number of acts, it deals with a very important matter — the way sexual offences are treated by our court system. This bill makes a number of amendments to the Crimes Act, the Magistrates' Court Act and the Crimes (Criminal Trials) Act. It protects the most vulnerable people coming before the courts — those witnesses who, because they are children or because of a cognitive impairment, lack a necessary capacity that adults would normally have.

According to the government it has brought on these amendments as a result of the recommendations of the Victorian Law Reform Commission in its discussion paper, *Sexual Offences — Law and Procedure*, following its review of sexual offences law.

The member for Scoresby, who will speak after me, will go into a bit more detail about the high incidence of sexual assault and the low disclosure rate, as did the minister in his second-reading speech. However, flowing from the low prosecution and conviction rates are the serious health consequences for the victims of sexual assault. We can hypothesise about the reasons for those low rates, but the fact is that these statistics should be a matter of concern for all members of this place, and the opposition certainly welcomes the amendments that seek to address them.

A number of amendments are being made to the conduct of criminal trials. Firstly, they will reduce the impact of the process on children and people with

cognitive impairments. The traditional committal hearing is clearly a very important part of the criminal trial process and the first opportunity for a court to test the evidence of the prosecution. That children and people with cognitive impairments may have to come back again and again to give evidence and then have to go through the process of being cross-examined in a criminal trial matter is of profound concern and has accordingly been identified by the law reform commission as an area of concern. As a result the government has moved to ensure that the evidence necessary for the conduct of a criminal trial be given on the one occasion. Indeed in certain circumstances identified by the court the evidence-in-chief of a child or a person with a cognitive impairment may be prerecorded and played in open court.

Also there is a concern that a witness who lacks the capacity I have been talking about may be traumatised by the cross-examination of the defendant in person. The processes provided for in this bill will enable a court to prevent that and, if necessary — such as during cross-examination and the testing of evidence by defence, which is clearly an important part of the process — appoint an amicus curiae to conduct that cross-examination and have the cost paid by Legal Aid Victoria. It will ensure that an accused person will still be entitled to cross-examine a witness, but not in person, which could perhaps perpetuate the trauma of the original sexual assault, if that is ultimately proved to have occurred. At present the process could involve the accused's cross-examining the witness. That cross-examination will now have to be conducted by an amicus curiae.

The bill also provides for the use of remote evidence, which is my term and not necessarily the term set out in the bill. The use of remote evidence has certainly been a well-known feature of the law since the introduction of videoconferencing. It is now a common procedure for witnesses to give evidence from remote locations, whether in the precincts of a courtroom, a courthouse or elsewhere. Before 1999 I participated in trials during which people gave remote evidence by videoconference right around the country.

In the commonwealth Administrative Appeals Tribunal it was common practice to have that done by telephone and not by way of videoconferencing, but now there will be an absolute right for children and people with cognitive impairments to give evidence from remote locations. It has always been done at the discretion of the court, but as I understand it this bill provides that there will be a right for a witness who lacks the necessary capacity to give evidence this way and to be given the support of a third person nominated by the

witness. Such third parties will not be officers of the court or otherwise; they will be there to provide support. Again, as I understand it, in many cases that is currently the situation, but this bill provides for its being a specific right rather than leaving it to the court to exercise discretion in that regard. Having said that, I stress that it is not uncommon for such support persons to be accommodated in the conduct of trials.

I think it is critical that the person not have an interest in the outcome of the case *per se*, or indeed be able in any way to coach a child or a person with a cognitive impairment during the course of their evidence. The ability to have a third person present would extend to a decision that the person makes to have evidence provided in court — if that was necessary, that third person could be present during that process. I am sure members would be aware that giving evidence is a traumatic experience at the best of times. It is difficult, it can be quite confronting, and the impact of it should be reduced.

The government has moved to formalise through a direction in the act the system whereby a judge may prevent any form of inappropriate questioning — it could be harassing or perhaps delving into areas that are irrelevant — from occurring. In my experience a court has always been alert to a young, or perhaps even an old, enthusiastic barrister perhaps going beyond the sense of propriety. I was often pulled up in my career. I remember on one occasion getting quite a stern lecture not only in the precincts of the court but also privately later on from a judge who took the view that my cross-examination — it was not of a child, it was an elderly lady who was dying of cancer — overstepped the mark. It is part and parcel of the process I have been aware of. While it is clear, it is a categorical statement and it has been part of the law, stating it in an act of Parliament is an important process.

There is now an exemption from the traditional hearsay rule. The hearsay rule is a critical part of the laws of evidence in this state. It provides that the best evidence of a particular activity is the only evidence that will be admitted. Hearsay, being evidence of out-of-court statements or statements by third parties or others, will now be admissible in evidence. While there are a number of exceptions to the hearsay rule — something in the nature of *res gestae* is a clear exception — this is a specific exception that out-of-court statements by a child or a person with a cognitive impairment about the particular offence which is being dealt with are admissible into evidence and the fact not just of the conversation but of the contents of that conversation by a third person will be admissible.

A number of new offences have been provided for in the legislation. The changes increase the obligation on those people who come into regular contact with children, such as teachers and others, and those who attend people who suffer from a mental impairment. That is a step in the right direction.

It is important to note that we have a beefing up of the offences relating to those people who trawl for or groom young people to participate in sexual activity. We would always be concerned about those people. Colleagues of mine have approached me and expressed concerns raised with them by the police and others that it is very hard to prosecute somebody who is trawling for younger people with whom to engage in sexual activity without the actual offence of that sexual activity occurring. Beefing up the laws relating to what the Attorney-General has called grooming is a step in the right direction.

The opposition supports this legislation, but I note the Scrutiny of Acts and Regulations Committee has highlighted a couple of concerns in relation to the exemption relating to hearsay and also the cross-examination of witnesses. SARC notes the provisions of the international covenant for the protection of human rights and points out it is a fundamental right for a person to be able to conduct their defence to the best ability and in whatever way, whereas it is tempered in this circumstance by virtue of the fact that cross-examination is perhaps moving too far to the point where it is being used as an instrument of oppression against the child or the person with a cognitive impairment giving evidence in that regard.

Accordingly, this Parliament quite properly has stepped in to ameliorate what might be an absolute right and to redefine it to try to strike a correct balance between the right of an accused to a fair trial and to conduct that trial in the way they want to conduct it, and to balance it with the rights of particular people giving evidence. It is again a demonstration that sometimes it is very hard to define rights absolutely, and it requires the power of a Parliament to provide that balance in all the particular circumstances.

I accept what the Attorney-General is saying — that it is an appropriate balancing of the rights of the accused against the rights of witnesses in the circumstances — and accordingly the opposition does support the legislation. I note the SARC report and note that sometimes rights cannot be prescribed absolutely; there will be nuances and it is certainly one of those balancing matters that I think will come out in the right direction. With those remarks, I indicate that the opposition supports this bill.

Mr RYAN (Leader of The Nationals) — The Nationals support this legislation. We do so in circumstances where we confidently reflect the view of the community at large that sexual crimes are an horrendous form of criminal activity. It is the subject of commentary in a variety of forums, often based around the reporting of heinous crimes which may be committed by a variety of individuals in different circumstances. In as much as this legislation is intended to address the very difficult issue of balance between providing a fair trial for those who are charged and enabling the appropriate protections for those who are the victims, I think that is one of its outstanding elements.

During the time I practised law this area was undoubtedly the most difficult in which to be involved. I acted for people who were charged with offences in the nature of those contemplated by this legislation. On the other hand, in other instances I acted for people who had been subjected to the forms of appalling treatment which are also contemplated by the terms of this legislation. In so saying, therefore, I have been involved on both sides of the argument in what are invariably extremely difficult circumstances. I appeared in many committals in relation to these issues, and they were always extremely difficult not only from the perspective of the practitioner but also particularly for those who were directly affected, and most particularly for the person who was the victim of the sequence of events which underpinned the committal hearing.

Given all that potpourri of contradictions, the legislation goes a long way towards presenting a better structure whereby trials in this area of the law will be able to be more fairly conducted. In the end that is the benchmark of the judgment to be made — it is a question of fairness to all the parties involved, and the bill probably strikes the right balance in that regard.

Over the last 15 years various amendments have been made to the legislation. It was changed in 1991 and again in 1999; therefore what we have before us now is an addition to the amended legislation. The legislation is based essentially on recommendations contained in the final report of the Victorian Law Reform Commission. Having regard to the purpose provisions of the legislation, we can see the significant extent to which amendments are being made. There are amendments to the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Evidence Act 1958 and the Magistrates' Court Act 1989 which collectively are intended to make provision for the definition of sexual offences and the giving of evidence in legal proceedings that relate to charges for sexual offences. In that sense, therefore, it is a pretty broad and

encompassing bill which will have a substantial effect upon the way in which these trials are conducted.

Given that one of the appropriate judgments of any society is the basis upon which those who are less fortunate and are disabled either intellectually or physically are able to be cared for, I think this is probably the crucial feature of this legislation: what the bill does is make it easier for children and people with a 'cognitive impairment', as it is defined in the bill, to give evidence in relation to the prosecution of sexual offences against them. I will move to the mechanisms whereby the bill intends to achieve that result but will refer firstly to the definition provisions in the bill in clause 15, which refers to cognitive impairment as including:

... impairment because of mental illness, intellectual disability, dementia or brain injury ...

That is in itself a pretty wide definition, but fairly so. Courts will be involved in interpreting those terms and deciding whether the elements referred to within that definition are satisfied. But given that they are satisfied, we are then talking about instances where persons with a cognitive impairment are affected.

The four areas of influence are set out in the legislation. The bill amends the Magistrates' Court Act so that children and people with a cognitive impairment cannot be required to give evidence at the committal stage of the prosecution of sexual offences against them. That is a worthy initiative. As I said before, I have taken a role in many committals over the years, and it seems to me that committals are running close to having seen their time in this day and age. From the perspective of defence counsel, historically the idea of a committal really was to gain a benefit from a wide capacity for a fishing expedition to enable you to prepare for a more narrowly focused defence at the subsequent trial. I must say there was a certain measure of resignation on the part of any one of us involved on behalf of the defence in a committal proceeding that ultimately the client would be committed for trial. Therefore going into that whole process the mind-set — be it right, wrong or indifferent — was to use the procedure to the utmost with a view to obtaining as much evidence as could be used subsequently at the trial.

Many were the occasions when at the subsequent trial the evidence of a person who had been the victim of a crime was read back to that individual through the witness box. Matters that were the subject of evidence at the committal were then put to that individual at the subsequent trial. I am showing my age now, but going back to a time when restrictions on the extent to which cross-examination could occur were at a minimum, you

could canvass a wide range of factual matters surrounding the crime in question. Committals generally have probably neared the point where they have had their day. Certainly with trials of the nature contemplated by this legislation, such is the case. It is a good thing that there will not be any necessity for the individual in such an instance to give evidence at the committal stage of the prosecution, even if it is that the charge in question is to be the subject of committal proceedings.

The second thing is that the bill amends the Evidence Act in certain respects. It creates a right for children and people with a cognitive impairment to give evidence to the court through alternative arrangements that do not require them to be in the same room as the accused person. The option on offer is that the evidence is able to be seen and heard via closed-circuit television. This is set out in proposed section 41E(1)(a) of the legislation. Again, this is a sensible innovation. In this day and age technology easily permits these things to happen. Therefore once you can be satisfied that the technology will do justice to the needs of the parties, the issue is one of fairness. Again, that is a matter of balance, but the legislation addresses that in the way that it sets out protections for the accused person by allowing them to cross-examine the individual who is giving evidence by closed-circuit television.

These arrangements will allow children and people with a cognitive impairment to have their evidence-in-chief prerecorded once and then played for the court at trial. That in turn will mean that the children and the people with the cognitive impairment will be cross-examined only once, which protects them from having to repeatedly give evidence and to go through the very process I described earlier that historically applied in the committal hearings. It will also, hopefully, address unnecessary delays; and very importantly it will reduce the extent of the trauma caused to the victims of these crimes.

I raise with the government the issue of how this will work in practical terms. This is around the pragmatics of having a witness who gives evidence by video which is then played to the trial then being the subject of cross-examination and in turn being the subject of re-examination by his or her own counsel. If you have regard to proposed sections 41H(7) and (8), as set out on page 40 of the bill, you see that subsection (7) states:

A witness whose evidence is recorded under section 41G cannot be cross-examined or re-examined without leave.

Subsection (8) then states that a court must not grant leave to cross-examine unless it is satisfied that certain

factors apply. I would have thought that a party who is at trial would have an inherent right to cross-examine a witness, just as there would also be an inherent right in appropriate counsel to re-examine a witness. I would like some clarification on that issue.

Apart from the apparent contradiction contained in the legislation about those matters, the other point that is raised is the sheer practicality of how it is going to happen. I have in mind that the witness gives evidence by recorded mechanism, as the legislation contemplates; that is played in the court at the time of the trial; counsel for the accused then presumably cross-examines the witness; and then, if there is a need for re-examination to occur, I wonder about the practicalities of making that happen. I would like clarification from the government about that issue, principally the fact that cross-examination and re-examination should, I would have thought, happen as of right, and then the practicalities as to how it will work.

The third of the four important elements related to this crucial issue is that the bill makes it easier for children and people with a cognitive impairment to give evidence by amending the Evidence Act to create a right for them to have a support person of their own choosing present with them when they give evidence. Again, on balance that is a fair thing to do. I can remember standing immediately adjacent to the dock to assist accused people in the course of the empanelment of juries.

It seems only fair, therefore, as an extension of that general principle, that people who are having to give evidence in those difficult circumstances and who are not fully equipped, in the usual sense of that expression, to be able to look after themselves should have the benefit of having someone with them to lend assistance to the extent that the presence of that person is able to fulfil that role.

The fourth area referred to in the second-reading speech is:

... the bill amends the Evidence Act to protect children and people with a cognitive impairment from confusing, misleading, harassing or inappropriate questioning when giving evidence in sexual offence cases.

Again, that seems to be a fair provision. It is accommodated by proposed section 41F and The Nationals agree with it. As is the case with a lot of things that are now being confirmed by legislation, many of those elements have historically been in the hands of the trial judge, so that the judge has always seen fit to intervene if things are seen to be departing

too far from what is fair. Nevertheless the legislation will put the situation beyond any doubt.

One of the elements of the bill is that through different changes it will make it much easier for children to give their evidence in sexual offence cases. It expands the Evidence Act to allow for additional scope for out-of-court statements made by children to be admitted as evidence. That will become a specific exception to the hearsay rule. I pause to say that one of the reasons why the best barristers are those in the practice of the criminal law is that it soon finds out who understands the rules of evidence. In the course of understanding the rules of evidence, I take off my hat to those who have a complete understanding of the hearsay rule. This will be yet another exception added to the provisions. Again it is appropriate, allowing for the necessity for the court always to have the responsibility for adjudicating on the important issue of balance.

A further amendment to the Evidence Act will make it easier for courts to assess the competence of children and people with a cognitive impairment to give sworn or unsworn evidence. Again that is an important issue. It will ensure that where a child is not competent to give evidence in general nevertheless the court may determine that there are some matters in relation to which a child can give evidence that is able to be understood and that should therefore be heard by the court. Therefore the judgment will need to be made by the trial judge as to whether it is an apparently simple issue about which evidence can be given without any difficulty, as opposed to the circumstances where some complications are involved and it is just beyond the understanding of the child or the person suffering the cognitive impairment.

For example, whereas interpretations or relating the content of particular conversations with those individuals might be too difficult for the person to be able to recall in a sequential sense, on the other hand that person might readily be able to say something about the speed of a motor car. There is the issue of a comparison between a collective of potentially complicated fact circumstances as opposed to a single fact circumstance that is easily understood.

Various other amendments are contained within the legislation. I will not recite them chapter and verse, particularly because of the issue of time. Suffice it to say that this bill taken as a whole will add additional protections for children and those with cognitive impairment. It will be a better step along the way of making certain that those people, who are amongst the most vulnerable in our community, are afforded appropriate protections under our system of justice.

It will strike that important balance between on the one hand ensuring that that happens and on the other hand ensuring that there is a fair trial for the person who is charged. Without being glib about this, some of the easiest allegations that persons with an axe to grind can make are that they have been subjected to sexual mistreatment by some individual or other. And it is sometimes — indeed often — very difficult for that assertion or charge to be defended by the person who is the subject of it. That is why this form of legislation is very important — it seeks to get this question of balance right and to do justice to all concerned. We support the bill.

Mr WYNNE (Richmond) — I support the Crimes (Sexual Offences) Bill and welcome the support of the Liberal Party and The Nationals for the reform. Attending a criminal court proceeding as a witness can be a harrowing experience at the best of times. As the Leader of The Nationals indicated from the experience he gained during his career at the bar, it is quite traumatic, as witnesses are often subjected to intense cross-examination that tests every aspect of their evidence.

Of course this is a proper thing in our adversarial legal system, and is precisely as it should be. Where a defendant's liberty is at stake, our system provides the fullest opportunity to test the evidence against that person. However, in some circumstances those characteristics of our system can in my view and in the view of the government operate against the better interests of justice. Many eminent legal authorities have increasingly recognised that victims of sexual offences in particular can suffer further trauma through the trial process. Indeed the Victorian Law Reform Commission's landmark report on sexual offences found that in some cases this trauma contributes to a lower reporting rate of sexual offences and certainly contributes to the reluctance of witnesses to give evidence.

It is important that I pause at this point to give appropriate recognition to the Victorian Law Reform Commission, which has been, by any measure, a powerhouse of reform in the law. Under the leadership of Professor Marcia Neave and her part-time commission, and with the assistance of experts in the law, criminology and social policy generally, the commission must be seen as one of the great success stories of the Bracks government and a vital aspect of this government's reform package. Some serious issues have been canvassed by the commission, which rightly views sexual crimes in particular as some of the most abhorrent. It has been demonstrated that our system could be improved for the victims of those crimes.

The bill will amend the Evidence Act 1958 to improve the procedures for giving evidence in sexual offence cases. In particular, clause 35 will introduce a new section 37CA into the Evidence Act, which will prohibit victims being cross-examined by sexual offenders who represent themselves.

There was a most extraordinary and venal case in the United Kingdom where a sexual offender cross-examined a victim for six days, wearing the same clothing that the person had worn during the commission of the crime. It was an extraordinary example of the legal process being used completely inappropriately, and clearly it further traumatised the victim in that case.

Obviously after the passage of this bill this form of cross-examination will be prohibited. Under these reforms defendants who represent themselves may direct their questions to a barrister who will be specifically appointed by legal aid. Other amendments to the Evidence Act that will affect all witnesses include clause 29, which improves the protection of confidential information that complainants disclose to their counsellors; clause 37, which recognises the relevance of expert evidence about the dynamics of sexual assault in such cases; and clause 33, which restricts the consideration and admission of prejudicial evidence against a complainant, such as evidence about his or her previous sexual activity.

Evidence changes specifically also address concerns in relation to young children and people with a cognitive impairment. In addition to the generic amendments to the Evidence Act, the bill introduces specific amendments for children and people with a cognitive impairment who give evidence in sexual offence trials. I believe we have a responsibility to the community to limit the trauma caused to witnesses through the trial process. When it comes to the most vulnerable — children or people with a cognitive illness — our responsibility must be more acute.

Clause 38 amends the Evidence Act, and in particular protection for vulnerable witnesses, by making it easier for courts to assess the competence of children and those with a cognitive impairment to give evidence in the first place, allowing in certain circumstances out-of-court statements to be admitted as evidence, allowing evidence to be given via closed-circuit television and in the presence of a support person, prohibiting confusing, harassing and inappropriate or repetitive questioning, and allowing evidence to be recorded prior to the trial. These seem to the government to be sensible and practical ways in which both the defence and the prosecution can access

witnesses, but in a way that seeks to limit any further trauma, particularly upon the young, the vulnerable and those with cognitive impairments.

The bill makes changes to the Magistrates' Court Act 1989 in relation to the committal process affecting children or people with a cognitive impairment. It also imposes restrictions on cross-examination at clause 41 and introduces time limits to minimise distress at clause 40. These changes are a departure from traditional legal procedures, but having regard to the circumstances of child victims of sexual offence or victims with a cognitive impairment, we believe these departures are necessary and indeed warranted.

Changes to the Crimes Act include a number of amendments concerning the nature of sexual offences. Notably the bill will ensure that what is called 'grooming activities' by paedophiles are included in a definition of soliciting and procuring at clause 18. This is particularly relevant given the increased reporting of children being solicited over the Internet which, of course, is a deeply disturbing manifestation of this new form of technology. The bill will also clarify the types of supervisory relationships covered in sexual offences committed by carers and supervisors, specifically including roles such as employers, teachers and coaches. I direct the house to clause 12 in relation to those matters.

The government has done an extensive amount of work in relation to these matters. This work has been specifically informed by the Victorian Law Reform Commission's landmark report. The judicial college is another important initiative of the government where the judiciary has the opportunity to access further training and support and to maintain a freshness in terms of community attitudes. I am sure that is a help to the judiciary in the execution of its work.

In relation to the matters raised by the Leader of The Nationals, I refer to sections 41H(7) and 41H(8). Subsection (7) states:

A witness whose evidence is recorded under section 41G cannot be cross-examined or re-examined without leave.

The advice I have been given by officers who were with us today is that a person who has given recorded evidence can in fact be further examined by leave of the court.

If you go to new section 41H(8) of the Evidence Act, you see it indicates in paragraphs (a), (b) and (c) when the court will require a witness to be made available for re-examination, so the opportunity is available for the defence or the prosecution to further examine the

witness. I commend this bill to the house as an important initiative of the government.

Mr WELLS (Scoresby) — I wish to make only a couple of points. The Liberal Party has mentioned that it will be supporting the Crimes (Sexual Offences) Bill, which provides that witnesses who lack capacity will have a right to give evidence at a trial remotely as well as by way of prerecorded videotapes, that they can have a person of their choosing present when they give evidence and that they are protected from inappropriate questions. The new offences relating to persons who lack capacity include soliciting and procuring children under 16 or some young people under 18 to take part in sexually indecent activities, such as for use on the Internet. The bill also amends the provisions dealing with rape and incest to ensure that a person who compels another to sexually penetrate a third person is guilty of the new offence of compelling sexual penetration, and the penalty is imprisonment for up to 25 years.

It is interesting to note the key statistics in the final report of the Victorian Law Reform Commission on sexual offences. A Department of Justice survey in 1999 found that only 17 per cent of adult sexual assault victims reported the offence to the police, that the vast majority of rape reports did not result in prosecution and that of the 357 defendants who were prosecuted for rape between 1997 and 1999 only 24 per cent were convicted. Conviction rates for rape have fallen since 1988–89, when 46 per cent of people prosecuted for rape were convicted.

It is also found that overall approximately 7 per cent of reported rapes resulted in the convictions of the attackers, that less than one in seven reported cases of the sexual penetration of a child and incest resulted in prosecution, that of the 258 defendants prosecuted for penetrative offences other than rape — for example, incest and sexual penetration of a child — between 1997 and 1999, only 44.9 per cent were convicted, and that of the 223 accused who were tried for these offences, only 52 per cent pleaded guilty or were found guilty of the offence. These statistics released by the Victorian Law Reform Commission are totally unacceptable, and it is for that reason that the Liberal Party is supporting this bill. Something more drastic has to be done to try to resolve some of these issues involving people not being prosecuted and some cases not getting to court.

The member for Richmond also talked about an unrepresented person being able to cross-examine a victim. I was interested to see in a media release put out by the Victorian Law Commission on 25 August 2004

that in *re Cremmen*, an unreported County Court case of 1987, the accused cross-examined the complainant over four days until the judge ordered him to stop. That case was in Victoria, and it was totally unacceptable. On 17 February 2003, in another unreported Victorian County Court case, *R v. Kerbatieh*, a man charged with sexual offences personally cross-examined two complainants. One complainant gave evidence by closed-circuit television, and the other chose to give evidence in court. Victoria Legal Aid had previously provided legal representation for the accused, but the first barrister was unable to follow his instructions and the accused refused to instruct a second barrister.

Also on 23 June 2000 the *Age* reported a civil action in which a young woman was cross-examined by her stepfather, who had been convicted of repeatedly raping her. She was asked about numerous incidents of alleged rape in a great deal of detail. She was reported to be extremely distressed, despite the fact that she was cross-examined using an audiovisual link.

The member for Richmond also mentioned a case in the United Kingdom. The UK now prohibits the accused cross-examining a witness after a couple of cases in the 1990s where the complainants were intimidated by the accused. With those few points, we think this is good legislation and support the government's push to improve these unacceptable situations.

Ms MUNT (Mordialloc) — I would like to speak today on the Crimes (Sexual Offences) Bill. This bill implements most of the legislative recommendations made by the Victorian Law Reform Commission in its final report on sexual offences law and procedure. It focuses on the most vulnerable of the sexual assault and abuse victims in our community — children and people with a cognitive disability. These are the members of our community least able to protect themselves. It will allow them to give evidence to a court before trial via prerecording and playback arrangements, away from the courtroom, via closed-circuit TV through which they will be able to be seen and heard by the court, without having to be repeatedly cross-examined, with a support person of their own choosing, and without confusing and harassing questioning.

These most vulnerable people will be saved from the trauma of the repeated giving of evidence, hostile questioning or unnecessary, distressing questioning. This will go some way to saving these very vulnerable victims from being re-traumatised through the court process — that is, having to relive the crime or face the accused in an open court. That is hard enough for adults to cope with, let alone small children or people with a cognitive disability.

The bill will make it easier for the evidence of a child to be made available to the court by allowing sexual abuse disclosures of children to be admitted in evidence as a specific exception to the hearsay rule, subject to certain requirements being met. The bill will also make it easier for courts to assess the competence of children and people with a cognitive impairment to give evidence. It will also provide better protection for children and people with a cognitive impairment from sexual abuse by strengthening certain sexual offences.

The changes include the widening of the current soliciting and procuring offences and integrating them into one offence, which is aimed at capturing paedophiles preying on children online — a particularly disgusting crime which seems to be growing; I was just talking about it to the Serjeant-at-Arms — electronically or through other means. The bill also clarifies the types of relationships that are covered in sexual offences against young people by their carers and supervisors through the express inclusion of specific roles such as employers, teachers, sports coaches and others who bring with them particular responsibility, authority and influence over young people.

The bill also provides for a ban on self-represented, accused persons personally cross-examining complainants, which I have heard some previous speakers talking about. Sometimes they have a particular grudge and want to act that out in court, which is also particularly distressing for some of the victims of these crimes, and the ban will prevent that. The bill also places further restrictions on the use of irrelevant, prejudicial evidence about a complainant's sexual history or activities and about confidential counselling communications between victims and their counsellors. That is a very important part of this bill, particularly that which refers to a complainant's sexual history or activities. That has been particularly distressing for some women over the course of court proceedings.

I would like to take this opportunity to congratulate the Attorney-General and the Bracks government for adding to the raft of legislation that has come through this Parliament in support of victims of crime and community safety. I particularly recall — and I am very proud of — the Sex Offenders Registration Bill and the legislation which abolished provocation as a defence for murder.

They are landmark pieces of legislation in this government's history, as is this legislation. Our government has probably been the most progressive government in Australia for putting in place protection

for women and children and for being tough on crime. I believe history will judge this government — and the Attorney-General — as being groundbreaking in its legislation. It is always important that the accused is afforded a fair trial, but I believe this bill will not impact on that basic right. I commend the bill to the house.

Mrs POWELL (Shepparton) — I rise to speak on the Crimes (Sexual Offences) Bill. At the outset I say that The Nationals support the bill. In his second-reading speech the Attorney-General said that the bill is a response to the recognition of the need to improve the way the criminal justice system deals with sexual crime and a response to the final report on this subject from the Victorian Law Reform Commission, which found that there was a high incidence of sexual assault, a low disclosure rate, a low prosecution and conviction rate, and a criminal justice response that causes further trauma to victims, especially children. The commission's final report put forward a number of recommendations which this bill highlights. The bill goes some way towards addressing the needs of victims of sexual abuse, but more has to be done. There must be tougher sentences for people who sexually abuse children and adults. We need to look at the issue of support for minimum sentences.

I want to talk about the violent deaths of sisters Colleen and Laura Irwin, who were viciously killed. The prime suspect is a violent sex offender, Mr William John Watkins. The Irwin family comes from Toolamba in my electorate. The parents, Allan and Shirley Irwin, are popular members of the community, and since the girls were murdered in Altona on 28 January the whole community has been affected. On 4 February, which is my birthday, I attended a funeral with 700 people at the Toolamba community hall. Apart from the funerals of members of my own family, I have never been to a sadder funeral. Photos of Colleen and Laura sat on their coffins.

My husband and I arrived about 45 minutes early. Sometimes when you arrive early at a funeral people chat, but on this occasion people just sat and looked at the photos on the coffins and looked around the community hall and had their own thoughts about Colleen and Laura. Four eulogies were given. We heard about the type of girls they were. They were fun loving, kind, decent and trusting. We heard about their love for each other and for their parents, their family and their friends. They had everything to live for. Colleen would have been 24 years old on Saturday. She was a talented photographer and a lovely girl. Laura had her 21st birthday in November last year. She was in the

media and wanted to be a graphic designer. They were buried together at the Toolamba cemetery.

The next day I met with the parents and with Hugh and Di McGowan, the girls' uncle and aunt. They believe the system failed their two lovely girls. They believe the justice system needs to be reformed to include heavier sentences for people who have a history of violent sexual crime and other violent acts. There is anger in my community that a person with an almost 20-year history of violence should have been given such a lenient sentence. At the end of the day we expect the justice system in Victoria to protect the innocent and not the guilty.

I would like to read from a letter given to me by Allan Irwin. It is headed 'For those who need to hear this' and states:

You must protect the public from criminals.

People who live in a protected society and don't see the results of crime and suffering have no right to be the [ones] who sentence a criminal.

Let the people who have to deal with the horror and pain have a major role in the sentence of the criminal they have to work so hard to catch.

If a doctor who makes the decision to release a criminal with 'low to moderate' danger back on the street and [gets] it wrong, they should be held accountable like everyone else in society.

What [does] 'low to moderate' mean? The following word is, they are a danger. I have lost my two beautiful daughters due to that danger.

Get some input from the people who you put these criminals amongst, not from your protected society. Would you like that monster living next door to your children?

It is signed by Allan Irwin and dated 6 February.

I have an email from Hugh McGowan, an uncle of Colleen and Laura. It reads:

Dear Jeanette,

Thank you for the opportunity to meet yesterday. As you know my wife, Diane — Di — and sons, Andrew and Chris, and I are all devastated by what happened. However, we were heartened with the amazing support of the people of Toolamba and the Shepparton district. They should be proud of themselves.

This tragedy has raised a number of issues that need to be addressed as a matter of priority. They concern the Victorian judicial system, which utterly failed the Irwin family, and as a direct result Colleen and Laura are dead.

I understand those who stray on the wrong side of the law must be given the opportunity of rehabilitation and as a result of that some are very successfully rehabilitated. But there are those who are not.

William John Watkins was one of them. He was an habitual criminal whose crimes got worse as he got older. He was clearly beyond rehabilitation, yet was allowed to walk the streets because the judicial system either did not understand what kind of person he was, misjudged what he was or worse still empathised with him because he showed 'remorse'.

The comments made last week by Premier Bracks appear to support the latter view, and that is abhorrent. I will address that personally to him.

The judicial system in Victoria is in serious need of review, especially where it concerns habitual criminals. It is beyond belief that a man who had a criminal record such as his was sentenced to four years jail for raping a woman and (I understand a concurrent) sentence of 12 months for viciously beating a blind pensioner. The judge considered because Watkins pleaded guilty he was remorseful so his sentence was reduced. His previous criminal record was obviously not considered.

The issues I would like addressed are:

removal of the bench's ability to consider remorse from habitual criminals;

the introduction of minimum penalties for habitual criminals that fit the seriousness of the crime:

for example, an habitual rapist who rapes again should be sentenced to a minimum of 10 years incarceration and must not be released under any circumstances before that sentence is completed regardless of their remorse or behaviour;

if the judge chooses to impose a tougher sentence, only after the 10 years is served could his behaviour be considered;

the reporting of the complete criminal and sentencing history of habitual criminals after the case against them is proven;

the protection of victims and witnesses when giving evidence against habitual criminals (anonymity preserved);

a ban on raising victim's past during the trial:

if it is okay to ban the introduction of the defendant's criminal history during a trial, it must be equally okay to ban the victim's past being mentioned.

I would be grateful if you would consider my issues. I will be seeking an audience with the ACT Chief Minister to address the same issues.

Once again thank you for your assistance.

Kind regards,

Hugh McGowan.

I understand that the bill before the house actually deals with a number of those issues, but I think we need to protect our innocent victims and make sure those

people who perpetrate these crimes are put in jail for a very long time.

The family I spoke about is very private, but they are speaking out so that no other family has to go through what they have had to go through. As the local member I have a personal view, which is that if this person actually committed the crime — and all the evidence is that he did — then if he had lived he should have been put away for a lifetime. I think it is only good luck that he did not murder or maim somebody else other than the police officer on his quest to leave the scene of the crime.

While The Nationals support this bill, I urge the government to further look at the issue of sentencing and give the appropriate sentences for the appropriate crimes.

Mr LOCKWOOD (Bayswater) — I, too, will make a contribution to debate on the Crimes (Sexual Offences) Bill. I think it is good legislation and a great step forward in the treatment of sexual offences.

Sex crimes are repugnant; I think we all agree on that. We have a responsibility to ensure that we minimise, if not eliminate, the occurrence of sexual offences. I know we would love to eliminate them, but we can only strive to do what we can. We need to provide appropriate preventative measures and ensure the law deals appropriately and severely with offenders. I empathise with the view that sexual offenders should be severely punished; I have no sympathy for sexual offenders at all.

This bill, through its being more sympathetic towards victims, will make it easier for people who have been victims of sexual assault and offences to get through the justice system without again making them victims and without making the justice system such an ordeal that they cannot get through it, that they cannot face it and will not do it. Then I think we will have achieved just objectives.

We need to support these people. The justice system should not be such an ordeal; surely they have been through enough ordeals. We certainly, as this bill shows, need to facilitate the giving of evidence, especially by those most vulnerable. Victims of sexual assault are especially vulnerable and often prefer to take their pain away from the public gaze, as has been mentioned often here today. This will bring the balance back towards the victims by providing a fairer system.

The bill improves the response of the criminal justice system to sexual offence cases to provide a better

balance of fairness between accused persons and sexual assault victims, while preserving the rights of the accused in court. This is being done especially in relation to children and people with cognitive impairment. These people are the most vulnerable, and we need to take special care in their case. The bill also provides stronger legal protection from sexual abuse for people with cognitive impairment by allowing evidence to be prerecorded and played back away from the courtroom. Using closed-circuit television (CCTV), people can be seen and heard by a court without having to be repeatedly cross-examined. They are also able to have with them a support person of their choice.

I had some personal experience of CCTV evidence when I had a role to play in a sexual assault case some years ago, and it is good to see it going forward here. The victim was able to give evidence from outside the courtroom via CCTV but still faced questioning and cross-examination in the courtroom, and all who were present could see the evidence being given. The person had previously given evidence at a committal hearing, so it is a step forward to ensure that the evidence has to be given only once instead of having to be repeated with the experience being relived far too many times. It also means that children and people with a cognitive disability do not have to suffer confusing and harassing questions.

The Evidence Act has been changed to allow sexual abuse disclosed by children to be admitted as evidence — it is a specific exception to the hearsay rule — subject to certain conditions. Another good step forward is allowing evidence obtained by the admission of a child to a trusted adult to be given to a court. This is often crucial in obtaining a conviction.

This legislation clarifies certain sexual offences and widens the definition so that the current soliciting and procuring offences become one offence aimed at catching paedophiles who prey on children electronically, online and through other means. The Internet has been a revelation over the last few years of our lifetime, but its major feature is its anarchy. Anybody anywhere can put up information and anybody anywhere can trawl the Internet and look for people or information. If you have a positive mind I guess you are looking for positive things, but for those with a predilection to misbehaviour, certainly misbehaviour with children, the Internet provides the tools. It is therefore up to us to help control this anarchy on the Internet by establishing offences, punishments and ways and means to prevent people from using that technology to trap children.

The removal of the ability to go into a victim's history is a great move; previous legislation allowed the victim to be put on trial as well as the accused. This is a great move forward.

The inclusion in the bill of the guiding principles is also good thing. Clause 27, which inserts proposed section 32AB, sets out the principles that those sitting in judgment need to adhere to in their interpretation of the legislation. It states that:

- (a) there is a high incidence of sexual violence within society; and
- (b) sexual offences are significantly under-reported; and
- (c) a significant number of sexual offences are committed against women, children and other vulnerable persons including persons with a cognitive impairment; and
- (d) offenders are commonly known to their victims; and
- (e) sexual offences often occur in circumstances where there is unlikely to be any physical signs of an offence having occurred.

That is a valuable thing to include in the bill. In addition to the objectives of the legislation, the bill sets out what the guiding principles are and what should be taken into account. On that note I commend the bill to the house.

Mr DIXON (Nepean) — I, like the Liberal Party, support this bill, and I personally wish to commend the provisions in the bill regarding the grooming of children on the Internet. About five years ago I had a close involvement with a case of a child being groomed over the Internet. This had been going on for about 12 months before it was finally discovered and reported to the police. I wish to commend the sexual offences squad, as it was then, for the great work it did in working on this case. Its frustration throughout the case was that it was not a crime to groom a child over the Internet. Consequently the squad performed a sting operation. The offender, who was from interstate, came to Victoria because of this sting operation and was apprehended by the police acting under cover.

The offender was found in possession of a muscle relaxant. That was the charge — that it was a prohibited substance — but of course it was not the real crime. The real crime was that this young person had been groomed over 12 months, and that was obviously the offender's intent. That was a source of incredible frustration for the police, because they knew what was going on. We all knew what was involved in the case, but nothing could go further than that. This person also had a history of similar offences interstate.

Since that time I have worked closely with the police and have made representations to the government on this. Everybody has been committed to updating our legislation so that these provisions would be included in legislation. Personally I am very pleased that they have been included. I commend the government for its position on this provision.

Mr HARDMAN (Seymour) — I am pleased to rise to support the Crimes (Sexual Offences) Bill, because it aims to protect the victims of sexual abuse — especially those people who are vulnerable to being preyed on by paedophiles and others, who use their advantage to commit what I believe are heinous crimes. I have on occasion had constituents who have spoken to me about their children's trauma and experiences before the courts. This is a real issue and one that is being addressed, and I am pleased to see that.

The bill aims to provide a better balance of fairness between accused persons and sexual assault victims. The current practice of allowing self-represented accused to further intimidate victims of alleged abuse by personally cross-examining them will be prohibited. This is a positive move which will ensure that power relationships cannot be used to further intimidate victims.

The use of alternative arrangements for giving evidence will go some way towards ensuring that the courts get the facts they require to make a judgment about whether or not an offence has occurred. I believe these measures, which include allowing witnesses to give evidence before the trial via prerecording and playback arrangements, the giving of evidence away from the courtroom utilising closed-circuit television so that the evidence can be seen and heard by the court without the witness having to be repeatedly cross-examined, allowing a support person of the witness's own choosing to be there and providing that confusing and harassing questioning does not occur, are all things we would like to see to ensure that the victims of sexual abuse have the ability to ensure that prosecutions follow when offences occur.

I would also like to commend the Attorney-General and the people who have consulted on this bill. One of the important things that has come through is the use of new technology by paedophiles through online contact and other electronic means. Combining this and the current soliciting and procuring offences into one offence is again going to make it easier to catch paedophiles. That is great for victims, but it is also great for potential victims of these people who will not be offended against because they have been caught earlier than they would have been. I congratulate the

Attorney-General again and wish this bill a speedy passage.

Ms BARKER (Oakleigh) — I rise to speak on the Crimes (Sexual Offences) Bill 2005, which aims to improve the response of the criminal justice system to sexual offence cases and to provide a better balance in the prosecution of sexual offences, especially with regard to children and people with a cognitive impairment. The bill also aims to provide stronger legal protection from sexual abuse for children and people with a cognitive impairment.

As indicated in the second-reading speech, despite previous reforms in 1991 and 1999 to address problems and improve the response of the criminal justice system to sexual assault victims, positive change has been to a large extent marginal. This resulted in the government in 2001 giving the Victorian Law Reform Commission a reference to review law and procedure governing sexual offences. The bill we are debating today implements most of the legislative recommendations made in the commission's final report.

I am particularly pleased with the content of the bill regarding the giving of evidence by children and people with a cognitive impairment. The Victorian Law Reform Commission's report stated what we all know; unfortunately sexual assault victims are reluctant to report because of their perceptions of their treatment by the criminal justice system, and when they do report, the very traumatic experience of giving evidence within the court system. The bill will allow evidence to be given to the court by making changes to court proceedings, such as allowing the evidence of children and victims with cognitive impairment to be prerecorded, given via closed-circuit television and in the presence of a support person.

Other changes include banning cross-examination at committal hearings of children and victims with a cognitive impairment; banning accused sex offenders from personally cross-examining their alleged victims; further restricting the admission of evidence about the complainant's sexual history; and further limiting access by a defence counsel to confidential notes made by the complainant's counsellor.

I note with interest the section that says victims can be supported by a person of their own choosing, which I feel is very important. In terms of the support that people receive in the court system, I could not let the opportunity pass to again commend the work of Court Network, with whom I had a very proud association some years ago. Court Network provides personal support information and programs to those in contact

with the justice system. Court Network works not only with victims of sexual assault, it works with other people who have to go to court; it really does a fantastic job.

As an organisation it has 14 professional program managers and, importantly, has over 250 trained volunteer networkers covering all Melbourne courts and locations across the state. The training to become a networker, as they are known, is quite extensive and ongoing. They really are remarkable people. The networkers come from a diverse range of backgrounds but they all share a very strong common goal, which is that they wish to help the individual and his or her family on their day in court.

The service is offered in metropolitan courts and also operates in Geelong, Ballarat, Bendigo and Gippsland. Within the metropolitan system, it operates in the Magistrates Court, the Family Court, the County Court, the Coroners Court and the Supreme Court, and it is available when the courts are open. They do not just come in contact with the person when they actually arrive at the court. In many instances they are referred, particularly by centres against sexual abuse (CASAs) and areas dealing with sexual assault victims. There is a telephone service which also assists people in terms of getting some contact and some discussion prior to their day in court. As I said, it is really a remarkable organisation and I am very proud to still have an association with it, albeit a more distant one now. I commend its work.

By strengthening certain sexual offences the bill also provides better protection from sexual abuse for children and people with a cognitive impairment. Current soliciting and procuring offences will be integrated and expanded into one offence, aimed at capturing paedophiles preying on children online, electronically and through other means.

This makes it very clear that people from other jurisdictions preying on children in Victoria, and Victorians who prey on children interstate and overseas, will be dealt with severely by Victorian law. Within this context offences will be increased. The maximum jail term for people convicted of procuring is currently five years, and the maximum for soliciting is one year. Maximum penalties for the new expanded soliciting or procuring offences will be 10 years.

The bill also clarifies the types of relationships that are covered in sexual offences against young people by their carers and supervisors through the inclusion in the legislation of some very specific roles such as those for teachers, sports coaches and employers. These are

people who have close contact with, responsibility for, authority over and often a great deal of influence on young people. It is very appropriate that we make that provision.

I will not go into all the provisions in the bill. I have referred to some that are very important to me personally. The bill will also allow expert evidence about the nature and effects of sexual assault to ensure that judges and jury members have access to accurate information about sexual violence. It will make clearer judges' explanations to juries about the concept of consent in rape cases.

I think very strongly that we — as the government, as a Parliament and particularly as a community — must as a whole protect people who are victims of sexual assault as much as possible. We must do all we can to support them in their reporting the crimes and to ensure they can progress through the criminal justice system in the least traumatic way. We have a responsibility not just as the government but as a Parliament and as a community to take action to legislate when necessary and to effect change. I commend the bill to the house.

Mr TREZISE (Geelong) — I am very pleased to be able to speak briefly in support of the Crimes (Sexual Offences) Bill. In speaking in support of it I commend the Bracks government on the important initiatives it contains.

In addressing the legislation before us tonight I would like to take the opportunity to commend the work of the Barwon centre against sexual assault (CASA) in my electorate of Geelong. As members are well aware, CASAs right across Victoria do a great and important job in assisting victims of sexual assault. I can assure the house that the Barwon CASA, a much-respected organisation in Geelong, works very effectively in providing help to victims of sexual assault in my community. On a number of occasions representatives of the Barwon CASA have spoken to me about the importance of issues addressed in the bill before us today.

I have to say that when people from an organisation like that come to speak to me — people who are pretty much on the front line 24 hours a day, seven days a week — I sit up and listen to the points they make. I am pleased this bill reflects in a large way and addresses the issues that have been raised with me by the representatives of the Barwon CASA. This is important legislation. It highlights the importance the Bracks government places on assisting victims of crime, and I therefore wish it a speedy passage through this house.

Mr HOLDING (Minister for Police and Emergency Services) — In summing up on the Crimes (Sexual Offences) Bill, I thank all members who have contributed to the debate, particularly the members for Richmond, Mordialloc, Bayswater, Seymour, Oakleigh, Geelong, Kew, Scoresby, Nepean and Shepparton and the Leader of The Nationals.

This debate has taken place in the context of a great deal of agreement across all the parties in relation to not only the seriousness these crimes represent to Victorians but also the value these measures will play in responding particularly to the experience of victims of sexual assault and how the legal system treats their evidence and testimony within the context of the court system.

These are terrible crimes; they are evidenced by a significant level of underreporting, which would be of concern to all Victorians. From a Victoria Police perspective I can report that Victoria Police takes these crimes particularly seriously and has devoted significant resources in recent years to supporting those who wish to report these crimes as well as making sure that offenders are apprehended and prosecuted as effectively as possible. I comment favourably particularly on the work of the sexual offences and child abuse units personnel right throughout Victoria Police who work so hard on it.

It is a significant piece of legislation to which the contribution of the Victorian Law Reform Commission is particularly acknowledged. We wish it a speedy passage. We thank honourable members from all parts of the chamber for their support, and we hope it will play a significant part in addressing such traumatic crime and responding to the needs of victims who find themselves in the unenviable position of giving evidence in trials associated with these sorts of crimes.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 16 November 2005; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The opposition certainly supports this bill. The bill amends the Guardianship and Administration Act to establish essentially a new regime that governs a medical research procedure. I say from the outset that use of the term ‘medical research procedure’ has connotations of Dr Frankenstein and it perhaps is an unfortunate term because of the rather sinister connotations. Indeed a medical research procedure is probably something far more benign and does provide, for example, in its simplest form, the ability to use a novel drug that may have gone through all of the normal testing and that may have otherwise been accepted but that has, because it is something novel, to go through this process. Of course the substantive brake in this system is the human research ethics committees of the relevant institution.

In essence this legislation relates to people who are unable to give their consent to a form of medical procedure, whether it is a special medical procedure, which this house has dealt with previously, or whether it relates to the new term of ‘medical research procedure’. The legislation enables consent to be provided ultimately by the guardianship list of the Victorian Civil and Administrative Tribunal (VCAT). Essentially it provides the ability to use a novel medical procedure that certainly does not have the sinister connotations of Dr Frankenstein or otherwise. That novel aspect will have been approved by the human research ethics committee of the relevant institution, and that really is the fundamental basis of this. Once the procedure has been approved by that committee, then the consent of VCAT can be obtained.

Importantly in relation to this matter, as I understand it, VCAT has for some time acted in relation to medical research which up until now may have been considered a special medical procedure. If the consent of the guardianship list of VCAT had been sought, VCAT required the approval of the relevant human research ethics committee of the particular medical institution, and once that had been obtained the rest had automatically flowed. The provisions set up different procedures depending on the level of incapacity to give consent. This seems to be a well-worn and practical track that has already been adopted by VCAT. It certainly has the support of VCAT and of the Public Advocate, and accordingly the opposition is in support of this bill.

Mr RYAN (Leader of The Nationals) — The Nationals support the legislation. The general purpose of this bill is to amend the existing act — that is, the Guardianship and Administration Act — so as to establish a new process for obtaining consent to what I would term medical research procedures for patients

and to make various other miscellaneous amendments both to the principal act and to the Mental Health Act.

As I had cause to say in a contribution on other legislation earlier today, one of the true benchmarks of any society is the way in which it looks after those among it who are less able, competent and fortunate than others. Of course the work undertaken by the Public Advocate and the Guardianship and Administration Board and by those various other entities and structures which provide that important protection is vital to the way in which Victoria functions.

Under the act at the moment consent has to be obtained from the Victorian Civil and Administrative Tribunal (VCAT) for special procedures. It is contemplated here that the notion of medical research procedures will be removed from the definition of ‘special procedures’ and therefore VCAT’s imprimatur in the first instance will not be necessary. I must emphasise that other types of special procedures such as sterilisation, the termination of pregnancy and the removal of tissue, as well as all those that in the appropriate cases relate to the persons who are the subject of consideration by this legislation, will remain. Nothing changes with regard to them. The change contemplated by the bill is specifically related to medical research procedures.

Experience has dictated to date that, through the existing structures and the work of the ethics committees as required, the necessary consideration is being given consistently to these procedures, and it is felt therefore that the ongoing need for direct involvement of VCAT is superfluous. So we have this legislation before the house.

The Nationals recognise that the government has undertaken discussions with various relevant stakeholders, including the Public Advocate, State Trustees Ltd, medical researchers, human research ethics committees and most importantly those people who have the task — fortunate in many senses, onerous in other senses — of looking after and helping to care for those who are disadvantaged and subject to the general operations of this bill. Accordingly, in all the circumstances, The Nationals support the legislation.

Ms D’AMBROSIO (Mill Park) — I am very pleased to rise in support of the passage of the Guardianship and Administration (Further Amendment) Bill. In so doing I wish to give due respect and regard to previous speakers in support of the bill. The bill does two very important things which on balance are very necessary and very welcome and which certainly have the broad endorsement of the

various stakeholders involved in the administration of medical research procedures involving adults who are not in a position to give informed consent.

Those two things are that the bill removes the need to refer an application for a medical research procedure to the Victorian Civil and Administrative Tribunal (VCAT). While some may think that may lead to the diminution of necessary checks and balances, the fact is that it removes what is normally a cumbersome procedure which can sometimes lead to delays in accessing medical research procedures; that may be time-critical in some instances.

I am pleased to see that the bill takes the opportunity to provide added protections to adults who are not in a position to supply informed consent by ensuring that the various medical research procedures must undergo the rigorous tests of ethics committees and the like. I am very pleased to say that in a society such as ours, from time to time and quite often, especially in recent times with medical breakthroughs, there is very much a robust debate that enters the public domain.

This robust debate necessarily brings into play the attitudes of various instruments made available by governments and parliaments. They include, for example, the Public Advocate, who puts into the public domain arguments in support of or for the protection of — in cases such as this — people with disabilities who are not in a position to give informed consent and require guardians to make decisions in their best interests and on their behalf. Because of the nature of our society and the existence of instruments such as the Public Advocate, we are in a strong position to continue affording greater protection to the people in greatest need. This bill removes any potential obstacles to breakthroughs in medical research that may be of benefit to people in greatest need by removing the administrative requirement to refer applications to VCAT.

I concur with the Leader of The Nationals: a true indication of the strength of our community is how we treat people who have less capacity than the norm. It is for that reason that this bill provides this added protection. I remind the house that medical research procedures on people with incapacities were fairly much unregulated prior to 1999. I am pleased to say that in the short time since then we have come a long way in many respects in affording greater protection and greater respect to people with incapacities so that they can manage their health needs.

The bill provides very balanced outcomes. The level of consultation is quite apparent, with the changes being

informed by the input of various stakeholders, including, of course, the State Trustees, the Public Advocate, medical researchers, human research ethics committees and the like. I do not believe there is any opposition in the broader community to the bill in its current form.

I wish to highlight the role of the Public Advocate in defending people with the greatest needs and advocating for their protection. The Public Advocate has signalled very strong support for the bill and has a very strong record of intervening to protect people in greatest need. If this bill can free up opportunities for people who may benefit from medical research procedures — which in some cases may be very time critical — then that in itself is sufficient reason to support it, in light of the strong protections we have through the application of various parliamentary instruments in Victoria and throughout Australia. I commend the bill to the house and urge its full support.

Mr MERLINO (Monbulk) — I also rise in support of the Guardianship and Administration (Further Amendment) Bill. It is important to ensure that people with disabilities are able to access required treatment and to be enrolled in medical research projects where appropriate. People with disabilities should not be disadvantaged simply because their disabilities mean they cannot provide the consent themselves. The bill will provide an opportunity for people with disabilities to participate in and gain the positive effects of research projects that may well extend and improve the quality of their lives.

I am confident that the amendments to the principal act have been guided by the principles of protecting patient interests, respecting the autonomy of patients whenever possible, recognising the importance of research being properly authorised by human research ethics committees and respecting the important role that responsible people can play in decision making for patients, where appropriate — while avoiding unnecessary duplication in that decision making and allowing critical medical decisions to be made in a timely fashion. Any medical research proposals are assessed vigorously before any such research is conducted on humans.

As previous members have suggested, application will still need to be made to the Victorian Civil and Administrative Tribunal for other types of special procedures, including sterilisation, termination of pregnancy and removal of tissue. The bill outlines new offences whereby the existing penalty for performing a special procedure without the required VCAT consent for those types of procedures will be increased from

20 penalty units to imprisonment for two years or 240 penalty units or both. This is to reflect the severity of performing the special procedures I have outlined.

This is an important piece of legislation and a recognition that people with disabilities deserve the same rights of access to medical research and procedures as the rest of the community. I commend the bill to the house.

Ms BEATTIE (Yuroke) — I rise in support of the Guardianship and Administration (Further Amendment) Bill. This bill demonstrates the Bracks government's commitment to treating all Victorians, particularly those who are vulnerable, with fairness and dignity.

These amendments streamline the process for obtaining authorisation to perform medical research procedures on patients who unfortunately lack the capacity to consent. They also remove the requirement to seek consent from the Victorian Civil and Administrative Tribunal (VCAT) and introduce a procedure whereby a patient's responsible person — for example, a guardian or the next of kin — can consent to a medical research procedure if it is in a patient's best interests. Such consent must be given in a patient's best interests. The bill also recognises the important role currently played by next of kin and by various ethics committees and contains new safeguards so that adults with disabilities who lack the capacity to consent can participate in medical research only where appropriate.

As I said, the Bracks government believes people with disabilities who lack capacity to consent should not miss out on various opportunities to benefit from new developments in medical treatment, which are happening all the time and move very quickly.

I would like to address a couple of concerns along the way. The bill addresses some matters raised by medical researchers, the Victorian Civil and Administrative Tribunal and the Office of the Public Advocate about current procedures under the Guardianship and Administration Act 1986 for seeking consent to medical research procedures which are conducted on adults with disabilities who lack capacity to consent themselves. The act currently provides that the consent of VCAT must be obtained before a medical procedure can be performed on a patient. It is often necessary to obtain consent from VCAT very quickly — for example, when a patient must be enrolled in a research project within a certain time frame in order to be eligible for the procedure.

VCAT very wisely has introduced a fast-track process to allow approvals to be granted to researchers quickly to ensure that patients are not excluded from the benefits the various procedures may provide. The bill also removes the requirement to seek consent from VCAT and introduces a process through which a patient's responsible person — who can be a guardian or the next of kin — can consent to a medical research procedure if it is not contrary to the patient's wishes. If the person responsible is not available, the medical practitioner may perform the procedure if certain criteria are met and with the approval of the Office of the Public Advocate and the institute's relevant human research ethics committee, which must be retained on the patient's clinical records.

I would like to talk about some of the minor and technical amendments. The bill includes a number of minor and technical amendments requested by the Office of the Public Advocate and the State Trustee to improve the principal act. The bill protects acts or decisions by the administrator of an estate in circumstances where an administration order has been set aside by a court or tribunal or an order has the effect of setting aside an administration order. The acts and decisions will remain valid from the date of the administrator's appointment to the date the order was set aside. The bill enables a court or VCAT to order the payment of an administrator or former administrator's reasonable costs out of the estate when appropriate. I think that is a very good idea.

The bill will enable the Public Advocate to delegate his powers and duties as a guardian to appropriate staff or employees in the Office of the Public Advocate without seeking prior approval for that delegation. These amendments will streamline the whole process.

Mr McIntosh interjected.

Ms BEATTIE — It is a pity the opposition and The Nationals have had only one speaker each on this bill, yet now they seem to want to speak further. The opportunity exists for them to bring other speakers in, but obviously they are not interested enough — —

Mr McIntosh interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Kew has had his turn. The member for Yuroke has the call.

Ms BEATTIE — This government is committed to protecting the rights of all Victorians and, as I said before, particularly those of the most vulnerable of Victorians. This is a good bill. It has my support and it

has the support of members on this side of the house. I commend the bill to the house.

Mr LANGUILLER (Derrimut) — I am pleased to rise to speak in support of the Guardianship and Administration (Further Amendment) Bill and to confirm that a number of government speakers are interested in making contributions in relation to this important bill. Seriously, it is always a pleasure to rise to speak in support of important reforms being brought into this Parliament by the Bracks government. In this case these reforms will further protect the rights of people with disabilities.

The bill seeks to further improve the Guardianship and Administration Act 1986. Members may recall that when the guardianship act was first introduced in 1986 it was regarded, understandably at the time, as somewhat controversial. It could have been argued, correctly in some quarters, that it took some rights away from people with disabilities or their guardians. By and large these were people with severe disabilities who were unable to make determinations in relation to the matters being discussed. Quite happily I can report that under various administrations since 1986 it has been demonstrated that the principal act is generally good. It did not take rights away but rather provided important safeguards for people with disabilities.

The amendments before the house are a further step in the right direction of protecting the rights of people with intellectual disabilities. Those individuals, men and women, are not in a position to consent to these matters so consequently these decisions need to be worked through in consultation with their guardians if they have been appointed and are available. If there is no such guardian, the matter will go straight to the Victorian Civil and Administrative Tribunal in consultation with the Public Advocate and these decisions will be made by them together, as they should be.

I am quite happy with the additional safeguard that has been introduced in this bill. It offers further transparency in the process by which these decisions are made. The process is a good one and will strengthen the rights of people with intellectual disabilities. I am quite confident that people with intellectual disabilities in the community will welcome this reform as an important reform that advances their rights. I commend the bill to the house.

Ms MORAND (Mount Waverley) — I speak in support of the Guardianship and Administration (Further Amendment) Bill, which is about improving the process for consent to medical research procedures

for those who lack the capacity to give informed consent.

I want to speak a little about my experience in getting consent for medical research from patients. As an aside, when I was working at the Royal Melbourne Hospital I was recruiting patients for a trial of a new drug for the treatment of renal disease. I needed to find patients who had renal disease and high cholesterol who could try out a new drug designed to lower cholesterol of patients in the trial. I mention this because the project was a double blind controlled study which means patients did not know whether they were on the treatment or not. Even in that case, the vast majority of patients elected to be in the study because they could see the potential for benefit.

This bill will make sure that everybody has the potential to benefit from medical research on new things currently coming into effect, and everyone will be able to have access. Currently consent is required from the Victorian Civil and Administrative Tribunal (VCAT), which is seen to be unnecessary, particularly given that the time it takes may preclude somebody from being able to benefit from a research procedure needed to be undertaken in an emergency situation.

VCAT needs to consider three criteria when considering an application. It needs to consider the approval of the research project by an ethics committee. These ethics committees assess the proposals under the National Health and Medical Research Council guidelines. Secondly, the nature of the research is explained to the next of kin. Thirdly, there needs to be a lack of objection by the next of kin.

All of these steps are undertaken by researchers and the relevant ethics committee at the hospital. That extra layer of approval by VCAT does not add any further protection for the patient, but more importantly the VCAT approval because of the time taken to get that approval, might preclude the patient from being treated with a potentially beneficial new treatment under trial.

An example provided in the notes was of the study being conducted at The Alfred hospital at the moment. It is a three-year trial called the decompressive craniectomy (DECRA) study; it has been going since mid-2003. This study illustrates why it is important not to preclude patients who do not have the ability to give informed consent. The aim of the study is to find out whether early intervention by emergency craniotomy can improve the favourable outcomes of patients with traumatic brain injury.

An emergency craniotomy involves cutting away a section of the frontal bone of the skull to allow the brain to swell through and relieve the internal pressure. This is obviously a procedure which needs to be performed quickly. It is not something where you could wait for approval from a VCAT process before proceeding. It is exactly this sort of procedure which this bill will allow the next of kin to provide consent to under these circumstances.

Proposed section 42T in clause 9 provides important safeguards which I want to mention because they are an important part of this bill. It provides that the medical research procedure cannot be carried out against the wishes of a patient and that stringent criteria in that provision must be met before the patient can be enrolled in a research project without consent. Also a researcher must certify that all these criteria have been met and must provide a copy of the certificate to the Office of the Public Advocate and the relevant ethics committee within two working days of the procedure being performed.

There is a capacity for these notifications to be audited by the Office of the Public Advocate or the relevant ethics committee. The relevant ethics committee must have approved the project in the knowledge that a patient may participate in the project without either their consent or the consent of the next of kin and the new provisions in proposed section 42Y carry significant penalties. All these safeguards provide the necessary protections that will allow all patients access to the potential medical benefits that are available today. I commend the bill to the house.

Mr LEIGHTON (Preston) — I always welcome opportunities to speak on medical and health research bills, and the last time this issue was before the house I was able to make a contribution. It is fair to say that over the last 20 years in Victoria we have introduced safeguards with regard to obtaining the consent of patients to various forms of medical treatment, and in cases where patients are unable to give consent there are stringent requirements. The other historical comment I want to make is that in 1986 in place of the Mental Health Act three acts were introduced — the new Mental Health Act, the Intellectually Disabled Persons' Services Act and the Guardianship and Administration Board Act. Those three acts were groundbreaking pieces of legislation which, as I said, introduced the requirement for consent and in the absence of consent the procedures to be followed.

This legislation deals with the process to be gone through when a patient is unable to give consent to medical research; they might be too unwell or their

disability might prevent them from giving consent. It should be stressed in using the expression 'medical research' we are really talking about matters such as clinical trials of new drugs, and the proposition is that patients should not be prevented from availing themselves of the opportunity to use new drugs simply because they are unable to give consent. Traditionally the Victorian Civil and Administrative Tribunal has been the body charged with giving approval in the absence of a patient's consent. The amendments offered by this bill go a step further and allow persons such as a guardian or next of kin to give that consent on behalf of the patient or relative. In doing so there are stricter criteria in their place such as:

A researcher must certify that all of these criteria have been met and must provide a copy of the certificate to the Office of the Public Advocate and the relevant ethics committee within two working days of the procedure being performed.

The capacity for these notifications to be audited by the Office of the Public Advocate or the relevant ethics committee.

The relevant ethics committee must have approved the project in the knowledge that a patient may participate in the project without either their consent or the consent of the next of kin.

The bill also provides for new penalties. It is noble in its aim to provide those who are incapacitated or have disabilities access to new clinical evaluations and trials. In doing so it puts in place necessary safeguards for ensuring that is done properly. I support the bill.

Ms BEARD (Kilsyth) — It is my great pleasure to speak in support of the Guardianship and Administration (Further Amendment) Bill. The purpose of the bill is to improve the process for obtaining authorisation to perform a medical research procedure on an adult with a disability who may lack the capacity to give consent for the procedure. It will also make a number of minor and technical amendments which have been recommended by the Office of the Public Advocate and State Trustees Ltd to improve the operation of the act.

The legislation is in response to concerns raised by medical researchers, the Victorian Civil and Administrative Tribunal and the Office of the Public Advocate in relation to current procedures in the Guardianship and Administration Act for seeking consent. The act currently provides that VCAT consent must be obtained before a medical research procedure can be performed on a patient. It is often necessary for that consent to be obtained quickly if a certain time frame is applicable to a procedure.

The proposal to streamline the process for obtaining authorisation to perform the medical research procedure on patients has been very well received by stakeholders, including medical researchers, human research ethics committees, the Australian Medical Association Victoria and the Health Issues Centre. The bill contains numerous safeguards to ensure the interests of patients are protected. The researchers are required to document procedures undertaken in the absence of a responsible person, and penalties will be imposed for non-compliance. It is clear from the legislation that the regime will not authorise the involvement of a patient when, bearing in mind the nature of the research, it is feasible to wait to ascertain whether the patient will regain the capacity to make the decision for themselves.

When considering applications for consent to medical research procedures the Victorian Civil and Administrative Tribunal currently requires evidence of approval by the relevant ethics committee and the absence of objections from the patient's next of kin. Both these requirements will be entrenched in the current legislation, and I commend the bill to the house.

Ms NEVILLE (Bellarine) — I am pleased to rise in support of the Guardianship and Administration (Further Amendment) Bill. Fundamental to the bill is government's commitment to have procedures in place that will ensure that all Victorians are treated with dignity and fairness and that wherever possible there is a level of equality in the way decisions are made regardless of whether a patient has a disability or otherwise. That is particularly important for the most vulnerable people in our community.

Overall the bill seeks to streamline the processes in place for the authorisation of medical research procedures for those patients who lack the capacity to give consent. Currently, as other members have said, that consent is required to be given by the Victorian Civil and Administrative Tribunal. In some cases and for some people that has meant that by the time they have gone through the process the exercise has been worthless, because the process itself has taken so long that people with a disability or those who lack the capacity to give consent have missed out on some of the opportunities that may have come from the medical research and the trials that take place.

Obviously the importance of the amendments is that they ensure that appropriate safeguards are in place. The bill will enable a person's guardian or next of kin to consent. Safeguards have been put in place to ensure that that decision is still made in the best interests of the particular patient. The amendments are a balance between ensuring that we treat all people with dignity

and fairness, that consent and the processes are easier but that appropriate safeguards are in place. I commend the bill to the house.

Mr LANGDON (Ivanhoe) — I rise to support the Guardianship and Administration (Further Amendment) Bill. The Bracks government has made the commitment to treat all Victorians, particularly those vulnerable members of the community, with fairness and dignity.

I speak on this bill with some limited authority in the sense that my wife is the joint guardian with her father of her brother, who unfortunately has an acquired brain injury. His daughter, who technically became an orphan when her mother passed away two years ago, has been living with us. My wife's brother may at times need medical treatment or similar services, and this bill will allow my wife and her father to consent to that procedure without going through the rigours of the Victorian Civil and Administrative Tribunal. The family has experienced the rigours of VCAT at times and the many aspects of guardianship, which by no means has been the most pleasurable of experiences. Hopefully this bill streamline that process so permission can be obtained.

Being a guardian of someone carries enormous responsibility. I know those who do it do it with a great deal of pride and dignity, often for loved ones who have become ill or who for various reasons have lost the capacity to grant their own consent. Any bill that protects patients but also allows those who administer matters for them fairness and the ability to consent to procedures without having to go through the rigours of filling out paperwork and many other things should be welcomed. The bill recognises the role played currently by the next of kin and ethics committees and ensures new safeguards are in place. In my position I could not oppose the bill. It is a fantastic idea, and I commend the bill to the house.

Mr DELAHUNTY (Lowan) — Acting Speaker, thank you for your cooperation in allowing me to speak on the Guardianship and Administration (Further Amendment) Bill. The Leader of The Nationals has spoken on behalf of the party, but as the spokesman on health I considered it important to make some comments also.

The purpose of the bill is to amend the existing act to establish a new process for obtaining consent for medical research procedures for patients and to make other miscellaneous amendments to both the principal act and the Mental Health Act 1987. The bill deals with health research, where a lot of important work is going on. Enormous challenges are faced in cancer research

and the research done by people at the Cancer Council Victoria and the like is very important for the ongoing health of our community. Before coming to the bill, I point out that one of the problems with research is the Information Privacy Act, which is causing difficulties in collecting information necessary for work to go on. I put on the record that the Information Privacy Act is limiting the ability for research work on statistics to go on and therefore, as I said, important research work in that regard is limited.

As members know, the background to the bill is the Guardianship and Administration Act 1986, which is designed so that the scheme for guardianship and administration effectively protects the rights of Victorians with a disability. Other speakers have spoken about those rightful concerns. It is important that we protect those with a disability. Members know that the amendments to the act arise from consultation with a wide group of stakeholders. I do not know who they were. I was not involved but I am sure some good information would have been collected in forming this legislation.

The principal function of the bill is to change the current procedures in the act for seeking consent for medical research procedures to be conducted on patients. Those patients must be adults with a disability who are incapable of giving informed consent. With other health legislation that went through the Parliament there were problems with people in car accidents giving consent and the time frame for being able to do operations. In 2005 some changes were made to the Health Act.

The current act provides that consent must be obtained from the Victorian Civil and Administrative Tribunal before the special procedure, as it is known and which includes any procedure pertaining to medical research, could be carried out. There is obviously a time concern in that and I understand that many of those cases were not opposed when members of the family were consulted or VCAT was contacted. The changes in the bill relate to only the procedure regarding medical research and not to special procedures generally. It is good to see some cooperation between the states Australia-wide, where now we have a range of safety measures to protect people in relation to medical research proposals.

Getting back to VCAT, I know that in the six years I have been in this Parliament a lot of work on appeals and the like has been pushed onto VCAT. If this bill goes through — and I am sure it will, with the support of all parties — it will create some work for VCAT at short notice. My understanding is that guardians will

have to be informed of the procedure and will be able to appeal to VCAT. Therefore VCAT will be called at short notice to administer its responsibilities. Where a medical research procedure is contemplated the guardian may apply to VCAT to stop it, and my understanding, from talking to the Leader of The Nationals and others, is that this has not been utilised too often in previous research work. From that point of view it is good that we improve the process because, at the end of the day, if you do not have the right process, you do not get the right outcome.

This process is to be commended. We should assist our researchers in the important medical research needed to improve our health and wellbeing. The VCAT process, on my understanding, will be able to cater for the changes in the legislation. For those reasons, on behalf of the Lowan electorate I do not oppose the bill.

Ms DUNCAN (Macedon) — It is a great pleasure to make a small contribution to the Guardianship and Administration (Further Amendment) Bill. The bill ensures that people with a permanent disability are not disadvantaged by the fact that they are not able to give consent for any form of medical research. We know, for example, that a lot of medical research involves medical trials. Sometimes the lead time for participation in those trials is quite a short period. Currently, with the need to make a Victorian Civil and Administrative Tribunal application in certain circumstances, it is not always able to be done in the period of time required. Therefore the person with a disability may miss out on the benefits arising from participating in that particular trial.

Considerable consultation has occurred in the development of the bill. Another feature of the bill is the recognition it gives to next of kin and also to ethics committees. We understand that the terms 'next of kin' and 'person responsible' refer to someone who best knows the patient and has their best interests at heart. The government believes that people with a disability who lack the capacity to consent should not miss out on medical opportunities and benefits from new medical developments. I commend the bill to the house.

Ms ALLAN (Minister for Education Services) — I am pleased to follow other members of the house in summing up the bill which, as we have heard from a number of members already, does two things. Firstly, it will streamline processes for obtaining authorisation to perform medical research procedures. This process was well explained to the house by the member for Mount Waverley and her personal working experiences in a hospital. Secondly, the bill provides for a range of minor and technical amendments, which I know the

member for Kew is particularly interested in, regarding the operation of the act, particularly as it affects the Office of the Public Advocate, the State Trustees and the Victorian Civil and Administrative Tribunal.

I thank the members for Mill Park, Monbulk, Derrimut, Mount Waverley, Preston, Bellarine, Yuroke, Kilsyth, Ivanhoe, Macedon; and of course on the opposition benches, the member for Kew, the Leader of The Nationals, and the member for Lowan. I thank them all for their contributions to the bill, and I commend it to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL

Second reading

Debate resumed from 16 November 2005; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The opposition supports this bill. It is certainly a very important bill, and it introduces a novel regime in relation to the Crimes (Family Violence) Act that improves the armoury and the way we deal with the issue of domestic violence. It is perhaps worth noting that this was based on an interim report of the Victorian Law Reform Commission as part of an overall inquiry into domestic violence. I do not have the precise dates in front of me, but it was done in a very short compass. In about August of last year the Attorney-General asked the commission, as part of its reference, to inquire into the issue of these holding powers and whether or not they should be implemented in Victoria. The Victorian Law Reform Commission has to be commended for both the speed of its response to the Attorney-General's interim reference and the detail it put in that response. From memory, the turnaround time was only some two to three weeks. It was a phenomenal response.

The important point is that the commission recommended these holding powers. We have all grappled in a number of different ways in different pieces of legislation with the issue of domestic violence. All of us are aware of the significance of domestic violence — a problem we face here in Victoria and nationwide. The social problems, the

economic problems, the problems associated with marriages and partnerships that flow from domestic violence have to be at the forefront of the minds of all members in this place. The opposition commends the government for dealing with this so expeditiously and certainly commends the Victorian Law Reform Commission's response. Domestic violence has a debilitating effect on children, and even if they are not the direct victims of it, they will certainly be scarred psychologically. The response by the law reform commission on this particular aspect is to be commended.

While we can have a domestic violence court and have police and other people trained to deal with the problem and to recognise it and not ignore it, not to brush it under the table but to bring it to the forefront, one of the critical issues faced by all sorts of different people in dealing with domestic violence is what to do with the immediate problem. When the police turn up to make inquiries, quite often there is a negative response. There have been doubts about whether or not that information should be proceeded with to court, whether it is a special court or otherwise. But there is a problem that faces everybody who deals with domestic violence: what do you do with the immediate problem? For example, what do you do when there is a man who is looking sheepish and there is mum who has been bashed and the kids are cowering in the corner? Clearly some problem has occurred.

In such a circumstance this bill provides a legitimate mechanism — and the opposition supports this absolutely — to remove the person who has committed the domestic violence, even if everybody is trying to settle everything down. There is still a problem. The police now have the power under this bill to provide what can only be described as a lawful direction, which is, 'You, out of the house!'

They can say to the man, 'Get out of the house. Go and stay with your mate or go across the street until we can come and talk to you'. It is an important part of this bill. That lawful direction can be given to defuse the immediate problem of how to deal with domestic violence. There may be a real concern that if the police leave the violence will flare up, to the detriment of the victims and the children who may be the downstream victims of this violence, and the problem will just cycle on and on. This gives an opportunity to provide a break and an immediate solution to the problem. It gives the police the ability to give a lawful direction to go with the police officer or stay with somebody else but to get out of the house. If that lawful direction is not obeyed, it can be backed up with the power of the police to detain a person for up to 6 hours, and with the

permission of a court that can be extended to a total of 10 hours. Obviously this may occur late at night after some form of drinking or otherwise. It enables the police to address the immediate problem of how to deal with a violent circumstance.

Certainly the opposition supports the recommendations of the Victorian Law Reform Commission to enable the police to give a lawful direction and to impose a sanction if that lawful direction is disobeyed. It is designed for an emergency. Whether the judgment that is initially made is correct or otherwise, it at least enables the domestic violence situation to be defused so proper inquiries can be made and support services can be brought to bear to deal with the problem. We have grappled with it in different ways. Whether a court proceeding ultimately results from it, whether it becomes a matter for the prosecuting authorities or whether the children are dealt with in a different way — that of course is a circumstance that the Department of Human Services would have to grapple with — it will enable the immediate problem to be defused and support services to be brought to bear to enable a holistic solution.

It is the sense of urgency in the situation that evokes this very draconian response. In essence, as I said, this power provides the ability to give a direction to a person to decamp, to answer questions and to go somewhere else, with the police or wherever it may be; and if that is then disobeyed, the person can be detained for up to 6 hours — and with a court sanction it can be extended to 10 hours. If during the time the person is detained they are not able to be questioned in the normal way of investigating a crime, this power can simply be used to defuse the emergency situation.

What is of profound concern — I cannot remember the statistics — is the number of incidents of domestic violence in this state. There is nothing peculiar about Victoria; this will also be reflected in the other states. There are many thousands of incidents of women being assaulted over the course of one month. Indeed it is a matter of profound concern to the opposition that we are only now debating this bill so it can be passed through both houses of Parliament this week.

Members may recall that in August or September last year the Attorney-General referred this matter to the Victorian Law Reform Commission, asking it to undertake an interim inquiry as part of an overall inquiry into domestic violence. In a short space of time — two to three weeks — it responded and made recommendations in relation to these lawful direction and holding powers. This particular bill came before the house for debate in the final sitting week, and it is a

matter of deep regret that it was dropped off the government business program.

When you think that the Workplace Rights Advocate Bill was kept on the government business program and we had to deal with a planning issue that was brought in by the Minister for Planning at the last minute, it is a matter of real concern that this bill did not come before the house so it could have been passed, come into operation and had a dramatic impact on our ability to deal with emergency circumstances, particularly over the Christmas and New Year period.

As I said, my understanding is that there may be many thousands of women who are assaulted every month, and it could have had a real and immediate impact on the way those women assaulted over the last two to three months were — —

Mr Hudson — That is a cheap shot.

Mr McINTOSH — The member for Bentleigh says that is a cheap shot. It is not a cheap shot. We made the offer at the time and said it was a matter of profound concern. All of these matters were raised last year in debate on the government business program motion. We complained about it, and I even made the offer to the Attorney-General that we would deal with this bill, to get it through the Parliament because of its importance in dealing with domestic violence.

As I said, the law reform commission dealt with it very expeditiously — in some two to three weeks. I do not know what The Nationals are doing, but certainly the opposition supports this bill. It supports the principle behind the legislation and sees it as being a very effective way of dealing with the emergency situations that arise with domestic violence. It is designed ultimately to protect those people who are the victims — and the downstream victims, even the children — of domestic violence and diffuse a violent situation at the forefront.

If the member for Bentleigh thinks that is a cheap shot, he can go right ahead and accuse me of making a cheap shot, but it is a belief I hold passionately, because I think this bill should not have been dropped off the business program at the end of last year. If you supported the Attorney-General in dropping — —

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Kew will address the Chair.

Mr McINTOSH — I am sorry, Acting Speaker. As I said, the member for Bentleigh stands condemned because he was complicit in exercising his right in voting with the government. In going with the numbers

he supported having the government drop the bill from the government business program when even, I have no doubt — —

Mr Hudson — On a point of order, Acting Speaker, the shadow Attorney-General has suggested that I was in some way involved or complicit in some decision to drop this bill off the government business program — —

The ACTING SPEAKER (Mr Delahunty) — Order! That is not a point of order — —

Mr Hudson — I take offence at that suggestion and I ask the member to withdraw.

The ACTING SPEAKER (Mr Delahunty) — Order! I do not believe that is a point of order.

Mr Hudson — On a further point of order, Acting Speaker, the shadow Attorney-General cast an aspersion and suggested that I was complicit in having this dropped off the business program. I take offence to that. He has cast an unfounded aspersion upon me, and I ask the member to withdraw. I believe that under the standing orders he is required to withdraw.

The ACTING SPEAKER (Mr Delahunty) — Order! I am informed that at this stage I have to warn the member for Kew not to go down that track but that under the current standing orders there is no point of order. I call the member for Kew and ask him not to go down that track again.

Mr McINTOSH — Thank you, Acting Speaker. I note that I was accused of taking a cheap shot, but I was indeed relaying the process of the bill through this place. As I said, it was a matter of profound concern to the opposition that this bill was dropped off the government business program. That was something we opposed at the time. All government members voted in the division to ensure that this bill was dropped off the government business program.

As I said, it is not a cheap shot because this is a very important bill and one that we support. The government sought to introduce it following a report by the Victorian Law Reform Commission at the time. It was a matter on which the law reform commission reported in a very short compass — some two to three weeks after the reference was given to it by the Attorney-General. The opposition felt that the legislation that came before the house was so important that it should have come into operation as soon as possible.

The offer was made to the Attorney-General that this legislation go through both houses within a very short

compass to enable it to come into operation before the end of last year. I can understand why the member for Bentleigh may be tense about his position in relation to the bill. Perhaps he will have an opportunity to explain how he worked to prevent it from being dropped off the government business program. We will certainly wait with some degree of anticipation for the member for Bentleigh to redeem himself while facing everybody in this place as to his part in the way the bill was dropped off the government business program. As I said, the most important thing about this bill is that it can easily deal with an emergency situation by enabling police to give a lawful direction. If that lawful direction is disobeyed then the person can be taken into custody.

In saying the opposition supports the legislation I note the comments made by the Scrutiny of Acts and Regulations Committee in its last *Alert Digest* to this house at the end of last year. Like the opposition, it considered the bill at the end of last year and noted that this was a preventative detention. It was a matter of profound concern to the committee given it was in the nature of a preventative detention. The committee set out the reasons why there was concern about the rights and liberties of ordinary citizens to be detained without charge, certainly without any form of criminal prosecution, and pointed out the reasons why it could be seen to be of benefit. At the end of the day the committee accepted that it was a balancing act between the rights of the individual and the rights of those people in relation to those matters that should have been properly taken into account at the time.

The committee used the term ‘preventative detention’; and referred to a High Court decision that acknowledges the importance of preventative detention. There is high concern about preventative detention, but it notes that in the end it is for the Parliament to make its decision as to whether it feels the draconian step of preventative detention is warranted in circumstances where someone disobeys a police officer’s direction in a domestic violence situation. I am sure that every member of this place takes unto themselves the importance of the rights and liberties of people and balances them with the particular circumstance.

Reference is made to both common law and the international covenant for the protection of human rights and to a person only being detained following the proper process of the law, but it is noted that in this case it is a matter for the Parliament to perhaps alter those rights in particular circumstances. It is clearly another indication that at the end of the day it becomes very hard to define precisely what people’s rights are without taking into consideration the particular exigencies where those rights may be ameliorated to

some extent, and certainly due process, which is the American term, or natural justice, which is our term, would be ameliorated by virtue of something that is worthwhile to achieve a policy outcome.

I conclude by saying that this is a welcome bill which is supported by the opposition, although it is regrettable that we are now dealing with it some three months after it was introduced into the house. In its rather expeditious response the Victorian Law Reform Commission provided a mechanism to deal with the emergency situation of family violence that we had not ever grappled with as a Parliament — a mechanism which will eventually enable all of the support services to come in and perhaps lead to criminal prosecutions downstream and serious charges being laid in appropriate circumstances. It will enable the police to deal with that very emergency circumstance and is therefore to be commended.

As I said, it is regrettable and no doubt causes the government some degree of embarrassment that it was dropped off the government business program at the end of last year and never dealt with. Certainly this Parliament has never received a satisfactory reason as to why it was dropped off that business program. I have no doubt that speaker after speaker from the government benches will say what a wonderful thing this bill is, how it will protect victims of domestic violence and how it is such a worthwhile and valuable tool. They will then say that although they know the bill will impact upon individual rights and liberties, the utility of these detention orders is so important that the house has to support and pass it.

This government is doing a great and wonderful thing, but at the end of the day it is something the government should have done in November last year so that the legislation could have been operating for the last two to three months.

Mr MAUGHAN (Rodney) — I wish to speak on this very important piece of legislation — the Crimes (Family Violence)(Holding Powers) Bill. It is important because family violence is far too widespread in our community. It has no place in our community, but about one in five women experiences domestic or family violence during the course of their lives. I share the views of the member for Kew and his criticism of the government for pulling this piece of legislation in the dying days of the spring sitting last year.

The member for Bentleigh shakes his head in disagreement, but this legislation is important. It could have come in earlier, which could have saved a number of women from the trauma they are going through. The

government talks a lot about doing things, but this legislation is important. Both The Nationals and the Liberal Party will be supporting it, but we argue that it should have come in much sooner than it did. The government responded to the very sensible recommendations from the Victorian Law Reform Commission, and it had the opportunity to bring this in much earlier. I think it would have been much better doing that than bringing in some of the legislation we dealt with in the dying days of the spring sitting last year.

As I said, one in five women experiences domestic violence during their lifetime. About a quarter of those experience domestic violence for five years or more. The concern is that only about 20 per cent of those women seek help. Why is that the case? One of the reasons is that they know that, if they go for help, in many cases the help will be inadequate and they will not get sufficient support.

Another reason is that they do not know where to go for help. That is something that we, as a community, should make very plain — help is available, help works and those women can get support. That is why we welcome this legislation. It is a step in the right direction to assist women to get help and overcome some of the disadvantages they experience because of the abuse they suffer.

In 4 per cent of all relationships in Australia domestic and family violence is an ongoing problem; that is a frightening figure. In Aboriginal communities it is many times higher. During the last week I have spoken to members of the Aboriginal community in my electorate; I understand the amount of funding for domestic violence workers has been reduced. Given the incidence of domestic violence in the Aboriginal community, that reduction in funding is an aberration that we should be doing far more to redress. We know the incidence is much higher in Aboriginal communities, and we should be doing far more to assist those communities to overcome domestic violence.

As I make my remarks I will indicate that we are really only dealing with the symptoms of the problem. We never really get down to dealing with the causes of these social issues. What are the causes of these social problems in our community and what can we do to redress them? The bill before the house tonight is a measure that I welcome, but we should be doing far more than we are about initially identifying and then addressing the causes of disadvantage in our community which lead to domestic violence on one hand and child abuse and neglect on the other. Later I will draw that link between domestic violence which

then leads on to the totally unacceptable level of child abuse that we have in our community.

Sitting suspended 6.29 p.m. until 8.01 p.m.

Mr MAUGHAN — Before the dinner break I was talking about the unacceptable level of domestic violence in our community, how one in every five women in the Australian community experiences some domestic violence during her lifetime, and how unacceptable that is.

I do not have to go into all the details to explain the effects on the psychological health of those women — for example, women who are abused are three times more likely to be diagnosed as depressed and three and a half times more likely to be suicidal than those who have not been abused. One could go on describing the effects of domestic violence on victims of abuse.

Domestic violence is the leading cause of death, disability and illness in Victorian women aged between 15 and 44 years. That is a horrific statistic. We hear a lot about heart disease, obesity and a whole range of other medical problems, but domestic violence beats all of those in terms of death and disability for women aged between 15 and 44. As a community domestic violence costs Victoria about \$2 billion per year and it is estimated that it costs the Australian community about \$8 billion per year. Clearly, just the commercial cost to the community is unacceptable, let alone the personal cost to the women concerned.

The most concerning thing of all is that a quarter of all Australian children have witnessed violent behaviour towards their mother or their stepmother. Just try to get your mind around that figure — one in every four Australian children witnesses abuse of either their mother or their stepmother — and then try to project that in terms of the problems we have with child abuse and neglect. There is a very clear link between seeing violence, one towards another, particularly amongst parents, and that leading to child abuse and neglect. As we have heard in this house on many occasions, that then becomes an intergenerational problem.

The statistics again are very concerning. I think the figure in Victoria is 7000 cases of substantiated child abuse each year. Nationally it is about 20 000 cases of child abuse each year. There is a very strong link between domestic violence and child abuse. What the government has recognised — and I commend the government on doing this — is that we need a holistic, multidisciplinary approach. In the letter she sent out with the document *Changing Lives — A New Approach to Family Violence in Victoria* the minister said:

Our new approach recognises that family violence will only be effectively addressed when the elements of our system are working together — police, courts and community services.

I agree with that, but I think we need to go even further and address the causes of the problem rather than the symptoms. That is what concerns me. I believe that we as a community and we as a Parliament should be doing far more to address the causes rather than simply dealing with the symptoms. It is virtually impossible to estimate the long-term costs to the community. Then there are the costs to individuals through a loss of self-esteem and the costs to families because of the loss of employment opportunities, the effects on the children and the adverse effects on their health. They are costs not just to people as individuals but to us as a community — and that includes the cost to the community in lost productivity because people are unable to work because they have lost their self-esteem et cetera.

What do we do? We need to offer immediate help to the victim. That is not just about addressing the symptom of abuse there and then and doing nothing more about it. It needs to go much further than that and deal with housing, counselling and providing medical and legal services. We can talk about how we have increased funding and how we are doing a great job in providing services, but they are still far too thin on the ground. I would argue that we need to provide a greater proportion of government resources to address the causes of the problem rather than simply the symptoms, because we all know that the first six years of a child's life are absolutely crucial to their development. Therefore, we have to deal with domestic violence, we have to deal with child abuse and neglect, and most importantly we must work with families by providing positive parenting programs and by giving them basic life skills to overcome the ongoing generational disadvantages that are becoming entrenched in so many segments of our community. We have to provide better education, better mentoring and better assistance of all sorts.

The evidence is clear: for every \$1 we do not spend in this area to help and assist families, the cost to the community is estimated to be \$7 further down the track when we are dealing with the outcomes of not having addressed these problems earlier.

I contrast what is happening in Norway with what is happening in the United States. In Norway there is essentially a shared responsibility for children. All children are given at least some support, and there is an emphasis on their wellbeing. They have an inclusive type of approach in Norway. Contrast that with the United States, where they certainly help children who

are in serious need but otherwise leave families pretty much to themselves. That is a model of care that I would perhaps label as a charity-type model, as opposed to the inclusive model of Norway. If you have a look at the outcomes, you see that in Norway there is a lower rate of illness amongst children, there are fewer accidents amongst children and children are less likely to be frightened or fearful. Contrast that with the United States, where a higher level of infant mortality and lower birth weights have been observed and where children are more likely to be aggressive than children in Norway. That indicates that the inclusive model of looking after children is the way to go.

The conclusion to be drawn from all that, in my view, is that public policy must embrace the need to support and promote the wellbeing of children, young people and families. We had the right sorts of sentiments in the Children, Youth and Families Bill, which was before the house in our previous sitting. The sentiments in that are fine. But what we now need to see is the provision of the necessary resources to enable us to follow through on that and do the sorts of things to which I have been referring.

Before dealing with some of the detail of the bill, I want to commend an organisation that is based in Echuca called the Murray-Campaspe Family and Domestic Violence Network. This is a group of agencies working together to identify and coordinate services for families experiencing domestic violence, to publicise the availability of those services, to raise awareness of the problem so that women know where to go for help and to lobby for increased resources.

The bill is certainly a step in the right direction and one that The Nationals support. Currently when police attend a domestic violence situation they are unable to remove the perpetrator unless a criminal offence has been committed. In order to obtain an intervention order or a warrant, police have to return to the station and contact a magistrate. When you consider that most domestic violence takes place outside normal office hours, you can see it is not always easy to get in touch with a magistrate at fairly short notice, so there can be a delay between police arriving at the premises and being able to do something about it.

This legislation will give police the powers to direct a perpetrator — usually a male, but not always — to a particular place at which they are to remain for a period as stated by the police officer, with a maximum period of 6 hours, or 10 hours in exceptional circumstances. This holding power will ensure the safety of the aggrieved family member until such time as an intervention order can be served on the defendant. I

think that is a very important and practical provision; one that was recommended by the Victorian Law Reform Commission. I commend the law reform commission on its discussion paper and the conclusions drawn from that on which this legislation is based. It did great work in publicising the incidence of domestic violence in our community and the fact that we need to take a whole range of practical measures to deal with it.

Giving police the ability to remove the perpetrator from the home usually enables the woman and the children to pick up the pieces and get on with their lives until an intervention order is sought to keep the perpetrator away from the premises. It provides that very important time in which the victim can take some action, and the police can take action to ensure that the perpetrator does not immediately go back to the house and cause further damage. It also reduces the possibility of the perpetrator causing physical damage to the home and contents if the victim is required to leave the house for their safety, which is normally what happens now. If the victim is fearing for her safety and that of her children, she usually will go to a refuge or family home and then the perpetrator can come back and quite often cause significant loss and damage in the meantime.

I commend the Victorian Law Reform Commission for its report *Family Violence Police Holding Powers* and its recommendations. The commission found widespread support for the introduction of this power, which, as I understand it, has already been introduced into every other Australian jurisdiction.

This is important legislation. It will give police another tool to use in dealing with domestic violence. It will go some way to giving the victim a greater level of protection, and it will give police the power to remove the perpetrator until such time as an intervention order is secure. I reiterate that the level of domestic violence in our community is at a totally unacceptable level.

I am concerned about the link between domestic violence and the children who observe that violence to their mother or stepmother. I am concerned about the effect that has on child abuse and neglect and in creating an environment where those children themselves are more likely to grow up and use violence against their partner or against children, which is even more concerning. The bill is a step in the right direction. We in The Nationals support the bill, but again argue that there should be a far bigger proportion of our resources devoted to dealing with the causes of these problems rather than simply dealing with the symptoms.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Crimes (Family Violence) (Holding Powers) Bill. It is a sad fact that domestic violence in our community is rife. Whilst the government is concerned about all forms of domestic violence the fact of the matter is that domestic violence is principally perpetrated against women. In fact the statistics are quite stark. One in five women throughout their lives can expect to be subjected to domestic violence. The Victorian Law Reform Commission report, which is excellent, points out that those women not only suffer bruises and broken bones but also longer-term disabilities such as vision and hearing impairments. Even more tragically, around 75 women each year die at the hands of their male partners.

These are quite disturbing statistics, but what the statistics do not tell us is the huge psychological and physical harm that is done to the person, the family and the community by domestic violence. The commission reports that women who are abused are three times more likely to be diagnosed as depressed and three and a half times more likely to be suicidal than non-abused women. The impact of violence is not just immediate — it is lifelong.

It can resonate on from there. These women can lose their jobs. They can experience extensive property damage and they can be forced to flee their homes. They can live in constant fear not knowing when they will be a victim, not knowing whether they can protect themselves and their children from such violence and not knowing whether they will be able to seek and obtain immediate help when a violent episode occurs. There is probably nothing more debilitating than being a victim of violence when dealing with someone you love, someone you rely on or someone you think you can trust. But what is even more debilitating is that when the episode occurs and you feel you need help and protection, you do not get it because it is not immediately available.

That sense of powerlessness which many women feel — the feeling that they cannot protect themselves and that the community will not intervene on their behalf — is one of the things this bill seeks to tackle. We know that many women in this situation have been assaulted many times before. In fact the United Kingdom research tells us that on average women may have been assaulted up to 37 times before they finally go to the police in desperation seeking help. If we want those women to be able to escape or leave a violent relationship when they do seek help, that help needs to happen immediately.

The government has been working to change all that. This bill is the most recent example of how we are doing it. It gives the police a holding power in family violence situations. It allows them to direct a perpetrator to leave the house and go to a place nominated by the police officer. It will provide a breathing space for the police to seek an intervention order on behalf of the victim or to take other measures — get the locks changed, relocate the family to a safer place if that is what they want and so on. Basically it ends the crazy situation where the only way a woman could escape domestic violence in the past was to leave the family home and go to some uncertain situation, perhaps a refuge short term with huge economic and physical detriment to her and her children.

It builds on a wide range of initiatives the government has taken to reduce violence against women. I want to congratulate the Minister for Women's Affairs for the initiatives the government has taken. We have funded programs designed to change the behaviour of men. We have seen the establishment of two specialist family violence courts at Ballarat and Heidelberg, with three more to follow in Melbourne, Sunshine and Frankston. We have introduced 24-hour-a-day, seven-day-a-week local and after-hours services. We have introduced new housing, counselling and support services for victims of domestic violence — and the member for Rodney says he wants to see more money committed. The government has committed money; it has committed \$35 million, which is not an insignificant package.

The government is building on the foundation of things that have been happening for the last couple of years. In September 2004 we introduced a new police code of conduct which basically got the police to focus on the safety of women and to see that domestic violence is a crime for which violent men must be held accountable. I congratulate Victoria Police for its implementation of that code, because it has resulted in more interventions by police, more intervention orders, more charges being laid and, as a result, a greater crackdown on domestic violence.

This means we no longer have the position where these situations were simply seen as 'domestics' — internal matters which were to be sorted out by the couple and which the police did not intervene in. They are now seen as a crime, and police are acting to prosecute those responsible for those crimes and prevent their repetition. This bill is important because it gives police new powers and more tools to address domestic violence immediately. I congratulate the Attorney-General for taking such prompt action to grant these new holding powers to police.

Before the dinner break the Liberal Party and The Nationals were doing what they always do when they cannot find anything to criticise in a bill. Instead of taking the bipartisan approach they come in here and say, 'We like the bill, but the government has acted too slowly'. In fact the shadow Attorney-General even went so far as to say that because the bill had not been debated and passed before Christmas, more women had suffered more domestic violence than they otherwise would have.

The shadow Attorney-General is dead wrong, because before Christmas, when the government initially spoke to Victoria Police about the implementation of this bill and said it would take effect from 1 January 2006, the police said that the very earliest they could implement it was May 2006. As a result the government set a default implementation date of 1 July 2006. The fact that the bill was not debated and passed before Christmas has had absolutely no impact on the implementation and use of these powers by the police and on the gearing up by police to use these powers.

This is what we typically get in this place. The shadow Attorney-General does not do his homework; he comes in here and wants to take a cheap shot; he is dead wrong — and what is more, he does not have a policy. If you type in 'family violence' on the Liberal Party web site, you get only one hit. There was not one initiative in the 2002 Liberal Party election policy on family violence.

The Nationals at least had the decency to mention it a couple of times — with some vague generalities — but nowhere in the Liberals' policy is legislation of this sort suggested. Nowhere is there an initiative that would help in any way or commit resources in a practical way to assist women who are victims of domestic violence.

Mr Maughan — You haven't read the policy.

Mr HUDSON — I have read the policy, and I have the policy here. It is easy to make the cheap shot; it is easy to say the government could have acted earlier. The government commissioned a report from the Victorian Law Reform Commission; the report was presented; the government immediately had legislation drafted; the legislation is now being debated, and it will be passed within the next fortnight. It will be implemented on the date that was nominated by Victoria Police as the date it said it would be in a position to implement that legislation — that is, on 1 July 2006.

Mr Wells interjected.

Mr HUDSON — It is a cheap shot to come in here and say disgracefully and contemptibly that, because the government did not debate and did not pass the bill before Christmas, women have suffered more domestic violence in the interim. It is a disgrace. If the member had spoken to the police he would have found that the bill would not have been implemented earlier than the dates nominated. The bill will be implemented. The police will be properly geared up and the bill will be implemented on 1 July 2006. I commend the bill to the house.

Mr WELLS (Scoresby) — I rise to join the debate on the Crimes (Family Violence) (Holding Powers) Bill and to reiterate that the Liberal Party is supporting the bill. I will first pick up one of the points made by the member for Bentleigh, to whom I listened very carefully. One of the very first position papers we put out was entitled *Liberals Move to Protect Domestic Violence Victims*. We put that out on 24 November 2003 — —

Mr Hudson interjected.

Mr WELLS — I would just like to point out that when it comes to people not doing their homework or not doing their research properly, maybe the member for Bentleigh needs to double check — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Kew and the member for Bentleigh have both had their opportunity to debate this bill.

Mr WELLS — I need to make the point very clearly that one of the first position papers we put out was about protecting domestic violence victims. It was an important position paper that we had to put out because we believed the government was not doing enough about family violence.

The purpose of this bill is to introduce new police procedures to deal with persons suspected of domestic violence against a family member. It follows recommendations made in the Victorian Law Reform Commission's interim report *Family Violence Police Holding Powers*. The main provisions allow police to direct or detain for a maximum of 6 hours — that can be extended to 10 hours on application to a court — a person who on reasonable grounds is believed to have committed a family violence offence, who remains a threat and who is over the age of 18.

Police may direct a suspect to remain in or go into a certain place or to accompany a nominated person or the police officer. A suspect who disobeys a police

directive can be taken into custody. There is no current power to arrest where there is an immediate threat to another person's wellbeing or property. During the time of detention police cannot question the alleged offender, and the alleged offender must be granted the facilities to contact a relevant third party such as a lawyer. A direction for detention expires after 6 hours. After the intervention order is issued a warrant for arrest is issued; and police can decide not to pursue a complaint. In a lot of cases, despite what starts off as very ugly domestic violence, somehow after time there is a making up and the victim no longer wants to press charges.

We believe domestic violence is one of the worst crimes in our community. I feel for young children who under normal circumstances have caring, loving parents but who witness an act of violence by one parent against the other. It must be difficult for a very young child who witnesses this to understand why it is happening. Sometimes it could be caused by alcohol and sometimes by drugs, but sometimes it is just sheer financial pressures that bring a husband and wife, or partners, to this situation. When I visited police stations and spoke to police officers on the front line they explained to me that one of their major difficulties is how to deal with a situation of domestic violence. Firstly, there is the issue of the victim and making sure that he or she is going to be protected. Secondly, there is the ineffective way in which the police have dealt with the paperwork and the bureaucracy that surrounds a police response to domestic violence.

Let me explain. When police get called to a domestic violence situation — say, in Nunawading at 4.00 a.m.— and the situation warrants it, they have to go back to the police station, fill out forms and find out who is the magistrate on duty at that time so they can sign off an interim intervention order. This means faxing the magistrate, the magistrate faxing back to the police station and, if there are errors, still more faxing. This is an inefficient use of time, given that there is a victim somewhere who needs help.

What we did, after realising the difficulties, was ensure that we provided senior police officers with the verbal authorisation of a magistrate so that an interim intervention order could be issued there and then. In other words, in the case I outlined of the police being called to a domestic violence situation at 4 o'clock in the morning, whilst the police are there — and if the situation warrants it — they can phone from the house, wherever it may be, to the magistrate on duty and say, 'This is a difficult situation. I need an interim intervention order to make sure that the husband' — or

the wife, or the partner — 'leaves this area for up to 72 hours'.

The authorisation can be given to the police over the phone so that they can issue that intervention order there and then. When it is given to that person, they have to leave. If they break that interim intervention order by returning during those 72 hours, then they can be locked up. That seemed to be an efficient and effective way of doing it.

The problem with the way it works right now is that if you have to go back to the police station to fax the magistrate or bail justice to get authorisation, you then have to go back to the place where the event took place and find the offender so as to issue the interim intervention order. It does not make sense. In the meantime, as I mentioned earlier, the victim is not being dealt with properly.

The shadow Attorney-General also made an announcement last year regarding move-on laws. At the moment police do not have the power to move someone away from a situation. We looked at the Western Australian model and came up with the policy of giving police a move-on power, whether it be regarding antisocial behaviour or violence. It would give the police — who do not at the moment have this power — the power to say to a person, 'You have to move away from this area and stay away' for 12 hours or 24 hours. It is a powerful order, because if the person breaches the move-on order, they can be issued with a penalty and, in some cases, taken to a police cell and locked up. This would at least give victims of domestic violence immediate relief, allowing things to cool down before the issue goes to court.

Whilst we strongly support the government's push to resolve the inefficiencies that surround family violence holding powers, the only criticism we make about victims not being dealt with quickly and efficiently enough and not being given the confidence that they will be suitably looked after by Victoria Police — and in turn, the Department of Human Services and associated agencies — is that the Liberal Party brought out the policy in 2003. We were calling on the government to do something then instead of waiting and waiting. It was an urgent situation — this cry was coming from women's groups, police and groups that dealt with victims of domestic violence on a regular basis. On that note, we wish this bill a speedy passage.

Ms DELAHUNTY (Minister for the Arts) — I am also very pleased to join this debate on the Crimes (Family Violence) (Holding Powers) Bill. It is an important bill which allows the police to detain

perpetrators of domestic violence while the police apply for an intervention order in an emergency situation.

There has been a lot of argument on both sides of the house about how members of the Liberal Party are trying to position themselves as somehow being in front on this issue of domestic violence. That is laughable. In 2002 on behalf of the government I introduced the women's safety strategy, which is a broad and comprehensive strategy that covers many departments and agencies of government, including organisations that work outside government with the victims and indeed the perpetrators of domestic violence.

The women's safety strategy was established back in 2002 with a broad-reaching brief to make change at all levels, but most importantly change in a cultural sense. There was an understanding that no longer would this community or this government tolerate domestic violence and that we would work across government portfolios, including justice, human services and housing, on a comprehensive plan to diminish the rate of domestic violence. Clearly staff at women's affairs were responsible for the implementation of the policy and beyond. Men's behavioural change programs were introduced to show men that dealing with their anger must be a priority so that they not deal with their lack of self-esteem or their anger by perpetrating violence on their partners.

This government introduced new accommodation options for women who felt they had to flee domestic violence situations with their children, and put more domestic violence networkers and workers into the front line — into the community — to try and provide assistance. We also worked — and I have to say at this early stage that we have been tremendously successful — with the Chief Commissioner of Police, Christine Nixon, on a police code of practice. Often the police are the first on scene at times when domestic violence occurs. It is absolutely critical that training is given to police so that they do not treat a criminal assault as 'another domestic'. We all know that the figures are still much too high and appreciate that much more needs to be done.

One in five Australian women are affected by domestic violence, which is a shocking figure. VicHealth research has provided another shocking statistic — that is, that domestic violence is the greatest cause of death or disability for women aged between 15 and 44 years. I think Access Economics did some work on this matter for the federal government in 2004, and put the cost of domestic violence at \$8 billion a year nationally, which is around \$2 billion in Victoria. However, the human cost is incalculable. Some improvements have been

made as a result of that policy which was committed to and implemented from 2002 on. Increasing numbers of intervention orders show that women feel they can trust the police to pursue the perpetrators of domestic violence.

At the last election the government also announced a first in Victoria — the beginning of an integrated family violence response. For too long non-government and government agencies have been overworked in trying to deal with the blight of domestic violence. We have introduced an integrated family violence system that works right across the justice system, human services, housing and education — for example, two new specialist domestic violence courts have been opened: one in Ballarat in regional Victoria, and the second in Heidelberg.

This is a huge breakthrough, because the issue of domestic violence and the justice system has been fraught with difficulty. Many women do not believe their stories and experiences are understood or validated by the justice system. I am very pleased to support this bill. It continues our policy of consistent and complementary initiatives which will support women and their children in dealing with domestic violence.

Most importantly, we are working with men's groups and the perpetrators of domestic violence to change their attitudes. It is interesting. The figures show that 36 per cent of police visits are to the same houses and the same families. It is repetitive domestic violence which has not been nipped in the bud in the past. Of those police attendances, something like 46 per cent involve children either being involved in the violence or witnessing the violence. Tragically what we then see is too many of those children growing up to repeat that cycle of violence. We now have intergenerational domestic violence.

I want to mention another area where the women's safety strategy has worked to reach out beyond government agencies, which are doing a fantastic job, to leaders in the community such as the Australian Football League. The AFL is to be commended. Like many of our national football codes in 2004 it was afflicted with very serious allegations of violence against women. The AFL understood this could reflect a culture towards women which was not acceptable in football.

As a result of the work we have done through the steering committee led by the Chief Commissioner of Police, Christine Nixon, and me, the AFL has established a specific code to deal with harassment and

violence or risk of violence against women. If a player is accused and found guilty of breaching what are effectively code laws, he could suffer the ultimate sanction of being delisted. An extremely serious message is being sent to the community — that is, that violence against women, whether you are married to them or live with them, is simply not on.

This bill adds to the broad suite of initiatives the government has been working on since 2002. I would have hoped that we would have strong bipartisan support right around the house, from members on both sides, for such a serious matter, and that we could all acknowledge that this is a series of steps to deal with a blight on our community. It is not just the human cost, there is also a financial cost in terms of police resources, health resources and, indeed, justice resources.

I want to finish with one other initiative which complements what this bill will provide to the police. We have been trialling alternative accommodation options. I have often wondered why women and children should be dragged out of their homes in the middle of the night. Children are often dragged out of their beds because a male perpetrator has bashed his partner. Why should the perpetrator not be taken out of the home and given some counselling, charged if that is what is necessary, and required to cool off? We trialled this in Ringwood and it was extremely successful. It pulled these men up very short when they were sent off to some form of refuge or a very cheap motel for the night and given some very stern advice about attending a behavioural change program.

In one case one man said it was the first time he had realised he was repeating the behaviour he had seen in his own family, the behaviour of his father against his mother. It took this trial taking that man out of the comfort of his home for him to realise how devastating that experience was to him as a child and how he was now repeating that cycle of violence against his partner and it was being witnessed by his children.

I commend this bill to the house. It is an important bill and it will help us deal with the blight of family violence.

Ms ASHER (Brighton) — I wish to say a few words in support of the Crimes (Family Violence) (Holding Powers) Bill. As members of the Liberal Party have previously indicated, we support this particular initiative by the Victorian Law Reform Commission and by the government. As someone who has been in this place a while now, it is interesting to observe the incremental changes made by the previous Labor

government, the Kennett government and this government, and how gradually with more research, knowledge and resources the legislative framework and services available to victims of domestic violence have improved over the course of the last 10 to 15 years.

This particular bill enacts new police procedures to handle suspected family violence. It provides police with a holding power to direct or detain a perpetrator of family violence, and that power is a very limited one. The bill sets out 6 hours, although under additional circumstances a court may extend this limit to 10 hours. In particular I note in clause 4 of the bill the police, who are charged with the responsibility of exercising this new power, must believe on reasonable grounds that the exercise of that power is necessary to ensure the safety of either a person or of property. The test for the police will be the on-reasonable-grounds test. Police will be able to direct a person to remain in a certain place or go to a certain place, be that a police station or somewhere else.

The bill before the house is based on the interim report from the Victorian Law Reform Commission entitled *Family Violence Police Holding Powers*. The preface to that report makes it very clear that there is power in all other Australian jurisdictions equating the sort of power put forward in this bill. The context of the law reform commission report is that there is a much broader term of reference before it to investigate family violence, and the government has flagged the possibility of further legislative change as a consequence of that report. What is clear from reading this report is that the Attorney-General on 9 August 2005, after having received correspondence from the Minister for Police and Emergency Services and also the Chief Commissioner of Police, asked for an interim report, a quick report, on this particular element as to whether there should be some sort of holding power. Obviously the Attorney-General was conscious of the fact that these powers existed interstate and that this was an area in which Victoria had the chance to improve its legislative framework to deal with these sorts of issues.

The commission received 82 submissions and in the end came up with recommendation 2.41 at page 21 of the report, which states:

Given the restrictions police currently experience in providing an effective crisis response to family violence, the effect this has on victims, the fact that all other Australian jurisdictions have a holding power, and the overwhelming support outlined in submissions, the commission recommends that a holding power be introduced for police in family violence situations.

That has resulted in this particular bill being before the house today. As many speakers on my side of politics have indicated, we think this is a sensible step forward by the Labor government. I am always very critical of the state Labor government, but in this instance, as indeed on other matters where steps forward have been taken, I am more than happy to indicate that I think the Attorney-General has done the right thing. People will have various views on whether this has proceeded speedily enough. That is a matter for them, but I think this bill is a good step forward.

The law reform commission report outlines the incidence of family violence. Previous speakers have referred to the figure of one in five women being affected by family violence and the VicHealth research which indicates that family violence is the leading contributor of death, disability and illness for Victorian women aged between 15 and 44 years. I think we in this chamber have a very sound appreciation of the dimension of the problem, but I am not so sure that level of appreciation exists across society overall. Again, the report emphasises the number of contacts with episodes of domestic violence before police are actually called. At page 4 of the law reform commission's report there is reference to a UK study which found that on average women were assaulted 37 times prior to their first contact with the police.

The current response to domestic and/or family violence is set out in the report and falls into two categories — that is, the criminal response: arrest, charging and the like; and the civil response: intervention orders. The report clearly outlines the limitations of both responses, and at page 6 highlights that in terms of the criminal response there is limited power for police to act — for example, unless a person is arrested the police cannot do their job in this particular situation.

The report also refers to the fact that police have been reluctant to charge in what they have previously perceived to be just domestic violence circumstances. Again at page 6 figures are given which indicate that the proportion of charges laid where family violence incident reports were submitted remained consistent from 1993 to 2003, ranging from 8 per cent to 12.6 per cent — alarmingly low. I noted the comments of other speakers on the code of practice that has been developed in recent times. There is reference to the fact that in the year June 2004 to June 2005 the number of charges increased by 73.2 per cent from the previous year. Clearly the protocol that has been developed has resulted in increased charges.

Likewise there are limitations in the suitability of intervention orders, and the member for Scoresby outlined very clearly to the house the problems caused by the amount of paperwork, the fact that police have to go back to the station and so on and so forth resulting in significant delay. I suppose in the end the ultimate indignity, the ultimate injustice, is that in the past victims rather than perpetrators have been removed from their homes. It is this that the government, commendably, is seeking to address with this bill.

I note that in the main the police submissions have supported this proposal. I understand the comment from police that so much of their time is taken up in dealing with cases such as these. At page 11 the report gives an example of police from the Broadmeadows police complex being called out four times but an intervention order still not being served basically because the perpetrator was well clued in to what you have to do to escape the police serving an intervention order.

However, there have been a couple of concerns in relation to submissions, and I note in particular that the Police Association and Victoria Legal Aid were concerned in the first instance about police workloads and in the second instance about giving police additional detention powers. From my perspective the government has tried to deal with the fact that it is possible for police to get this wrong. In the main there is a huge amount of community sympathy for victims of domestic violence, but in terms of the police having these additional powers, it is possible sometimes that the police may get it wrong. The government has put in place some decent safeguards to address this: the limited time; the fact that police cannot question an offender while he — it is usually 'he' — is being held; and rights to communicate with a friend, relative or lawyer. They are all entrenched in the bill. It may well be, however, that the attorney and the government will need to monitor police use of this power.

In the main and in conclusion, as I said earlier, successive governments over a long period of time have tried to deal with the issue of family violence. I guess in the 60s it was often dismissed, but we are seeing substantial change for the better in this direction, and I am more than happy to commend the attorney on bringing this bill before the house.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise today in support of the Crimes (Family Violence) (Holding Powers) Bill. The first comment I wish to make in the light of my experience as the representative of a good electorate like Derrimut is that it is important to place on record that this legislation has been supported by all parties in this chamber.

I say that because it is important that the community understands the issue of domestic violence. No-one condones it and no-one accepts it. It is absolutely condemned by all, and certainly by all legislators and by all political parties that are democratically represented in this place. I also support this legislation because it will provide the police with holding powers in family violence situations. To put it plainly, police officers will have to adopt reasonable grounds for suspecting that persons are above the age of 18 and must believe on reasonable grounds that the exercise of power is necessary to ensure the safety of the aggrieved family member or to preserve any property of the aggrieved family member. That is important because it bridges a gap.

The reality on the ground is that on many occasions and in many circumstances police officers do not have sufficient powers to act as promptly as they would like to act. They do not have the power necessary to intervene in circumstances which could well be frivolously described as a domestic. This additional power will enable police, in the light of the code of conduct introduced in September last year under the stewardship of the Chief Commissioner of Police, Christine Nixon, to resolve an issue there and then. To be practical about this, it will give police the power to direct the perpetrator of domestic violence to leave, to send him — I say ‘him’, because in the majority of cases it happens to be a male — away for a certain number of hours and to resolve the issue, at least at that point, in a practical way. That is a good thing.

I also concur with the notion that has been advanced in this chamber that far too often family members, and particularly the woman who happens to be the subject of domestic violence, typically with her children, are the ones who have to abandon the home. It is fair to change that culture around so that if and when domestic violence occurs the perpetrator is the person who has to leave the home. Unfortunately more often than not that person happens to be the male. These are important and additional powers that have been given to the police following recommendations made by the Victorian Law Reform Commission, which I take this opportunity to commend.

What do we know in relation to domestic violence? We know there is extensive evidence of the adverse effect of domestic violence on people in all age groups and from all cultural backgrounds. We also know that the impact of domestic violence may be long term and affect emotional adjustment, physical health and subsequent relationships. We know that health professionals can play an important role in helping overcome a situation. If they come across a client or

patient who may have been the subject of domestic violence, they have to take into account a range of factors, including age and cultural diversity. We know that shame and isolation may well militate against closure, and that that can happen to varying degrees within cultural groups, among people from different age groups and among people from different socioeconomic, ethnic, religious or other backgrounds. Any one of these factors may be an impediment to a woman reporting domestic violence. We know that specific sensitive questioning that incorporates awareness of cultural and social issues is essential in detecting domestic violence and initiating appropriate assistance.

Domestic violence may be physical, sexual or psychological; but all three can be present. What victims subjectively define and identify as domestic violence can be strongly influenced by cultural beliefs, values and previous experiences of abuse and may not coincide with standard clinical or research definitions.

This is quite important, and I highlight it in the most delicate manner that I can. Members will be aware that I represent one of the most culturally, linguistically and religiously diverse electorates. Far too often I have attended the Magistrates Court in Sunshine and come across circumstances where a woman had repeatedly been the subject of domestic violence and because of shame and intimidation but also because of her cultural or religious background had thought she had to put up with it and that there was nothing she could do about it or where the levels of tolerance of domestic violence were far greater than they would be in the so-called mainstream communities.

I place on the record the special concern I have about what is becoming apparent from the evidence and the research that has been conducted by numerous scholars around this country and in the United Kingdom particularly — that is, that it is clear that women from non-English-speaking backgrounds are among the most vulnerable women in the community. According to the evidence it is clear also that indigenous women and, indeed, women with disabilities are among the most vulnerable.

I quote from a paper prepared by the Australian Domestic and Family Violence Clearinghouse, in which it is stated that it appears that:

7.5 per cent of women born in non-English-speaking countries had experienced violence by their partner during the course of their relationship ... Data concerning women from non-English-speaking backgrounds should be viewed as conservative estimates

as the literature identifies many barriers that prevent immigrant and refugee women from accessing services.

The paper states also that:

Women with disabilities represent 16 per cent of the adult female population of Australia. Despite this, there is a lack of data directly relating to women with disabilities and domestic violence.

Overseas studies have found that women with disabilities, regardless of age, race, ethnicity, sexual orientation or class, are assaulted, raped and abused at a rate of between two and 12 times greater than women without disabilities ...

It also confirms that:

5 per cent of domestic violence incidents involved victims with a disability ...

In my concluding remarks I commend the work done by the government. I commend also the work done by Victoria Police and in particular Christine Nixon, the chief commissioner, who is bringing about a significant cultural change in the police force. I believe it to be the case — certainly in the western region — that members of the police force are making significant improvements in the way they tackle and accept having to deal with domestic violence. The code of conduct brought in and the work done in September last year were a significant contribution.

Let us not be complacent, because the reality is that in the front line, where members of the police force are doing their job and are as busy as they are, there could always be the temptation, notwithstanding the powers they are being given, to deal with such a matter as 'a domestic'. I am confident that every encouragement will be given to members of the police force to deal with or treat the issue as the crime that it is. I commend this important reform being brought about by the government. I sincerely hope and am confident that we will make additional efforts to raise levels of awareness and consciousness about the amount of domestic violence in our community. I commend the bill to the house.

Mr CLARK (Box Hill) — I am pleased to have the opportunity to make a few remarks on the bill and to reaffirm the Liberal opposition's support for it. Probably just about every member in this house has at close or more remote distance had experience of domestic violence, amongst family members or friends or others in the community with whom they have come into contact. Every member in this house would regard domestic violence with abhorrence and be appalled by the injuries, hurt and harm that can be inflicted as a result.

One of the very welcome trends over probably the last two or three decades has been the growing recognition that incidents of domestic violence need to be treated as seriously as other violent assaults and that police intervention in criminal and civil disputes needs to be exercised as a vital means not only of prevention but of deterrence and of justice.

That is not to say that other important supports for preventing, deterring and ameliorating domestic violence should not continue to be supported by the community — for victims and through counselling of perpetrators or those who are inclined to violence. I refer by way of example on that latter respect to what has been a very successful and pioneering program conducted in my electorate through the Whitehorse Community Health Service — a program initiated in the 1990s and which has proven to be very successful subsequently.

The member for Bentleigh took strong exception in his remarks to the statements by the shadow Attorney-General, the honourable member for Kew, about the government's delay in debating this legislation during the last sitting, and he made what seemed to be a somewhat circular argument that the delay was not a problem because the commencement date for the bill was set for July this year because that is when the police thought they could be geared up to implement it.

I would have thought the starting point should be that when there are measures of the sort contained in the bill that have been investigated and debated in the community, and which enjoy wide bipartisan support, the legislation should be passed as soon as possible. I cannot see any reason why the commencement should be delayed until a particular date when the police would be administratively geared up for it. If the legislation were passed and took effect, it would then be a matter for the police to commence to use the powers conferred on them as soon as possible rather than waiting for some arbitrary date such as 1 July, when they may well be in a position to use these powers to good effect before then. It goes without saying that there are thousands of incidents of domestic violence occurring in any given month; therefore the sooner this legislation can be brought into operation, the better.

As the member for Scoresby pointed out, the member for Bentleigh was also completely wrong in his accusations that this is not an issue that our side of Parliament has given attention to, and indeed as the member for Scoresby said we issued a position statement as far back as November 2003 proposing that interim intervention orders be able to be issued with the

verbal authorisation of a magistrate or bail justice to tackle exactly the sort of problem that this bill tackles.

We made the point in that position statement that the issue was one of immediacy, where the officers attending did not want to leave the scene and needed powers to act forthwith to tackle the problem. So for the member for Bentleigh to suggest that opposition members have not been turning their minds to this issue is completely off the mark. We welcome the fact that the government has now reached the point where it is introducing a suite of measures to achieve the objective that we identified and for which we proposed a solution in November 2003.

I should also say a few brief words about the mechanisms in the bill. The primary power contained in the bill is for a member of the police force who intends to make a complaint against a person in relation to domestic violence to direct that person to do essentially one or more of three things: to remain at the place where that person is when the direction is given, to go to and remain at another place as stated by a member of the police force, and/or to remain in the company of that member of the police force or another member of the police force or another accompanying person for an interval of time as specified in the bill.

Backing that up there is a detention power, but the detention power is intended to operate only if the person to whom the direction is given fails to comply with the direction. In proposed section 8AC(3) the bill provides that a direction given under that section must be reasonable in the circumstances. It appears that the bill contemplates that one of the places to which a person may be directed is a police station. That is understandable. However, it is going to be important that police use good judgment in how they exercise this power. The objective of the power makes eminent sense if one wants to create a separation between the person who is complained of committing domestic violence and those who are the apparent victims or threatened victims of the violence — to create a separation, to create a cooling-off, to protect the people who are under threat and to allow time for intervention orders to be sought and other arrangements to be put in place. It is not intended to be an incarceration for a person against whom the direction is made.

I will raise just one point of the operation of the bill, and I hope the Attorney-General might be able to address it. It relates to communication with others by a person against whom a direction is made. I raise these points on the assumption that a person has complied with the direction rather than has been detained. However, the direction and the detention powers

overlap to some extent because of the possibility of a direction for a person to go to a police station. Proposed sections 8AE(2), 8AE(5) and 8AE(7) relate to communications. Proposed subsection (2) says that a member of the police force must inform the person that they may communicate or attempt to communicate with others if they have been directed to go to a police station. Subsection (5) rightly says that nothing in subsection (4) permits a person to communicate with the aggrieved family member and section 8AE(7) says that the police force member is not required to inform a person that they may communicate with others if the member of the police force believes the communication is likely to prejudice the safety or the property of the aggrieved family member.

The basic question is: if a person is complying with a direction rather than having been detained, does that person have a right to communicate at large? These days a person may well carry a mobile phone with them to the police station. Is there an implication that they can only communicate in the limited ways in which a charged person can communicate, or are they able to communicate freely with whomever they choose to phone? On the one hand, given that this is a direction to create a separation, not a detention or an arrest, you should allow them to communicate freely, but on the other hand, as the bill itself contemplates, you do not want people using their mobile phones while sitting at the police station to ring up and make threats against the aggrieved family member or against anybody else.

These are some of the issues relating to communication that I think require a bit more attention, certainly in terms of how they are to operate in practice and perhaps also in the way the bill is drafted. But subject to raising those queries of detail, the bill does achieve a valuable step forward and it has the support of this side of the house.

Ms LOBATO (Gembrook) — I rise to support the Crimes (Family Violence) (Holding Powers) Bill. I do so with great pride in our government for having introduced this. I want to congratulate also the Victorian Law Reform Commission, which actually did the investigation into the police holding powers. It investigated the issue of domestic violence and its implications widely and received responses from the community, including responses by police. It conducted wonderful research and has written a very concise and informative paper on that. The research was done with a large amount of consultation with victims, perpetrators, magistrates, police and a wide range of others in the community. Its recommendation was that a holding power be introduced for police in family

violence situations to enable them to obtain and serve intervention orders and therefore protect the victims.

I want to briefly mention the recent initiatives that the Bracks government has introduced as part of its package to tackle and reduce the increased level of domestic violence. One of the initiatives which has been working very effectively is the police code of conduct, which basically seeks to change the culture within the police force so that it no longer accepts the old standard line, 'It's just a domestic'. It seeks to recognise domestic violence as a crime and respond to it accordingly.

Last year we introduced an amendment in relation to the pilot Magistrates Courts at Heidelberg and Ballarat, which are going to specialise in domestic violence incidents. According to all reports, they have been working really effectively. That is a way of looking at domestic violence specifically instead of magistrates dealing with a whole range of crimes. Domestic violence needs to be addressed specifically. In last year's budget the Bracks government allocated \$35 million as part of its package to eliminate domestic violence. There is also the women's safety strategy. These are the things that the Bracks government has been putting in place to address what is generally a crime against women and therefore ensure the safety of women.

We recognise that domestic violence is a major social issue. Many of us over the past few years have been regularly discussing the level of domestic violence that is ongoing in our community. We have spoken often about the VicHealth report, the burden of disease and those shocking figures which show that domestic violence is the leading cause of death, disability or illness among women between 15 and 44 years of age. Other shocking statistics are that each year 75 women in Australia are killed by their male partners and one in five women are the victims of domestic violence. It is absolutely deplorable. We have to address it, but in the past we have not. Successive governments have buried their heads.

An honourable member interjected.

Ms LOBATO — No, we do not do position papers; we legislate and fund accordingly. Domestic violence is a crime that is increasing in and around my electorate of Gembrook, particularly in areas such as Narre Warren and Cranbourne. I am sure other members will speak about the increasing level of domestic violence in their areas. I have spoken about the importance of the police code. Adequate policing of domestic violence is not possible without police holding powers. Several

examples were given by the Victorian Law Reform Commission, and I have many of my own as well. Without police holding powers the immediate response will not be effective and therefore women will not have the confidence in the police or the judicial system the next time they need to approach it for some intervention.

The Victorian Law Reform Commission cited an example of the police being called to a house where domestic violence was occurring. When they left the house so as to do their paperwork back at the police station, the perpetrator came back and started reoffending. The police finally convinced the perpetrator to leave and stay somewhere else, but as soon as they left to go back to the police station the perpetrator came back — or I think the next time the police found him lurking in the backyard.

The police holding power in the bill gives the police the power to direct the perpetrator to remain in a particular place or with a police member until they have acquired an intervention order. They can be detained for up to 6 hours, or 10 hours upon further authorisation from a magistrate. It is a crime that women are generally the ones who must leave the home so as to prevent domestic violence from continuing. This bill sets out to redress that awful situation.

I return to certain examples in the current system. On any given weekend domestic violence may be occurring in a home. The victim, generally the female in the partnership, at some stage will be determined to seek police intervention. In general they can now go to a police station and ask for some sort of assistance, and usually the police respond by saying, 'Go and see a magistrate on Monday morning'. By the time Monday morning comes around, all is forgiven and all is forgotten until the next weekend. This bill seeks to address that scenario and give some immediate assistance.

I want to congratulate all members of the Bracks government who have been talking about this and lobbying, not hiding their heads and these stories. I thank and congratulate the Attorney-General, the Minister for Women's Affairs and the Minister for Police and Emergency Services. I also congratulate all the police members who have worked effectively to have these measures introduced.

I need to pick up on some points the opposition has made throughout this debate. One is that we have failed to enact this legislation and that the bill should have been debated when it was first introduced. As we stated when Parliament was sitting at Geelong, the police

could not implement it in the time that was set down then. In the absence of any knowledge, any commitment or any caring about domestic violence the opposition has used that and sought to turn it around, because it had nothing else to say.

We are dedicated and committed to ensuring women's safety, and to use an issue of domestic violence to score points is deplorable. I congratulate the Bracks government, and I wish the bill a speedy passage.

Mr THOMPSON (Sandringham) — In entering the debate I would like to make a number of political as well as practical remarks. Commencing on a political plane, it has not been the objective of the opposition to politically point score in relation to the legislation. From its introduction to its implementation there will have been a seven or eight-month delay. I go back a number of years to the introduction of legislation to protect children from stalking. I recall its introduction and passage through this chamber with great expedition; it came into operation almost immediately.

It defies belief in this day and age, when the government is able to spend \$80 million on advertising, that it cannot adequately resource the police to accelerate reforms which are reasonably straightforward and which the police are already implementing in handling domestic violence situations.

The member for Bentleigh remarked that the police had requested an implementation date of 1 May, which has been extended to 1 July, which is another gap of two months. If the government were serious about implementing this legislation at the earliest possible time it would have taken up the date indicated earlier by the member for Bentleigh.

The second political remark I would like to make relates to the diminution of police numbers in the Bayside area. A recent newspaper report suggests that some 22 members of the force may be lost to the Bayside area, the argument being about a reduction in crime numbers which has been attributed to increasing police levels. The corollary of that argument is surely that with a diminution in police numbers there will be an increase in crime. I wish to plead the case for the Bayside area to ensure that in addition to a lack of infrastructure we do not suffer from inadequate levels of police resourcing.

Domestic violence is a problem which can be exacerbated by alcohol, psychiatric circumstances, gaming or unemployment. Those factors can place increased pressure on individual households, and it is important, as it determines and delineates its policies,

that the government has adequate regard to factors in the wider society which can contribute to domestic violence. The government also needs to ensure that counselling agencies which respond to domestic violence and which care for women who are the victims of domestic violence — in the Sandringham electorate in the southern area of Melbourne that includes agencies such as Southern Family Life — are in fact adequately resourced. I pay tribute to the work undertaken by Gwen Orr, who contributed to a local women's refuge over a couple of decades.

I would also like to record the disproportionate level of violence within indigenous communities in Australia, and in Victoria in particular. There too the problem is exacerbated by alcohol and drug dependency, and social and living conditions which the government needs to address. As we speak the educational outcomes of many young indigenous Victorians are not at the same level as the outcomes of students of a comparative age range across other sectors of the Victorian community. There needs to be a stronger focus. Victorians have a right to get angry about the disproportionate outcomes confronting Victoria's indigenous community.

There is another example about which Victorians have a right to get angry, and that concerns the story in the *Herald Sun* about an Ombudsman's report on an investigation of a case of violence against a foster child who had been admitted to hospital with a number of bruises. The paediatrician recommended that the child not be returned to the foster mother. Apparently after the child was returned to the foster parent his teeth were gouged out. It is a shocking and horrific case, and I understand from the *Herald Sun* report that the government is sitting on the Ombudsman's report. The government has a mistaken belief about what is represented by and what its obligations are to act in the public interest. I call upon it to release that report.

The bill contains a number of provisions, and I have commented on the commencement date. Again, given the \$80 million being spent on government advertising and the delay of seven or eight months in the implementation of the bill, there is a stark contrast between what could have been the case and what will be the case.

When the police have the opportunity to attend a domestic violence situation they require:

... reasonable grounds for suspecting that the person is of or above the age of 18 years; and

... the member believes on reasonable grounds that exercise of the power is necessary to ensure the safety of the aggrieved

family member or to preserve any property of the aggrieved family member.

Members have pointed out a range of examples where this holding power will actually improve the outcome of the operation of the legislation in Victoria. It should provide greater levels of protection to people who are the victims of domestic violence. However, I trust at the same time that it will not lead to a higher level of legalism in the process, because once matters enter the court system or the judicial process they can take on a life of their own in terms of expense. This is when the adequate resourcing of counselling agencies is important to try and stem the breakdown of family life and wider circumstances.

A number of years ago the Victorian Parliament Law Reform Committee took evidence in Canberra from experts on domestic violence. They had a program there which did not go backwards. Once there was a police report in relation to domestic violence, the police and allied agents essentially turned up with video cameras to accurately record everything at the scene of a domestic violence situation and then act without withdrawing proceedings. It was a case where they would not draw back and they would prosecute offenders who were guilty of domestic violence. That sometimes needs to be counterbalanced with other circumstances. Those involved might work through the issues and achieve a reconciliation or some other productive outcome.

My final remark relates to the impact upon children who might observe domestic violence. The percentage and statistics that were quoted to the chamber early in this debate are very sad. I think the strength of the community is greatly enhanced when there is a means of ensuring the welfare of the children and the advancement of their best interests to the highest degree. Therefore all measures which serve to minimise the impact of domestic violence should be commended by members. The opposition supports the bill subject to the qualifications that I mentioned earlier, which I will reiterate: firstly, the proposed reduction of a police presence in the Bayside area — as reported recently in the local press; and secondly, the delayed introduction of the legislation, which I think could have been advanced to a higher degree to protect the welfare of Victorians.

Ms BARKER (Oakleigh) — I am very pleased to rise and speak on this bill which amends the Crimes (Family Violence) Act 1987 to create a holding power for police when a person has allegedly used violence towards family members; when police intend to apply for an intervention order on behalf of the aggrieved

family member; and when police believe on reasonable grounds that the holding power is necessary to ensure the safety of the aggrieved family member or to preserve their property.

The bill is based on recommendations from the Victorian Law Reform Commission's interim report with some minor variations following further consultation within government and with the commission and stakeholders. The holding power created through this bill bridges the current gap in protection that can occur while the legal and police response to family violence is under way. That protection gap can occur between the time of the attendance of police at an incident and when protection can be provided under the Crimes (Family Violence) Act, or it could be simply the time between the attendance of police at an incident and when something as practical as the changing of locks can be undertaken.

The bill improves protection for victims of family violence and responds to concerns raised not only by the commission's interim report, but also by Victoria Police. As a government we are very determined to deal with the issue of family violence. This bill is a part of our commitment since 2002, which is in a well-documented strategy which the Minister for Women's Affairs spoke about earlier. Some of the facts about family violence clearly show that we have determination to work in an integrated way to address these issues.

As has been mentioned already, family violence directly affects one in five Victorian women over the course of their lifetime. It is the leading contributor to preventable death, disability and illness in Victorian women aged 15 to 44 years. Women are more likely to be killed by a male partner or an ex-partner than by any other person. Family violence is a factor in more than half of the substantiated child protection cases, children are present at more than half of the police attendances for family violence, less than 20 per cent of affected women report family violence to Victorian police, indigenous Victorians, mainly women, are eight times more likely to be victims of family violence, and so it goes on. These are very disturbing facts. That is why we are putting an integrated system in place. We will have not only an integrated system but also leadership and coordination from this government. We are determined to work closely with the agencies that work with the victims of family violence.

One of the significant actions that have already been undertaken — it has already been mentioned and is one of the particularly good ones — is the establishment of the family violence court division of the Magistrates

Court. As has also been mentioned, the first two sites for this new development are at Ballarat and Heidelberg. This new division of the Magistrates Court is very important. The family violence court division has the jurisdiction to hear a range of matters related to family violence. It will not just hear one matter and people will have to go somewhere else to get an intervention order then go somewhere else to deal with a criminal matter. It will be able to deal with all of them: intervention orders, criminal matters, some family law matters and victims of crime applications, which are also very important. The court will have the power in certain circumstances to order male defendants to attend special counselling programs. Children must not be present at or called as witnesses in hearings or intervention order proceedings unless allowed by the court. This will increase protection for children. We must do all we can to reduce the very traumatising effects that appearing in court has on children.

Of particular interest are the new specialist family violence police prosecutors, specialist court staff and new support and referral services that will work together. That integrated approach is an important part of the court. I understand the need to ensure that the pilot projects, if you like, the demonstration sites in Ballarat and Heidelberg, work effectively. It is always important to know that that will happen. I really cannot wait to see family violence court divisions of the Magistrates Court set up in other areas, because I am sure they will be helpful in dealing with this very traumatic issue.

A second new action has been the introduction of the new police code of practice in August 2004. I commend the police on the new code. I will not go through the detail of it, but it is a very good initiative.

As well as these actions, as part of its A Fairer Victoria initiative the Bracks government has committed \$35 million to help improve the safety of women and children who experience violence and improve the accountability of men who use violence. We have recently started some of the rollout of the extra funding to agencies as part of this \$35 million package. My electorate of Oakleigh covers both the eastern and southern regions, and I was particularly pleased to see that in Melbourne's east the government has supported a \$655 000 funding boost to local agencies. The agencies that will receive funding are Relationships Australia, Anglicare, Eastern Domestic Violence Outreach Services and Mitcham community house.

In Melbourne's inner south a funding boost of \$267 000 has gone to local agencies such as Caroline

Lodge, Salvation Army crisis services, UnitingCare Connections, Southern Family Life — which the member for Sandringham mentioned — Inner South Community Health Service and the South East Centre Against Sexual Assault, which is a great, hardworking service in that area. This extra funding will mean increased outreach support for women who may not be able to attend a refuge or who may have multiple needs and require more intensive case management. It will mean more assistance for women needing accommodation in the private rental market, although hopefully there will not be such a need for private rentals if we can allow women and children to stay in their own homes.

It will also mean more funding for men's behaviour change programs and more crisis accommodation. As part of this government's integrated, dedicated approach to family violence and the commitment of \$35 million over four years we are already starting to add extra support mechanisms to agencies throughout Victoria. I have only mentioned the east and the south because those are the areas that I represent.

In conclusion, I say again that we as a government are very determined to protect women and children from family violence and to protect people from family violence. We are also determined to hold those responsible to account. This bill is another step — and an important step — in that integrated and funded approach. I am sure we will continue our efforts in that coordinated way, which is absolutely necessary to deal with this insidious crime. I commend the bill to the house.

Ms ECKSTEIN (Ferntree Gully) — I too am pleased to make a brief contribution in support of the Crimes (Family Violence) (Holding Powers) Bill which provides improved protection in family violence situations. Family violence is a longstanding and intractable problem in our community. Too many families live in fear of family violence. It unfortunately affects all sections of our community, all sections of society, regardless of social status, income level, background — whatever. It permeates all strata of our society.

The perpetrators mostly, but not exclusively, are men, with women and children living in fear and danger of serious injury or death. I am sick of seeing women and children living in fear of their partners who are physically or emotionally abusive to them. I am sick of seeing males exuding aggression from every pore of their bodies while women with sometimes two, three, four, six children in tow are trying to keep a lid on the situation in order to keep it all together. There are just

too many perpetrators who have anger management issues and inappropriate strategies for dealing with their personal and family conflicts.

This bill allows the police to direct someone who has caused a family violence incident to go to a particular place, to remain there, to get out of the situation. It gets them out of the immediate conflict and defuses a potentially dangerous situation and the risk of further violence. This can be done in a case where police intend to seek an intervention order on behalf of a family member and where they believe that family member, or other members of the family or their property, needs to be protected. It gives time out, and time to take other necessary steps to protect the victims from further violence. Such other steps could include the changing of locks and relocation of other family members, and it gives time for that to be able to be put into place. If a person fails to comply with such a direction, they can be detained by the police. The holding power is limited to 6 hours, or 10 hours with reference to a court order in exceptional circumstances.

On balance it is a sensible measure which will protect the victim or victims of family violence. It is a necessary measure which will improve protection from family violence by removing the perpetrator from the situation. I am very proud that our government is working hard to address this very difficult issue of family violence. This bill and other measures that this government is taking will work to reduce its occurrence. It is a scourge on our community and we all need to do whatever we can to minimise its occurrence.

Others have referred to the appalling statistics of family violence being the greatest cause of death of women aged between 15 and 44. That is an absolutely appalling statistic, and we all need to work to change that in our society.

I am very proud of the fact that in last year's budget the government committed \$35.1 million over four years for family violence services. It is a significant and much-needed injection of funds to address this very difficult social problem in our community. It is a very important issue. The minister outlined earlier some of the strategies that that package encompasses. It is an integrated, multidisciplinary and holistic approach and strategy, coordinating across a whole range of services and agencies, bringing them together to bear on this important social issue.

This bill provides important and necessary additional powers for the police to deal with this difficult issue. I fully support the bill; it is high time for it. I am very proud that this government has taken this step which

will make a big difference for women and children in our community who have to suffer from situations of family violence. With those few remarks, I commend the bill to the house and wish it a speedy passage.

Ms BUCHANAN (Hastings) — I rise to make a brief contribution to support the Crimes (Family Violence) (Holding Powers) Bill. The intent of the bill is very clear — that is, to provide police, through holding powers, the opportunity to provide further safety to people who have allegedly had violence used against them by family members. The bill outlines how these holding powers will operate, when they can be used, the period of time that a person can be ordered to remain at a stated place and the powers that police can enact if the alleged offender fails or refuses to comply with that police directive.

This bill supports, as a matter of prime import, family violence victims having an immediately safe refuge. That does not automatically mean, as it has historically, that the victim has to physically remove themselves, and frequently their children, from their residence. This bill ensures that the alleged offender is physically absent and away from their victim and that the offender is the one who must walk away.

One of the main issues of support workers in this field is the issue of having to remove the victims — again, predominantly women and children — to safe refuges for their health, wellbeing and safety. Under this bill, to be enacted in a few months, the perpetrator is to be removed. This sends a very strong message that there are immediate consequences for their actions and behaviour, followed swiftly by legal proceedings. The alleged offender, not the victims, must find a place to stay temporarily. Removal of the victims has been the norm to date. It is not normal behaviour, though. It is a very dislocating and disempowering process for victims.

The Mornington Peninsula and Western Port regions have an unfortunately high incidence of family violence, and with the introduction last year of Victoria Police's new code of practice there has been a greater willingness of victims to report the abuse. I consider this to be a very positive move. It is one step towards a society actively adopting a whole-of-community responsibility for zero tolerance towards family violence.

The excellent family violence initiatives of 2005 have seen the greatest servicing of both victims and perpetrators across my electorate, highlighted last year by the powerfully messaged fridge magnet produced by members of the Men Exploring New Solutions

(MENS) group, which is run by a team at the excellent Peninsula Health Centre Network. The magnet was produced by men who had been perpetrators for men who revert to violence as a form of working out an issue to give them the chance and the choices to stop and think about alternative ways of dealing with the situation that does not include the physical, emotional or verbal abuse of another person.

In closing, I would like to acknowledge the very important work across my region of the family violence network, the Peninsula information and referral support service, Valerie House and Out the Door, to name a few. I believe I speak for all the victims of family violence across the Hastings electorate, the many women and support groups of the region who have worked so hard with me and the many other of my female MP colleagues on the Bracks government's Women's Safety Strategy when I say that we wish to ensure that the protection and the justice for women and their children who experience violence is perpetually ingrained in all aspects of our community in terms of zero tolerance.

This house knows full well the ramifications and the impact of family violence on society, partners and children and is doing as much as it can to redress this issue and stop what is becoming generational behaviour.

I want to congratulate the Attorney-General, the police minister, the women's minister and the police commissioner for their very corrective stance on this.

In closing, I refer to a comment made by the lead speaker for The Nationals. He was concerned about the reported increase in family violence. I am very glad there has been an increase in the reporting of family violence. It shows the code of practice is working. In many respects it is a watershed in relation to the reporting of family violence across Victoria. It means we can deal with this issue in its reality rather than its presumption and we as a government can make sure the appropriate actions are taken. I strongly commend this bill to the house.

Mr DONNELLAN (Narre Warren North) — Tonight I want to speak on the Crimes (Family Violence) (Holding Powers) Bill. Unfortunately family violence is a serious problem and has the fastest rising incidence of crime in my electorate. It is partly due to the high levels of debt which many people struggle under; there may be other factors at work. Fortunately we are lucky enough to have a senior officer who has been placed by the government in the Narre Warren police station to deal solely with domestic violence

issues. She has been able to train and put forward new ideas and practices to improve the treatment of people who have suffered domestic violence. This initiative was brought in some time ago, and I believe it is working very well.

I find the idea of hitting a female impossible to understand. Choosing to hit out at someone who is more vulnerable than oneself is a sign of weakness in many ways. I have never hit anyone, either female or male of any age, but I find it very difficult not to behave like a benevolent dictator and to want such people humiliated. It is probably not an option in a civilised society but it is what I consider to be a normal response to such disgraceful behaviour.

In the past year or so we have introduced two family violence courts and have piloted court-ordered counselling services for men who use violence. Further we have changed intervention order legislation to increase protection of children and the parent victim.

As mentioned, Narre Warren police is fortunate to have a full-time senior officer dealing solely with domestic violence. Although I do not have statistics for local outcomes, I understand that the levels of reporting of domestic violence and of intervention orders have increased. This is very positive news; people need to understand that hitting the vulnerable is simply not on.

Police now have the powers to detain perpetrators of domestic violence while they apply for an intervention order in emergency situations. Best of all, the victim of domestic violence will not be required to move out of their house and to have their life turned upside down. Instead, those miserable buggers who perpetrate the crime can be thrown out of the home for a short period of time and held by police while legal protections are put in place. I say: lock them up forever! This is a marvellous bill, and I commend it to the house.

Ms BEATTIE (Yuroke) — I am very pleased to support of the Crimes (Family Violence) (Holding Powers) Bill. We all know that the basis for this bill was the Victorian Law Reform Commission report produced last September. I place on record my thanks to the Victorian Law Reform Commission for that report, under the chair of Marcia Neave. I think it has produced an excellent report which the Bracks government was able to use as a cornerstone for this legislation. The bill is based on its recommendations with some minor variations. Wide consultation took place.

We have talked about the holding powers in this bill which will bridge the current gap in protection that can

occur while the legal and police response to family violence is under way. We all know what a high cost is attached to family violence. Not only are the victims scarred for life by domestic violence but there is an economic factor too. My understanding is that domestic violence costs Australia about \$8 billion a year, half of which is borne by the victims themselves. One-quarter of all Australians have witnessed family violence. A quarter of all Australian children have witnessed violent behaviour towards either their mother or stepmother. The research shows that just witnessing that family violence is an act of violence in itself, and children are scarred for life.

I want to pick up on a point made by the member for Narre Warren, who talked about removing the perpetrator from the house. When women and children are the victims of domestic violence often they are further punished by being the ones that are forced to leave. That in itself has been a hindrance to women reporting domestic violence because of the risk that they would be further punished by having to remove themselves from the house or by having to remove the children.

This is good legislation. It is important that we bridge the gap and protect those women and children between the time when police attend an incident and the time when protection is provided under the Crimes Act and the further measure of actually changing the locks on a house can be taken. There may be a warrant issued and executed upon the perpetrator or there may be an intervention order. The mere threat of the intervention order is not enough, since an intervention order does not provide effective protection until it has actually been served. It is from that point that a breach of the order may amount to a criminal offence. Arrests may not be possible because family members may not want criminal charges laid or a criminal offence may not have occurred — for example, in the case of harassment. The holding power thus provides a new means to control the movements of a defendant during this period. It can be used for that purpose.

I might say that there has been some criticism of the length of time this bill has taken to come to the house. The bill's genesis was also in the Women's Safety Strategy of 2002, and the bill is just one of a suite of proposals put forward to help with domestic violence.

As I have said, domestic violence is a significant problem in Victoria. I have no reason to believe my electorate of Yuroke is not reflective of the rest of Victoria. One in five women is a victim, and the effects of family violence are wide ranging. They are usually severe and unfortunately they are sometimes fatal.

Physical effects range from broken bones to long-term disability. There have even been vision and hearing impairments and deaths. We have that shocking statistic of 75 women in Australia each year being murdered by their male partners — they are 75 deaths that are preventable and 75 deaths that are absolutely unnecessary.

It is high time something was done, and this legislation is good legislation. I do not think we will ever completely stop domestic violence, but this will go a long way towards helping. It will provide some intervention when intervention is needed, and it is certainly backed up by this government with that \$35 million to help over a number of years. In conclusion, this is a good bill, and I commend it to the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

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

That the house do now adjourn.

Melbourne Youth Music: funding

Mr PERTON (Doncaster) — The matter that I raise is for the Minister for Education and Training. The action that I ask of her is that she overrule her department's decision to slash funding to Melbourne Youth Music and restore its grants. The participants in Melbourne Youth Music will have made contact with many of the members of this house, and I am sure that members of the Labor Party will join with members of the Liberal Party, including the member for Sandringham who raised the matter this morning, and members of The Nationals, all of whom believe this is an iconic institution in Victoria.

The funding cut of 70 per cent, which is more than \$600 000 over three years, will jeopardise the future of Melbourne Youth Music. Its nationally acclaimed and leading music program has trained some of Victoria's finest musicians. Melbourne Youth Music provides Victoria's talented musicians with the opportunity to learn and perform in orchestras, symphonic bands, string ensembles, big bands and choirs at a professional level. More than 35 000 students have been through the program, and about 500 budding musicians from electorates around the state re-enrolled in its Saturday music program and annual summer school.

The thing that surprises us about Labor's cuts to this program is that the program enables young people from any background, regardless of the wealth and standing of their parents, to take up fine and quality music. For people like us — as members of Parliament we can afford the tuition and the fees — that would be appropriate, but this cut deprives young people whose parents do not have the means to participate in this program. I would have thought this violates the principles that the government espouses. I see my friend the honourable member for Ferntree Gully shaking her head, and so she might. I am sure that she, as a Labor member, believes in the principles of equity. I hope she will join my call to the minister to restore funding.

The Bracks Labor government has turned its back on quality music teaching in Victoria. As we know, it has made attempts to diminish funding to a number of the quality music programs in Victorian secondary schools. For 2005 Melbourne Youth Music requested \$1.1 million over three years to fund its Saturday music program. The minister responded by promising an inadequate sum of \$100 000. Significantly that promise came in the week before Christmas. The decision to axe funding would force Melbourne Youth Music to dismiss up to 14 tutorial staff, cut tutorial time by 3000 hours and double student fees to more than \$1000 a year.

Country Fire Authority: Launching Place brigade

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Police and Emergency Services, and the action I seek is for the minister to support a current application made by the Launching Place fire brigade for funding through the community safety emergency support program. Launching Place Country Fire Authority (CFA) brigade seeks funding for the purchase of a new tanker. The brigade has unfortunately suffered some setbacks over the last few years with the loss of a brigade-owned equipment vehicle due to an accident and also the loss of its second tanker, which was declared no longer operational due to its age.

The brigade operates out of its Don Valley station and it has a substation on the Warburton Highway at Launching Place. It currently has a tanker which is situated in the Launching Place substation because it will not fit in the Don Valley station, so it is seeking a new tanker through that program for the Don Valley station. Last year the Launching Place Country Fire Authority brigade attended 118 call-outs, making that its busiest year.

Only a week ago I attended the Launching Place fire brigade's major fundraising event — a family fundraiser held at Archery Park. It was an enormous success, with hundreds of people from throughout the Upper Yarra attending in support of one of their CFA brigades. I attended with my daughter, Ashleigh, who had a wonderful time. I congratulate the brigade on its fundraising effort.

While I was there I congratulated the brigade on its assistance during the Kinglake fires and had discussions with members about their experiences and the sacrifices they make. I take this opportunity to pay my respects to the families who lost loved ones in the recent fires and congratulate each and every CFA volunteer from around the state who assisted.

When government ministers were at Warburton last week I had the pleasure to be present at the Warburton CFA with the Premier, the Treasurer and the Minister for Police and Emergency Services, along with other Labor Party members, not only to congratulate the Warburton CFA but also to announce a further \$1 million to assist it in purchasing equipment. I made another visit to one of the Upper Yarra Valley CFA brigades — the Hoddle Creek brigade — with the Minister for the Arts, who visited in order to launch a fundraiser for that brigade as well.

Boating: Echuca

Mr MAUGHAN (Rodney) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services concerning safety issues on the Murray River at Echuca. As I am sure all honourable members of the house are well aware, Echuca is a very popular destination that attracts an ever-increasing number of visitors, who come to enjoy the magnificent Murray River. Many of them have boats and enjoy waterskiing and the like. I think their number has increased because other popular spots such as Lake Eildon and Lake Eppalock have been rather limited recently because of the exceptionally dry conditions. Hence more and more visitors are coming to Echuca.

I know the Murray River is the responsibility of the New South Wales government. Nonetheless I am advised that about 90 per cent of the private boats on the Murray are registered in Victoria. That revenue comes to Victoria, and I think the Victorian government has some responsibility for ensuring the safety of those Victorians who go there to enjoy water sports on the river. As I said, the Murray River at Echuca is a very popular boating and waterskiing destination. I take this opportunity to remind members that the Southern 80

will be in Echuca this weekend. It is a worldwide event, and there will be boats, people and a lot of activity.

The river is also crowded with boats every weekend and in particular at Christmas, the New Year, Easter and on long weekends. In any group of the population there will always be a small percentage of irresponsible hoons who have little regard for their own safety or the safety or comfort of other river users. This being the case, one would expect to see a strong presence of New South Wales Maritime Services Board officers on the river or some presence from the New South Wales police, but this has not been the case. I am advised that over the busiest period of the year — Christmas and the New Year — there was virtually no evidence of the New South Wales Maritime Services Board or police on the river. They were nowhere to be seen.

Therefore my purpose tonight is to ask the Minister for Police and Emergency Services to make urgent representations to his New South Wales counterpart to ensure a much more visible presence of New South Wales police and maritime services board officers on the river in order to minimise the likelihood of death, injury and community inconvenience on the Murray River at Echuca.

Kelletts Road, Rowville: safety

Ms ECKSTEIN (Ferntree Gully) — I raise a matter for the attention of the Minister for Transport. The action I seek is that he take steps to improve congestion, safety and traffic flows on major roads in my electorate. Ever since I was elected Rowville residents have regularly raised with me their concerns about traffic flow, congestion and safety on our major roads. While I am pleased that significant progress has been made in recent years, still more needs to be done.

The \$2.3 million of road safety improvements to Lysterfield Road have been completed for some time, and I must say that I have received considerable feedback from the community about how much better and safer that road now is. The Wellington Road duplication between Taylors Lane and Napoleon Road is well advanced and should be completed soon. It will make a big difference to congestion in that area. However, a number of other major roads in the area need attention. These roads are unable to cope with the volumes of traffic they now receive as a result of extensive housing growth in Rowville and Lysterfield over the past 10 years. During peak times these roads are at gridlock, with traffic slowed down to a crawl for several hours twice a day.

The road I am particularly concerned about is Kelletts Road in Rowville. Kelletts Road between Taylors Lane and Napoleon Road has only one lane in each direction, with no plantation separating the traffic. It has major congestion problems, with cars banked back from the roundabout for quite some distance during the morning and afternoon peaks. There is also a major retirement village on the road. At present Waterford Valley Lakes retirement village has over 300 elderly residents, but its population will increase by another 200 or so over the next two years, and a third stage of the village is planned, which in future may house up to 150 or 160 residents. This will mean that in the short term — the next two years — about 500 elderly residents will be exiting the village onto Kelletts Road and not feeling safe while doing so.

I have received many representations from Waterford Valley Lakes residents that something needs to be done about Kelletts Road. They feel very unsafe turning right onto Kelletts Road because of the volume of traffic using that road, even during the middle of the day when there is not as much traffic. The elderly residents are also concerned that there is insufficient space in the middle of the road for them to stop and wait safely for a break in the traffic to turn right. Because of their advancing years these drivers are a bit more hesitant and feel uncomfortable and unsafe sitting marooned in the middle of a very busy road. Therefore I ask the Minister for Transport — —

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

Albury-Wodonga: health services

Mr PLOWMAN (Benambra) — I raise a matter for the attention of the Minister for Health which relates to the proposed cross-border health service for Albury-Wodonga. The action I ask the minister to take is twofold. Firstly, I ask that she release the report recently commissioned by the Department of Human Services and completed late last year by the consultants Gough Brown Giffney. I ask for the report to be made available to the boards of both the Albury Base Hospital and the Wodonga Regional Health Service. The reason for this request is that it is vital that all interested parties — doctors, specialists, hospital administrators and all board members — know exactly what it is that stands in the way of a successful merger of our health services for both cities.

My second request is that the minister commit to providing an independent source of funding for this project from both state governments. I believe this is the most essential ingredient for the process to succeed.

Without a source of independent funding from both states each state and community will blame the other state for a lack of commitment to funding its fair share of the running of a combined health service.

I also believe a funding process similar to that used for the multipurpose health services in rural Australia should be made available for our cross-border health service, and that a contribution should be made by the federal government. This will be the first truly independent cross-border health service in Australia, and the federal government should recognise it as such. The level of service available to our joint communities in the past has been second only to what has been provided in our capital cities, but there is a risk that this service will be lost. Already there has been a reduction in the number of specialists and general practitioners coming to the area because of the uncertainty about how these services will be funded in the future and how they will be delivered if a single cross-border health service does not proceed.

There is still strong support for a cross-border health service from the medical fraternities in each city and the community. The most important issue facing community acceptance of the project is the bureaucratic will to make it happen. There must be a clear indication from both states that this project will go ahead and that there will be independent sources of funding from each state to ensure its success.

The ACTING SPEAKER (Mr Nardella) — Order! I remind honourable members that they can only request one action, not a couple of actions.

Summerhill Residential Park, Reservoir: management

Mr LEIGHTON (Preston) — I raise a matter for the Minister for Consumer Affairs in another place concerning the Summerhill Residential Park in my electorate. I request that the minister ask her department to investigate the owner-operator of Summerhill, Stephen Wellard, in relation to his various management practices at Summerhill.

Summerhill is a caravan park in which long-term residents, mostly aged pensioners, live in relocatable homes. They purchase them for \$120 000 to \$170 000 but still pay about \$300 a fortnight in rent. Issues requiring investigation include contracts, including consumers being denied the right to obtain legal advice; cutting services; charging excessive rents; excessive gas and electricity charges; a requirement to purchase maintenance through caravan park management; the unused part of the \$10 000 up-front maintenance fee

not being refunded; and cash-in-hand payments to the handyman to avoid tax.

Residents are required to sell their units back to Wellard at a considerable loss. Wellard gives priority to selling his own units, and former residents can be required to pay ongoing rental fees of \$300 per fortnight until their units are sold. Wellard gives false, low, written quotes. One prospective resident was given a written quote of \$148 000 to purchase a unit. Wellard then told him it was for sale for \$170 000. After the person threatened to call in his solicitor Wellard found him another unit for \$128 000. That is why I have previously described Wellard as a rogue and scoundrel of the first order.

However, he is also treating his residents viciously and vindictively. He is attempting to evict two residents. These residents have paid all their rent bills, contrary to Wellard's claim that he is evicting them for rent arrears. Four weeks ago they won an important decision at the Victorian Civil and Administrative Tribunal, which will now consider Consumer Affairs Victoria's findings that the rents are excessive. These residents are good and decent people who are simply sticking up for the rights of Summerhill residents. The residents exercised their right to challenge excessive rents at VCAT and this is why Wellard is trying to evict them. Wellard will not succeed with his payback.

Last Friday Wellard put a copy of his media release in every resident's letterbox saying he was evicting two residents for not paying rent. Yesterday he put a further notice in the letterboxes saying that information is treated confidentially in line with his privacy policy. What a liar! I have copies of documents, including contracts, that I will happily supply to the Minister for Consumer Affairs. Wellard treats Summerhill as his personal cash cow and exploits his residents, who are old age pensioners. I would be most grateful if the minister would direct her department to investigate Stephen Wellard and his management practices at Summerhill Residential Park.

Human Services: birth certificates

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Victorian Communities. It concerns the inability of Victorians to obtain a Victorian birth certificate for children adopted from China. I ask the minister to investigate why full birth certificates are not issued to parents who adopt children from China despite their having the approval of the Department of Human Services here in Victoria, and to see if this can be changed.

A constituent of mine received approval from the Department of Human Services to adopt a child from Asia. A letter dated 6 April 2000 states:

Your application was considered on the 23 May 2000 and I am writing to inform you that you have been approved as prospective parents to adopt a child of either sex from China or Thailand ...

...

Please note that the overseas adoption program between China and Victoria will be conducted by mutual agreement on a government-to-government basis. All contact with the Chinese authorities concerning your application is required to go through this office.

The letter is signed by the unit manager, intercountry adoption service.

The constituent went ahead and adopted a child from China. The child was granted Australian citizenship four days after arriving in Australia. However, the birth certificate issued by the Chinese authorities did not list the names of the new parents. In Victoria at present full birth certificates can only be issued to children whose adoption orders are processed by the Victorian courts. This has caused much stress and anxiety to the parents. The parents wrote to me and claimed:

Some ... parents have experienced great embarrassment when attempting to use Chinese documentation to apply for a passport where the clerk used whiteout to remove the adoptive parents' names from the form and wrote 'Unknown' where the parents' names should have appeared because there were no parents' names on the birth certificate. It is one thing for events like this to occur when our children are small and they do not realise what is happening. It will be another thing for this to occur in the future when it is our children themselves applying for a passport and they find officials unwilling to accept their belongingness to the parents they have always known. A full Victorian birth certificate would name the child's adoptive parents as their parents and would avoid any confusion caused by the presentation of a Chinese birth certificate.

I also understand that the government of the Northern Territory has recently amended its legislation to take this into account. It is important that the Victorian government have a look at this and investigate why this is the case, and perhaps change or alter the rules to ensure these children and parents are not embarrassed when they have to show the child's birth certificate.

St Mary's Primary School, Hastings: funding

Ms BUCHANAN (Hastings) — I raise a matter for the attention of the Minister for Community Services and the action I seek is for the minister to investigate every available opportunity and avenue to assist the St Mary's Primary School after-school program to be able to continue to run this service — a service under

dire threat of closure due to an horrific funding slash courtesy of the Howard government.

St Mary's after-school program wrote to me recently seeking assistance to keep this vital childcare service open. It is the only one that offers before-school and after-school care to residents and their children across the whole Hastings township and operates for the many working families of the district who need it.

The Howard government has, without explanation, slashed \$15 000 from its funding because it no longer considers the region to be eligible for the disadvantaged zone subsidy, which allows many low-paid and average-paid workers in Hastings to continue to work and support their children as they go through school in the safe and stimulating environment that St Mary's offers. This would have to be one of the lowest and most cowardly acts the Howard government has ever done to the people of Hastings — without even a whisper from the local federal member who was also written to and asked for help.

Contrast this action against working families in the Hastings electorate with the recent commitments by this government in terms of the support given to working families through the three-year funding of the neighbourhood renewal program; the ongoing funding through the community jobs program, which has seen over 250 local residents become skilled and work ready, with many going into local employment positions; and the investment in the physical upgrades of many local state schools.

Hastings was a terribly neglected area under the Kennett government and his local Liberal lackeys, but the Bracks government has been vigorously regenerating this district, both socially and economically. There is still much more to be done to support the hardworking Hastings families. These are the working families wanting a better life for their children who will get knocked over the head with the Howard industrial relations laws this year and who are about to be clubbed again with the withdrawal of this vital \$15 000 funding which will see only two options left for child-care services — either hike up the prices or close down the service, leaving up to 30 children out on the streets.

This decision of the Howard government is appalling in its attack on hardworking families and their kids. To consider Hastings no longer a disadvantaged area, hot on the heels of the recent Jesuit report that put this region high up on the disadvantaged list, is callous arrogance.

The Bracks government cares about working families in Hastings, and we have shown through our massive investment in physical and social infrastructure that we care for this region. I ask the minister to consider any action she can take to have this terrible situation resolved without any further impact on the working families in Hastings. These working families deserve much better, and the children of Hastings deserve much better than this callous arrogance.

Midland Highway, Tatura: safety

Mrs POWELL (Shepparton) — I again raise with the Minister for Transport the dangerous intersection at the corner of Midland Highway and Dhurringile Road. The action I seek is that the government immediately commence the implementation of safety measures and lighting to make that intersection and the intersection of Midland Highway and the Tatura-Undera Road safer. I am appalled that these two intersections still have not had any improvement work done on them. I have raised this matter a number of times with the transport minister after receiving a complaint from Senior Constable Simon Hutchings from Tatura police station in November 2004 about the need to make the two intersections safer. The intersections are located within known high-collision and black spot areas, and both support high volumes of traffic.

I raised the issue during an adjournment debate in December 2004 and followed up with a letter. After more accidents, including one in March 2004 involving five vehicles, I wrote to the minister again seeking a response. I received a response in January this year — a year later — stating that VicRoads would install beacon lighting at both intersections and that a proposal for other intersection improvements on the Tatura-Undera Road would be developed and submitted to the government for funding. Nothing has been done to improve safety at the intersections.

This week I received a phone call from Senior Constable Simon Hutchings advising that an 81-year-old Tatura woman had died in an accident at the Dhurringile Road–Midland Highway intersection just over a week ago. He is very angry at the inaction of the government. In my letters to the transport minister I advised him of the danger of these intersections, particularly at night and in winter when it is foggy. I made the comment that the community, the police, the media and I hoped that no-one would have to die before some action was taken to fix these busy intersections. Unfortunately an elderly woman driver has died at the Dhurringile Road intersection, obviously causing huge distress to her family and the driver and passengers in the other vehicle involved.

This is an especially busy time in my electorate, given that it is the picking season, and the traffic has increased tenfold. A number of accidents have happened already involving backpackers, including those from different parts of the world coming into the electorate and not being used to our country roads. High volumes of large vehicles including B-doubles use the intersections on this major highway. There is poor visibility, poor signage and poor design at both the intersections I have referred to. I ask the Minister for Transport to take action immediately before a further tragedy occurs.

Automotive smash repairers: insurer payments

Mr ROBINSON (Mitcham) — I raise an issue for the attention of the Minister for Small Business that relates to the plight of independent crash repairers and particularly to the poor payment practices of vehicle insurers, which are forcing repairers out of the industry, driving down repair standards and potentially exposing those small businesspeople to legal liability. I am seeking from the minister an undertaking that his department will investigate this problem, obviously in conjunction with other relevant agencies.

I know the minister is aware of the problem, as was his predecessor, and the government has been quite active in supporting a more realistic approach by the insurance industry to the real cost of smash repairs. I am indebted to a local smash repairer, Mr Gerry Raleigh, who runs his own business and who first raised this issue with me probably about six years ago. He was engaged in a protracted dispute with a very well-known and very large motor vehicle insurance company, to the extent that that company was effectively blackballing him and advising its clients that they were not permitted, notwithstanding the choice that was available to them in their insurance contracts, to take their vehicles to him for repair. I am pleased that the Australian Competition and Consumer Commission got involved and was able to resolve the matter, but the larger problem still remains.

It is widely known in the insurance industry that the payments provided by insurers to smash repairers have barely increased since the late 1980s. Everyone would be aware that this has not stopped insurance companies from increasing premiums. They simply refuse to pass on what is a realistic recompense to repairers, who have to do the work. This is leading inexorably to tighter margins and lower repair standards. The problem was demonstrated late last year in a test crash demonstration, and I will provide details of this. The results were published in the *Herald Sun*. I thought I had the article with me this evening, but I have to claim

early term forgetfulness — either that or the dog ate the paper!

The point of the article was that the test crash demonstrated much more damage to the vehicle than would have been the case if it had been repaired with quality replacement parts. This is an issue of real concern, because it raises legal liability issues for this important small business sector and also goes very much to the heart of road safety in Victoria.

Responses

Mr CAMERON (Minister for Agriculture) — The honourable member for Doncaster raised a matter for the Minister for Education and Training relating to youth music, and I will take that matter up with her.

The honourable member for Gembrook raised with the Minister for Police and Emergency Services a matter in relation to the Country Fire Authority brigade in her area seeking a new tanker for the Don Valley station. She presented a case which referred to the good work of the brigade and its 118 call-outs. I will refer that matter to the minister.

The honourable member for Rodney referred to a matter in New South Wales concerning the Murray River. Although he recognised that the river is in New South Wales, he was concerned about safety and whether New South Wales is able to police the area. That matter will be referred to the Minister for Police and Emergency Services.

The honourable member for Benambra raised a matter for the Minister for Health in relation to cross-border health arrangements, and I will refer that matter to the minister.

The honourable member for Preston raised for the Minister for Consumer Affairs in the other place a matter concerning Summerhill Residential Park. He was greatly concerned about elderly people being ripped off. That matter will be referred to the minister.

The honourable member for Bulleen raised a matter for the Minister for Victorian Communities in relation to a birth certificate. A child was born in China and therefore the birth certificate has to be issued by the government of China, but the government of China has different procedures. The question is whether that could be altered. That matter will be taken up with the minister.

The honourable member for Hastings raised for the attention of the Minister for Community Services the matter of the St Mary's school community. She was

able to point out to the house the tremendous work of the school after-care program which had been funded by the federal government and the problems that have resulted as a consequence of the federal government's neglect of children. I will refer that matter on.

The honourable member for Mitcham raised a matter with the Minister for Small Business concerning independent crash repairers and poor payment programs. That matter will be referred to the minister.

The ACTING SPEAKER (Mr Nardella) — Order! The Minister for Transport to respond to the honourable members for Ferntree Gully and Shepparton.

Mr Thompson — On a point of order, Acting Speaker, while the Minister for Transport is getting his breath I make the point that it was my understanding that the Minister for Agriculture had already responded to all those matters — or certainly the one raised by the member for Shepparton. I think the house appreciates the attendance of the Minister for Transport to respond to a matter before the house. I am just stating that there are only two ministers in the chamber, and democracy is best served when questions are answered by the responsible minister.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Sandringham should have been listening, because the minister at the table did not respond to either the member for Ferntree Gully or the member for Shepparton, and that is why I have called the Minister for Transport to respond.

Mr BATCHELOR (Minister for Transport) — You cannot win in this house, can you? The Liberal Party complains when you do not come in to answer things and complains when you do.

Mr Mulder — Only when you come to answer!

Mr BATCHELOR — Only when I come in to answer, the shadow Minister for Transport says. I intend to answer these, and we will not be silenced by the member for Sandringham. It might be late at night, but we are prepared to answer questions, albeit not about issues raised by the Liberal Party but about issues raised by the Labor Party and The Nationals. I think the Liberal Party members are asleep at the wheel, and their performance here tonight indicates that.

The member for Ferntree Gully raised with me the need to upgrade another road in her electorate. The member for Ferntree Gully is a great member of this Parliament and looks after her local area, and she is to be congratulated for that. She has already indicated the

success of her lobbying over a number of years. The member for Ferntree Gully mentioned the recently completed safety improvements that were carried out on Lysterfield Road, largely as a result of her canvassing those issues. She also raised the matter of the duplication of Wellington Road — again another road upgrade in the eastern part of Melbourne as a direct result of her effective campaigning and lobbying. These important road projects have been able to be delivered because of the work she carries out in her electorate.

They are really great outcomes for the people who live in Rowville and Lysterfield but the member for Ferntree Gully is continuing that sort of work by identifying another road project that she would like the government to look at. It relates to the need to duplicate Kelletts Road between Taylors Lane and Napoleon Road and she put a very compelling case. Kelletts Road does suffer significant congestion which unfortunately not only leads to delays but can also result in adverse road safety outcomes as motorists and pedestrians become frustrated and take risks that they really should not take. As the member for Ferntree Gully indicated, the presence of the Waterford Valley Retirement Village only adds to the potential conflict between the movement of vulnerable road users — the elderly — and the through traffic.

The duplication of Kelletts Road is the type of project that the government is looking at under its very successful outer metropolitan roads program. I will ask VicRoads to provide me with advice on where a project such as Kelletts Road is on their developmental list and how it rates against other projects in the metropolitan area to see if we can take steps to meet the needs of the member for Ferntree Gully.

The member for Shepparton raised with me the concerns she has about a number of intersections on the Midland Highway, in particular the intersection with the Tatura-Undera Road and the intersection with Dhurringile Road. She has contacted me both through the adjournment and by correspondence, as she indicated in her contribution tonight. We have had VicRoads look at the projects and I have responded previously to her earlier requests and she outlined the response: beacon lighting will be provided and proposals will be developed and brought forward to enable those specific areas and the appropriate treatment in those areas to be considered by the government in future budget programs and considerations.

We do have to acknowledge that a large part of the road network needs upgrading, but this government is spending more on road upgrades in country Victoria

than previous governments spent. I will get for the member for Shepparton — I do not have them here tonight — the figures for the amount of money we have spent in her electorate.

Mr Mulder interjected.

Mr BATCHELOR — You should wake up.

Mr Mulder — I reckon I have worn him down!

Mr BATCHELOR — That will be the day! I will provide the member for Shepparton with the figures for the sort of money we have spent in her electorate compared with what was spent by previous governments. But that will not stop us from wanting to address the sorts of issues that she has raised with me tonight. When the money is available we will be happy to address those types of projects.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.39 p.m.

